

# MINUTES

## Council Meeting 18 May 2021

**VENUE:** Council Chamber  
Civic Centre, Ramsay Place, Noarlunga Centre

**MEETING COMMENCED:** 6.30pm

**PRESENT:** Mayor Thompson  
Cr Bray  
Cr Brown  
Cr de Graaf  
Cr Eaton  
Cr Greaves  
Cr Jamieson  
Cr McMahon  
Cr O'Brien  
Cr Olsen  
Cr Peat  
Cr Themeliotis  
Cr Tonkin

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

---

### Pledge

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

1. Opening of meeting

Mayor Thompson officially declared the meeting open at 6.30pm.

Cr Bray read the Pledge.

2. Confirmation of minutes

*MOVED Cr O'Brien.*

*That the minutes of the proceedings of:*

- *the Council meeting held on 20 April 2021, and*
- *the Special Council meeting held on 4 May 2021*

*be received and confirmed as an accurate record of those proceedings.*

*Seconded by Cr Greaves.*

*CARRIED*

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 **Mayor's Report**

**ANZAC Commemorations 2021**

Many residents across the City of Onkaparinga found a way to commemorate the service of Australian and New Zealander men and women, including those who paid the ultimate sacrifice and gave their lives to preserve our freedoms.

For some, they stood at the end of their driveways and Lit Up the Dawn to commemorate, while others attended their local service.

Despite the challenges of hosting events with current COVID-safe rules in place, I thank the Port Noarlunga Christies Beach RSL for a beautiful dawn service and the Morphett Vale and Districts RSL for hosting the Youth Vigil in the South dawn service. The City of Onkaparinga is proud to support these events.

Lest we forget.

**Citizenship Ceremony – 3 May 2021**

This month I helped 78 residents from 22 different countries take the pledge to become an Australian Citizen.

Senator Andrew McLachlan, Liberal Senator for South Australia and Ms Katrine Hildyard MP, Member for Reynell were in attendance, along with Deputy Mayor Simon McMahon, Cr Marion Themeliotis, Cr Alayna de Graaf and Cr Geoff Eaton.

Special thanks to Garry Stillwell for his performance and to the TS Noarlunga Cadets for assisting me with the presentation of certificates.

On behalf of my fellow councillors, we extend a warm welcome to all of our new Australian Citizens.

### **Listening Posts**

Together with the ward councillors, I have been holding listening posts across the city to hear directly from our residents.

A range of issues have been raised with us at these posts, which so far have been held in Southern Vales with Cr Olsen, South Coast with Deputy McMahon and Cr Peat, Thalassa with Cr Eaton and Cr Themeliotis, Knox with Cr de Graaf and Mid Coast Ward with Cr Jamieson and Cr Tonkin.

Keep an eye out in the coming weeks for a post near you, including one to come in Pimpala ward with Cr Brown and Cr O'Brien.

### **McLaren Vale Vintage and Classic**

The 2021 McLaren Vale Vintage and Classic Main Street Parade was held in our stunning wine region in April. It was great to see so many people lining the streets to see the 500 classic vehicles cruise the Vale.

Thank you to Trevor Sharp, the event organiser as well as the Rotary Club of Morphett Vale who catered the breakfast. A special thank you to Molly Dooker Winery for letting me ride along in the Boxer.

### **Minton Farm**

Cr Marion Themeliotis and I met with the team at Minton Farm Animal Rescue Centre to discuss the protections needed for our local wildlife. While we were there, two ringtails were brought in due to cat attacks. Minton Farm receives wildlife injured by domestic cats every day. The saddest part is that it is preventable.

We need changes to state legislation to make it easier for councils to enforce cat containment. The City of Onkaparinga wrote to the Dog and Cat Management Board recently asking them to review this. Hopefully we can work together to make some positive changes and protect our wildlife.

### **Elected Member Representation**

Thank you to Deputy Mayor McMahon for representing me at:

- South Adelaide Football Club's first 2021 pre-match lunch
- Morphett Vale and Districts RSL's ANZAC Dawn Service
- Maslin Beach Community Association Mayday celebration.

Thank you to Cr de Graaf for representing me at:

- Morphett Vale Bowling Club 2021 AGM
- Opening of Elsie's Nature Play Space at Coolock House, Morphett Vale.

Thank you to Cr Jamieson for representing me at:

- Rowlands Metalworks Gala Celebration
- Every Generation Onkaparinga Calendar Events Launch 2021.

**Mayor's calendar**

- My activities between 17 April 2021 and 13 May 2021 are reflected in Attachment 1.
- The Deputy Mayor's activities are reflected in Attachment 2.

Thank you.



**Erin Thompson**  
**Mayor**

*MOVED Cr Greaves.*

*That Council note the 18 May 2021 Mayor's report.*

*Seconded by Cr O'Brien.*

*CARRIED*

**6. Presentations**

Nil.

**7. Deputations****7.1 Onkaparinga Pipe Band – Keith Blyth, President – Presentation and performance**

This item was deferred to a future Council meeting.

**7.2 Port Noarlunga Jetty 100 year celebrations – Jeanette Howell, Port Noarlunga Business and Tourism Association**

This item was deferred to the June Council meeting.

**7.3 Southern United Netball Association (SUNA) courts refurbishment and development – Laurie Bilby, General Manager SUNA and Erin Haines, General Manager – Netball, Netball SA**

Erin Haines and Laurie Bilby gave a deputation and answered questions from elected members in relation to SUNA courts refurbishment and development.

**7.4 Proposed road closure of Beltunga Close, Blewitt Springs – Tony and Karen Michelbach**

Tony and Karen Michelbach gave a deputation and answered questions from elected members in relation to the proposed road closure of Beltunga Close, Blewitt Springs.

8. Presentation by Committee chairpersons and reports to Council by Council Committees
- 8.1 **Chief Executive Officer Performance Management Committee meeting minutes of 22 April 2021**  
*MOVED Cr McMahon.*  
*That Council note the minutes of the Chief Executive Officer Performance Management Committee meeting held on 22 April 2021 as attached to the agenda report.*  
*Seconded by Cr Eaton.*  
*CARRIED*
- 8.2 **Strategic Directions Committee meeting minutes of 4 May 2021**  
*MOVED Cr McMahon.*  
*That Council note the minutes of the Strategic Directions Committee meeting held on 4 May 2021 as attached to the agenda report.*  
*Seconded by Cr Jamieson.*  
*CARRIED*
- 8.3 **Audit, Risk, Value and Efficiency Committee meeting minutes of 10 May 2021**  
Cr McMahon left his seat in the Chamber at 7.01pm.  
*MOVED Cr O'Brien.*  
*That Council note the minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 10 May 2021 as attached to the agenda report.*  
*Seconded by Cr Eaton.*  
Cr McMahon resumed his seat in the Chamber at 7.03pm.  
*CARRIED*
- 8.4 **Non-confidential - Southern Region Waste Resource Authority – Constituent Council Information Report – Board Meetings 8 April 2021 and 3 May 2021**  
*MOVED Cr Greaves.*  
*That Council notes the Southern Region Waster Resource Authority Constituent Council Information Report – Public (attachment 1 to the agenda report).*  
*Seconded by Cr Eaton.*  
*CARRIED*

9. Reports of officers

9.1 Southern United Netball Association additional six courts

*MOVED Cr Jamieson.*

*That Council:*

- 1. Approve additional Council funding of \$289,000 from identified budget savings in the approved 2020-21 budget toward construction of six additional, new netball courts at Wilfred Taylor Reserve.*
- 2. Approve construction of six additional, new netball courts at Wilfred Taylor Reserve subject to execution of a funding agreement between Council and Southern United Netball Association.*

*Seconded by Cr Peat.*

Cr Olsen left his seat in the Chamber at 7.44pm.

Cr Olsen resumed his seat in the Chamber at 7.45pm.

*CARRIED*

9.2 Beltunga Close, Blewitt Springs - proposed closure of road

*MOVED Cr Olsen.*

*That Council:*

- 1. Resolves to close Beltunga Close, Blewitt Springs between Whittings Road and a point approximately 320 metres west of Blewitt Springs Road as a through road for motor vehicles.*
- 2. Authorises a notice to be published in the next available government gazette providing notice of the closure of Beltunga Close as a through road for motor vehicles.*
- 3. Notes that 'No Entry' signage and permanent barriers will be installed at either end of the road closure to prohibit access by motor vehicles, however still provide access for passive users including pedestrians, horse riders and bicycles.*
- 4. That Council notes that the road closure process via Section 32 of the Road Traffic Act is reversible should there be a need to re-open the road again in the future.*
- 5. That formal CFS consultation be undertaken for approval prior to closing.*

*Seconded by Cr Peat.*

Cr Peat left his seat in the Chamber at 8.14pm.

Cr Peat resumed his seat in the Chamber at 8.16pm.

*CARRIED*

Cr O'Brien left his seat in the Chamber at 8.19pm.

Cr Olsen left his seat in the Chamber at 8.19pm.

Cr Jamieson left his seat in the Chamber at 8.19pm.

Cr Greaves left her seat in the Chamber at 8.19pm.

### 9.3 Sellicks Beach Structure Plan

*MOVED Cr Peat.*

*That Council:*

- 1. Receives and notes the submissions made in response to the community engagement for the draft Sellicks Beach Structure Plan, as presented to the Strategic Directions Committee meeting on 4 May 2021.*
- 2. Approve the Sellicks Beach Structure Plan and Working Design Guidelines, including the proposed changes set out in the agenda report and in Attachments 1 and 2 to the agenda report.*
- 3. Support the council administration to negotiate with the State Government and development proponents in the event of any Code Amendment(s) and subsequent development applications for the Deferred Urban and Rural zoned land at Sellicks Beach, based on the approved Sellicks Beach Structure Plan and Working Design Guidelines.*

Cr Brown left her seat in the Chamber at 8.20pm.

Cr Jamieson resumed his seat in the Chamber at 8.21pm.

Cr Greaves resumed her seat in the Chamber at 8.22pm.

*Seconded by Cr McMahon.*

Cr Olsen resumed his seat in the Chamber at 8.22pm.

Cr Brown resumed her seat in the Chamber at 8.22pm.

Cr O'Brien resumed his seat in the Chamber at 8.22pm.

Cr Brown left her seat in the Chamber at 8.28pm.

Cr Brown resumed her seat in the Chamber at 8.30pm.

*CARRIED*

*At 8.34pm Cr Eaton MOVED that the meeting break for 10 minutes.*

*Seconded by Cr Themeliotis.*

*CARRIED*

Mayor Thompson reconvened the meeting in the Chamber at 8.47pm with all members present that were present before the break with the exception of Cr Themeliotis, Cr Jamieson and Cr Olsen.

#### 9.4 Council appointed elected member liaisons to external organisations

Cr Themeliotis resumed her seat in the Chamber at 8.48pm.

Cr Jamieson resumed his seat in the Chamber at 8.49pm.

*MOVED Cr Bray.*

- 1. That Council adopt the revised Council Appointed Elected Member Liaison Policy provided at attachment 1 to the agenda report.*
- 2. That Council appoint the nominated elected members to act as Council liaison to the external organisations listed in attachment 3 to the agenda report until the conclusion of the 2022 Council election.*

*Seconded by Cr Themeliotis.*

*CARRIED*

#### 9.5 Elected member application to attend conference – National General Assembly of Local Government 2021

Cr Peat declared a material conflict of interest as he has applied to attend and left the meeting at 8.51pm.

Cr McMahon declared a material conflict of interest as he has applied to attend and left the meeting at 8.51pm.

*MOVED Cr Themeliotis.*

*That Council approve the attendance and associated costs as per the Elected member allowance, benefits and support procedure 2018 for Cr Peat and Cr McMahon to attend the National General Assembly of Local Government 2021 – 'Working Together for our Communities' in Canberra from 20-23 June 2021, as detailed below:*

- Full conference fee and Welcome Reception*
- Regional Forum Sunday 20 June*
- Networking Dinner Monday 21 June*
- National Assembly Dinner Tuesday 22 June*
- Accommodation 19 June – 23 June (4 nights)*
- Flights and necessary transfers.*

*Seconded by Cr Greaves.*

Cr Olsen resumed his seat in the Chamber at 8.53pm.

*CARRIED*

Cr McMahon resumed his seat in the Chamber at 9.04pm.

Cr Peat resumed his seat in the Chamber at 9.04pm.

## 9.6 Election of South Australian Representative on Australian Coastal Councils Association Committee of Management

Cr Jamieson declared a material conflict of interest as the nominee and left the meeting at 9.04pm.

*MOVED Cr Bray.*

*That Council's vote be given to Councillor William Jamieson as the South Australian representative on the Australian Coastal Councils Association Inc. Committee of Management.*

*Seconded by Cr Themeliotis.*

**CARRIED**

Cr Jamieson resumed his seat in the Chamber at 9.04pm.

## 9.7 Spearfishing Closures Review – Council submission to PIRSA

*MOVED Cr Greaves.*

*That Council:*

1. *Does not support spearfishing between O'Sullivan Beach and Onkaparinga's northern boundary.*
2. *Approves the draft submission to Department for Primary Industries and Regions SA (PIRSA) on the Spearfishing Closures Review Options Paper, March 2021 (Attachment 3 to the agenda report).*
3. *Writes to the Department of Primary Industries and Regions (PIRSA) in response to the Spearfishing Closures Review Options Paper March 2021 (Attachment 2 to the agenda report) identifying support for "Option 3 - no change to current spearfishing spatial restrictions".*
4. *Requests PIRSA conduct an open community consultation if it wants to pursue the option of spearfishing along the metropolitan coast.*

*Seconded by Cr Jamieson.*

**CARRIED**

## 9.8 Fleurieu Connections (proposed upgrades of Main South Road and Victor Harbor Road) – formal Council submission

*MOVED Cr Peat.*

*That Council:*

1. *Notes the concept designs and proposed scenarios currently on exhibition for the Fleurieu Connections Improvement Package.*
2. *Subject to the addition to the wording in the third-last paragraph on page 4 as follows:*

*"The loss of the ability to turn right out of the ResourceCo egress point at Pedlar Road (south) will require trucks to turn left and travel 600m southwards to the intersection of Tatchilla Road / Maslin Beach Road in order to turn around to head north, resulting in an additional 1.2km trip length. If a roundabout was provided at this intersection as per Scenario 1, then trucks would be required to 'weave' into the right lane whilst accelerating and braking over this 600m distance which could*

*generate considerable safety conflicts with general southbound traffic travelling past ResourceCo."*

*approves the draft submission to the Department for Infrastructure and Transport on the Fleurieu Connections Improvement Package as contained in attachment 2 to the agenda report.*

- 3. Notes the need to advocate on behalf of other key stakeholder groups and constituents in addition to the Main South Road Action Group who are potentially affected by the Fleurieu Connections Improvement Package throughout the development and implementation of this project.*
- 4. Authorises the CEO to edit the submission should information be provided by Department of Infrastructure and Transport (DIT) following endorsement of this report.*

*Seconded by Cr Brown.*

*Cr Olsen MOVED an AMENDMENT.*

*That Council:*

- 1. Notes the concept designs and proposed scenarios currently on exhibition for the Fleurieu Connections Improvement Package.*
- 2. Subject to the addition to the wording in the third-last paragraph on page 4 as follows:*

*"The loss of the ability to turn right out of the ResourceCo egress point at Pedlar Road (south) will require trucks to turn left and travel 600m southwards to the intersection of Tatachilla Road / Maslin Beach Road in order to turn around to head north, resulting in an additional 1.2km trip length. If a roundabout was provided at this intersection as per Scenario 1, then trucks would be required to 'weave' into the right lane whilst accelerating and braking over this 600m distance which could generate considerable safety conflicts with general southbound traffic travelling past ResourceCo."*

*approves the draft submission to the Department for Infrastructure and Transport on the Fleurieu Connections Improvement Package as contained in attachment 2 to the agenda report.*

- 3. Notes the need to advocate on behalf of other key stakeholder groups and constituents in addition to the Main South Road Action Group who are potentially affected by the Fleurieu Connections Improvement Package throughout the development and implementation of this project.*
- 4. Authorises the CEO to edit the submission should information be provided by Department of Infrastructure and Transport (DIT) following endorsement of this report.*
- 5. That an additional point be added on the Victor Harbor road map to address the current 100km per hour speed sign just south of McLaren Vale overpass and question why the initial design couldn't also be 100km per hour.*

*Seconded by Cr McMahon.*

*The AMENDMENT was PUT and CARRIED.*

*The MOTION, thus AMENDED, was PUT and CARRIED.*

### 9.9 Review of rating and rebate policies 2021-22

*MOVED Cr Greaves.*

1. *That Council approve the draft Rating Policy 2021–22 for community engagement purposes (attachment 1 to the agenda report).*
2. *That Council approve the draft Rate Rebate Policy 2021–22 for community engagement purposes (attachment 2 to the agenda report).*

*Seconded by Cr Peat.*

**CARRIED**

### 9.10 2021-22 Rates modelling

*MOVED Cr Peat.*

*That Council endorse the following model structure to guide the setting of the rates for 2021-22:*

*c) a model that:*

- *maintains the same proportion of revenue collected for each land use category at the same proportion of revenue collected as in 2020-21*
- *applies a fixed charge component of \$705 (which equates to 42% of total rates revenue generated by the fixed charge), and*
- *applies an automatic rate cap to residential properties where the amount payable is more than 10% higher than the amount payable in 2020-21, noting that the \$167,000 estimated cost of this will be redistributed to the remaining rateable residential properties*

*Seconded by Cr Greaves.*

**CARRIED**

Cr O'Brien called a DIVISION and the decision was set aside.

*For:*

<i>Cr Peat</i>	<i>Cr McMahon</i>	<i>Cr Olsen</i>	<i>Cr Jamieson</i>	<i>Cr Tonkin</i>
<i>Cr Greaves</i>	<i>Cr Themeliotis</i>	<i>Cr Eaton</i>		

*Against:*

<i>Cr Bray</i>	<i>Cr Brown</i>	<i>Cr O'Brien</i>	<i>Cr de Graaf</i>	
----------------	-----------------	-------------------	--------------------	--

**CARRIED**

### 9.11 Fees and Charges 2021–22

*MOVED Cr Peat.*

1. *That Council review and adopt the proposed Fees and Charges for 2021–22 as included in attachment 1 to the agenda report effective from 1 July 2021 except Cemetery renewal fees to be considered and determined in the following Recommendation 2 below.*
2. *Having considered Options 1-4 as listed in the agenda report for the Cemetery Renewal Fees and Charges, Council resolves to adopt Option 1, a per annum cost of 50 Year Burial \$65, 25 Year Niche Wall \$35, 25 Year Rose Memorial Garden \$40.*

3. That council exempt all returned service men and women from the payment of burial renewal fees and charges indefinitely, and that officers work with local RSLs to identify and locate any resting sites of returned service men and women.

Seconded by Cr McMahon.

Cr de Graaf left her seat in the Chamber at 9.42pm.

Cr de Graaf resumed her seat in the Chamber at 9.44pm.

Cr Greaves *MOVED* an *AMENDMENT*.

1. That Council review and adopt the proposed Fees and Charges for 2021–22 as included in attachment 1 to the agenda report effective from 1 July 2021 except Cemetery renewal fees to be considered and determined in the following Recommendation 2 below.
2. Having considered Options 1-4 as listed in the agenda report for the Cemetery Renewal Fees and Charges, Council resolves to adopt Option 1, a per annum cost of 50 Year Burial \$65, 25 Year Niche Wall \$35 and 25 Year Rose Memorial Garden \$40.
3. That a report be prepared for Council that considers exempting returned service men and women from the payment of burial renewal fees and charges indefinitely.

Seconded by Cr Eaton.

The *AMENDMENT* was *PUT* and *CARRIED*.

The *MOTION*, thus *AMENDED*, was *PUT* and *CARRIED*.

Cr de Graaf called a *DIVISION* and the decision was set aside.

For:

Cr Peat	Cr McMahon	Cr Olsen	Cr Jamieson	Cr Tonkin
Cr Brown	Cr Greaves	Cr Themeliotis	Cr Eaton	

Against:

Cr Bray	Cr O'Brien	Cr de Graaf		
---------	------------	-------------	--	--

*CARRIED*

## 9.12 Quarterly financial update including Budget Review 2

*MOVED* Cr Peat.

1. That Council note the financial update for the period to 31 January 2021 provided in the agenda report and Attachment 1 to the agenda report, specifically noting the impact of Budget Review 2 for 2020–21.
2. That Council adopt the revised budget forecast 2020–21 position, incorporating Budget Review 2 outcomes as discussed in this report and presented at Attachments 1 and 2 to the report.

Seconded by Cr Greaves.

*CARRIED*

### 9.13 Draft Annual Business Plan and Budget 2021–22 for Community Engagement

*MOVED Cr Eaton.*

*That Council:*

1. *Approves the draft Annual Business Plan and Budget 2021–22 as per attachment 1 to the agenda report for community engagement purposes*
2. *Delegates authority to the CEO to approve updates to the rating policies which are included in the appendices to the draft Annual Business Plan and Budget 2021–22 pending the resolution of items 9.9 and 9.10 in the agenda, and any other minor changes, prior to its release for community engagement.*

*Seconded by Cr Bray.*

**CARRIED**

### 9.14 Proposal to close a legal and open (but unmade) Public Road at Sellicks Hill to enable sale

*MOVED Cr O'Brien.*

*That for the legal and open (but unmade and unnamed) public road bordered in red on Attachment 1 to the agenda report, Council:*

1. *Declares that the subject road is surplus to our road network requirements and suitable for closure and disposal.*
2. *Approves the commencement of the road closing process, including public consultation in accordance with the provisions of the Roads (Opening and Closing) Act 1991.*
3. *Resolves that the subject road to be closed bordered in red on Attachment 1 to the agenda report will be excluded from the classification of community land at the time of closure.*
4. *Approves the sale of the subject road to the adjoining landowner of CT Volume 6244 Folio 136, comprising Pieces 52 and 53 in Deposited Plan 73607, at no less than the market value of the land, subject to all costs associated with the Road Process, grant of easement, sale, transfer and consolidation of the closed road with the adjoining landowner's land, being met by the adjoining landowner.*
5. *Having considered the request for a right of way easement for stock moving purposes (over that portion of the subject road highlighted in green on Attachment 2), Council approves the making of a Road Process Order which includes the granting of a right of way appurtenant to the land contained in Certificate of Title Volume 6244 Folio 137, to connect with the existing right of way that current exists through the adjoining landowner's land.*
6. *Resolves that if any objections or applications for further easements are received during the public consultation phase of the proposed road closure (other than the right of way easement in favour of Certificate of Title Volume 6244 Folio 137 conditioned above), a further report will be tabled for Council's consideration and determination of the matter.*
7. *Authorises the Chief Executive Officer to sign any documentation necessary to finalise the road closing process, grant of easement, sale and transfer of the subject road to the adjoining landowner and the consolidation of the subject land with the adjoining landowner's land.*

8. *Approves the net proceeds from the sale of the subject road to be assigned to the Community Investment Fund (CIF) to be used strictly in accord with Council's approved use of that Fund.*

*Seconded by Cr McMahon.*

**CARRIED**

## 9.15 Council and Committee Reporting Schedule

*MOVED Cr Themeliotis.*

1. *That Council note the agenda report and Reporting Schedules (attachments 1 and 2 to the agenda report).*
2. *That the By-law 2 Moveable Signs report scheduled for the 1 June 2021 Strategic Directions Committee meeting be moved to the 15 June 2021 Council meeting and that the 1 June 2021 Strategic Directions Committee meeting be cancelled.*

*Seconded by Cr Greaves.*

**CARRIED**

## 10. Questions on notice

### 10.1 Questions on notice – Cr Themeliotis – Happy Valley Sports Park BMX Facility

1. *Does Happy Valley BMX leaving the site mean implementing a Master Plan for the Happy Valley Sports Park ?*

A Master Plan for the Happy Valley Sports Park was developed in 2006 with many of the actions now complete. At that time there was no indication of future relocation of the Happy Valley BMX Club to the Sam Willoughby UCI BMX Facility on Majors Road.

We believe that a more cost effective approach is to develop a concept plan that helps guide the decommissioning of BMX track. This can be done using internal Council design resources.

2. *Relating to the above question. Is there budgeted funds to commence a Master Plan inclusive of design and consultation?*

There is no budget for the development of a master plan.

3. *When will planning for future use of this site commence - What is Shortly e.g. 3 months, 6, 9 or 12 months' time ?*

We anticipate undertaking initial stakeholder meetings within the next 3 months to begin the discussions of what the site will look like once the BMX track is decommissioned.

4. *Has Council been approached by anyone who wants to keep the BMX site for community use?*

Yes, council has received correspondence requesting that the track be retained.

We also aware there is an existing online petition with 1131 signatories requesting the BMX track be retained (to date this has not been lodged with council).

5. *Has Happy Valley BMX had any communication with Council on what they would like seen done to the site?*

At the Council meeting of 19 February 2019 it was resolved in part that:

*"once the project proceeds to construction the Happy Valley BMX Club will be required to move to the new site and the Happy Valley BMX track be decommissioned."*

At this time there has been no further communication with the club regarding the future of the site.

6. *Has Happy Valley BMX had any communication with Council suggesting they may want to continue to use this site?*

Council is unaware of any communication.

7. *What is the age of the Happy Valley BMX site?*

We believe that construction of the track and building occurred circa 1986

8. *Are there any budget bids to upgrade or maintain the site?*

Yes, there is a PCW bid (Sport and Active Recreation Renewal) for \$30,000 in financial year 2022-23 to decommission the site once the Happy Valley BMX Club has relocated to their new location.

## 10.2 Questions on notice – Cr Themeliotis – Happy Valley Sports Park

1. *When did Council consider the proposed change room upgrades for Happy Valley Sports Park and what was the outcome?*

The elected Council have not formally considered this as a standalone project as part of a dedicated report to Council. However, at a higher level the project forms part of Council's 10 Year Sports Assets Work Plan the Project and Capital Work Program which is considered as part of the annual budget process.

Increasing participation in community sport, particularly for females, is a priority for council and the growth in women's sport across our City in recent years is extremely positive. This growth has been very rapid to the point where it was not identified as a trend in the former Sports and Active Recreation Action Plan 2014-2019. The recently approved Sports and Active Recreation Action Plan 2021-25 recognises the significant challenges and opportunities presented by increasing female participation.

We understand that this growth is placing pressure on existing clubs and facilities and the need for unisex change facilities.

Throughout 2019 council staff worked through preliminary design options and held discussions with the Happy Valley user groups and considered construction of a new standalone modular unisex change facility as well as refurbishment of the existing changerooms. Through these discussions it was identified that existing changeroom facilities (constructed in 2005) could be refitted to unisex at a lower capital cost than the modular. Further, this would achieve lower whole of life costs in lease fees, utility costs, insurances and maintenance.

Consequently, a concept design and indicative estimates have been completed for refurbishment of the existing changeroom building and a project was entered into our capital renewal program. The project was ranked against other citywide priorities and is currently scheduled for construction in 2025-26 subject to available resourcing.

2. *Which budget was Councils financial support (cash) to come from?*

An approved council annual budget has not been secured for the planning, design or construction of this proposed project in the past. \$500k is identified in Council's Project and Capital Works Plan for the project, noting this does not represent an approved annual budget.

In providing Local Government Support for the proposed project the former Team Leader Community Assets stated in response to the question "If the support is conditional, please explain" that:

*"Funding is budgeted for within Council's capital works program and will require Council approval for funding to be brought forward if the grant were to be successful."*

This confirms that there was no approved annual budget at the time and that Council approval to secure or bring forward budget would be required. The grant was unsuccessful and therefore no annual budget approval was sought.

The project was and still is in Council's Long-Term Financial Plan for consideration to adopt into Council's annual budget, with \$20,000 being allocated to the financial year 2024-25 and \$500,000 for construction in financial year 2025-26.

Whilst the form indicated that financial support (cash) of \$197k was provided, this was under the assumption that if the grant application was successful, it was the amount Council could potentially budget for pending the appropriate approvals.

3. *How do Council staff document outcomes, actions, and next steps from meetings with sporting and community groups?*

This can be in a variety of forms dependent on the matter(s) being discussed and can include emails, letters or agenda/minutes with action lists. Regardless of the method of documentation, it is generally circulated to those involved and stakeholders.

4. *How does Council ensure that discussions with our groups are documented and actioned?*

This is the responsibility of the council officer(s) directly involved and their immediate supervisor. As required other levels of management will monitor documentation and follow up.

5. *Does Council have any documentation of the discussions around Councils financial support for Happy Valley Sports Park change rooms?*

Yes, however the most relevant documentation relates to the confirmation of Council funding.

On 15 April 2019 the Mayor and all Councillors received an email which confirmed that:

*"while council supports this project we have many sporting facilities in need of change room upgrades, we have not currently committed any funding and we're still in the process of determining our 2019-2020 budget for community consultation."*

This clarification was provided following an incorrect media article in relation to the project.

6. *Now, that Council have been provided with the attached Local Council support form. What action will Council take to rectify this?*

We believe that no rectification action is required in relation to the previous Local Government Project Support Form signed by (former employee) Geoff Norris, Team Leader Community Assets.

The funding application was unsuccessful and therefore there was no requirement for Council approval for funding to be bought forward in the budget as part of the annual budget process.

*7. How will Council ensure that this does not happen to any of our clubs or community groups in future?*

We can understand how this previous Local Council Project Support Form and associated process may have caused some confusion and frustration for club representatives and other stakeholders.

The confusion appears to be around the difference between:

- Approved Council funding via the annual budget process, as opposed to:
- The conditional support for funding which did not form part of an approval annual budget.
- Council's Long-Term Financial Plan (LTFP) which forecasts expenditure over a 10-year period

The only way to avoid confusion in the future is to explain and document things as clearly as possible.

*8. Council undertook a Master Plan of Happy Valley Sports Park in 2006? How did that progress? At what stage is this at now?*

A Master Plan for the Happy Valley Sports Park was developed in 2006 with many of the actions now complete including construction of a major tennis facility, new netball courts, new and improved access roads and car parking (amongst other investment).

11. Motions on notice

11.1 Motion on notice – Cr Bray – Aldinga Library

*MOVED Cr Bray.*

*That a brief report comes to the July 2021 Council meeting discussing time lines and possible options, including dates such as the new school facilities coming on line, library lease expiry date, and rec hall refit time requirements under a tightly run in-house project management regime.*

*Seconded by Cr de Graaf.*

Cr de Graaf left her seat in the Chamber at 10.27pm.

Cr de Graaf resumed her seat in the Chamber at 10.29pm.

*LOST*

Mayor Thompson brought forward item 11.3 at this point.

11.3 Motion on notice – Peat – 30 Year Plan for Greater Adelaide

*MOVED Cr Peat.*

*That the below motion be submitted for consideration by the Greater Adelaide Region Of Councils (GAROC) at its next available meeting:*

1. *Requests the Local Government Association advocate to state government to undertake a review of the 30 Year Plan for Greater Adelaide with respect to population growth (growth targets) taking into account:*

- *Impact of COVID-19 on population*
- *Influx of interstate home buyers and speculators to South Australia*
- *Short term spike in demand, especially in greenfield areas*
- *High number of development applications*
- *Impact of the Homebuilder stimulus package*

*That the Review takes into consideration the impact the latter is having on:*

- *Natural environment and biodiversity*
- *Mitigation against and adapting to our changing climate*
- *Protecting and securing our water resources*
- *Building our resilience to hazards and disasters.*

2. *That Elected Members receive a briefing from the Mayor on the outcome of our request to the Local Government Association.*

*Seconded by Cr de Graaf.*

*CARRIED*

*At 10.33pm Cr Greaves MOVED that the meeting continue.*

*Seconded by Cr O'Brien.*

*CARRIED*

Mayor Thompson brought forward items 14.1 to 14.5 at this point.

## 14. Confidential items

Cr Peat left his seat in the Chamber at 10.36pm.

### 14.1 Flat to Vale Trail - Private landowner negotiations

1. *Exclusion of the public*

*MOVED Cr Greaves.*

*That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*

*Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

*and*

*Section 90(3)(b) information the disclosure of which—*

- (i) *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*
- (ii) *would, on balance, be contrary to the public interest;*
- c. *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Themeliotis.*

**CARRIED**

- 2. *Confidential recommendations*
- 3. *Period of confidentiality and delegations*

*MOVED Cr Greaves.*

- a. *That the matter of Flat to Vale Trail – Private landowner negotiations having been considered by the Council in confidence under sections 90(2) and 90(3)(a) and (b) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, related attachments, discussion and minutes of the Council relating to the subject matter be kept confidential until all of the necessary easements have been negotiated, compensation has been paid to the landowners and the easements registered on the titles.*
- b. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Themeliotis.*

**CARRIED**

## **14.2 Southern Region Waste Constituent Council Information Report – Board Meetings 8 April 2021 and 3 May 2021**

- 1. *Exclusion of the public*

*MOVED Cr O'Brien.*

*That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*

*Section 90(3)(b) information the disclosure of which—*

- (i) *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*

*(ii) would, on balance, be contrary to the public interest;*

*and*

*Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—*

*(i) 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*

*(ii) would, on balance, be contrary to the public interest.*

- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Eaton.*

**CARRIED**

*2. Confidential recommendations*

*3. Period of confidentiality and delegations*

*MOVED Cr McMahon.*

- a. That the matter of Southern Region Waste Constituent Council Information Report – Board Meetings 8 April and 3 May 2021 having been considered by the Council in confidence under sections 90(2) and 90(3)(b) & 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, related attachments, discussion and minutes of the Council relating to the subject matter be remain confidential and not be available for public inspection until the SRWRA Board of Management resolves otherwise.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr O'Brien.*

**CARRIED**

### **14.3 CEO Performance Management Committee meeting confidential minutes of 22 April 2021**

*1. Exclusion of the public*

*MOVED Cr Greaves.*

*That:*

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Committee to consider the report at the meeting on the following grounds:*

*Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), in this instance being matters related to the terms and conditions of the employment contract for the Chief Executive Officer*

*The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the contract of employment of a person at the meeting would be inconsistent with accepted principles of professional human resource management and that the commercial nature of the information that is presented in this report is not for broader public consumption.*

- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Eaton.*

**CARRIED**

- 2. Confidential recommendations*
- 3. Period of confidentiality and delegations*

*MOVED Cr McMahon.*

- a. That the matter of CEO Performance Management Committee meeting confidential minutes of 22 April 2021 having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, discussion and minutes of the Council relating to the subject matter be kept confidential until 6 August 2032 (being seven years following the expiry of the CEO's contract in accordance with standard human resource record keeping practices), with the exception that this information may be released to the Chief Executive Officer, the Director Corporate, Manager Human Resources and the Independent Advisor.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr O'Brien.*

**CARRIED**

#### **14.4 Strategic Directions Committee meeting confidential minutes of 4 May 2021**

- 1. Exclusion of the public*

*MOVED Cr McMahon.*

*That:*

- a) under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*

- b) *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to receive the report at the meeting on the following grounds:*

*Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:*

- (i) 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*
  - (ii) would, on balance, be contrary to the public interest;*
- c) *the Council is satisfied in considering the 'public interest,' that whilst disclosure would enhance:*
- the accountability of council or council staff in the performance of their official powers, duties and responsibilities;*
  - the community's ability to inform their own decisions; and*
  - informed debate about issues and public participation in democracy,*

*The public interest is outweighed by the following factors.*

- That disclosure would provide a commercial advantage to another party as it relates closely to a proposed tendering process and may influence market responses.*
  - That disclosure may have a detrimental effect on the efficient and effective conduct of government functions.*
- d) *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Jamieson.*

**CARRIED**

**2. Confidential recommendations**

**3. Period of confidentiality and delegations**

*MOVED Cr Olsen.*

- (a) *That the Strategic Directions Committee meeting confidential minutes of 4 May 2021 having been considered by the Council in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report discussion and minutes of the Council relating to the subject matter be kept confidential until such time as council has concluded all commercial aspects of the Water Assets Strategic Review project.*
- (b) *That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- (c) *That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr McMahon.*

**CARRIED**

## 14.5 Audit, Risk, Value and Efficiency Committee meeting confidential minutes of 10 May 2021

### 1. Exclusion of the public

*MOVED Cr Greaves.*

*That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*

*Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:*

- (i) *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*
  - (ii) *would, on balance, be contrary to the public interest.*
- c. *the Council is satisfied in considering the 'public interest,' that whilst disclosure would enhance:*
    - *the accountability of council or council staff in the performance of their official powers, duties and responsibilities;*
    - *the community's ability to inform their own decisions; and*
    - *informed debate about issues and public participation in democracy,*

*The public interest is outweighed by the following factors:*

- *That disclosure would provide a commercial advantage to another party as it relates closely to a proposed tendering process and may influence market responses.*
  - *That disclosure may have a detrimental effect on the efficient and effective conduct of government functions.*
- d. *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr O'Brien.*

**CARRIED**

### 2. Confidential recommendations

### 3. Period of confidentiality and delegations

*MOVED Cr Eaton.*

- a. *That the matter of Audit, Risk, Value and Efficiency Committee meeting confidential minutes of 10 May 2021 having been considered by the Council in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the presentation and discussion of the Council relating to the subject matter be kept confidential until such time as council has concluded all commercial aspects of the Water Assets Strategic Review project..*

- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Themeliotis.*

*CARRIED*

Mayor Thompson reopened the meeting to the public at 10.56pm.

## 12. Petitions

Nil.

## 13. Urgent business

Nil.

*At 10.56pm Cr Greaves MOVED That remaining business items 11.2, 11.4, 11.5 and 11.6 be adjourned to the next Council meeting of 15 June 2021.*

*Seconded by Cr de Graaf.*

*CARRIED*

## 15. Closure

Mayor Thompson officially declared the meeting closed at 10.56pm.

*Certified Correct .....Chair*

*/ /2021*