
City of Onkaparinga

Minutes of the Council meeting

held on 11 September 2018

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced: 7pm

Present: Mayor L F Rosenberg
Cr M Bray
Cr S Brown (left 11.24pm)
Cr D Chapman
Cr J Deakin
Cr H Greaves (7.13pm)
Cr J Gunn
Cr G Hennessy (7.03pm)
Cr W Jamieson
Cr G Kilby
Cr H Merritt
Cr L Nicholls (7.02pm)
Cr G Olbrich (7.41pm)
Cr W Olsen (left 11.18pm)
Cr D Parslow
Cr P Schulze (left 9.19pm)
Cr N Swann
Cr M Themeliotis
Cr H Wainwright

Apologies: Cr R Holtham
Cr Olbrich (for lateness)

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 Rosenberg officially declared the meeting open at 7pm.

2. Confirmation of minutes

Cr Wainwright MOVED that the minutes of the proceedings of the Council meeting held on 21 August 2018 and the Special Council meeting held on 4 September 2018 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Parslow.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 Mayor's Report 11 September 2018

Hopgood Theatre

Following a well-attended community meeting at the Hopgood Theatre to discuss its continuation facing funding cuts to Country Arts SA (the Manager) it was resolved that there be an attempt for a joint meeting with the Premier. Those to attend the meeting were Ms Katrine Hildyard MP, Harry Dewar and I. A co-signed letter by we three went to the Premier requesting this meeting.

As I had seen several media responses from the State Government indicating they were working with Council and not being aware of such "work" I also wrote separately as Mayor.

To date at the time of writing this report I have an answer from the Premier, Attachment 1 and also from Hon Vickie Chapman MP, Attachment 2. You will note the response indicates the Government will support Country Arts SA by providing peppercorn rent and upkeeping the infrastructure. It will not however cover the costs of theatre operations. There has been an extension of the current Memorandum of Understanding for 5 months. Premier Marshall went on to say all was subject to deliberations in the 4th September budget.

The organising groups of the public meeting also progressed a rally on the steps of Parliament to coincide with the handing down of the budget. I was requested to speak on behalf of the area and Council.

As all the budget deliberations occurred past writing this report I may be able to give you a verbal update.

Visitor Guide

It was fantastic to have a role in launching the latest version of the City of Onkaparinga Visitor Guide. As I said on the night I greatly appreciated the hospitality of the d'Arenberg group to host the event within the (already) iconic cube.

It was also noted that each year it becomes more and more competitive for businesses to be included and the standard always gets better year on year.

Congratulations to Viv Collins and the team.

Hon John Darley MLC

Some of you may be aware that Hon John Darley MLC recently spoke on Leon Byner 5AA radio program and described the City of Onkaparinga as the most inefficient Council in South Australia. I was curious about that statement and wondered if, like lots of other statements made publicly without fact, this was another example. Either way it leaves a very distorted and frankly incorrect view with the listener.

A meeting, which was arranged and accepted very readily and quickly by John, was useful to allow us to explore his views and more importantly to offer facts around our current, past and future efforts to improve efficiency. It was certainly an opportunity for him to learn a lot about what really happens in this Council. Attachment 3 covers the information we discussed and we also provided the Audit Risk Value and Efficiency Committee report dated 30 July 2018. More importantly it gave me an opportunity to:

- Ensure the offer was very clear that in future if he was in any doubt about issues within the City of Onkaparinga he had only to call to gain the facts; and
- Encourage him to work with the Local Government Association (LGA) to progress the real reforms put forward on behalf of local government during the state election, offered up to every party. I really appreciated his time but continue to be disappointed by the number who speak first and question the facts later, some of them who should know much better.

Tatachilla Junior School Musical

Cr Merritt and I attended the recent bi-annual Tatachilla Junior School Musical at the Hopgood Theatre. We were very impressed with the production because of the school's capacity to produce such a show, but also because this venue allowed the entire junior school to be part of the production.

I can only hope that the theatre is available for the next bi-annual musical.

Panthers

I was the sole lonely Council representative at Adelaide Oval on Sunday (Fathers Day) to see the Panthers bow out of the SANFL finals by a loss to North Adelaide. It was disappointing because I think that a good showing in the finals series and

maybe even a Premiership would boost the local following and gate takings. Maybe next year.

Rate Capping

At the time of writing this report it appears that predictions made after the LGA forum post-election have been realised. Councils remained firmly in line with the original decision and campaign to oppose rate capping. Unions continued to work against it also. Those parties going to the election opposing rate capping (Labor, Greens, SA Best) have not changed or wavered. It therefore appears the legislation will not pass. On a personal note I find that a vindication of my role as President of the LGA during the majority of the campaign and I am proud that local government stayed solid and steadfast against this proposed policy.

However, I also think it is a huge opportunity to introduce a raft of policy initiatives that local government lobbied for during the election and I look forward to being involved in the delivery of those reforms.

Correspondence re seismic testing

I have received a response from the Department of the Environment and Energy which is attached for your information, attachment 4.

City of Onkaparinga Representation Review 2017 – Ombudsman SA Report

The Ombudsman SA has advised the attached report (attachment 6), regarding the outcome of a complaint in relation to the City of Onkaparinga Representation Review 2017, can be released to the public. As the Representation Review is a community issue of concern and the investigation and findings of the Ombudsman may not currently be known and understood in the community, I have provided at attachment 5 a copy of the Ombudsman's Report to assist with informing and assuring the community and removing any misunderstandings about the role and responsibilities of the Administration in the Representation Review process.

Mayor's calendar

My activities from 18 August to 7 September 2018 are reflected in attachment 5.

Thank you to the Elected Member for representing me at the following event during this period:

23 August	State Planning Commission briefing on planning reform progress	Cr Greaves
-----------	--	------------

Thank you.



Lorraine Rosenberg

Mayor

Cr Nicholls entered the meeting at 7.02pm.

Cr Hennessy entered the meeting at 7.03pm.

MOVED Cr Parslow.

That Council note the 11 September 2018 Mayor's report.

Seconded by Cr Kilby.

CARRIED

6. Presentation

Nil.

7. Deputation

7.1 Casey Grice – Sporting infrastructure within the City of Onkaparinga

Casey Grice, of South Australian National Football League (SANFL) gave a deputation and answered questions from elected members in relation to demand for sporting infrastructure within the City of Onkaparinga.

Cr Greaves entered the meeting at 7.13pm.

8. Presentation by Committee Chairpersons and reports to Council by Council Committees.

8.1 Strategic Directions Committee meeting minutes of 4 September 2018

MOVED Cr Parslow.

That Council note the minutes of the Strategic Directions committee meeting held on 4 September 2018 as attachment 1 to the agenda report.

Seconded by Cr Greaves.

CARRIED

8.2 Chief Executive Officer Performance Management Committee meeting minutes of 4 September 2018

MOVED Cr Hennessy.

That Council note the minutes of the Chief Executive Officer Performance Management Committee meeting of 4 September 2018 as attached to the agenda report.

Seconded by Cr Deakin.

CARRIED

9. Reports of officers

9.1 Aldinga Bay Surf Lifesaving Club - Replacement of Damaged Club Room

MOVED Cr Hennessy.

1. That Council approve:

- a. The full building replacement of the Aldinga Bay Surf Life Saving Club utilising \$400,000 from the strategic acquisition reserve fund from proceeds of funding from Red Cedar Drive Reynella, upon settlement, and \$400,000 from contingency and approximately \$300,000 from insurance funding.*

Seconded by Cr Jamieson.

Cr Olbrich entered the meeting at 7.41pm.

Cr Chapman MOVED an AMENDMENT.

1. That Council approve:

- a. The full building replacement of the Aldinga Bay Surf Life Saving Club utilising \$400,000 from the strategic acquisition reserve fund and \$400,000 from contingency and approximately \$300,000 from insurance funding.*

Seconded by Cr Olsen.

Cr Parslow MOVED that the MOTION be PUT.

Seconded by Cr Gunn.

CARRIED

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

9.2 Athletics at Knox Park Feasibility

MOVED Cr Merritt.

Community Land Management Plan – Public Consultation – Knox Park, Morphett Vale

That for the land described as Allotment 460 in Deposited Plan 10452, comprised in Certificate of Title Volume 5740 Folio 193, Allotment 445 in Deposited Plan 11098, comprised in Certificate of Title Volume 5122 Folio 190, and Allotment 429 in Deposited Plan 11098, comprised in Certificate of Title Volume 5125 Folio 312, being council reserve lands located at Knox Park, Kalimna Walk, Morphett Vale and bordered in red on the aerial image, attachment 1 to the agenda report, Council:

- 1. Notes that 201 submissions (6 objecting, 11 supporting with concerns and 184 supporting) were received during the public consultation phase of the proposed amendment to the classification of the Community Land Management Plan.*
- 2. Having considered the submissions received, resolves to:*
 - 2.1 Approve the amendment of the Community Land Management Plan (CLMP) classification for Councils reserve lands from its classification in the*

Generic Management Plan for Reserves (further sub-categorised as 'Developed Reserve' and 'Screening Buffer') to the Generic Management Plan for Sportsgrounds (further sub-categorised as 'District' sportsground) to enable future development of the land into a District, Sportsground.

3. *Formally advises all parties who have provided written submissions, including the applicant, of the above decision.*
4. *Authorises the CEO to sign all documents required to finalise the amendment of the Community Land Management Plan classification from Reserves to Sportsground (District).*
5. *Gives public notice in the Government Gazette of its adoption of the Amendment to the Management Plans impacted by this Resolution.*

Feasibility Study - Knox Park, Morphett Vale

6. *Having considered findings from the Knox Park feasibility study, resolve:*
 - 6.1 *That the development of a multi-use sporting facility (including football, soccer, cricket and athletics) is financially viable and also assists with meeting the immediate demand.*
7. *Note that the Southern Athletic Club and Council will enter into a lease/licence agreement for the use of the site, post a collaborative risk assessment, approval from Athletics SA and possible initial minor civil works package to manage the safety of the users.*
8. *Approve administration to commence development of a site masterplan and final cost estimates to progress the multi-use sporting facility of Knox Park and allocate the budgets into the Project and Capital Works (PCW) register to be ranked under the approved Resource Allocation Strategy (RAS) process.*
9. *That staff work with the Southern Athletic Club to complete necessary grant applications and licence access to the facilities as soon as the facility is suitable for use.*
10. *That Council and the Southern Athletics Club work with Athletics SA and other southern councils to develop a Regional Facilities Plan for athletics in the south.*
11. *That the Southern Athletic Club be formally advised of the outcome.*

Seconded by Cr Greaves.

Cr Brown declared a perceived conflict of interest as Chair of the Morphett Vale Memorial Sports Complex and chose to remain in the meeting. Cr Brown stated she was not a voting member, it may be perceived but there is no financial benefit and that she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter.

CARRIED

Cr Parslow called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Brown</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>
<i>Cr Deakin</i>	<i>Cr Kilby</i>	<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Hennessy</i>
<i>Cr Themeliotis</i>	<i>Cr Wainwright</i>	<i>Cr Parslow</i>	<i>Cr Greaves</i>	<i>Cr Swann</i>
<i>Cr Jamieson</i>	<i>Cr Schulze</i>	<i>Cr Olbrich</i>		

Against:

Nil.

CARRIED

Cr Brown voted for the motion.

All members entitled to vote for the motion, voted for the motion.

9.3 Magpie Road and Kestrel Terrace Aldinga Beach dust sealing

MOVED Cr Chapman.

1. *That Council resolves not to dust seal Magpie Road and the adjoining segment of Kestrel Terrace, Aldinga Beach (the subject road segments), recognising that:*
 - *The subject road segments are connected to the rest of the unsealed road network in the Aldinga Scrub by walking and cycling.*
 - *The majority of residents who live on unsealed roads in the Scrub are not in favour of dust sealing.*
2. *That all survey recipients be provided with a copy of the results of the survey and notification of Council's decision.*

Seconded by Cr Jamieson.

LOST

Cr Chapman called a DIVISION and the decision was set aside.

For:

<i>Cr Brown</i>	<i>Cr Chapman</i>	<i>Cr Deakin</i>	<i>Cr Swann</i>	<i>Cr Jamieson</i>
<i>Cr Schulze</i>				

Against:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Olsen</i>	<i>Cr Kilby</i>	<i>Cr Gunn</i>
<i>Cr Merritt</i>	<i>Cr Hennessy</i>	<i>Cr Themeliotis</i>	<i>Cr Wainwright</i>	<i>Cr Parslow</i>
<i>Cr Greaves</i>	<i>Cr Olbrich</i>			

LOST

Cr Greaves MOVED.

- 1. That Council resolves to dust seal Magpie Road and the adjoining segment of Kestrel Terrace, Aldinga Beach (the subject road segments), recognising that:*
 - The subject road segments are isolated from the rest of the unsealed road network in the Aldinga Scrub.*
 - The majority of residents of the subject road segments are in favour of dust sealing.*
 - Dust sealing represents the most cost effective management approach.*
- 2. That all survey recipients be provided with a copy of the results of the survey and notification of Council's decision.*

Seconded by Cr Wainwright.

Cr Hennessy MOVED that the MOTION be PUT.

Seconded by Cr Kilby.

CARRIED

The MOTION was PUT and CARRIED.

Cr Chapman called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Olsen</i>	<i>Cr Deakin</i>	<i>Cr Kilby</i>
<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Hennessy</i>	<i>Cr Themeliotis</i>	<i>Cr Wainwright</i>
<i>Cr Parslow</i>	<i>Cr Greaves</i>	<i>Cr Jamieson</i>	<i>Cr Olbrich</i>	

Against:

<i>Cr Brown</i>	<i>Cr Chapman</i>	<i>Cr Swann</i>	<i>Cr Schulze</i>	
-----------------	-------------------	-----------------	-------------------	--

CARRIED

9.4 Annual Business Plan public meeting

MOVED Cr Chapman.

- 1. That Council conducts further investigation into the findings of the report that show Burnside and the City of Port Lincoln have the highest participation rates at the public meetings and submissions for the budget presentation, in order to discover whether increasing promotion and/or improving the format of the public meeting is likely to result in a significant increase in community participation with the development of our Annual Business Plan.*
- 2. That the new Council be asked whether or not to pursue changes to its public consultation practices for the 2019-20 Annual Business Plan when it knows the final outcomes of the rate oversight bill.*

Seconded by Cr Bray.

Cr Olsen left his seat in the Chamber at 8.35pm.

Cr Kilby left her seat in the Chamber at 8.35pm.
Cr Wainwright left her seat in the Chamber at 8.36pm.
Cr Olsen resumed his seat in the Chamber at 8.37pm.
Cr Wainwright resumed her seat in the Chamber at 8.38pm.
Cr Kilby resumed her seat in the Chamber at 8.38pm.
Cr Nicholls left her seat in the Chamber at 8.39pm.
Cr Nicholls resumed her seat in the Chamber at 8.40pm.

Cr Parslow MOVED an AMENDMENT.

- 1. That Council notes the findings of the report, namely that increasing promotion and/or improving the format of the public meeting is unlikely to result in a significant increase in community participation with the development of the Annual Business Plan.*
- 2. That Council notes the potential implications of the pending 'rate oversight bill' and implications for budget setting timeframes, which may affect our Annual Business Plan setting and engagement processes.*
- 3. That Council not pursue changes to its public consultation practices for the 2019-20 Annual Business Plan until it knows the outcomes of the rate oversight bill, focussing instead on community engagement efforts that inform the setting of long term strategic directions and service standards and levels, which in turn will inform the setting of our Annual Business Plans and budgets.*

Seconded by Cr Greaves.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

At 9pm Mayor Rosenberg sought and was granted leave of the meeting for a 10 minute break.

Mayor Rosenberg reconvened the meeting in the Chamber at 9.12pm with all members present that were present before the adjournment with the exception of Cr Brown, Cr Chapman, Cr Olbrich and Cr Themeliotis.

Mayor Rosenberg brought forward item 15.2 Code of Conduct for Council Members investigation report – EM2017-13 at this point.

Mayor Rosenberg declared a material conflict of interest as she is the subject of the complaint by the resident in the report to be tabled and left the meeting at 9.13pm.

Deputy Mayor Hennessy took the Chair at 9.13pm.

15.2 Code of Conduct for Council Members investigation report - EM2017-13

MOVED Cr Gunn.

1. 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 information at the meeting on the following grounds:*
(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).
- 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 Parslow.

CARRIED

MOVED Cr Merritt.

- 3. That the matter of Code of Conduct for Council Members investigation report - EM2017-13 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 Attachment 2 to the Council Report "Code of Conduct complaint" be kept confidential; and that the matter of Code of Conduct for Council Members investigation report - EM2017-13 having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that the Council Report "Code of Conduct for Council Members investigation report EM2017-13" and Attachment 1 "EM2017-13 Code of Conduct final investigation report" relating to discussion of the subject matter be released from confidence and that the complainant be contacted prior to release from confidence to seek their consent to be identified in the "Code of Conduct for Council Members investigation report EM2017-13" and Attachment 1 "EM2017-13 Code of Conduct final investigation report". In the event that consent is not provided, the complainant's name will be redacted when released from confidence.*

Seconded by Cr Wainwright.

CARRIED

Cr Greaves called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>	<i>Cr Deakin</i>
<i>Cr Kilby</i>	<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Themeliotis</i>	<i>Cr Wainwright</i>
<i>Cr Parslow</i>	<i>Cr Greaves</i>	<i>Cr Swann</i>	<i>Cr Olbrich</i>	

Against:

<i>Cr Brown</i>				
-----------------	--	--	--	--

CARRIED

Mr Griffin of Griffins Lawyers left the Chamber at 9.52pm.

Mayor Rosenberg resumed the Chair at 9.53pm.

Cr Jamieson resumed his seat in the Chamber at 9.53pm.

9.5 Proposed Submission (notice of motion) to the Local Government Association Annual General Meeting

MOVED Cr Bray.

That Council approve the following proposed notices of motion to be submitted to the Local Government Association Annual General Meeting, Friday 26 October 2018:

- 1. That the Annual General Meeting requests the LGA advocate for an extension of powers under the Local Government Act 1999 to allow for citizen notification for a breach of by-law offence.*

LAPSED for want of a seconder.

MOVED Cr Greaves.

That Council approve the following proposed notices of motion to be submitted to the Local Government Association Annual General Meeting, Friday 26 October 2018:

- 1. That the Annual General Meeting requests the LGA advocate for an extension of powers under the Local Government Act 1999 to allow for citizen notification for a breach of by-law offence.*
- 2. That the Annual General Meeting requests the LGA advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.*

Seconded by Cr Hennessy.

CARRIED

9.6 Southern Region Waste Resource Authority membership

MOVED Cr Kilby.

That Council reappoint Mr Kirk Richardson, Director City Operations and Ms Alison Hancock, Director Corporate and City Services as City of Onkaparinga board members of the Southern Region Waste Resource Authority (SRWRA) to 30 June 2019.

Seconded by Cr Gunn.

CARRIED

9.7 Quarterly financial update incorporating Budget Review 4

MOVED Cr Kilby.

- 1. That Council note the quarterly financial update provided in this report and attachment 1 to this report, specifically noting the following:*
 - That no significant variations have been identified as part of the year-end analysis at Budget Review 4 that would have impacted the 2018-19 Budget or rate increase adopted by Council on 3 July 2018.*
- 2. That Council approve the draft actual results for the year ended 30 June 2018 as discussed in this report and presented in the Budgeted Financial Statements, attachment 2 to the agenda report for external audit purposes.*
- 3. That Council approve the Budgeted Carry Forwards detailed in this report and attachment 3 to the agenda report be incorporated into the 2018-19 Budget.*

Seconded by Cr Greaves.

CARRIED

At 10.00pm Cr Parslow MOVED that the meeting continue until the conclusion of business.

Seconded by Cr Olbrich.

CARRIED

9.8 Proposal to revoke and dispose of Community Land off Plains Road, Sellicks Beach

MOVED Cr Greaves.

That for the council owned land described as Closed Road M in Road Plan 1550A comprised in Certificate of Title Volume 5639 Folio 937 and bordered in red on attachment 1 to the agenda report, Council:

- 1. Declares 'in principle' that the subject council owned community land is surplus to requirements and potentially suitable for disposal to either of the two adjoining land owners bordered in blue on the aerial photograph of the subject land, attachment 1 to the agenda report.*
- 2. Approves the commencement of the revocation process to revoke the community land classification, including undertaking public consultation in*

accordance with the provisions of subsection 194(2) of the Local Government Act 1999.

3. *Requests a further report be presented to Council following the outcome of the public consultation phase of the revocation process.*
4. *That a report be provided to a future meeting that includes a thorough investigation into the future of the nearby Old Sellick's Hill road in relation to mining and the Tjilbruke Dreaming Track.*

Seconded by Cr Gunn.

CARRIED

9.9 Port Noarlunga Football and Sports Club Facility

MOVED Cr Deakin.

That Council receives this information report and due to:

1. *Current uncertainty in the Development Plan Amendment (DPA) process associated with the impending Planning and Design Code changes.*
2. *Department of Planning Transport and Infrastructure (DPTI) road requirements and associated required building setbacks significantly reducing the development envelope.*

Council not proceed further with the proposal to sell land at the Port Noarlunga Sport Ground adjacent to Commercial Road.

Seconded by Cr Jamieson.

CARRIED

9.10 Update Report on the proposal for a new lease over Star of Greece Restaurant at Port Willunga

MOVED Cr Wainwright.

That for the land described as Allotment 1 in Deposited Plan 56399, Certificate of Title Volume 5875 Folio 933, known as Star of Greece Restaurant, Port Willunga, Council:

1. *Notes that 31 submissions (22 supporting, 7 objecting, 1 response from the Friends of Port Willunga and 1 response from the Department for Environment and Water) were received during the public consultation phase of the proposal to enter into a new long term lease with Star of Greece Holdings Pty Ltd.*
2. *Having considered the submissions received and the discussions contained in this report, resolves to:*
 - 2.1 *Enter into a new long term lease with Star of Greece Holdings Pty Ltd (Lessee) for a total term of either:*
 - i. *42 years (21 years plus 1 x 21 year right of renewal)*
 1. *to support the Lessee's desire to undertake renovations (stage 1 and 2 works) to the restaurant, subject to the Lessee satisfying the following:*

- a. *Receiving the approval of the Minister for Environment and Water (as the landowner) and the State Commission Assessment Panel (as the relevant planning authority) to the re-alignment of the cadastral boundary of Allotment 1 in Deposited Plan 56399;*
 - b. *Receiving the approval of the Minister for Environment and Water (as the landowner) to the issue of an identical replacement Certificate of Title to Council, in Trust for Tourism and Kiosk purposes over the realigned land parcel;*
 - c. *Surrendering the existing Lease with Council (which is due to expire 30 June 2021);*
 - d. *Discharging the existing Mortgage of Lease (ML11660061 – attachment 14) registered on the Title (CT 5875/933);*
 - e. *Entering into a Development Agreement or similar document satisfactory to council that commits the Lessee to undertaking and completing the proposed renovation (stage 1 and 2 works) works by 30 June 2021;*
 - f. *Obtaining at their own expense any and all approvals including (but not limited to), planning and building approvals, building rules consent, development approval, statutory approvals, and Coast Protection Board approvals as required over the newly delineated proposed Certificate of Title area;*
 - g. *Demonstrating that they have financial capacity to undertake the renovations within the agreed timeframes;*
 - h. *Providing a Director's Guarantee, Bank Guarantee and or other form of security recommended by Council's panel legal advisers to protect Council against a default, or non-performance of its obligations under the new lease; and*
 - i. *Any significant deviation from the proposed renovations (stage 1 and 2 works) will require a new application for a long term lease by the Lessee and further public consultation may be required to be undertaken.*
- 2.2 *If the conditions stated in point 2.1 above are not met by the Lessee by the current lease expiry date of 30 June 2021, a further report is to be presented to Council at that time to reconsider the options of a new lease, taking into account the Lessee's past performance and commitment to obtaining the approvals and completing the renovations.*
3. *Formally responds in writing to all parties who have provided written submissions, including the applicant, of the above decision.*
4. *Authorises the CEO to sign all documents required to finalise the surrender and new lease documentation, together with any other documents necessary to complete this approval.*

Seconded by Cr Greaves.

CARRIED

Cr Greaves called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>	<i>Cr Deakin</i>
<i>Cr Kilby</i>	<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Hennessy</i>	<i>Cr Themeliotis</i>
<i>Cr Wainwright</i>	<i>Cr Parslow</i>	<i>Cr Greaves</i>	<i>Cr Swann</i>	<i>Cr Jamieson</i>
<i>Cr Olbrich</i>				

Against:

<i>Cr Brown</i>				
-----------------	--	--	--	--

CARRIED

9.11 Water Assets Divestment Project Report

Cr Parslow left his seat in the Chamber at 10.31pm.

Cr Parslow resumed his seat in the Chamber at 10.33pm.

Cr Wainwright left her seat in the Chamber at 10.33pm.

Cr Wainwright resumed her seat in the Chamber at 10.35pm.

MOVED Cr Hennessy.

1. That Council:

- a. Notes the previous confidential reports to Council dated 20 March 2018 and 12 December 2017, 21 February 2017 and 29 October 2013 (Strategic Directions Committee) in relation to this matter.*
- b. Delegates authority to the Chief Executive Officer to prepare, conduct and evaluate a Request for Tender to seek binding commercial offers from the open market for the purchase and operation of Council's Water Business and Community Wastewater Management System assets; and notes that this process is important to further inform Council's pending decision to sell or retain these assets.*
- c. Delegates authority to the Chief Executive Officer to prepare and approve evaluation plans for the proposed Water Business and Community Wastewater Management System assets divestment Request for Tender.*
- d. Notes that a further report will be brought back to Council at the end of the proposed Water Business and Community Wastewater Management System assets divestment Request for Tender detailing the risks and benefits of council's continued ownership of the Water Assets and for comparison any binding commercial offers received from the open market, to further inform Council's decision to sell or retain these assets.*
- e. Notes that if Council decides to pursue divestment of the Water Assets further following the proposed Water Business and Community Wastewater Management System assets divestment Request for Tender, a community engagement program will be deployed at the direction of the Chief Executive Officer, to:*
 - i. more completely inform the community of the implications of the divest versus retain decision;*

- ii. *gauge community sentiment around the options available for the Water Assets; and*
- iii. *gather community feedback to be presented back to Council to be considered as part of the ultimate decision to retain/divest the Water Assets.*
- f. *Notes that Vendor Due Diligence (VDD) will be undertaken in preparation for the proposed Water Business and Community Wastewater Management System assets divestment Request for Tender; and that if any significant issues are identified through the VDD a further report may be presented to Council prior to the release of tender documentation seeking adjustments to the overall process.*
- g. *Notes the attached interim Prudential Reports and the financial implications, risks and other considerations that are raised and discussed in each report.*
- h. *Notes that a Probity Advisor has been engaged for the Expression of Interest stage of this project and that their advice and oversight is summarised in the attached interim Probity Report and that we will continue to use a Probity Adviser for the proposed Request for Tender should it proceed.*
- i. *Notes the City of Onkaparinga's collaboration with the Adelaide Hills Council and Rural City of Murray Bridge in this divestment project and that by collaborating we are presenting a larger asset base to the market and may achieve a price premium or improved outcomes for our customers and community by doing so.*

Seconded by Cr Merritt.

Cr Wainwright left her seat in the Chamber at 10.52pm.

Cr Wainwright resumed her seat in the Chamber at 10.55pm.

Cr Parslow MOVED that the MOTION be PUT.

Seconded by Cr Gunn.

CARRIED

CARRIED

Cr Chapman called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Deakin</i>	<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Hennessy</i>
<i>Cr Parslow</i>	<i>Cr Greaves</i>	<i>Cr Swann</i>	<i>Cr Jamieson</i>	<i>Cr Olbrich</i>

Against:

<i>Cr Bray</i>	<i>Cr Brown</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>	<i>Cr Kilby</i>
<i>Cr Themeliotis</i>	<i>Cr Wainwright</i>			

CARRIED

9.12 Elected Member allowances and benefits

MOVED Cr Greaves.

That Council note the agenda report and the Elected Members Allowances and Benefits Register extract as attached to the agenda report.

Seconded by Cr Kilby.

CARRIED

9.13 Council and Committee Reporting Schedule

MOVED Cr Greaves.

That Council note the agenda report and Reporting Schedule, attachment 1 to the agenda report.

Seconded by Cr Gunn.

CARRIED

10. Nominations to external bodies

Nil.

11. Questions on notice

11.1 Questions on Notice - Cr Chapman re Mayor's Environment Forum

Background

On February 12 2018 representatives from environmental groups were invited to a Mayors Environment Forum to consider a community proposal to form a City of Onkaparinga Environmental Advisory Committee. We also heard about a different model that had been operating in Port Adelaide. A Mayors Environment Forum follow-up survey was circulated on 16 April 2018 to all participants about their thoughts on how valuable the creation of a forum or advisory group may be to their environmental work, and why.

What were the results of the survey?

A1. All 15 respondents indicated that they were either very (9) or somewhat (6) interested in the establishment of a 'council-led committee', with similar results for a 'council-led forum'. Respondents indicated a strong desire to 'influence the decisions of council' and consider broad themes and council-wide environmental issues.

Is the Administration intending to put a report to council about the results and next steps and if not why not?

A2. A report for Council is not planned. The Mayor responded directly to Peter Laffan and encouraged his consideration of the results of the survey and the establishment of a *community-led forum* as an alternative solution.

The letter highlights a concern that a council-led initiative would not provide the level of influence expected by its supporters. A council-led initiative would also limit

discussion to council business, when respondents showed support for the exploration of broader themes, which may require the input from other agencies.

The Mayor offered a small level of support to a community-led forum through the provision of staff presenters when suitable.

Will the council inform the participants of the results and what next steps are proposed?

A3. A copy of the results has been provided to Mr. Laffan and Mr. Gordon Penhall. It was understood that Mr. Laffan was intending to hold a community forum and we are awaiting his response.

12. Motions

12.1 Notice of Motion – Cr Chapman re Developing community toilet schemes in partnership with local café business

MOVED Cr Chapman.

1. *That a report comes back to the new Council in February 2019 that investigates a community toilet scheme including how it would work, what it would cost, where it would best be targeted and an initial response from the community through "Your Say" and Main Street Business Associations that would most benefit from the proposal.*

2. *That the Ellis Park Head Petitioner be informed of Council's decision.*

Seconded by Cr Bray.

CARRIED

12.2 Notice of Motion – Cr Deakin re Budget Review

MOVED Cr Deakin.

That the next Budget Review, Council redirect organisational savings of:

- *\$8,000 for the Christies Beach Business and Tourism Association to deliver Cinema by the Sea over the 2018-19 summer season.*
- *\$10,000 for innovative activation activities for Christies Beach and Port Noarlunga, at the discretion of the CEO.*

Seconded by Cr Jamieson.

Cr Bray left his seat in the Chamber at 11.11pm.

Cr Bray resumed his seat in the Chamber at 11.12pm.

LOST

Cr Kilby called a DIVISION and the decision was set aside.

For:

<i>Cr Deakin</i>	<i>Cr Jamieson</i>			
------------------	--------------------	--	--	--

Against:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Brown</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>
<i>Cr Kilby</i>	<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Hennessy</i>	<i>Cr Themeliotis</i>
<i>Cr Wainwright</i>	<i>Cr Parslow</i>	<i>Cr Greaves</i>	<i>Cr Swann</i>	<i>Cr Olbrich</i>

LOST

Cr Olsen left the meeting at 11.18pm.

Cr Hennessy left his seat in the Chamber at 11.19pm.

Cr Chapman left his seat in the Chamber at 11.20pm.

Cr Hennessy resumed his seat in the Chamber at 11.21pm.

13. Petitions

Nil.

14. Urgent business

MOVED Cr Deakin.

That a report come to the next meeting of Council advising possible grounds for an appeal against the State Commission Assessment Panel's (SCAP) decision of 23 August 2018 to approve the Seaford Meadows subdivision (DA 145/D036/18), including to which court, and potential costs applicable.

Seconded by Cr Bray.

CARRIED

Cr Jamieson called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Bray</i>	<i>Cr Brown</i>	<i>Cr Deakin</i>	<i>Cr Kilby</i>
<i>Cr Gunn</i>	<i>Cr Themeliotis</i>	<i>Cr Swann</i>	<i>Cr Jamieson</i>	

Against:

<i>Cr Merritt</i>	<i>Cr Hennessy</i>	<i>Cr Wainwright</i>	<i>Cr Parslow</i>	<i>Cr Greaves</i>
<i>Cr Olbrich</i>				

CARRIED

15. Confidential items

15.1 Water Divestments community engagement

MOVED Cr Kilby.

1. 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 Request for Tender 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 Gunn.

CARRIED

MOVED Cr Merritt.

3. *That the matter of the Water Assets Divestment Project Community Engagement report 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 Water Assets Divestment Project Community Engagement report and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until such time as council has considered this report and the accompanying public report "Water Assets Divestment Project (11 September 2018)". With the exception that:*

- a. Attachment 1 "Community Engagement Report" - From page 34 (from "Perspectives of potential buyers of assets sales") up to and including page 41;*
- b. Attachment 1 "Community Engagement Report" - From page 64 (from Q9 only) to up to and including page 76 (up to Q11 only); and*
- c. In the body of the confidential Council report - Section 6 d (Figure 4 and associated commentary).*

shall remain in confidence until such time as Council has entered a contract for the sale or otherwise for the Water Business and Community Wastewater Management Scheme assets or Council has resolved to retain these assets.

- 4. 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.*
- 5. 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 Parslow.

CARRIED

Cr Chapman called a DIVISION and the decision was set aside.

For:

<i>Cr Nicholls</i>	<i>Cr Gunn</i>	<i>Cr Merritt</i>	<i>Cr Hennessy</i>	<i>Cr Parslow</i>
<i>Cr Greaves</i>	<i>Cr Swann</i>	<i>Cr Olbrich</i>		

Against:

<i>Cr Bray</i>	<i>Cr Chapman</i>	<i>Cr Deakin</i>	<i>Cr Kilby</i>	<i>Cr Themeliotis</i>
<i>Cr Wainwright</i>	<i>Cr Jamieson</i>			

CARRIED

15.3 Chief Executive Officer Performance Management Committee meeting minutes of 4 September 2018

MOVED Cr Parslow.

1. That:

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance (with the exception of the Chief Executive Officer, Director – Corporate and City Services and the Independent Advisor, Mr Adam Kennedy) at the meeting in order to consider this item in confidence.*

- b. the Council is satisfied that it is necessary that the public be excluded to enable the Committee to receive and consider the information and 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.

- c. 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.*

Seconded by Cr Olbrich.

CARRIED

MOVED Cr Themeliotis.

- 3. That the matter of the 2018-19 Chief Executive Officer Strategic Performance Objectives 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 discussion, information, reports, attachments and minutes of the Chief Executive Officer Performance Management Committee relating to discussion of the subject matter having been dealt with on a confidential basis under Section 90(3)(a) of the Local Government Act 1999 (with the exception that this information may be released to the Chief Executive Officer, the Director Corporate and City Services, and the Independent Advisor to the Chief Executive Officer Performance Management Committee, Mr Adam Kennedy) be kept confidential until 30 April 2027 (being seven years following the expiry of the CEO's contract of employment in accordance with standard human resource record keeping practices).*

Seconded by Cr Olbrich.

CARRIED

16. Closure

Mayor Rosenberg officially declared the meeting closed at 11.29pm.

Certified CorrectChair

/ /2018