



Council Meeting Minutes

**29 January 2019 | 7.00 pm
Council Chamber
401 Greenhill Road, Tusmore**

Members Present: Mayor Monceaux
Councillors Carbone, Cornish, Davey, Davis, Daws, Henschke,
Huebl, Hughes, Jones, Lemon, Piggott, Turnbull

Staff Present: Paul Deb, Chief Executive Officer
Barry Cant, General Manager, Urban and Community
Martin Cooper, General Manager, Corporate and Development
Karishma Reynolds, Group Manager, Finance and Governance

The Mayor delivered the traditional Welcome to Country and Acknowledgement of Country and formally paid respect to the original custodians of the land.

The Mayor acknowledged those who gave their lives for this Country.

The Mayor read the opening prayer and thanked Elected Members.

The Mayor advised of the relevant legislation and offences that address behaviour that disrupts a Council Meeting.

Evacuation Procedure

The Mayor read the evacuation procedure.

Recording of Council Meetings

The Mayor advised that the Council Meeting is recorded and live streamed.

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

Recommendation

C11906

That the Minutes of the meeting of Council held on 11 December 2018 be taken as read and confirmed with the following amendment made:

Page 11 – Delegates Report –The following reference to be removed from the minute record:

‘Councillor Davis did not submit a report’.

Moved Councillor Davis, Seconded Councillor Davey

CARRIED

Deputations

Nil

Petitions

Nil

Questions on Notice

Permit Zones (8.1)

Councillor Henschke asked the following Questions on Notice:

1. Under what Act does Council have the power to charge local residents for parking/parking permits?

The Local Government Act 1999 grants Council overarching powers in this regard and empowers a Council to impose fees and charges for various services that it provides, either as a part of its statutory functions or on request (Part 2, Section 188 has specific relevance). The parking permits (beyond the first one issued) are charged as a fee for service in accordance with the Fees and Charges Schedule adopted by Council annually as part of the Annual Business Plan and Budget Process.

2. What is the amount of revenue generation?

As at December 2018 the income from parking permits was \$8,455. This is for the period from 1 August 2018; when Council commenced charging for parking permits.

3. What is the revenue used for?

While the revenue is within General Revenue it is used for a host of purposes including traffic management education, dedicated ranger services, community projects and enhancing current Council services. Council undertakes quarterly reviews of their budget and the community is able to partake in the annual business plan and budget process to comment on areas of focus and expenditure.

4. Have permit zones prevented commuters from parking in local streets?

No. The zones regulate, together with the Parking Policy, parking but do not necessarily prevent it in all circumstances.

Development Application 180\0172\17 at 441 Glynburn Road, Leabrook (8.2)

Councillor Davey asked the following Questions on Notice:

I note the development application DA 180\0172\17 from R D'Andrea for a change of land use (residential to child care centre), demolition of existing dwelling and construction of 2 storey child care centre, car park, landscaping and removal of one significant Willow Myrtle tree at 441 Glynburn Rd Leabrook.

1. Is this a new development application by this applicant? I note a new round of Public Notification on 11 January 2019?

No, this is not a new application lodged by the applicant. The application has been placed through a second round of category 3 public notification running from Friday 11 January 2019 to Tuesday 29 January 2019. The relevant plans associated with the proposal have been publicly available for inspection during this time.

The proposal was amended in response to the written representations submitted during the original round of public notification, as well as issues identified by the Administration. The proposal remains, in essence, an application for a child care facility, however the scale and intensity has now been reduced (99 placements to 70), the applicant is seeking to retain one of the regulated trees in the front yard and construct acoustic boundary fencing in select locations to counter noise disturbance. The applicant has also provided additional information in support of the proposal.

2. How does this application differ from the previous application for development of this residential site as a child care centre? Are there significant changes proposed by the applicant?

As the development application is currently being assessed, Administration is unable to advise whether this proposed development will ultimately be different from the previous application for the land. However, all development applications are required to be assessed independently and without reference to other applications previously made for the land.

Development Application 180\1265\18 for Integrated Service Station Complex at 285 – 287 Kensington Road, Kensington Park (8.3)

Councillor Davey asked the following Questions on Notice:

I note a new development application DA 180\1265\18 dated 17 December 2018 from Pc Infrastructure P/L for an integrated service station complex at 285 - 287 Kensington Rd Kensington Park.

1. What are the details of this Development?

The development application seeks approval for an On The Run integrated service station complex to be established on the land.

2. Does the development proposed differ significantly from the previous application from Peregrine Corporation for an OTR service station on this site?

As the development application is currently being assessed, Administration is unable to advise whether this proposed development will ultimately be significantly different from the previous application relating to the land. However, all development applications are required to be assessed independently and without reference to other applications previously made for the land.

The application will be placed on public notification in due course at which time the relevant plans will be publicly available for inspection at the Council offices.

Management of Trees and Vegetation During Heatwaves (8.4)

Councillor Henschke asked the following Questions on Notice:

1. Are trees and vegetation assets such as "The Plantation" (Prescott and Alexandra Avenue) given more water during the heat wave we have just experienced? How much was applied to these assets during the January 2019 heat wave period?

The irrigation system in Alexandra Avenue and Prescott Terrace operates daily during the summer period. This provides two hours of water to the grassed areas (typically equal to approximately 25mm of rain) and 45 mins of water to the younger trees (equal to approximately 28 litres) per week. During the recent extreme heat period, additional over ground watering occurred in the mornings. In addition, wetting agents are applied to assist with soil moisture retention. The exact additional volume of water cannot be calculated as this has been at the discretion of Council's experienced horticultural staff responding to the needs of the vegetation at points in time.

2. For "The Plantation", what is the objective/goals for this asset, what is its condition (trees and turf), and what are the preventive and planned maintenance activities and budgets?

The area described as "The Plantation", also known as the Avenue of Honour, is covered by a Conservation Management Plan (CMP). This CMP was implemented in June 2018 and addresses objectives and outcomes concerned with the amenity, character and preservation of the location. The CMP specifically covers the management of the Avenue of Honour trees and references the management of other vegetation in the overall landscape and streetscape amenity.

The CMP has an Action Plan which provides support to on ground renewal and upgrade work. Funding for this work forms part of the annual business planning process.

\$534,200 was allocated in the 2018/19 financial year (2018/19) for delivery of several projects, such as the removal of the redundant utility structure within Alexandra Avenue. Maintenance of the grass and trees is ongoing and forms part of the wider parks and tree maintenance programs. The location is visited twice monthly as part of a schedule of park maintenance which covers Council's 90 parks and reserves. The trees are maintained in accordance with the CMP and the Urban Tree Strategy, which promotes proactive management.

For example, every year a full inspection and assessment is carried out on the Elm Trees within the Avenue of Honour. The cost of this maintenance cannot be easily determined from the wider operational programs. Currently, the condition of the trees is assessed as good and the grass is below average, but expected for the conditions recently experienced.

3. Is there a “vegetation (trees & grass) management plan” for The Plantation and other similar assets in the Burnside Council?

Open spaces throughout the City of Burnside are managed through various policies, strategies and plans.

The policies include:

- *Asset Management*
- *Bushfire Hazard Management*
- *Environmental and Biodiversity*
- *Open Space*
- *Streetscape*
- *Urban Tree Management*
- *Verge Development*
- *Watercourse Management*

The strategies include:

- *Environmental and Biodiversity*
- *Open Space*
- *Sport and Recreation*
- *Urban Tree*

The plans include:

- *Specific park and reserve, maintenance and conservation plans*
- *Area reserve and land management plans*
- *Asset management plans*
- *Streetscape guide*
- *Canopy Action Plan*

4. Was approval sought and where residents consulted for the “Adelaide Japanese Community School” to operate on Saturdays at the Rose Park Primary School (RPPS)? Where the impacts on the community considered? Has the operation of the Japanese school (noise, parking) been monitored?

Rose Park Primary School is owned by the Minister for Education and Children’s Services. Crown development is assessed by the State Commission Assessment Panel, although input is generally sought from the relevant Council in the form of a Referral.

Council has no record of an application for the Japanese School, however it is likely that approval would not be required as such an activity would reasonably be considered to be part of, or ancillary to, the long established use of land as an educational establishment.

Council has not received any noise or parking complaints relating to this activity and no monitoring has been undertaken.

Motions on Notice**Preservation of Dashwood Gully Reserve – Councillor Huebl (9.1)****Motion**

C11907

1. That the area of Dashwood Gully Reserve owned/managed by the City of Burnside not be considered now, or at any time in the future as a site for the storage of waste or other material, unless in case of an emergency.
2. Council commits to the continuing maintenance of the existing biodiversity site, and where practicable further revegetation over the Council owned portion of Dashwood Gully Reserve, and that this work be considered through the 2019/20 Annual Business Plan and Budget process.
3. That following the completion of the Hills Face Management Framework during 2019, a Dashwood Gully Reserve Management Plan be prepared as a matter of priority within that Framework.

Moved Councillor Huebl, Seconded Councillor Jones

CARRIED

Financial Incentives for Significant Native Trees on Private Property – Councillor Carbone (9.2)**Motion**

1. As a direct action response to the City of Burnside's diminishing tree canopy, the Administration present a report to Council on possible financial incentives for ratepayers who have one or more significant native trees on their private property.
2. That the report also include an update on the regulated and significant tree assistance scheme and strategies for how this could be better promoted.
3. The report be presented to Council on 12 March 2019 so that any financial implications, from adopted recommendations, can be included in the draft 2019/20 budget.

Moved Councillor Carbone, Seconded Councillor Davey

Amended Motion

C11908

1. The Administration present a report to Council on possible initiatives to promote the maintenance and retention of significant native trees on private property, including but not limited to, financial incentives for ratepayers.
2. That the report also include an update on the regulated and significant tree assistance scheme and strategies for how this could be better promoted.
3. The report be presented to Council on 12 March 2019 so that any financial implications, from adopted recommendations, can be included in the draft 2019/20 budget.

Moved Councillor Piggott, Seconded Councillor Daws

CARRIED

The amended motion became the motion as was

CARRIED

A Division was called by Councillor Carbone.

IN FAVOUR

Councillor Lemon
 Councillor Carbone
 Councillor Turnbull
 Councillor Daws
 Councillor Jones
 Councillor Huebl
 Councillor Cornish
 Councillor Hughes
 Councillor Davey
 Councillor Piggott
 Councillor Davis

AGAINST

Councillor Henschke

The Division resulted in the Motion being

CARRIED

Councillor Lemon left the Chamber at 8.10pm.

Marketing and Communications – Councillor Carbone (9.3)

Councillor Lemon returned to the Chamber and resumed her seat at 8.11pm.

Motion

1. That the Administration present a report to Council on strategies to improve the marketing and promotion of the City of Burnside, Council services and events, and any other updates that would boost residential engagement.
2. That the report include discussion on a streamlined social media communications model – with the option to have all communication channeled through one Facebook page and managed by one department.
3. The report be presented to Council in March 2019 so that any financial implications, from adopted recommendations, can be included in the draft 2019/20 budget.

Moved Councillor Carbone, Seconded Councillor Davis

Amended Motion

C11909

1. That the Administration present a report to Council on strategies to improve the marketing and promotion of the City of Burnside, Council services and events, and any other updates that would boost residential engagement.
2. That the report include discussion on a streamlined social media communications model.
3. The report be presented to Council in March 2019 so that any financial implications, from adopted recommendations, can be included in the draft 2019/20 budget.

Moved Councillor Cornish, Seconded Councillor Hughes

CARRIED

The amended motion became the motion and was

CARRIED UNANIMOUSLY

Immunisations for Elderly Residents – Councilor Davey (9.4)

Councillor Cornish declared a perceived conflict of interest given his role as a member of the Eastern Health Authority (EHA) Board (through Council). Councillor Cornish remained in the room and voted on this item in line with the provisions that apply to such a conflict and membership of a subsidiary Board.

Motion

1. That a report be brought to Council in 6 weeks which addresses, through the Eastern Health Authority, the ability to provide the Zovirax (or other) shingles vaccination for mature Burnside residents.
2. That the Report consider what costs are involved, which State & Federal MPs can be approached to assist us to obtain funding and what State and Federal funding opportunities are needed to achieve this, along with the existing suite of child & adolescent vaccinations available for residents.

Moved Councillor Davey, Seconded Councillor Lemon

Amended Motion

C11910

1. That a report be brought to Council in 6 weeks which addresses, through the Eastern Health Authority, the ability, need, benefits and timing to provide the Zostavax shingles vaccination for mature Burnside residents.
2. That the Report consider what costs are involved, which State & Federal MPs can be approached to assist us to obtain funding and what State and Federal funding opportunities are needed to achieve this, along with the existing suite of child & adolescent vaccinations available for residents.

Moved Councillor Henschke, Seconded Councillor Piggott

CARRIED

The amended motion became the motion and was

CARRIED

Subsidiary Financial Information – Councilor Henschke (9.5)

Motion

C11911

1. That the Administration request the approved forecast capital and operating costs (over the project life) for the ERA Water Project and the Brownhill Creek Project, with the information to be provided to Council in the March CEO report.

Moved Councillor Henschke, Seconded Councillor Piggott

CARRIED UNANIMOUSLY

Public Question Time

The Mayor invited public questions from those present in the gallery in accordance with the established rules. A summary of each member of the public, their topic and response is provided below.

1. Mr Clive Brown – Linden Park Nursery on Laurel Avenue
'The Nursery on corner of Waymouth and Laurel Avenue, what is the Council's plans for that Nursery at this stage?'
The General Manager, Urban and Community responded that Council has no definitive plans at present. The service will be moved to Conyngham Street following completion of the project in December 2019. Those present were advised that Council will consider future options over the next 12 months.
2. Mr John Hartley, Glen Osmond – Conyngham Street Depot
'Has planning approval been given for redesign of the waste transfer station at the Conyngham Street depot or is it more than likely SA Planning in conjunction with SA EPA will use the solution of Men's Shed and biodiversity nursery to refuse planning approval for either the waste transfer component or the entire part of the project? Should adjoining residents some, not more than a few meters from receptacle, lodge a protest against continuation or amendment of the station as part of the planning process, what is the likelihood we would lose the transfer station altogether?'
The General Manager, Urban and Community advised that necessary approvals were granted with required notifications undertaken. No objections were received in this regard.
3. Mr Peter Hartley, Glen Osmond – Conyngham Street Depot
'Given several spatial limitations and absence of parking and site contamination, why has Council not considered or discussed with community the use of the Linden Park Nursery site for development of the men's shed and the construction of much improved biodiversity support structures, such as green houses, planting sheds and toilets as well as plant facility? Would it not make much more sense to use this facility as always intended and if need be put plant boxes across the small path at the front of Conyngham St depot for community gardens?'
The General Manager, Urban and Community advised that the decision enacted was the subject of numerous reports to Council and consultation with the community. Report were provided in public to the previous Council in detail who proceeded with the project.
4. Mr Jim Jacobsen, Frewville – Compliance with Policy and Public Question Time
'Have Elected Members investigated the recently constructed Men's Shed at Victor Harbor which was constructed at a cost of approximately \$400,000, a facility which appears to be some three times as large as one proposed for Conyngham Street Depot and should this Victor Harbor size shed be a more realistic model for development at the Linden Park nursery site, whether it can accommodated instead of the inadequate model costing some \$2M, that is five times the price quoted in the total plan?'
The General Manager, Urban and Community reiterated the responses referenced as Number 1-3 above. The Mayor also commented on a donation received from the Lion's Club. It was also noted that Elected Members have no role in discussion for this item.

Reports of Officers**Deed of Variation to Existing Aged Care Funding Agreement with the Australian Government (13.6)****Motion**

C11914

1. That the Report be received.
2. That the Mayor and the Chief Executive Officer be authorized to sign and affix the Common Seal to the Deed of Variation in relation to Agreement ID 4-7RLCZV5.

Moved Councillor Davis, Seconded Councillor Piggott

CARRIED

Burnside War Memorial Hospital Board of Directors – Appointment of Board Members (13.1)**Motion**

C11915

1. That the Report be received.
2. That Council endorse the appointments of Mr Rod Buchecker and Ms Linda Zeelie to the Board of The Burnside War Memorial Hospital Incorporated, for a three year term.

Moved Councillor Daws, Seconded Councillor Davis

CARRIED

**Partial Waiver of Encumbrance at 35 Rawson Penfold Drive, Rosslyn Park SA 5072 – Certificate of Title Volume 5192 Folio 794 (Operational) (13.2)
(As per resolution from previous meeting)****Motion**

1. That the Report be received.
2. That Council resolve to write to Mr King and the registered proprietors of the land, P Agrawal and G Flynn-Agrawal, to advise that it does not grant consent to the partial waiver of the Encumbrance recorded against 35 Rawson Penfold Drive, Rosslyn Park 5072, in order to allow for the construction of the approved development granted Development Plan Consent on 9 October 2018 (Development Application 180\0310\18).

Moved Councillor Jones, Seconded Councillor Davey

Formal Motion

C11916

That the question be adjourned until the end of the meeting.

Moved Councillor Piggott, Seconded Councillor Lemon

CARRIED

Review of Audit Committee Terms of Reference and Elected Member Representation (13.3)

Mayor Monceaux, with the approval of 2/3 of the Members present, sought leave of the meeting to provide a personal explanation re her role on the Committee as Mayor and decisions made.

Leave was granted for Mayor Monceaux to provide her explanation.

Motion

C11917

1. That the Report be Received
2. That the Terms of Reference of the Audit Committee be changed to reflect the following:
 - Requirement for no fewer than two independent members
 - Ability to appoint an Elected Member, if desired by Council, as a proxy member to the Audit Committee.
3. That Councillor Jones be appointed as the proxy member of the Audit Committee with immediate effect.
4. That Councillor Jones be appointed as a member of the Audit Committee at the earliest time when a vacancy occurs.

Moved Councillor Piggott, Seconded Councillor Davey

TIED

The Mayor used her casting vote and the motion was

CARRIED

A Division was called by Councillor Lemon.

IN FAVOUR

Councillor Carbone
Councillor Daws
Councillor Jones
Mayor Monceaux
Councillor Henschke
Councillor Davey
Councillor Piggott

AGAINST

Councillor Lemon
Councillor Turnbull
Councillor Huebl
Councillor Cornish
Councillor Davis

The Division resulted in the Motion being

CARRIED

Extension of Time

C11918 That the meeting time is extended until 11.00pm if required in order to discuss remaining agenda items.

Moved Councillor Carbone, Seconded Councillor Davey

CARRIED

Light Fleet Management Policy – Review (13.4)**Motion**

1. That the Report be received.
2. That Council adopt the revised Light Fleet Management Policy.

Moved Councillor Jones, Seconded Councillor Davey

Formal Motion

C11919

That the question / motion be put.

Moved Councillor Carbone, Seconded Councillor Lemon

CARRIED

The motion was PUT and CARRIED.

Extension of Time

C11920 That the meeting time is extended until 11.30pm if required in order to discuss remaining agenda items.

Moved Councillor Piggott, Seconded Councillor Carbone

TIED

The Mayor used her casting vote and the motion was

CARRIED

Portion of Union Street Screening Reserve – Proposed Community Land Revocation (Operational) (13.5)

Councillor Lemon left the meeting at 11.00pm and did not return.

Motion

C11921

1. That the Report be received.
2. That the report be deferred to include a Market Valuation, a Traffic Report and a site Biodiversity Report, before returning to Council for consideration.

Moved Councillor Davey, Seconded Councillor Hughes

CARRIED

Instatement of Eastern Courier Messenger Column for City Of Burnside News and Events (13.7)**Motion**

1. That the Report be received.
2. That a monthly half page 'Burnside Column' in the *Eastern Courier Messenger* be introduced from March 2019 with appropriate budgets to be allocated through quarterly adjustments as required and to be included in the 2019/20 Draft Annual Business Plan and Budget.

Moved Councillor Turnbull, Seconded Councillor Huebl

Amended Motion

1. That the Report be received.
2. That a monthly half page 'Burnside Column' in the *Eastern Courier Messenger* be introduced from March 2019 with appropriate budgets to be allocated through quarterly adjustments as required and to be included in the 2019/20 Draft Annual Business Plan and Budget.
3. That the CEO write to Nadja Fleet, Editor, Messenger, seeking a review of News Limited's decision to cease delivery to units, apartments blocks and retirement villages in Burnside.

Moved Councillor Carbone, Seconded Councillor Henschke

LOST

Motion

1. That the Report be received.
2. That a monthly half page 'Burnside Column' in the *Eastern Courier Messenger* be introduced from March 2019 with appropriate budgets to be allocated through quarterly adjustments as required and to be included in the 2019/20 Draft Annual Business Plan and Budget.

Moved Councillor Turnbull, Seconded Councillor Huebl

Formal Motion

C11922

That the question be put.

Moved Councillor Davey, Seconded Councillor Davis

CARRIED

The question was PUT and CARRIED.

Motion without Notice

The Mayor accepted a Motion without Notice from Councillor Cornish.

C11923

That the remaining items on the agenda are deferred to the next ordinary meeting of Council.

Moved Councillor Cornish, Seconded Councillor Hughes

CARRIED

