

Council Meeting MINUTES

28 July 2020 | Meeting commenced at 7.00 pm
Community Centre Hall, Civic Centre – Live streamed on Council website

Members Present: Mayor Anne Monceaux
Councillors Lemon, Carbone, Turnbull, Daws, Huebl (arrived 8.07pm), Jones, Henschke, Cornish, Hughes, Davey, Piggott, Davis

Staff Present: Chris Cowley, Chief Executive Officer
Matthew Spearman, Group Manager, People and Innovation
Martin Cooper, General Manager, Corporate and Development
Barry Cant, General Manager, Urban and Community
Rob Dabrowski, Principal Executive Officer

The Mayor delivered the statement of acknowledgement of Country, acknowledging that the land being met on is the traditional lands for Kaurua people, and formally paid respect to and acknowledged the Kaurua people as the original custodians of the land.

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

The Mayor read the opening prayer.

Apologies

Nil

Identification of Conflicts of Interest by Elected Members

Nil

Leave of Absence

Nil

Confirmation of Minutes

Motion

C12616

That the minutes of the Ordinary Meeting of Council held on 14 July 2020 be endorsed and confirmed by Council.

Moved Councillor Davis, Seconded Councillor Cornish

CARRIED

Deputations

Nil

Petitions

Nil

Public Question Time

This Item is temporarily suspended.

Questions on Notice**Eastern Region Alliance Water (9.2)**

NB: Responses for these questions were sourced and provided from the ERA Water General Manager.

Councillor Turnbull asked the following Questions on Notice:

I refer to the section in the ERA Water report (page 484), regarding the sale of ERA Water to Pembroke School, Agenda Council Meeting 14th July.

1. What is the length of the contract? If it can be terminated after 2 years, is this just a 2 year contract or initially for a longer period?

Contract length is unlimited; but they may not give notice during the initial two year period.

2. What is the price which is subject to a 10% discount

The current water price for commercial customers.

3. The purchaser can apparently terminate the contract after 2 years. However at this point, the participating Councils will have recouped just \$9k of the capital costs of installing the connection which is costed at \$16k

How can this be regarded as a sound business proposal?

This was the outcome negotiated and agreed to secure the sale.

Glenunga Tennis Club (9.2)

Councillor Lemon asked the following Questions on Notice:

1. The Glenunga Tennis Club has on its site a regulated tree (the Tree). Was professional advice sought in regard to the health and retention of the Tree? If so, please summarise this advice.

Council had the regulated tree assessed by a consulting arborist on 23 May 2019 and 26 February 2020 that included a health assessment, consideration of objectives and principles of development control, and a tree protection plan. On both occasions, the following description of the tree is included in the assessment 'The subject tree is a mature specimen, in reasonable health with no significant structural defects that indicate it can be considered a material risk to private safety or the tree is causing damage to a building at this time. The tree is expected to offer a relatively long useful life expectancy of 20 plus years'.

On 2 June 2020, the consulting arborist notified Council that the regulated tree was 'now in severe decline with its total canopy now browned off with below average density and foliage drop apparent. The canopy appears to have effectively ceased to function with no live foliage remaining. The symptoms observed indicate the tree has experienced significant stress'. It is worth noting that the consultant arborist confirmed 'the symptoms observed of the tree's decline were clearly obvious before demolition works on site took place'.

Further analysis to ascertain whether poisoning was a possibility came back negative although this does not necessarily mean that poisoning did not occur, only that there was no evidence from the samples tested.

*Monitoring by the consulting arborist of the regulated tree continued throughout this period in the hope that the tree would survive, however, on 22 July 2020, a report was received to advise that the regulated tree is unfortunately a 'dead specimen with no prospects of recovery'. The report goes further indicating there are no treatments available to revive the tree and reduce the risk of future total tree or branch failure, therefore **removal is now supported**.*

2. Is the Tree still alive and if not, has this changed the proposed approach to the development of new clubrooms?

As per above, the consulting arborist has confirmed that the regulated tree is unfortunately a 'dead specimen with no prospects of recovery', and its removal is now supported. The Club has been notified and expressed a preference to revert to a previous architectural design (with a further slight modification) for the new clubrooms that required removal of the regulated tree.

3. When were the old clubrooms demolished and what is the intended timeframe to begin construction of new clubrooms?

*Demolition of the old clubrooms was undertaken **between 27 May and 25 June 2020**. Construction will commence once the following steps have been completed:*

1. *Final clubroom design agreed between Council and the Club;*
2. *Terms of the Governance Agreement to be finalised and entered into by Council and the Club;*
3. *Subject to finalisation of the clubroom design, terms of a construction contract to be entered into by Council and the builder;*
4. *Subject to the construction contract being entered into, a development application for the new clubrooms to be lodged; and*
5. *Once development approval has been received, it is anticipated that construction will commence approximately 10 weeks to the construction contract becoming unconditional and development approval being granted.*

Council will continue to work with the Club collaboratively to ensure the above steps are completed in a timely manner. The Club representatives are aware and have agreed to the above process and timelines.

4. What approvals and agreements still need to be obtained prior to the construction of the new clubrooms?

At this stage, a governance agreement between Council and the Club must be entered into, following which Council may enter in a construction contract with a builder. Once these agreements are in place, a Development Application for the new clubrooms can be lodged with construction to commence once full development approval has been granted. The Club is aware that the timeframes for construction are dependent on these matters being agreed and subject to the builder's timeframes.

5. Has a temporary shelter been offered to the club for use by players for the duration of the construction process?

The Club was first offered temporary facilities in March 2020 with a request to confirm their preferred configuration. At the time, the Club advised that temporary facilities would not be required for the winter season.

In mid-July, the Club requested a temporary lockable storage unit to be installed on site. Council is now working with the Club to identify a suitable location for installation.

6. What is the estimated (best known at this stage) completion date for the construction process?

Council and the Club are finalising the Clubroom design to ensure that it best meets the Clubs requirements and once agreed this will be submitted to the builder for updated costings and approvals (noting the Development Application needed as referenced above). Council will work with the builder to get updated estimated timeframes, however, at a meeting on 24 July 2020, the Club indicated that it is reporting an anticipated project completion date of October 2021 to Sport Australia (Federal Government grant funding provider). Every effort will be made to expedite the process where possible.

Motions on Notice

Dulwich Avenue, Dulwich – Community Consultation by State Government (Councillor Cornish) (10.1)

Motion

C12617

That Council:

1. Acknowledges the Dulwich Avenue, Dulwich, traffic calming community consultation being undertaken by the Premier in his capacity as Member for Dunstan and in response to resident requests.
2. Write to the Member for Dunstan, requesting a copy of the responses and any summary information once the process is concluded, and to seek general information regarding the outcome and future intentions.

Moved Councillor Cornish, Seconded Councillor Davis

CARRIED

Questions without Notice

Nil

Motions without Notice

Nil

Reports of Officers**Cat Management in City of Burnside – Proposed Approach and Amendments to Legislation (13.1)****Motion**

That Council:

1. Seeks to continue to take a proactive role in the management and care of cats on behalf of the people of the City of Burnside consistent with the City of Burnside Dog & Cat Management Plan 2018-2023.
2. Commence the process to introduce registration of cats in the City of Burnside, including a registration fee of 50% of the current dog registration fee to be used to fund programmes for the management & care of cats.
3. Commence the process to introduce a By-Law which achieve the following:
 - 3.1 The introduction of a property limit of three cats without a special permit;
 - 3.2 The introduction of the ability of a Council to issue a permit for more than three cats if the circumstances allow.
4. Request that the Dog and Cat Management Board considers amendments to the current Dog and Cat Management Act which would introduce the following provisions with respect to cat management throughout the state:
 - 4.1 The ability to declare times within which a cat must be in confinement;
 - 4.2 The introduction of wandering at large and attack offences for cats;
 - 4.3 The ability for a Council to trap and seize an owned cat;
5. Request that the Local Government Association SA supports the City of Burnside (and any other Councils in the State) in its request and suggested changes being proposed to the Dog and Cat Management Board.
6. Request that the Minister for Environment and Water, in the event the State Government commences the process of developing a Model Cat By-Law, gives consideration to the City of Burnside being formally part of and consulted with during this process.
7. In addition to the above Council will work with neighbouring councils to ensure that any By-Law is implemented collaboratively and will also work with groups working to control cat numbers through desexing and rehoming.

During the debate on the above Motion leave of the meeting was sought in order to afford Councillor Piggott the opportunity to speak to the Motion a second time.

Leave of the meeting was granted.

Councillor Huebl entered the meeting room at 8.07pm.

During the debate on the above Motion leave of the meeting was sought in order to afford Councillor Lemon the opportunity to speak to the Motion a second time.

Leave of the meeting was not granted.

Motion

That Council:

1. Seeks to continue to take a proactive role in the management and care of cats on behalf of the people of the City of Burnside consistent with the City of Burnside Dog & Cat Management Plan 2018-2023.
2. Commence the process to introduce registration of cats in the City of Burnside, including a registration fee of 50% of the current dog registration fee to be used to fund programmes for the management & care of cats.
3. Commence the process to introduce a By-Law which achieve the following:
 - 3.3 The introduction of a property limit of three cats without a special permit;
 - 3.4 The introduction of the ability of a Council to issue a permit for more than three cats if the circumstances allow.
4. Request that the Dog and Cat Management Board considers amendments to the current Dog and Cat Management Act which would introduce the following provisions with respect to cat management throughout the state:
 - 4.1 The ability to declare times within which a cat must be in confinement;
 - 4.2 The introduction of wandering at large and attack offences for cats;
 - 4.3 The ability for a Council to trap and seize an owned cat;
5. Request that the Local Government Association SA supports the City of Burnside (and any other Councils in the State) in its request and suggested changes being proposed to the Dog and Cat Management Board.
6. Request that the Minister for Environment and Water, in the event the State Government commences the process of developing a Model Cat By-Law, gives consideration to the City of Burnside being formally part of and consulted with during this process.
7. In addition to the above Council will work with neighbouring councils to ensure that any By-Law is implemented collaboratively and will also work with groups working to control cat numbers through desexing and rehoming.

Moved Councillor Piggott, Seconded Councillor Carbone

LOST

Motion**C12618**

That Council:

1. Request that the Dog and Cat Management Board considers amendments to the current Dog and Cat Management Act which would introduce the following provisions with respect to cat management:
 - 1.1. The ability to declare times within which a cat must be in confinement;
 - 1.2. The introduction of wandering at large and attack offences for cats;
 - 1.3. The ability for a Council to trap and seize an owned cat;
 - 1.4. The introduction of a property limit on the number of cats without a special permit;
 - 1.5. The introduction of the ability of a Council to issue a permit for more than two cats if the circumstances allow; and
 - 1.6. The Mandatory registration of cats, including the payment of registration fees.
2. Request that the Local Government Association SA supports the City of Burnside (and any other Councils in the State) in its request and suggested changes being proposed to the Dog and Cat Management Board.
3. Request that the Minister for Environment and Water, in the event the State Government commences the process of developing a Model Cat By-Law, gives consideration to the City of Burnside being formally part of and consulted with during this process.

Moved Councillor Cornish, Seconded Councillor Davis

CARRIED

Adjournment of Meeting

C12619 That the Council Meeting be adjourned for a refreshment break of 10 minutes until 8.55pm.

Moved Councillor Hughes, Seconded Councillor Davis

CARRIED

The meeting resumed at 9.01pm.

Chief Executive Officer Report – June 2020 (13.2)**Motion**

That Council:

1. Receive and note the June 2020 – Chief Executive Officer Report.
2. Hold the December 2020 Council meeting on Tuesday 8 December commencing at 7 pm.
3. Hold the January 2021 Council meeting on Thursday 28 January 2021, commencing at 7 pm.
4. Extend the Heritage Reference Group convened through resolution in September 2019, for an initial trial period of 12 months, for a further six month period given the recent COVID-19 meeting restrictions, with the results of the trial reported to Council.
5. Through the Mayor, write to the new Ministers appointed this date to the SA Cabinet, to congratulate them on their appointment and wish them success in their respective portfolios.

Moved Councillor Davis, Seconded Councillor Cornish

Formal Motion**C12620**

That the Motion be Put.

Moved Councillor Hughes, Seconded Councillor Davey

CARRIED

The Motion being:**C12621**

That Council:

1. Receive and note the June 2020 – Chief Executive Officer Report.
2. Hold the December 2020 Council meeting on Tuesday 8 December commencing at 7 pm.
3. Hold the January 2021 Council meeting on Thursday 28 January 2021, commencing at 7 pm.
4. Extend the Heritage Reference Group convened through resolution in September 2019, for an initial trial period of 12 months, for a further six month period given the recent COVID-19 meeting restrictions, with the results of the trial reported to Council.
5. Through the Mayor, write to the new Ministers appointed this date to the SA Cabinet, to congratulate them on their appointment and wish them success in their respective portfolios.

Was PUT and

CARRIED

Participation in Small Business Friendly Council Initiative (13.3)**Motion****C12622**

That Council participates in and becomes a signatory to the Small Business Friendly Council Initiative and commits to the Charter as part of its support towards small business in the City of Burnside.

Moved Councillor Lemon, Seconded Councillor Davis

CARRIED

Draft Disability Access and Inclusion Plan 2020-2024 – Community Consultation (13.7)**Motion****C12623**

That Council release the Draft Disability Access and Inclusion Plan for the purposes of public consultation.

Moved Councillor Lemon, Seconded Councillor Huebl

CARRIED

Proposed Introduction of 50 KM/H Speed Limit on Hallett Road, Stonyfell (13.5)**Motion****C12624**

That Council:

1. Applies to the Commissioner of Highways to lower the speed limit from 60 km/h to 50 km/h along Hallett Road, Stonyfell.
2. Investigate the issues raised in the public consultation as possible contributors to the number of vehicle incidents and take any appropriate remedial action.
3. Pending approval of the Commissioner of Highways, advise the participants of the Community Engagement process of the outcome.
4. Subject to the Commissioner of Highways decision, make the required amendments to the Road and Traffic Management Policy as necessary to reflect the new speed limit of 50km/h.
5. Install 50km/h signage on a permanent basis in the vicinity (pending the required approval following request from DPTI).

Moved Councillor Piggott, Seconded Councillor Turnbull

CARRIED

Extension of Time

C12625 That the meeting time is extended until 11.00pm if required in order to discuss remaining agenda items.

Moved Councillor Davis, Seconded Councillor Huebl

CARRIED

Burnside War Memorial Hospital – Lease – Central Sterile Supply Department Plans (13.6)**Motion****C12626**

That Council:

1. Endorse the commencement of the mandatory community consultation process required in accordance with its obligations under the *Local Government Act 1999* on a proposed long-term lease, in order to facilitate the new CSSD department required by the Burnside War Memorial Hospital, over a portion of 120 Kensington Road and 97 Hewitt Avenue, Toorak Gardens with a total term of 17 years.
2. Following the outcome of the community consultation be presented with a further Report in relation to the proposed new long-term lease at the 8 September 2020 Council meeting.

Moved Councillor Davey, Seconded Councillor Davis

CARRIED

By-Law Management and Enforcement Cyclic Statistic Report (13.4)**Motion**

That Council:

1. Receive and note the cyclic By-Law Management and Enforcement Report
2. Continue to receive this report on a six monthly basis.

Moved Councillor Davey, Seconded Councillor Hughes

LOST

Motion**C12627**

1. Receive and note the cyclic By-Law Management and Enforcement Report
2. Be provided with this Report on an annual basis from July 2021, in line with the financial year reporting and to enable trend data to be shown.

Moved Councillor Piggott, Seconded Councillor Davis

CARRIED

Subsidiaries, Regional Subsidiaries and other Organisations/Entities**Eastern Waste Management Authority**

Nil

Eastern Health Authority

Nil

Highbury Landfill Authority

Nil

ERA Water

Nil

Eastern Region Alliance

Nil

Brownhill Keswick Creeks (BHKC) Stormwater Board

Nil

Mayor's Report**Motion****C12628**

That the Mayor's Report be received.

Moved Councillor Cornish, Seconded Councillor Hughes

CARRIED

Reports of Members, Delegates and Working Parties

Councillor Henschke:

- Met with residents and COTA strength for life trainer at Dulwich Community centre
- Participated in:
 - Audit Committee meeting
 - Heritage Reference Group Meeting
- Met with Burnside CEO on Ward matters
- Attended DPTI briefing and planning portal demonstration to Community Alliance

Councillor Daws:

- Attended meeting of CEO Performance Committee to discuss CEO KPIs for 2020/2021
- With Cr Turnbull, attended meeting with Heritage Architect, Historical Society representative and Council staff re bridge conservation in Moorcroft Reserve.

Councillor Hughes attended the Elected Member East Waste Workshop via Zoom.

Council Correspondence / Memorials

MDA Delegates Report – June 2020

Motion**C12629**

That the Murray Darling Association Delegates Report – June 2020 be noted and received by Council.

Moved Councillor Cornish, Seconded Councillor Daws

CARRIED

