

**Minutes of the City of Unley  
Council Meeting  
Monday, 26 August 2019, 7.00pm  
Council Chambers  
181 Unley Road Unley**

**PRESENT**

*Presiding Member*      *Mayor*                      M. Hewitson  
*Deputy Mayor*

*Councillors*

P. Hughes	K. Anastassiadis
J. Boisvert	M. Broniecki
S. Dewing	J. Dodd
M. Hudson	D. Palmer
M. Rabbitt	J. Russo
N. Sheehan	E. Wright

**OFFICERS PRESENT**

Chief Executive Officer, Mr P. Tsokas  
General Manager City Services, Ms M. Berghuis  
General Manager City Development, Mr C. Malak  
General Manager Business Support & Innovation, Ms N. Tinning  
Executive Manager Office of the CEO, Ms T. Norman  
Executive Assistant Office of the CEO, Ms L. Jones  
A/Team Leader Community & Cultural Development, Ms M. Mudge  
Landscape Architect, Mr J. Wilson

**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 the Council, Senior Staff, Media and members of the gallery to the 26 August 2019, meeting of the Unley City Council.

## **1. ADMINISTRATIVE MATTERS**

### **1.1 APOLOGIES**

Nil

### **1.2 LEAVE OF ABSENCE**

Nil

### **1.3 CONFLICT OF INTEREST**

Councillor J. Dodd declared a perceived conflict of interest in relation to Item 4.4 as a member and coach of the Goodwood Saints Football Club and advised that she would remain in the meeting when that item is discussed.

Councillor S. Dewing declared a material conflict of interest in relation to Item 4.4 on the basis of her employment at Sturt Football Club and advised that she would leave the meeting when that item is discussed.

Councillor N. Sheehan declared a perceived conflict of interest in relation to Item 4.4, specifically the application for the 'Celebrate Summer Street Party' by Two Sisters Food & Wine, on the basis that she was the former owner of that business. She noted that she is no longer involved in the operations of the business and that she intended to manage the conflict by remaining in the meeting and voting in the best interests of the community in relation to this item.

Councillor D. Palmer declared a perceived conflict of interest in relation to Item 4.4 as a member of the Goodwood Saints Football Club and advised that he would remain in the meeting when that item is discussed.

### **1.4 MINUTES**

#### **ITEM 1.4.1**

#### **MINUTES OF THE ORDINARY COUNCIL MEETING HELD MONDAY, 22 JULY 2019**

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

That:

1. The minutes of the Ordinary Council held on Monday, 22 July 2019 be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

***Resolution No. C0073/19***

## **1.5 DEFERRED / ADJORNED ITEMS**

Nil

## **2. PETITIONS/DEPUTATIONS**

Nil

## **3. REPORTS OF COMMITTEES**

Nil

## **4. REPORTS OF OFFICERS**

### **ITEM 4.1**

#### **LIVING STREETS**

MOVED Councillor M. Broniecki

SECONDED Councillor J. Russo

That:

1. The report be received.
2. The 'Living Streets' Concept Designs for:
  - Maud Street, Unley;
  - Norman Terrace, Forestville; and
  - Richards Terrace, Goodwood;be endorsed.
3. The Norman Terrace 'Living Street' Concept Design be endorsed for progression to detailed design and construction, funded by an existing allocation in the 2019/20 budget.
4. The Administration notify property owners and residents of Maud Street, Unley; Norman Terrace, Forestville; and Richards Terrace, Goodwood of the Council's decision to progress with the Norman Terrace 'Living Street' project and advise that the unsuccessful streetscape designs may be eligible for future funding consideration by Council as part of the budget process.

**CARRIED UNANIMOUSLY**

***Resolution No. C0074/19***

**ITEM 4.2**

**OXI DAY GREEK MEMORIAL IN THE SOLDIERS MEMORIAL GARDENS PROPOSAL**

MOVED Councillor K. Anastassiadis

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. Subject to consultation with the Unley Returned Services League, and all costs associated with construction of the memorial being borne by Saint Spyridon Greek Orthodox Church, the installation of a permanent memorial to commemorate Oxi Day within the Soldiers Memorial Garden be approved.
3. Further consultation be undertaken with City Design and Parks staff, Unley RSL and the Executive of Saint Spyridon Greek Orthodox Church to finalise the memorial location and wording.
4. Council's contribution to the installation of an Oxi Day memorial within the Soldiers Memorial Gardens be limited to in-kind assistance with installation and associated plantings/ground works.

**CARRIED UNANIMOUSLY**

***Resolution No. C0075/19***

**ITEM 4.3**

**QUARTERLY REPORT - CENTENNIAL PARK CEMETERY AUTHORITY**

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Russo

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0076/19***

*Noting her previously declared material conflict of interest, Councillor S. Dewing left the Chambers at 7.25pm.*

#### **ITEM 4.4**

#### **2019/20 COMMUNITY EVENT SPONSORSHIP**

MOVED Councillor N. Sheehan

SECONDED Councillor K. Anastasiadis

That:

1. The report be received.
2. Funding be awarded through the 2019/20 Community Event Sponsorship Program as follows.
  - \$5,889 to the Alliance Francaise French Market celebrating the French way of life held at the Soldiers Memorial Garden, Unley (3 year agreement);
  - \$6,000 to the Travelling Table event celebrating migrant history, food and culture held at the Unley Town Hall and City of Unley Libraries and community centres (3 year agreement);
  - \$6,000 to the ETSY Made Local Adelaide craft event supporting local makers and producers held at Oxford Terrace, Unley (3 year agreement);
  - \$4,000 to the Carols at the Rotunda fun festive event held at the Soldiers Memorial Gardens, Unley (3 year agreement);
  - \$4,800 to the Halloween on King William Road event celebrating the spirit of Halloween held at King William Road and Bloomsbury Streets (or Opey Avenue), Unley (1 year agreement);
  - \$4,205 to the Culturefest@Unley Oval market held in conjunction with a SAFNL football fixture at Unley Oval (1 year agreement);
  - \$3,000 to the Goodwood Arthouse Pop Up Gallery and Marketplace showcasing artists of all ages in the community and held at the Goodwood Primary School (1 year agreement);
  - \$3,480 to the Fork on the Road food and wine event held at Orphanage Park, Millwood (1 year agreement);
  - \$3,600 to the Pop-Up Farmers Market, a popular event that will be relocated in September 2019 to Orphanage Park, Millwood (1 year agreement);
  - \$2,400 to the Celebrate Summer Street Party held for the community at Gilbert Street, Goodwood (1 year agreement);
  - \$1,710 to the ASLA Food and Cultural Day celebrating Sri Lankan food and culture held at Fullarton Park (1 year agreement);
  - \$3,000 to the Charlie GoodDay Markets a new food, produce and craft market to be held regularly at the Howard Florey Reserve, Parkside (1 year agreement);
  - \$1,500 to the Skater Girl solo dance theatre performance held during the Adelaide Fringe Festival at Forestville Skate Park (1 year agreement);
  - \$2,500 to the Great Southern Slam roller derby tournament to be held at the Adelaide Showgrounds (1 year agreement);
  - \$2,355 to the Centenary Gala Day celebrating 100 years of the Black Forest Primary School (1 year agreement); and
  - \$2,000 to the Unley Park Baptist Church Annual Street Party celebrating the joy of Christmas held at Bellevue Place, Unley Park (3 year agreement).

**CARRIED UNANIMOUSLY**

***Resolution No. C0077/19***

*Councillor Dewing returned to the Chambers at 7.28pm.*

**ITEM 4.5**

**ADOPTION OF PUBLIC INTEREST DISCLOSURE PROCEDURE**

MOVED Councillor M. Broniecki

SECONDED Councillor J. Dodd

That:

1. The report be received.
2. The Public Interest Disclosure Procedure, as set out in Attachment 1 to this Report (Item 4.5, Council Meeting, 26 August 2019) be adopted.
3. The Whistleblower's Protection Policy (Adopted 28 March 2011: C103/11) be revoked.

**CARRIED UNANIMOUSLY**

***Resolution No. C0078/19***

**ITEM 4.6**

**REVIEW OF POLICIES**

MOVED Councillor J. Dodd

SECONDED Councillor J. Boisvert

That:

1. The report be received.
2. The following policies (set out as Attachments 1 to 3 to Item 4.6 Council Meeting 26/08/2019) be adopted:
  - 2.1 Prudential Management Policy (Version 3);
  - 2.2 Economic Development Rates Incentive Policy (Version 2);  
and
  - 2.3 Rate Rebate Policy (Community) (Version 3).

**CARRIED UNANIMOUSLY**

***Resolution No. C0079/19***

**ITEM 4.7**

**COUNCIL ACTION RECORDS**

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastasiadis

That:

1. The report be noted.

**CARRIED UNANIMOUSLY**

***Resolution No. C0080/19***

## 5. MOTIONS AND QUESTIONS

### 5.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

#### ITEM 5.1.1

#### NOTICE OF MOTION FROM COUNCILLOR D. PALMER RE STATE GOVERNMENT NORTH-SOUTH CORRIDOR

MOVED Councillor D. Palmer

SECONDED Councillor J. Boisvert

That:

1. The City of Unley indicate its support for the State Government's North-South Corridor project, including the tunnel design option recently announced, via a letter from the Mayor to the Minister for Transport, Planning and Infrastructure, Hon. Stephan Knoll MP and the Chief Executive Officer of the Department for Planning, Transport and Infrastructure, Mr Tony Braxton-Smith, and express a desire to work with, and assist the Government to:
  - 1.1 Provide the best possible design option; and
  - 1.2 Collaborate with residents and business owners on and adjacent to South Road in order to minimise disruption during the construction phase of the project.
2. A briefing be requested from the Department for Planning, Transport and Infrastructure, to provide information on the section of the north-south corridor within the City of Unley, including proposals for the redevelopment of Emmerson Crossing.

With the Leave of the Meeting and Consent of the Seconder, Councillor D. Palmer VARIED his motion as follows:

That:

1. The City of Unley indicate its support for the State Government's North-South Corridor project, including the tunnel design option recently announced, via a letter from the Mayor to the Minister for Transport, Planning and Infrastructure, Hon. Stephan Knoll MP and the Chief Executive Officer of the Department for Planning, Transport and Infrastructure, Mr Tony Braxton-Smith, and express a desire to liaise with the Government in its proposal to:
  - 1.1 Provide the best possible design option; and
  - 1.2 Consult with residents and business owners on, and adjacent to South Road, in order to minimise disruption during the construction phase of the project.
2. A briefing be requested from the Department for Planning, Transport and Infrastructure, to provide information on the section of the north-south corridor within the City of Unley, including proposals for the redevelopment of Emmerson Crossing.

**CARRIED UNANIMOUSLY**

***Resolution No. C0081/19***

### **ITEM 5.1.2**

#### **NOTICE OF MOTION FROM COUNCILLOR D. PALMER RE CONDITION OF PAGE PARK**

MOVED Councillor D. Palmer

SECONDED Councillor J. Boisvert

That:

1. A report be prepared for the November 2019 Council meeting regarding the condition of the turf at Page Park, including:
  - An assessment of causes of disintegration; and
  - Possible solutions to rectifying disintegration.

**CARRIED UNANIMOUSLY**

*Resolution No. C0082/19*

### **ITEM 5.1.3**

#### **NOTICE OF MOTION FROM COUNCILLOR J. BOISVERT RE DOG OFF LEASH TIMES AT PAGE PARK DURING WINTER**

Councillor J. Boisvert withdrew the motion.

## **5.2 MOTIONS WITHOUT NOTICE**

Nil

## **5.3 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

### **ITEM 5.3.1**

#### **QUESTION ON NOTICE FROM COUNCILLOR J. RUSSO RE. COUNCIL MEMBERSHIPS**

The following Question was asked at the July Council meeting by Councillor J. Russo and the question was taken on notice. The answers are now provided:

#### **QUESTIONS**

1. What organisations, linked to a policy position of Council, is Council a member of?

#### **ANSWERS**

1. Council has affiliations with a small number of professional bodies or associations that are linked to policy:

World Health Organisation Global Network for Age Friendly Cities and Communities

The WHO Global Network for Age-friendly Cities and Communities (the Network) was established to foster the exchange of experience and mutual learning between cities and communities worldwide in the active ageing area.



### Welcoming Cities

*Supporting local governments to advance communities where everyone can belong and participate in social, cultural, economic and civic life.*

Welcoming Cities is part of a growing network of more than 135 municipalities around the world. The network is built around:

- Knowledge Sharing
- Celebrating Success
- Partnership Development
- Standard + Accreditation

### Tree Cities of the World

The Tree Cities of the World programme is committed to inspiring cities and towns to care for and celebrate their urban tree canopy. Become part of this new global network of cities and achieve international recognition for your leadership in urban and community forestry.

### ICLEI – Local Governments for Sustainability

ICLEI – Local Governments for Sustainability is a global network of more than 1,750 local and regional governments committed to sustainable urban development. Active in 100+ countries, ICLEI seeks to influence sustainability policy and drive local action for low emission, nature-based, equitable, resilient and circular development. Members work together through peer exchange, partnerships and capacity building to create systemic change for urban sustainability.

### The Australia Day Council of SA

The Australia Day Council of South Australia (ADCSA) is an independent, non-profit, membership-based association whose purpose is to celebrate the Australian identity and the values that unite all Australians, to illuminate the achievements of inspirational Australians and to promote a welcoming and inclusive society.

The ADCSA hosts major events and programs that focus on Australia Day and the stories that surround our National Day and provides assistance to Council in relation to Australia Day Awards and Citizenship Ceremonies.

### **ITEM 5.3.2**

#### **QUESTION ON NOTICE FROM COUNCILLOR S. DEWING RE. COUNCIL OWNED PROPERTIES**

The following Question on Notice has been received from Councillor S. Dewing and the answer is provided:

#### **QUESTIONS**

1. Council has purchased various properties over the years to benefit the community. Please provide a current list of council owned properties.

#### **ANSWERS**

1. Council has strategically purchased a variety of properties within the Council area over a period of years to meet the practical, cultural, social and economic needs of our residents and our growing and diverse community.

Council owns a total of 78 properties that are categorised by their primary use, with the list of properties comprising:

19 Commercial / Semi-commercial

24 Civic / Community

21 Sporting and Recreation Clubs

14 Public Toilets

The current list of council owned properties is provided as Attachment 1 to this report and provides details for each of the properties.

### **ITEM 5.3.3**

#### **QUESTION ON NOTICE FROM COUNCILLOR J. RUSSO RE. ELECTED MEMBER FOOD AND BEVERAGE EXPENDITURE**

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

#### **QUESTIONS**

1. What is the City of Unley's current annual expenditure on food and beverage for Council Meetings, Workshops and Briefings?
2. What is considered reasonable and fair expenditure for the cost of food and beverage provision for Council Meetings, Workshops and Briefings?
3. Is there an opportunity to make any cost savings regarding this expenditure?

## **ANSWERS**

1. Expenditure on food and beverage items for Council Meetings, Workshops and Briefings for the period 1 July 2018 to 30 June 2019 was:

<b>The total number of Meetings/Briefings/ Functions:</b>	<b>Catering Costs July 2018-July 2019</b>	<b>Average Cost per Meeting</b>	<b>Average Cost per Person (Based upon the standard catering number of 17*)</b>
54	\$18,922.48	\$ 350.45	\$20.61

\* 13 Elected Members, 4 staff

2. What is considered reasonable and fair expenditure for the cost of food and beverage provision for Council Meetings, Workshops and Briefings?

There is no definitive measure for 'reasonable and fair' expenditure relating to food/beverage provision. By way of reference the Australian Taxation Office, in its "Reasonable amounts for domestic travel expenses" indicates that for an employee with an annual salary of \$122,040 and below, who travels to Adelaide, the following allowances are considered 'reasonable':

- Breakfast: \$27.55
- Lunch: \$31.00
- Dinner: \$52.80

3. Is there an opportunity to make any cost savings regarding this expenditure?

Staff make every effort to effectively manage expenditure on food and beverage for Council meetings, workshops etc. Should Council consider cost savings are required, direction should be provided regarding the approach to catering for council activities.

### **ITEM 5.3.4**

#### **QUESTION ON NOTICE FROM COUNCILLOR S. DEWING RE HOMELESSNESS IN CITY OF UNLEY**

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

#### **PREAMBLE**

Over the past 12 months I have noticed increased signs of homelessness in the vicinity of Unley Oval and Unley Central. I would like to ask the following questions of Council staff:

## **QUESTIONS**

1. What is the level of homelessness in The City of Unley?
2. Has the level of homelessness in The City of Unley increased over the last 5-10 years? If yes, do we know the reasons why?
3. What assistance is offered to the homeless in The City of Unley?
4. If homelessness is becoming an issue within The City of Unley should we be considering offering more assistance?

## **ANSWERS**

### **1. What is the level of homelessness in The City of Unley?**

Housing SA Homelessness team have advised that data is not available on the number of homeless / people sleeping rough outside of the Adelaide CBD area.

Research conducted by the Don Dunston Foundation revealed that approximately 160 people a month have slept rough in the CBD over the last year, with the peak being in the winter months where numbers exceed 200 a month. (Source: Adelaide Zero Project).

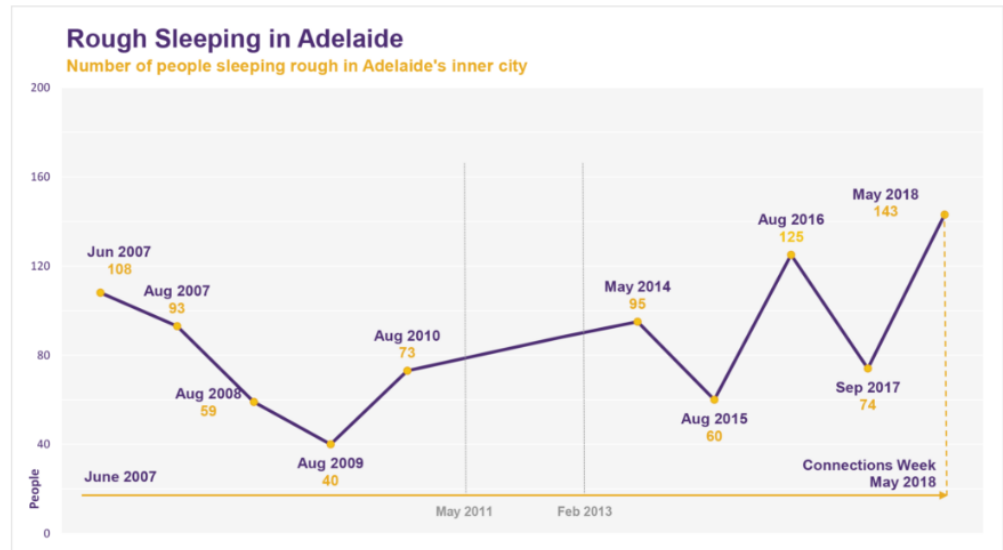
### **2. Has the level of homelessness in The City of Unley increased over the last 5-10 years? If yes, do we know the reasons why?**

As data is not available on Homelessness in the City of Unley, we cannot speculate as to whether rates of homelessness are increasing in our area.

Anecdotal feedback from community centres and some community services in the City of Unley has indicated that there has been no significant increase in the number of homeless people using their services, and those that do are often itinerant from month to month.

Trends over the past 11 years for the Adelaide CBD can be seen in the graph below, compiled using a combination of data sources (Source: Adelaide Zero Project).

People sleeping rough in the city from June 2007 to May 2018 (Connections Week)



The dashed vertical line marks Adelaide's first Connections Week and baseline data for the Adelaide Zero Project. Figures from June 2007 – September 2017 are Inner City Rough Sleeper Street Counts (Source: Housing SA). Fewer people were approached during the Street Count in September 2017 (136 people) than in May 2017 (225 people). Given the lower numbers of people approached to participate in the September 2017 Street Count, the apparent reduction in people sleeping rough at that time should be interpreted with caution. The vertical lines in May 2011 and February 2013 also reflect methodology changes to the Inner City Street Count.

### 3. What assistance is offered to the homeless in The City of Unley?

When the City of Unley becomes aware of people sleeping rough in the City of Unley area, Council General Inspectors will visit the person to provide support and referrals to services.

The General Inspectors aim is to gain sufficient information so as to direct the person in need to the appropriate location for support, which in most cases is the Hutt Street Centre.

The Unley Salvation Army on Marion Street in Unley provides a shower van every Monday. Feedback is that demand for this service has not recently been increasing, with around 1-2 people utilising the van each week. The Unley Salvation Army also advised that they have distributed 78 hampers this year to date within the Unley area.

### 4. If homelessness is becoming an issue within The City of Unley should we be considering offering more assistance?

There is no evidence to suggest an increase in homelessness in the City of Unley, however staff will continue to monitor this situation and ensure that service information is readily available at our Civic Centre and Community Centres.

### **ITEM 5.3.5**

#### **QUESTION ON NOTICE FROM COUNCILLOR S. DEWING RE: UNLEY RESIDENTS ASSOCIATION**

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

#### **QUESTIONS**

In response to recent media commentary from the Unley Residents Association President Mr Mark Clisby I would like to ask the following questions:

1. What is the status of the Unley Residents Association, including membership numbers, office holders and registered address?
2. Are there copies of any minutes of meetings held including AGM of the Unley Residents Association?
3. What level of interaction has the Unley Residents Association had with Council over the last 5-10 years?
4. Does the Unley Residents Association participate in the consultation process for Council's Annual Business Plan and Budget?
5. Did the Unley Residents Association participate in the community engagement process for the King William Road project? If yes, what was the feedback they provided in relation to the project?

#### **ANSWERS**

1. **What is the status of the Unley Residents Association, including membership numbers, office holders and registered address?**

The Unley Residents Association (URA) is an Incorporated Association in accordance with the *Associations Incorporation Act 1985*. It is registered with Consumer and Business Services, registration number A05046.

Information on the CBS website indicates that:

*A not-for-profit group can incorporate to set up a legal identity separate from its members.*

*Features of an incorporated association include:*

- *Lodged documents are kept on a public register*
- *It can sue and be sued – giving some protection for individual members*
- *It can enter into contracts*
- *Affairs are usually run by a committee.*

*Incorporated associations that are prescribed – i.e. gross receipts of more than \$500,000 per year – need to lodge annual financial records with either Consumer and Business Services or the Australian Charities and Not-for-profit Commission – if they are a registered charity.*

The URA is not required to submit Periodic Returns, so there is limited detail available on the public record in relation to membership etc for the association.

CBS records indicate that the Public Officer for the URA is Mr Mark Clisby. The originally registered Constitution for the URA indicates the following:

**Registered Address:** 30 Mitchell Street, Millswood

**Purpose:** The Association is established for the purpose of promoting the interests of all residents and ratepayers within the Unley Council area in a united public forum.

**Membership of the Association:** Any person who is a resident and/or ratepayer within the Unley Council area who applies for membership of the Association is eligible to be a member.

CBS does not have any details of membership on record, and indicated that this information could be requested directly from the URA.

In communication with the City of Unley, and in publications or radio interviews Mr Clisby has variously indicated the level of membership as being “a couple of hundred, 1000, and as high as 2000 members”. In a recent Messenger Community News article (“*Unley councillors and mayor defend King William Rd revamp saying it will save — and not kill — the street*”, July 2, 2109, East & Hills Messenger by Craig Cook), Mr Clisby said the Association “has about 100 members but no website”.

2. **Are there copies of any minutes of meetings held including AGM of the Unley Residents Association?**

The URA is not required to lodge documents with CBS relating to the conduct of meetings. The Constitution contains a provision relating to Meetings of the URA, which indicates that the first annual general meeting of the URA shall be held within eighteen months after the incorporation of the Association and thereafter within five months after the end of its financial year. The Constitution also indicates that a quorum for a meeting of the URA is ten members present personally or by proxy and that minutes of all proceedings of the URA shall be entered into the minute book within one month after the relevant meeting.

CBS have advised that any member of the Association may request copies of minutes of meetings.

3. **What level of interaction has the Unley Residents Association had with Council over the last 5-10 years?**

The following is a summary of contacts from Mr Clisby as President of the URA to Council, not including the King William Road project, dating back to 2010:

**April 2019**

Letter expressing concern about the lack of proper irrigation of eastern oval of Orphanage Park and requesting info on aquifer recharge scheme at Orphanage Park.

### **March 2019**

Letter regarding City of Unley breaching its duty of care by not removing 2 street trees in Percy St. (Following Arborist assessment that the trees need not be removed)

Letter regarding inadequate notification from Contractor associated with footpath replacement works in Percy St.

### **February 2019**

Letter highlighting footpath repairs required outside 1 Percy St because of street tree roots lifting footpath. Requests removal of 2 street trees.

### **May 2018**

Letter opposing proposed artwork on shed in Orphanage Park. Reiterates view opposing the introduction of any man-made structures at Orphanage Park.

### **February 2018**

Letter expressing concern about proposed Dogapalooza event in Orphanage Park, the number of attendees and traffic /parking controls required.

### **November 2017**

Letter expressing concern about proposed 'Fork on the Road' event in Orphanage Park, the lack of community consultation about holding the event, anticipated large number of people attending, anticipated noise levels (music) and potential parking/traffic issues.

Correspondence opposing any "private social" functions on Orphanage Park. on the basis that the park is a public park and should not be used by attendees of private functions, many of whom reside outside the Council area.

### **September 2015**

Correspondence received in relation to the Brownhill and Keswick Creek Stormwater Management Project. Response provided supports the construction of a dam in Mitcham or the do-nothing option. Reiterates view that no creek works should be undertaken in Orphanage Park, raises concerns about the consultation process and legality of the project. Reiterates view that no trees be removed and the creek remain in its natural state.

### **July 2015**

Letter expressing concern about footpath in Percy St and requesting removal of 2 street trees in Percy St.

### **January 2012**

Letter expressing concerns about the number of events held in Orphanage Park and associated traffic / parking controls required.

Requests that number of private 'events'/bookings be reduced and that events have no music.

### **February/ March 2010**

Correspondence received regarding the proposed Orphanage Park upgrade. Raises concerns around location of playground and playground equipment as well as Basketball Court. Questions the consultation process and reiterates the view that the creek be retained in its existing state and not be laid back. All trees should be retained and not removed along the creek.



4. **Does the Unley Residents Association participate in the consultation process for Council's Annual Business Plan and Budget?**

A search of Council's record keeping system did not identify a formal submission to the 2019/20 Annual Business Plan and Budget consultation process from either the Unley Residents Association or Mr Mark Clisby.

Similarly, formal submissions to prior years Annual Business Plan and Budget Consultation processes were not located.

5. **Did the Unley Residents Association participate in the community engagement process for the King William Road project? If yes, what was the feedback they provided in relation to the project?**

A search of community engagement information related to the King William Road project did not identify a formal submission from the URA and/or Mr Mark Clisby.

It is noted that as part of the shop front consultation process, while general details of participants were recorded, e.g. age, feedback provided, it was not mandatory for participants to provide a name, address or other contact details.

**ITEM 5.3.6**

**QUESTION ON NOTICE FROM COUNCILLOR J. BOISVERT RE: HERITAGE PROTECTION ZONES**

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

**QUESTIONS**

Following attendance at a meeting organised by the National Trust on 15 August it seems that the Heritage Protection Zones are at greatest risk of losing protection with the new planning code. While each contributory house in a zone makes the area worthy of protection very few dwellings would gain individual protection as Local Heritage items. In light of this I would like to ask the following questions:

1. The Unley zones have listed only the non-contributory houses while other councils have listed contributory items. Has this now put the zones at greater disadvantage?
2. Is it possible to change this now?
3. What is planned to raise awareness of our residents?
4. What measures are needed, if any, to prevent the loss of demolition currently afforded in these zones?

## **ANSWERS**

- 1. The Unley zones have listed only the non-contributory houses while other councils have listed contributory items. Has this now put the zones at greater disadvantage?**

It is not believed so.

While Contributory Items are identified by exclusion, it is made clear all properties not so identified are Contributory Items. This approach was undertaken pursuant to the direction of Department of Planning Transport and Infrastructure (DPTI) and the Minister for Planning as the 'model' in 2008/09.

Under the Planning Reforms and the new Planning and Design Code it has been proposed there will be no Contributory Items individually listed (even those identified now). The proposed values of the area will be identified and upon each Development Application what meets those values will need assessment.

- 2. Is it possible to change this now?**

No.

Council cannot change planning zoning or policy without the support and approval of the Minister for Planning. The option for a Development Plan Amendment (DPA) at this time is not being supported with the imminent introduction of the Planning and Design Code.

A report on this matter was presented to the 24 June 2019 Council meeting.

- 3. What is planned to raise awareness of our residents?**

The exact content and timing of the Planning and Design Code is not available, other than for previous higher-level Discussion and Position Papers that have been commented upon and an indication community consultation could commence in October 2019.

For some time, advice of the impending change has been periodically highlighted in the Eastern Courier Messenger (ECM) Unley Life column, in the Unley Life magazine and on the Council web-site.

More opportunities; eg advertisements in ECM, flyer in next quarterly Rates Notice to ratepayers; will be explored when more detailed information becomes available.

4. **What measures are needed, if any, to prevent the loss of demolition currently afforded in these zones?**

All opportunities to make submissions on published material and to liaise with the State Planning Commission (SPC) and DPTI staff have been pursued to reinforce current, desired and appropriate outcomes. During the impending community consultation further critique and submissions on the proposed policy can be contemplated.

The new Planning and Design Code is a state-wide consistent simplified code to be managed by the SPC and subject to the approval of the Minister for Planning. Any requested change to proposed policy will be considered in that state-wide code context.

**ITEM 5.3.7**

**QUESTION ON NOTICE FROM COUNCILLOR J. BOISVERT RE: BROWN HILL KESWICK CREEK**

The following Questions on Notice have been received from Councillor J. Boisvert.

Whilst the questions were submitted in time for inclusion in the August 26 2019 Council Meeting Agenda, there was not sufficient time to prepare the responses given the detail sought in the questions.

The questions and answers will be included in the September Council Meeting Agenda.

**QUESTIONS**

Following from my questions on the June Council Agenda in relation to Brown Hill Keswick Creek, I would like to ask the following questions:

1. What is the number of residential and commercial properties in Unley that are presently at risk by flooding from a 1:100 ARI rain event in the Brown Hill Creek catchment?
2. Can an estimate of how many people would be effected by such an event be provided?
3. What is the number of private properties that all, or a portion, of will have to be acquired to fully implement the proposed Brown Hill Creek channel widening and associated works?
4. How much is currently budgeted for:
  - 4.1 property acquisitions?
  - 4.2 legal fees?
  - 4.3 and contingency amounts in case of legal challenges by owners?

#### **5.4 QUESTIONS WITHOUT NOTICE**

Nil

### **6. MEMBER'S COMMUNICATION**

#### **6.1 MAYORS REPORT**

##### **ITEM 6.1.1**

##### **MAYOR'S REPORT FOR MONTH OF JULY**

MOVED Councillor P. Hughes

SECONDED Councillor E. Wright

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0083/19***

#### **6.2 DEPUTY MAYORS REPORT**

##### **ITEM 6.2.1**

##### **DEPUTY MAYOR'S REPORT FOR MONTH OF AUGUST**

MOVED Councillor S. Dewing

SECONDED Councillor M. Rabbitt

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

***Resolution No. C0084/19***

#### **6.3 ELECTED MEMBERS REPORTS**

##### **ITEM 6.3.1**

##### **REPORTS OF MEMBERS**

Council to note attached reports from Members:

1. Councillor M. Broniecki
2. Councillor M. Rabbitt
3. Councillor D. Palmer
4. Councillor J. Russo

##### **ITEM 6.3.2**

##### **REPORTS FROM COUNCILLOR M. HUDSON – APOLOGY**

Councillor M. Hudson sought leave of the meeting to make a personal explanation, and leave was granted.

*I apologise to Council Members for my unorthodox departure from the July meeting of Council.*

## **6.4 CORRESPONDENCE**

### **ITEM 6.4.1 CORRESPONDENCE**

The correspondence from:

- Local Government Association of SA – re. Australia Day Council of SA Board of Management Appointee
- Local Government Association of SA – re. Local Government Ministerial Advisory Committee Appointee
- State Planning Commission – re. Planning Reforms, Planning and Design Code, Heritage and Character in the New Planning System
- Mayor Darren Braund, Yorke Peninsula Council – re. 100<sup>th</sup> Anniversary of Captain Harry Butler’s Flight to Minlaton
- Local Government Association of SA – re. Appointment of Ms. Megan Berghuis to the Libraries Board of South Australia
- Minister Stephan Knoll – re. Authorisation of Statement of Intent for Norman Terrace Everard Park Regeneration Development Plan Amendment
- Minister Stephan Knoll – re. Management of Heritage and Character in the New Planning System

The correspondence to:

- Mayor Darren Braund, Yorke Peninsula Council – re. 100<sup>th</sup> Anniversary of Captain Harry Butler’s Flight to Minlaton

be noted.

## 7. CONFIDENTIAL ITEMS

### ITEM 7.1

#### CONFIDENTIALITY MOTION FOR ITEM 7.2 - APPOINTMENT OF MEMBERS TO THE BROWN HILL KESWICK CREEK STORMWATER BOARD

MOVED Councillor M. Broniecki

SECONDED Councillor J. Boisvert

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) 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; and
  - non-disclosure of this item at this time will enable Council to make an informed decision in relation to appointment of Members to the Brown Hill Keswick Creek Stormwater Subsidiary without unnecessarily disclosing personal affairs of the applicants before the decision is made.

On that basis, the public's interest is best served by not disclosing Item 7.2 – Appointment of Members to the Brown Hill Keswick Creek Stormwater Board 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 UNANIMOUSLY**

***Resolution No. C0085/19***

*The meeting moved into confidence and the doors to the Council Chambers were closed at 7.57pm.*

**ITEM 7.2**

**APPOINTMENT OF MEMBERS TO THE BROWN HILL KESWICK CREEK STORMWATER BOARD**

MOVED Councillor D. Palmer

SECONDED Councillor P. Hughes

That:

1. The report be received.
2. The Nominations Committee recommendation to reappoint Geoff Vogt to the Brown Hill and Keswick Creeks Stormwater Board for a period of three years expiring 2 August 2022 be endorsed.

**CARRIED UNANIMOUSLY**

***Resolution No. C0086/19***

*The meeting moved out of confidence at 8.02pm.*

**ITEM 7.3**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 7.2 - APPOINTMENT OF MEMBERS TO THE BROWN HILL KESWICK CREEK STORMWATER BOARD**

MOVED Councillor M. Broniecki

SECONDED Councillor K. Anastassiadis

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999*:
  - 1.1 The following elements of Item 7.2 – Appointment of Members to the Brown Hill Keswick Creek Stormwater Board, considered at the Council Meeting on 26 August 2019:
    - Attachments
  - remain confidential for the period of the Member’s appointment to the Board, and not available for public inspection until the cessation of that period.
  - 1.2 The report and the name of the candidate is to be released following endorsement of appointment by the five (5) Constituent Councils to the Brown Hill and Keswick Creeks Stormwater Subsidiary.
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**

***Resolution No. C0087/19***

**ITEM 7.4**

**CONFIDENTIALITY MOTION FOR ITEM 7.5 - CEO 2018/19 PERFORMANCE**

MOVED Councillor E. Wright

SECONDED Councillor J. Boisvert

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)
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 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 7.5 – CEO 2018/19 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 Altmann, Consultant assisting the CEO Review Panel.

**CARRIED UNANIMOUSLY**

***Resolution No. C0088/19***

*The meeting moved into confidence and the doors to the Council Chamber were closed at 8.04pm.*



**ITEM 7.5**  
**CEO 2018/19 PERFORMANCE REVIEW**

MOVED Councillor P. Hughes  
SECONDED Councillor J. Russo

That:

1. The report be received.
2. The CEO's Total Employment Cost (TEC) be increased by 2.0%, representing a 1.3% increase in line with CPI and an additional 0.7% increase in recognition of his strong performance in 2018/19 and as per his Employment Agreement, with the increase to take effect from 1 July 2019.
3. The CEO's contract be extended by three years with an expiry date of 2 September 2024.

**CARRIED UNANIMOUSLY**

***Resolution No. C0089/19***

*The meeting moved out of confidence at 8.38pm.*

**ITEM 7.6**  
**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 7.5 - CEO 2018/19 PERFORMANCE**

MOVED Councillor J. Russo  
SECONDED Councillor K. Anastassiadis

That:

1. Pursuant to Section 91(7) of the *Local Government Act 1999* the following elements of Item 7.5 – CEO 2018/19 Performance, considered at the Council Meeting on 26 August 2019:

- 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**

***Resolution No. C0090/19***

**NEXT MEETING**

Monday 23 September 2019 - 7.00pm

**CLOSURE**

The Presiding Member closed the meeting at 8.40pm.

.....  
PRESIDING MEMBER