

MINUTES

Council Meeting 20 April 2021

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

MEETING COMMENCED: 6.30pm

PRESENT: Mayor Thompson
Cr Brown (6.33pm)
Cr de Graaf (6.45pm)
Cr Eaton
Cr Greaves
Cr Jamieson (6.46pm)
Cr McMahon
Cr O'Brien
Cr Olsen
Cr Peat
Cr Themeliotis
Cr Tonkin

APOLOGIES: Cr Bray

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 Kaurna, 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 Greaves read the pledge.

2. Confirmation of minutes

MOVED Cr McMahon.

That the minutes of the proceedings of the Council meeting held on 16 March 2021 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr O'Brien.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 **Mayor's Report**

Sellicks Beach Historic Motorcycle Race

It was a wet and windy start for the first day of the Sellicks Beach Historic Motorcycle Race, but that didn't stop the dedicated riders and crowds from heading to beautiful Sellicks to be a part of this iconic event.

The City of Onkaparinga is proud to have been able to support this event for the past three meets, following the Sellicks Beach Motorcycle Club first bringing the historic bikes to Sellicks Beach in 2017.

The weekend event of racing brought scores of visitors to our region to enjoy the Fleurieu.

Commencement of the Happy Valley Drive Trail

Thanks to Federal funding, construction of the Happy Valley Drive Trail will commence in the weeks ahead.

The City of Onkaparinga has been working with SA Water to deliver this 2.5m wide pedestrian and cycle path on the eastern side of Happy Valley Drive. It will extend 1.6km between Manning Road and Chandlers Hill Road and traverses both SA Water and council land. The project will significantly improve pedestrian and cycling connectivity.

The trail will be funded through the Federal Government Local Roads and Community Infrastructure program and will be delivered in two stages.

Stage one is Taylors Road West to Windebanks Road and is due to be completed by mid-2021.

Stage two is Manning Road to Taylors Road West and Windebanks Road to Chandlers Hill Road and is due to be completed by the end of the year.

This will be a fantastic trail delivering improved, active recreation opportunities to the community.

Official Opening of Aldinga Netball Club's New Clubrooms

The resilience of the Aldinga Netball Club has been incredible over the past 18 months.

They lost almost everything in an arson attack in late 2019, and then came the challenges that all our clubs faced through COVID.

The community immediately rallied around the club enabling them to continue playing as they worked with council to rebuild.

I'd like to particularly thank Aldinga Towing, a local family-owned business who generously offered a 20ft insulated storage/office container for the club to use as long as they needed, completely free of charge.

Council staff worked with the club and a builder to design the plans for the new clubrooms, and contributed \$150,000 to build the fit-for-purpose modular which has now been officially opened.

Congratulations to Aldinga Netball Club and the Aldinga community – you have shown incredible resilience coming together and ensuring netball continues to have a home in Aldinga.

New Skate Park at Moreton Road Reserve

It is awesome to see our newest skate park open now at Christie Downs' Morton Road reserve!

Designed by world-leading skate park designers and builders, Convic, the skate park includes features suitable for all skill levels and riders, including skateboarders, BMX, scooter, skates and all other active wheeled sports, as well as being a great tree-lined spot for families who'd simply like to come down and enjoy the action.

I'd like to thank the state government, the Roger Rasheed Sports Foundation, and the Federal Government for partnering with the City of Onkaparinga to deliver this life-changing hub.

Work now turns to the multi-use tennis and netball courts, the junior and youth play spaces, seating, shelters, barbecues, basketball half-court, irrigated lawns and public toilets.

We can't wait to see this hub becoming a go-to haven for local families and a home for the Roger Rasheed Sports Foundation's life-changing sports coaching and mentoring programs for children from disadvantaged backgrounds.

Beachside Food and Wine Festival

2021 saw the return of the Beachside Food and Wine Festival – I was pleased to welcome attendees back at the festival for the first time since 2018.

There was much on offer at the event, including stalls, cooking demos, local musos, VR games, delicious eats and some of our best local breweries and wineries.

It was a great showcase of the diverse range of businesses we have across our City who the City of Onkaparinga are proud to support through our Go South Go Local campaign.

Southern Waste Resource Authority

"Take a photo of that and send it to every other Council in Australia, as that's what they all should be doing" - That's what Prime Minister Scott Morrison said when he visited our City to announce a \$5.35 million Federal Government funding boost for our new recycling facility at Seaford Heights.

This state-of-the-art facility will not only deliver benefits for our ratepayers and local economy, it will respond to the impacts of climate change, joining the renewable energy hub being built next door at our emission-neutral landfill site.

Big issues demand innovative solutions and collaboration, and I'm thrilled to see our councils (City of Onkaparinga, City of Holdfast Bay and City of Marion), joining forces with the Southern Region Waste Resource Authority, Re:Group and the Federal Government to deliver this much-needed project for southern Adelaide.

This contribution is integral to getting this project off the ground and we thank the Prime Minister for coming to our City and for supporting this important project.

I'd like to also thank the Nicolle Flint MP, Rebekha Sharkie MP and Amanda Rishworth MP for their passion and advocacy on this project in Federal Parliament.

The facility is expected to be operational by the end of July, 2021.

Citizenship Ceremony 31 March 2021

It was my honour to welcome 82 new Australian citizens from 23 different countries at our Citizenship Ceremony on 31 March 2021 at the Hopgood Theatre.

Senator Andrew McLachlan, Liberal Senator for South Australia and Ms Amanda Rishworth MP, Federal Member for Kingston were in attendance, together with Cr Marion Themeliotis, Cr Geoff Eaton and Deputy Mayor Simon McMahon.

Special guest, Jessica Jones was presented with her 2021 City of Onkaparinga Australia Day Community Event of the Year Award and guests were treated to an amazing performance by David Hull.

Opening of LeafCann in the City of Onkaparinga

Congratulations to LeafCann on their stage one opening.

LeafCann is a medical cannabis company with a mission to elevate plant-based extracts in medicine, by delivering solutions that provide the highest quality and consistency, excellent value for patients and consumers through their focus on the consumer experience.

The City of Onkaparinga attracted LeafCann to our city through an introduction by one of our ON Ambassadors.

Council has been working closely with LeafCann to develop their site, so it was great to attend their opening with the Minister for Trade and Investment, the Hon Stephen Patterson - Member for Morphett.

Another exciting and innovative business in our City!

Recognising 50 years of work by Aunty Georgina Williams

I was proud to stand with community elders and Elected Members to acknowledge 50 years of work by Senior Tribal Woman Aunty Georgina Williams.

A life's work dedicated to her family, her people, her culture and to the reawakening of this sacred Dreaming story, so her people could come home to country.

Georgina's resolve has been second to none, she has maintained her path with unwavering strength and wisdom. She has always stayed true to her convictions with future generations in mind.

A plaque was renewed at Port Noarlunga's Tutu Wirra Reserve to recognise the cultural importance of the Tjilbruke Dreaming Track, a significant ancestral journey along Adelaide's coast. The Tutu Wirra Reserve is home to one of 10 cultural markers, celebrating the natural springs that form an integral part of the Dreaming Track.

Just Listening Community Project

I was pleased to officially open the Just Listening Community Project in Christies Beach.

This project is a great partnership between the Humane clinic and Community Health Onkaparinga. It will provide significant support in addressing services gaps that residents in our city face when seeking help with poor mental health and wellbeing. This service will help ease the pressures put on our Emergency Departments and health system.

Programs like this enable people to forge relationships and ultimately build strong support networks.

This has never been as important as in recent times where basic human connections have been made more difficult than ever.

Congratulations to all those involved in getting this important project off the ground. For more information visit <https://www.justlistening.com.au/>

Leconfield Wine McLaren Vale Marathon – Onkaparinga Mile

Congratulations to Great Southern Runs, and all the runners that participated at the 2021 Onkaparinga Mile for the Leconfield Wines McLaren Vale Marathon.

This event, sponsored by the City of Onkaparinga, was for everyone of all ages and abilities and brought many visitors to our City to support our local tourism operators.

It was great to see runners at all levels taking part in this awesome community event, held in the spectacular McLaren Vale region.

Elected Member Representation

Thank you to Deputy Mayor McMahon for representing me at:

- the opening of the Onkaparinga Presence Exhibition;
- the second day of the Sellicks Beach Historic Motorcycle Races;
- the Heidrun Estate Launch in McLaren Vale; and
- the Program Launch of South Australia's History Festival 2021.

Correspondence

Att 1	Environment Protection Authority	Application by Southern Waste ResourceCo to add per-and-poly fluoroalkyl substances to its McLaren Vale site
Att 2	State Planning Commission	Phase Three Planning and Design Code Submission
Att 3	Premier the Hon Steven Marshall MP	2025 South Australian Regional Visitor Strategy (attachment link: https://tourism.sa.gov.au/strategies/strategies/regional-visitor-strategy)
Att 4	Deputy Premier, Attorney General, the Hon Vickie Chapman MP	South Australian Productivity Commission's final report of its <i>Inquiry into Local Government Costs and Efficiency</i>

Mayor's calendar

My activities between 13 March 2021 and 16 April 2021 are reflected in Attachment 5.

The Deputy Mayor's activities are reflected in Attachment 6.

Correction to March Mayor's Report Calendar Attachment 2: The Mayor did not attend the Onkaparinga Food Security Collaborative Community Food Expo on 24 February 2021.

Thank you.



Erin Thompson
Mayor

MOVED Cr Eaton.

1. *That Council note the 20 April 2021 Mayor's report.*
2. *That it be noted that the Mayor was unable to attend on 15 April 2021 the meeting with Athletics SA.*

Seconded by Cr Greaves.

CARRIED

6. Presentations

Nil.

7. Deputations

7.1 [Emma Stephens, Sharing our Shores with Coastal Wildlife program, Birdlife Australia re Hooded Plover program](#)

Emma Stephens gave a deputation and answered questions from elected members in relation to the Hooded Plover program.

Cr Brown entered the meeting at 6.33pm.

Cr de Graaf entered the meeting at 6.45pm.

Cr Jamieson entered the meeting at 6.46pm.

Cr Jamieson left his seat in the Chamber at 6.47pm.

7.2 [Geoff Hastwell - Installation of traffic calming devices in Outlook Drive, Aberfoyle Park](#)

Geoff Hastwell gave a deputation and answered questions from elected members in relation to the installation of traffic calming devices in Outlook Drive, Aberfoyle Park.

Cr Jamieson resumed his seat in the Chamber at 6.49pm.

7.3 [John Raymond, Unity Retirement Village Management re rejected application of gum tree removal](#)

John Raymond gave a deputation and answered questions from elected members in relation to the rejected application to remove a gum tree.

Cr McMahon left his seat in the Chamber at 7.09pm.

Cr McMahon resumed his seat in the Chamber at 7.11pm.

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

8.1 [Audit, Risk, Value and Efficiency Committee meeting minutes of 15 March 2021](#)

MOVED Cr O'Brien.

That Council note the minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 15 March 2021 as attached to the agenda report.

Seconded by Cr Eaton.

CARRIED

8.2 ICT Reform Project Steering Committee meeting minutes of 29 March 2021

MOVED Cr Olsen.

1. *Re Item 4.1 ICT Reform Program – Recasting Update*

That Council:

- a. Approve the Program Plan as the baseline for the project going forward (attachment 1 to the ICT Reform Project Steering Committee agenda report).*
- b. Approve the Project Initiation Document for Project 2 as the baseline for the project going forward (attachment 2 to the ICT Reform Project Steering Committee agenda report).*
- c. Approve the commencement of Project 2 in accordance with the plan presented.*
- d. Notes that 51% of the budget has been spent in the period to end December 2020 with only 20% of the scope achieved.*
- e. Notes that the project plans have been forecasted to deliver the project within the original budget of \$16.185M.*
- f. Notes that the Committee requests more detailed financial reporting be provided to the next Committee meeting.*
- g. Notes that the Committee requests that the full project risk register, including the likelihood and consequence matrix, be presented at the next Committee meeting.*

2. *Re Item 4.2 Benefits Realisation Report*

That Council:

- 1. Notes that the Committee requests an up-to-date tabulated report identifying each of the savings and avoided costs against this project to date be presented to all future meetings of this Committee.*
- 2. Approves that the Director Corporate do a verbal update to Council on this paper.*
- 3. Approves that the Chief Financial Officer maintain a single report, covering all identified savings generated by Council, and that the component of those savings relating to the ICT reform project savings be reported to the ICT Reform Project Steering Committee as an update at each of its meetings.*
- 3. That Council note the minutes of the ICT Reform Project Steering Committee meeting of 29 March 2021 as attached to the agenda report.*
- 4. That in the ICT Reform Project Steering Committee agenda report of 29 March 2021, Item 4.2 Benefits Realisation Project, Council notes that as advised verbally by the Director of Governance on the night of the ICT Reform Steering Committee meeting, the following sentence in the report of "Section 4.2 Benefits Realisation Project, Item 3 Executive Summary", was actually an error, "The total savings/efficiencies realised to date total \$2.55M, discounted by \$180K of additional costs identified, resulting in a net saving/efficiencies of \$2.37M." The actual savings to date are outlined in the agenda report "Section 6, Financial Implications" and as per the table "Section 4.2, Attachment 1 - Realised Savings and Efficiencies, ICT OneCouncil Reform Program".*

Seconded by Cr McMahon.

CARRIED

Cr Olsen left his seat in the Chamber at 7.24pm.

8.3 Strategic Directions Committee meeting minutes of 6 April 2021

MOVED Cr Peat.

1. *Re 11.1 Urgent business – Cr Eaton – Fire hazards Flagstaff Hill area*
3. *That Council does not approve the permanent opening of Annewan/River Glen Place walkway lane (Glendale walkways), noting the risks raised by local residents including traffic congestion, risks to walkers being hit by cars and opening the walkway would destroy the current environment.*
4. *That following an assessment by council's road engineers of the suitability of the walkway as an emergency exit, signage be placed indicating that it is an emergency exit only, with a one-way traffic sign at the southern (pointing down the laneway) and a "no vehicle entry" sign at the northern end.*
2. *Re 7.3 Response to Notice of Motion - Letterboxes*
 1. *Council will continue to accept letter boxes and letter box banks installed on council land where they present a low risk..*
 2. *Conditional upon the undertake of a risk assessment before approving any further letter boxes or letter box banks on council land and guided by the risk assessment require owners to obtain permission, conditional on public liability insurance, if the residual risk exposure in the circumstances is medium (or greater) as per council's risk assessment matrix, to mitigate the risk to council.*
 3. *That Council note the minutes of the Strategic Directions Committee meeting held on 6 April 2021 as attached to the agenda report.*

Cr Olsen resumed his seat in the Chamber at 7.26pm.

Seconded by Cr Themeliotis.

CARRIED

9. Reports of officers

9.1 First Nations People Advisory Group

MOVED Cr Greaves.

1. *Approves the remuneration of Traditional Owner members at the rate of \$125 per hour for participation in approved meetings of the First Nations People Advisory Group*
2. *Approves the First Nations People Advisory Group Draft Terms of Reference (attachment 1 to the agenda report), and delegates authority to the Chief Executive Officer to make any required amendments following the establishment and operation of the group*
3. *Notes the first formal meeting of the First Nations People Advisory Group will take place in June/July 2021.*

Seconded by Cr de Graaf.

CARRIED

Cr de Graaf declared a perceived conflict of interest as a nominee for the group. Cr de Graaf stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on the matter and chose to remain in the meeting.

Mayor Thompson declared a perceived conflict of interest as a nominee for the group. Mayor Thompson stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering the matter and chose to remain in the meeting.

MOVED Cr Greaves.

That Council:

1. *Appoints Ms Alema Pilot, Ms Susan Roberts and Mr Corey Turner as inaugural members of the (provisionally titled) First Nations People Advisory Group for a period of two years, with a fourth Traditional Owner position to be filled at a later date, as determined by the group*
2. *Appoints up to three Elected Member nominees as members of the First Nations People Advisory Group for a period of two years (or until the 2022 Council election), those being:*
 - *Mayor Thompson*
 - *Cr Richard Peat*
 - *Cr Sue Tonkin*

Seconded by Cr Eaton.

CARRIED

Cr de Graaf voted for the motion.

Mayor Thompson voted for the motion.

9.2 Sigma Road, Lonsdale/Hallett Cove Boundary Re-alignment Publicly Initiated General Proposal

MOVED Cr Themeliotis.

1. *That Council supports the Publicly Initiated General Proposal regarding a proposed boundary change between the City of Onkaparinga and the City of Marion over the land held within Certificate of Title 6113 Folio 868 and located adjacent Burlington Road, Freebairn Drive and Sigma Road, Lonsdale from the Hallett Cove Joint Venture (HCJV).*
2. *That the South Australian Local Government Boundaries Commission be advised of Council's decision and any relevant information in relation to the proposed boundary re-alignment by 30 April 2021.*

Seconded by Cr Jamieson.

CARRIED

9.3 Nomination for a representative on the Australian Coastal Councils Association Committee of Management

MOVED Cr Peat.

That Council nominate Cr Jamieson as a representative to the Australian Coastal Council's Association Inc. Committee of Management for South Australia from the date of appointment until the date of the Association's Annual General Meeting in 2021.

Cr Jamieson declared a perceived conflict of interest as the nominee and left the meeting at 8.14pm.

Seconded by Cr Greaves.

CARRIED

Cr Jamieson resumed his seat in the Chamber at 8.14pm.

9.4 Update on Council's financial relief measures for COVID–19

MOVED Cr Eaton.

That Council:

1. *Approves a transitional approach back to full lease payments for sporting clubs in Council owned facilities with clubs paying 50% of their lease costs for the period 1 April 2021 – 30 June 2021, and then returning to 100% of lease costs from 1 July (subject to no further government restrictions being imposed before that date), at an approximate cost of \$50,000.*
2. *Approves a partial relief package for community owned sporting clubs for the period 1 April 2021 – 30 June 2021, representing 50% of relief provided under previous Council resolutions, at an approximate cost of \$10,700.*
3. *Approves the cessation of lease waivers for businesses in Council owned facilities as at 31 March 2021, except in cases where the business can demonstrate that they have experienced a decline in turnover of 30 percent or more for the quarter 1 January 2021 – 31 March 2021, in comparison to the corresponding quarter in 2019.*
4. *Approves the cessation of the practice of providing ratepayers with extended penalty-free and interest-free periods for unpaid rates effective from 30 June 2021, providing time to communicate to ratepayers that payment of rates by the due dates listed on their notices will recommence from 1 July 2021.*
5. *Direct that a further report be presented to Council to review this position, in the event that an extended period of 'stay at home' or 'lockdown' exceeding 7 days be imposed by the state government in the future.*

Seconded by Cr Greaves.

Cr Tonkin left her seat in the Chamber at 8.23pm.

CARRIED

9.5 Grants and Sponsorship Program review outcomes

Cr Tonkin resumed her seat in the Chamber at 8.26pm.

MOVED Cr Brown.

That Council:

1. *Approves the draft grants structure, attachment 1 to the agenda report.*
2. *Approves the draft grant guidelines, as follows:*
 - *Community Development Programs Guidelines (attachment 2 to the agenda report)*
 - *Small Equipment Purchases Guidelines (attachment 3 to the agenda report)*
 - *Community Land and Facility Improvements Guidelines (attachment 4 to the agenda report)*
 - *Community Training and Development Guidelines (attachment 5 to the agenda report)*
 - *Community Events Guidelines (attachment 6 to the agenda report)*
 - *Fund Your Dreams Guidelines (attachment 7 to the agenda report)*
 - *Sport and Active Recreation Guidelines (attachment 8 to the agenda report)*
 - *Supporting Emerging Artists Guidelines (attachment 9 to the agenda report)*

- *Significant Public Artwork Guidelines (attachment 10 to the agenda report)*
 - *Environment and Sustainability Grants Guidelines (attachment 11 to the agenda report)*
 - *Major Festivals and Events Grants Guidelines (attachment 12 to the agenda report)*
 - *ON Business Grants Guidelines (attachment 13 to the agenda report)*
 - *Built Heritage Grants Guidelines (attachment 14 to the agenda report)*
 - *Community Open round Guidelines (attachment 15 to the agenda report)*
3. *Approves the approval process outlined in the agenda report where all grants will be presented to Council (or a Committee of Council) for approval with the exception of the grants that are open all year round.*

Seconded by Cr Eaton.

Cr Peat left his seat in the Chamber at 8.28pm.

Cr Peat resumed his seat in the Chamber at 8.30pm.

CARRIED

At 8.31pm Cr Eaton MOVED that the meeting break for 10 minutes.

Seconded by Cr O'Brien.

CARRIED

Mayor Thompson reconvened the meeting in the Chamber at 8.41pm with all members present that were present before the break.

9.6 Seaford Community Centre transition update

MOVED Cr Peat.

That Council notes the Seaford Community Centre transition update report.

Seconded by Cr Eaton.

CARRIED

9.7 Information and confirmation report on the property at 4 Thames Drive, Reynella

MOVED Cr Brown.

That, for the land located at 4 Thames Drive, Reynella and comprised in Certificate of Title Volume 6229 Folio 488, Council:

1. *Notes the background to the sale of the land.*
2. *Notes the delegated approval of the CEO to purchase back the subject land, at the original purchase price of \$185,000 (inc GST) plus costs of \$65,000, totalling \$250,000.*
3. *Resolves that the subject land comprised in Certificate of Title 6229/488 be excluded from the classification of community land upon its acquisition, in accordance with Section 193 (4)(a) of the Local Government Act 1999.*

4. *Resolves that the total costs of \$250,000 plus approximately \$14,000 in conveying costs to purchase back the subject land will be met from the Community Investment Fund (CIF).*

Seconded by Cr de Graaf.

CARRIED

9.8 Review of By-law 2 Moveable Signs

MOVED Cr Olsen.

That Council notes:

- *The next legislated review of the City of Onkaparinga's by-laws is due in 2023.*
- *The Review of By-law 2 Moveable Signs found no impetus for change to the existing By-law 2 Moveable Signs.*
- *That the following minor proposed changes to the Guidelines proceed to community engagement via YourSay, and a report return to the June 2021 Strategic Directions Committee meeting:*
 - *That Council's "Guidelines for the Placement of Moveable Signs" be updated to include a definition of 'major road' as being 'all roads managed by the Department of Infrastructure and Transport and the City of Onkaparinga's distributor roads but excludes the Southern Expressway.*
 - *That the "Guidelines for Vertical Banner Moveable Signs" Item 12 Placement, which states "No more than one vertical banner per 4 metres of frontage, and excludes the use of an A frame or T frame sign" be updated to include the following words at the end of the sentence, "with a maximum of 3 vertical banners per business premise".*
- *That the process of an improved, proactive, regular compliance audit program increasing the enforcement of the placement of moveable signs be implemented.*

Seconded by Cr Jamieson.

CARRIED

9.9 Confidential items

MOVED Cr Brown.

That Council receive and note the report and attachment relating to the release of confidential items.

Seconded by Cr Themeliotis.

CARRIED

9.10 Council and Committee Reporting Schedule

MOVED Cr Greaves.

That Council note the agenda report and Reporting Schedules (attachments 1 and 2 to the agenda report).

Seconded by Cr Tonkin.

CARRIED

9.11 Value of Local Government Association Membership

MOVED Cr Greaves.

That the Council receive and note the agenda report.

Seconded by Cr Jamieson.

The MOTION was CARRIED on the Mayor's casting vote.

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

For:

<i>Cr Olsen</i>	<i>Cr Jamieson</i>	<i>Cr Tonkin</i>	<i>Cr Brown</i>	<i>Cr O'Brien</i>
<i>Cr Greaves</i>				

Against:

<i>Cr Peat</i>	<i>Cr McMahon</i>	<i>Cr de Graaf</i>	<i>Cr Themeliotis</i>	<i>Cr Eaton</i>
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CARRIED

10. Questions on notice

10.1 Questions on notice – Cr Themeliotis – Elected Member Enquiries

Background

Over several months now I have noticed that it has taken more time to respond to Elected Member enquiries. I also (in my opinion) feel that certain Elected Members seem to have their enquiries/question responded to sooner, even if the enquiry has no benefit to our ratepayers. Under section Part 3 Misuse of Council resources of our Code of Conduct Elected Member, it states that:

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

I, therefore, ask the following questions:

1. *From the beginning of this term of Council how many times has Council received multiple enquiries on the same issue? What were those issues? Was this from the same Councillor or multiple Councillors?*

During this term of Council, we have received 2,527 EM Enquiries. Taking into consideration the number of enquiries the below list of EM Enquiries that have been identified as multiple enquiries on the same issue is not exhaustive due to the amount of time that would be required to thoroughly analyse and identify repetitive enquiries.

Witton Bluff – 35 Enquiries, 26 from 1 Councillor

1775718/ 1776002/ 1774340/ 1761764/ 1754225/ 174580/ 1752394/ 1752433/ 1753007/ 1749044/ 1746819/ 174414/ 1748190/ 1741896/ 1741542/ 1740437/ 1740509/ 737560/ 1737562/ 1737568/ 1737845/ 1739084/ 1736371/ 1736376/ 1735661/ 1735287/ 1734396/1706537/1682856/ 1675562/ 1547880/ 154793/ 1675562/ 1545567/ 1545058.

EM Enquiry/Use of EM Enquiry – 15 Enquiries, 11 from 1 Councillor

1786506/ 1784192/ 1783112/ 1782620/ 1774102/ 1761891/ 1760602/ 178126/ 1758121/ 1753705/ 1768692/ 1768712/ 1779868/ 1791411/ 1758126.

Calendars/Events/invites – 13 Enquiries by 1 Councillor

1774391/ 1774394/ 1774423/ 1773467/ 1763866/ 1763886/ 1686066/ 1729078/ 1686066/ 1765334/ 1779562/ 1787902/1779243 and 1791411.

Kaurna – 25 Enquiries, 24 from 1 Councillor

1788271/1789637/1786518/1785486/ 1789433/ 1783156/ 1779484/ 1761764/ 1761775/ 1752143/ 1751540/1750066/1746737/ 1744414/1745250/ 1741542/ 1735661/ 1718691/ 1717622/ 1715880/ 1706537/1633402/ 1620021/ 1620408/1612573

Meeting video recordings -5 Enquires by 1 Councillor

1765977, 1769515, 1772031, 1773926, 1773935, 1584308

Wearing Street – 30 Enquiries, 23 from 1 Councillor

1785486/ 1783166/ 1770445/ 1761775/ 1753007/ 1751540/ 1751030/ 1747891/ 1745193/ 1744449/ 1740437/ 1740536/ 1732965/ 1728501/ 1722524/1677422/ 1675562/ 1670090/ 1652364/ 1620723/ 1620408/ 1615198/ 1615212/ 1598302/ 1580203/ 1579254/ 1569628/ 1568773/ 1568139/ 1515491/

Wirreanda High Sports Day Noise – 4 Enquiries by 1 Councillor

1537108/1547852/1656897/1780188

Requesting list of community groups – 6 Enquiries by 1 Councillor

1779580/1722076/1698051/1689583/1647327/1590511

Requests on how Rangers can assist rough sleepers - 4 Enquiries by 1 Councillor

1725315/ 1716115/1527896/1770917

Requesting options for Training – 9 enquiries by 1 Councillor

1786810/1789433/1769437/1764496/ 1709497/1780847/1766434/1751016/1751258

Process for cutting down a significant tree/register/ tree replacement/Aleppo Pine– 19 Enquires by 2 Councillors

1730536/ 1736380 /1786544 /1741560 /1731168 /1786524 /1769353 /1773282 /1773447/ 1772933 /1772082 /1771487/ 1768952/ 1765121/ 1763685/ 1764287/ 1761993/ 1761998/ 1759092

Old Reynella (Former Hardys site) – 4 Enquiries by 1 Councillor

1785562/1783375/1774731/1658240

Murals – 4 Enquiries by 1 Councillor

1788271/1724124/1680501/ 1679686

Rousillion Promenade – 7 Enquiries by 1 Councillor

1771998/1771479/1765817/175297/1754426/1753142

Sellicks Beach Structure plan – 10 Enquiries, 7 by 1 Councillor

1788157/1785669/1774093/ 1768226/ 1753486/ 1743884/ 1727533/ 1697330/ 1681712/ 1637603

2. Noting the above and taking into consideration the complexities around responding to EM Enquiries. Approximately how long does it take to respond to an enquiry?

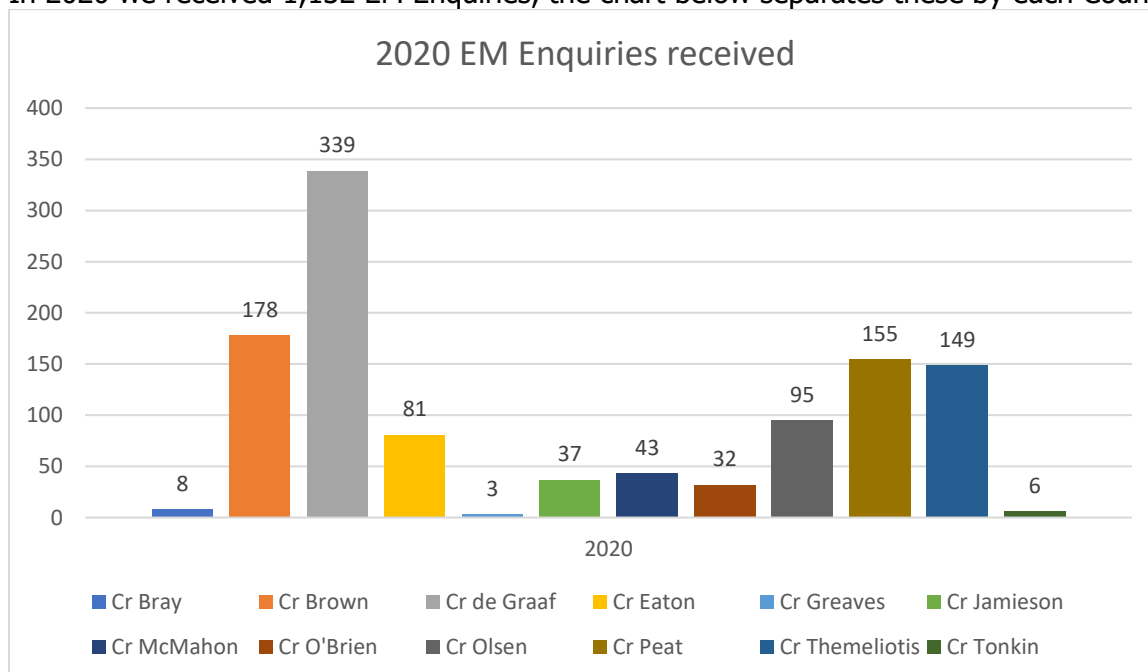
Some enquiries are straightforward and only require a small amount of research and could therefore only take 15 minutes to prepare a response. More complex enquiries could take up to half a day to prepare a response. Contributing factors are:

- the question/s asked (eg simple or complex)
- the number of questions included in the enquiry
- consideration/research of whether the enquiry had been previously answered
- if there multiple questions that need to be answered by different teams
- the level of research or investigation required

When a question is likely to require more than half a day response time, members should consider council resources and propose the question as a NoM, and if resolved Council support would then be provided for the use of the resources.

3. How many EM Enquiries were received in 2020? Could you also separate this by each Councillor, How many enquiries each?

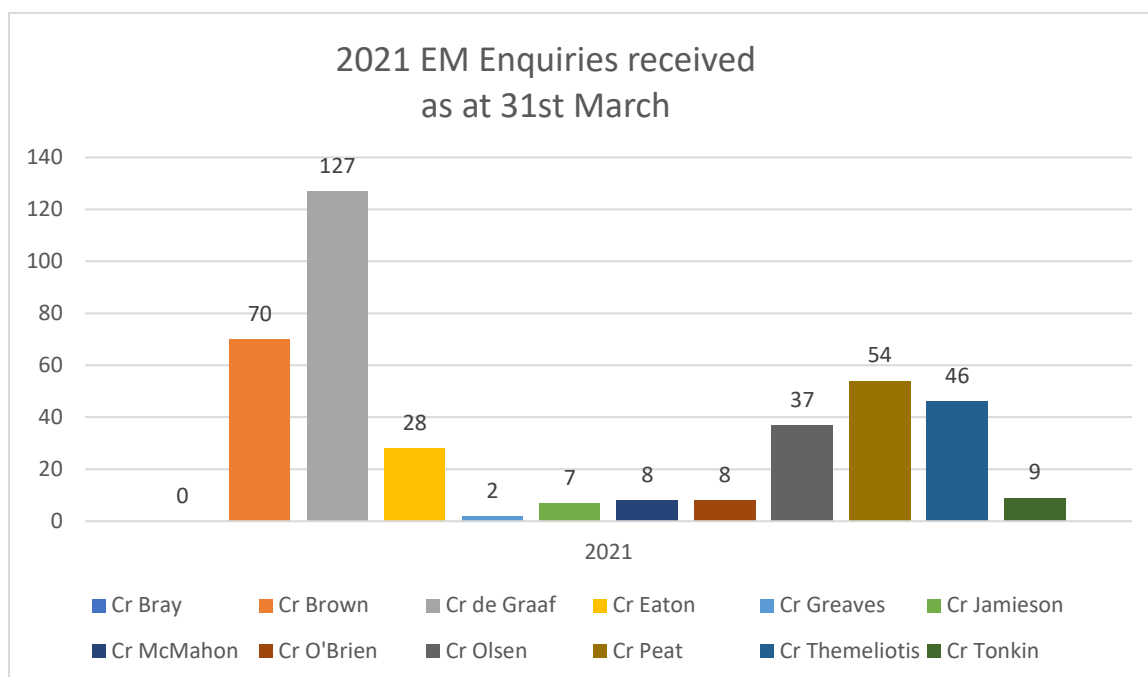
In 2020 we received 1,132 EM Enquiries, the chart below separates these by each Councillor.



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
8	178	339	81	3	37	43	32	95	155	149	6

4. How many EM Enquiries have been received so far in 2021? Could you also separate this by each Councillor, How many enquiries each?

As at the 31 March 2021 we have received 396 EM Enquiries, the chart below separates these by each Councillor.

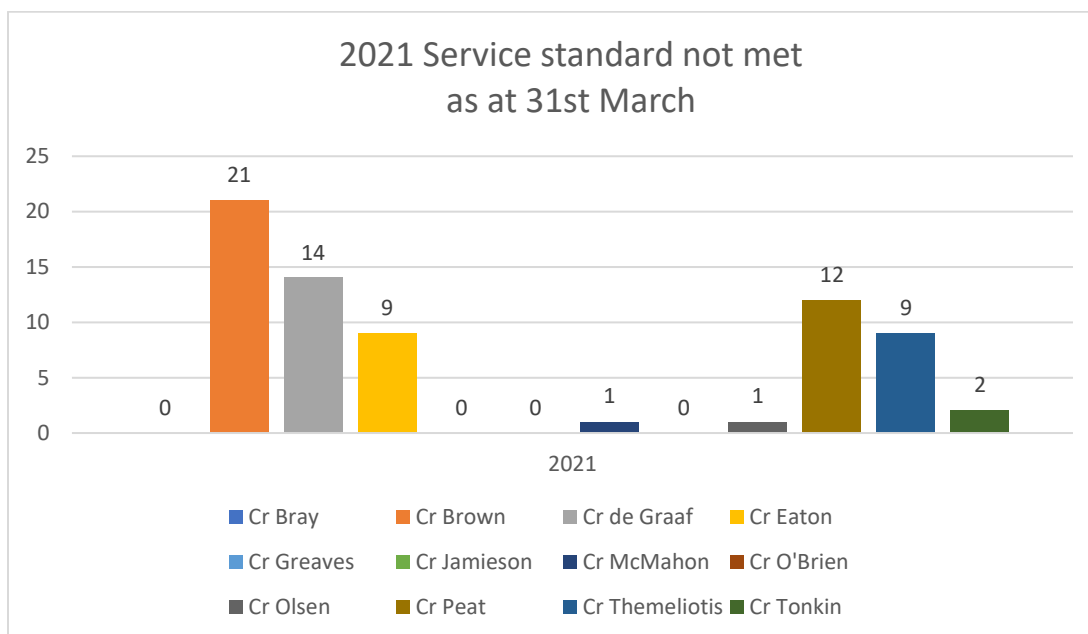


Cr Bray	Cr Brown	Cr de Graaf	Cr Eaton	Cr Greaves	Cr Jamieson	Cr McMahon	Cr O'Brien	Cr Olsen	Cr Peat	Cr Themeliotis	Cr Tonkin
0	70	127	28	2	7	8	8	37	54	46	9

5. In 2020 & 2021 how many times were service standard not met? Could you also separate this by each Councillor, how many times have service standards not been met?

2021

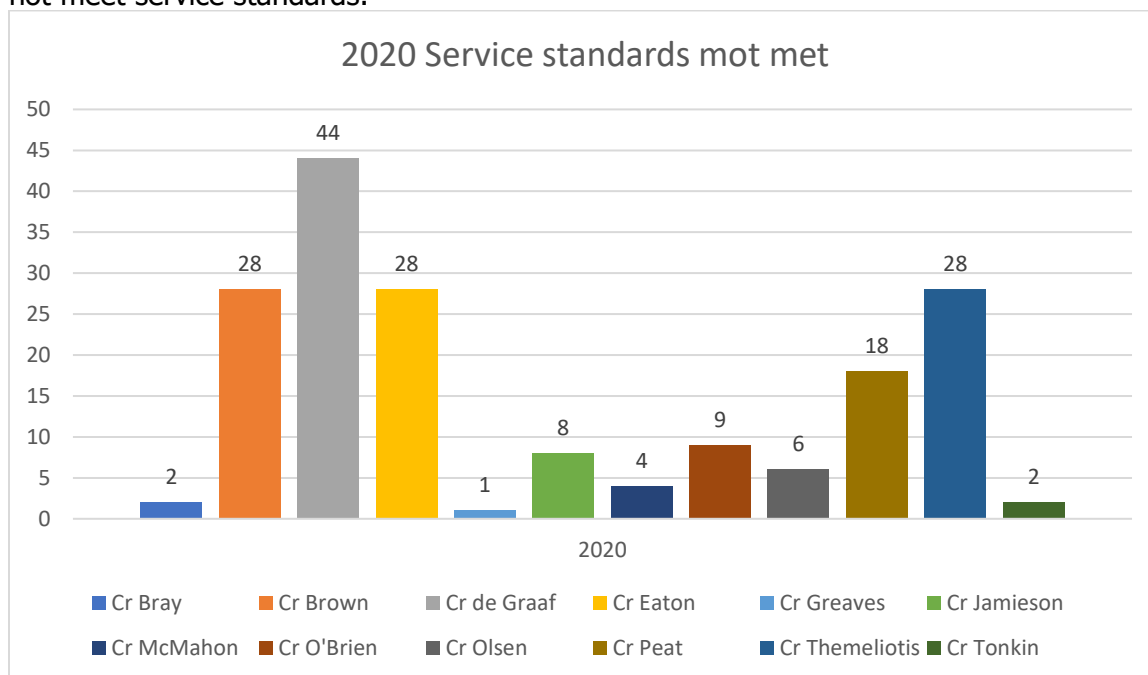
With 396 EM Enquires receive as at the 31 March 2021 there were 72 EM Enquires (18%) that have not met the service standards.



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
0	21	14	9	0	0	1	0	1	12	9	2

2020

Out of the 1,132 EM Enquiries received in 2020 there were 179 EM Enquiries (16%) that did not meet service standards.



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
2	28	44	28	1	8	4	9	6	18	28	2

6. *What are some of the reasons why service standards are not met?*

- Complex questions that require research
- Numerous questions contained in an enquiry
- Questions that require responses from several departments
- Questions that are not clear and require further information to be sought from the Councillor
- Questions that are dispersed throughout long backgrounds of an enquiry and requirement to identify specific questions
- Questions that are contained within enquiries that include or invite debate from recipients (often including other members or staff)
- Requirement for onsite investigation
- Awaiting approval on a response.
- Requirement to seek information from an external party
- Competing priorities
- Unplanned leave.

10.2 Questions on notice – Cr Themeliotis – Council Plaques

1. Does Council have plaque guideline?

Council has a Plaques, Memorials and Military Memorials application and procedure process (refer attachment 1) whereby members of the community can use Council's community land to commemorate a person or group of people through a Memorial Plaque.

A maximum number of 3 Plaques can be placed on a council seat along our coastline or reserves and or located on a plinth at the base of a memorial tree, where only one plaque will be associated to each Australian native tree.

The plaque size will be 1300mm x 60mm. A Plaque is approved to be in place for up to 10 years, but no guarantee can be given that it will be preserved or remain at the site indefinitely. A Plaque can be removed by council after 10 years. At the end of the term the person who requested the Plaque will be contacted and renewal of the Plaque will be offered. A new application form together with payment of the appropriate fee will need to be completed for a renewal of an existing plaque for a further term of up to 10 years.

2. What is included on a council plaque? e.g. logo, detail of the item, opened by 3. Are all our current plaques in our city the same in terms of look, design, what written on this?

The Memorial plaques are stainless steel and are approximately 1300mm x 60mm in size and are generally all the same in relation to look and design. Any person requesting a Memorial Plaque can request wording to be written on the plaque up to 150 words.

3. What is the proper process for requesting a plaque?

A request can be made by completing the Council's application form together with payment of the application fee (in accordance with Council's fees and charges schedule).

A Plaque may require evidence of approval from a next of kin or a community group before it can be approved by council. In the case of conflict between family members or a community group, council may decide it is not be able to proceed with the application.

4. Do we have guidelines that state where and for what reason a plaque can be placed? e.g. in recognition of ANZAC's who served.

The general location of a Plaque can be requested by the Applicant, but Council will determine the specific and approved location as deemed appropriate. If a location is not deemed appropriate a different location will be suggested by Council

The establishment of Military Memorials will be in consultation with the Returned and Services League and other military bodies as appropriate (e.g. Army/Navy/Air force, Department of Veteran Affairs).



Plaques, Memorials and Military Memorials Procedure

1. Purpose

The purpose of this Procedure is to recognise that members of the community may wish to use Council's Community Land to commemorate a person or group of people through a Plaque or Memorial that adds to the value of the wellbeing of the community.

This Procedure is to provide consistent and effective administration of requests for plaques and memorials recognising that a balance needs to be established between the community requirements, not adversely impacting on others enjoyment of the Community Land and not duplicating the commemorative facilities and services provided by Council's cemeteries.

This Procedure does not apply to road side memorials, animal memorials, places of burial or cremation and for the management of Councils designated cemetery locations.

For information relating to reserve naming, please refer to the 'Place Naming Policy'.

For information relating to the scattering of ashes, please refer to section 13 of this Procedure.

2. Procedure principles

The following applies:

- 2.1 Any person is able to apply for a Memorial with or without a Plaque for Councils approval;
- 2.2 Plaques and Memorials will remain consistent with Council's Open Space Planning and Design guidelines and consistent with Community Land Management Plans relevant to each location;
- 2.3 The establishment of Military Memorials will be in consultation with the Returned and Services League and other military bodies as appropriate (e.g. Army/Navy/Air force, Department of Veteran Affairs);
- 2.4 It is acknowledged that there may be situations where an area cannot accept further Memorials and a waiting list is created; and
- 2.5 No estate or interest in the Community Land is created by the installation of a Plaque or Memorial on Community Land. A Memorial on Community Land i.e. a seat or tree are Council assets and therefore owned and under the care, control and management of the Council. Plaques are owned by the Applicants and may be returned to the Applicant upon request.
- 2.6 This Procedure applies to the memorialisation and recognition of persons only and as such no application relating to the recognition of animals or pets will be accepted.

The electronic copy is the approved version.

Before using a printed copy, verify that it is the current version.

3. Background information

There are no legislative provisions relating to Plaques and Memorials located outside of designated cemeteries. The Council recognises that members of the public may wish to commemorate deceased persons on Community Land. This Procedure is to address these community requests.

4. Definitions

Community Land	means all local government land (except roads) which are owned by the Council or under the Council's care, control and management and includes open space and the foreshore
Council	means the City of Onkaparinga and includes the elective representatives and staff provided with the necessary delegation
Memorial	means for the purposes of this Procedure an object of either a seat or an Australian native tree with or without a Plaque attached to it
Military Memorial	means a memorial commemorating the service and contribution of ex-service personnel and/ or significant event that has occurred whilst serving in the defence force
Open Space	means publically accessible land under the ownership or care, control and management of the Council and it includes but is not limited to parks, gardens, reserves, linear corridors and sports grounds (but for the purpose of this Procedure excludes road side memorials)
Permit	means a permit issued by the Council which may be by way of a letter of permission
Plaque	means a stainless steel plate (or some other material as approved by Council in writing) bearing text affixed to a Memorial

5. Interpretation

Words importing the singular include the plural and vice versa.

6. Operating procedure

The following applies:

6.1 All applications and approvals must be considered in accordance with this Procedure;

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- 6.2 All requests for Plaques and Memorials must be made by completing the Council's application form together with payment of the application fee (in accordance with Council's fees and charges schedule);
- 6.3 A Plaque or Memorial may require evidence of approval from a next of kin or a community group before it can be approved by council. In the case of conflict between family members or a community group, council may decide it is not be able to proceed with the application;
- 6.4 The general location of a Plaque or Memorial can be requested by the Applicant, but Council will determine the specific and approved location as deemed appropriate. If a location is not deemed appropriate a different location will be suggested by Council;
- 6.5 Council will ensure that the Plaques and Memorials are of a suitable nature and quality for the Community Land they are placed on;
- 6.6 Approval must be sought and granted before a Memorial is installed;
- 6.7 The ordering and installation of Plaques and Memorials will be completed by the council;
- 6.8 If an application is approved, a Permit will be issued detailing any terms and conditions that apply;
- 6.9 If the application is not approved, reasons for the refusal will be provided to the Applicant. The Applicant may then consider revising an application or withdrawing it;
- 6.10 Any request for the use of Kaurna names or sites will require the approval of the Kaurna Community Heritage Association; and
- 6.11 Applications for Military Memorials may be referred to a meeting of the Council for a determination to be made.

7. Costs

All costs relating to the supply, installation, maintenance, vandalism and replacement of Plaques and Memorials will be borne by the Applicant.

8. Plaques

A maximum number of 3 Plaques can be placed on a council seat.

In the case of Plaques located on a plinth at the base of a memorial tree, only one plaque will be associated to each Australian native tree.

The plaque size will be 1300mm x 60mm.

9. Term of a Plaque or Memorial and Removal

A Plaque or Memorial is approved to be in place for up to 10 years, but no guarantee can be given that it will be preserved or remain at the site indefinitely. A Plaque or Memorial can be removed by council after 10 years.

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If council decides to develop Community Land and requires the removal of the Plaque or Memorial, the council will make all reasonable endeavours to contact the Applicant and agree on another location if suitable for the unexpired remainder of the term.

At the end of the term the Applicant will be contacted and renewal of the Plaque or Memorial will be offered if there is no waiting list for that location. A new application form together with payment of the appropriate fee will need to be completed for a renewal of an existing plaque for a further term of up to 10 years.

Council will use all reasonable and practical measures to return the plaque to the Applicant upon expiry of the Permit term.

If a Plaque or Memorial is damaged or vandalised beyond repair then it will be deemed to be at the end of its useful life and Council will attempt to contact the Applicant to advise of this. The Council may conduct a risk assessment where public safety issues are identified. If it is determined that a Plaque or Memorial is unsafe, and the Applicant does not wish to pay for the up keep or renewal of the Plaque or Memorial, then it may be removed at the council's discretion.

If Plaque or Memorial is stolen then Council will not replace it unless a further fee is paid by the Applicant.

If a memorial tree dies there will be no right of renewal. The Applicant will need to lodge a new application with payment of the fee. Council cannot guarantee the term of a memorial tree.

Military Memorials will have a term as determined by a resolution of Council or its delegate.

At the end of the term a Plaque may be returned to the Applicant at the Applicant's request. Council will attempt to contact the Applicant using the details provided. If the Applicant cannot be contacted by the council the plaque will be destroyed. The Memorials i.e. benches, seats and trees will remain as council assets and will not be returned to the Applicant at the end of the term.

10. Maintenance/ Vandalism/ Replacement

The cost of maintenance, vandalism and replacement of Plaques and Memorials will be borne by the Applicant during the 10 year term.

11. Unauthorised Plaques and Memorials

In the case of unauthorised Plaques or Memorials, the council will attempt to contact the persons responsible for the Plaque or Memorial. An opportunity will be given for an application to be completed together with payment of the fee. If an application is not received within one month of notifying the relevant person, council may remove the Plaque or Memorial.

12. Plaques and Memorials Register

All approved Plaques and Memorials will be placed on a register which will record the Memorial and Applicant details (including name, address and contact numbers). It will be the responsibility of the Applicant to provide up to date details to the council.

The electronic copy is the approved version.

Before using a printed copy, verify that it is the current version.

13. Scattering of Ashes

The scattering of ashes on Community Land is only permitted along the foreshore or from jetties as long as it is conducted at quiet times of the day with minimal impact on members of the public and taking into account the wind direction. No permit will be issued for the scattering of ashes and consent is not required for these locations.

Council does not support the scattering of ashes on any other areas of Council land such as reserves or other open space areas due to the potential for future development of these locations.

14. References

The following have been referred to in the development of this Procedure and shall be adhered to:

- *Local Government Act 1934*
- *Local Government Act 1999*
- *Adelaide Cemeteries Authority Act 2001*
- *Local Government (Cemetery) Regulations 2010*
- *Cremations Act 2000*
- *Development Act 1993*

Responsible officer(s)/department(s):	Leases, Licences and Permits Officer- Finance and Commercial
Adopted/approved by:	Directors Group
Date adopted/approved:	3 April 2014
Next review:	2 April 2016
Date(s) of previous review(s):	Not applicable
ECM number:	3273928

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Application Form

Plaques and Memorials

****Please allow six (6) to eight (8) weeks for request to be considered****

APPLICANT DETAILS:

Name:			
Postal Address:			
Daytime Contact Number:		Email Address:	

Hereby make application to the City of Onkaparinga requesting the following: *(please tick one box)*

- ☐ \$160 - Stainless steel plaque affixed to a seat (with a maximum of 3 plaques per seat)
- ☐ \$320 - Stainless steel plaque affixed to a small post at the base of an existing Australian native tree

****Alternative proposals for plaques and memorials may be considered on a case by case basis ****

PROPOSED WORDING FOR PLAQUE:

In loving memory of _____ *(full name of Resident)*

From _____ to _____ *(President and Life Member of _____)*

Please detail the wording requested on the plaque *(if different from sample wording, no more than 150 characters)*

Are you the legal next of kin? ☐ Yes ☐ No

(If No- Attach written approval from legal next of kin consenting to this application)

What was your relationship with the person or civic/ community group?

If the memorial is for civic/community memorial, please provide details of the contribution made to the local community *(attach relevant evidence)*

ATTACH THE FOLLOWING ITEMS: *(Indicate using tick boxes that items are attached)*

- ☐ Map showing approximate location location/area of plaque/memorial
- ☐ If you are not the legal next of kin, written approval from legal next of kin consenting to application
- ☐ If civic/community memorial, relevant evidence of contribution made to the local community
- ☐ Evidence of payment of application administration fee **\$98** (non-refundable) is required. To arrange payment you may visit one of our Council offices or call 8384 0666 and ask to speak with front counter staff who can arrange payment, please quote 'PERTAX'. Include your receipt number below as evidence.

Receipt – Office Use Only

Receipt Number (PERTAX):	Application Admin Fee: \$98.00	Date of Payment:
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Last Updated 6/7/2020

The following conditions will apply (as varied by Council from time to time) in addition to Council's standard terms and conditions:

1. No estate or interest in the Community Land is created by the installation of a plaque or memorial on Community Land. A memorial on Community Land i.e. a seat or tree are council assets and therefore owned and under the care, control and management of the Council. Plaques are owned by the Applicant and may be returned to the Applicant at the end of the term upon request. Trees will not be returned to the Applicant after the term.
2. All requests for plaques and memorials must be made by completing the council's application form and paying the administration fee (see below). If approved an invoice for the cost of the plaque will be issued at a later date.
3. A plaque or memorial may require evidence of approval from a next of kin or a community group before it can be approved by council. In the case of conflict between family members or a community group, council may decide it is not able to proceed with the application.
4. The ordering and installation of plaques and memorials will be completed by the council and must not be undertaken by the Applicant or person acting on behalf of the Applicant.
5. A maximum number of 3 plaques can be placed on a council seat. In the case of plaques located on a small post at the base of a memorial tree, only one plaque will be associated to each Australian native tree. The plaque size will be 130mm x 60mm.
6. A plaque or memorial is approved to be in place for 10 years, but no guarantee can be given that it will be preserved or remain at the site indefinitely. A plaque or memorial can be removed by council after 10 years.
7. If council decides to develop Community Land, the council will attempt to contact the Applicant and agree on another location for the unexpired remainder of the term.
8. All costs relating to the supply, installation, maintenance, vandalism and replacement of plaques and memorials will be borne by the Applicant during the 10 year term.
9. If a plaque or memorial is damaged or vandalised beyond repair it will be deemed to be at the end of its useful life and council will attempt to contact the Applicant. If council after conducting a risk assessment determines a plaque or memorial is unsafe then it may be removed at the council's discretion unless an Applicant pays for the maintenance or renewal of the plaque or memorial. If a plaque or memorial is stolen then council will not replace it unless the relevant fee is paid by the Applicant.
10. At the end of the term the Applicant will be contacted and renewal of the plaque or memorial will be offered if there is no waiting list for that location. A new application form together with the payment of the relevant fee will need to be completed for a renewal of an existing plaque for a further term of 10 years.
11. At the end of the term a plaque may be returned to the applicant. Council will attempt to contact the Applicant at the details provided. If the Applicant cannot be contacted the plaque will be destroyed.
12. Applications for Military Memorials may be referred to Council for a determination to be dependent on the nature of the request. Military Memorials will have a term as determined by resolution of Council or its delegate.
13. No work can be undertaken prior to the land owner consent being given. Applications for consent will be considered within 6-8 weeks of receiving the application and a letter of response returned to the address above once an internal consultation is completed.

Please submit application:

By email to:

mail@onkaparinga.sa.gov.au

By post or fax to:

Permits and Licences Officers
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168
Fax 8382 8744

Last Updated 6/7/2020

10.3 Questions on notice – Cr Themeliotis – Witton Bluff Base Trail

1. *What is the outcome of the Minister for Environment and Water, MP David Speirs Section 36 Inquiry under the Coast Protection Act 1972?*

The Coastal Protection Branch advised on 9 April 2021 that the timeframe for the report has been extended to 20 April 2021.

We have requested that the Minister make this report public.

2. *Did council go out to tender on the project before consultation had been concluded and all responses of that consultation had been received by the Council chamber?*

The open tender process to select a contractor for the Early Contractor Involvement (ECI) design and construct of the boardwalk commenced on 29 September 2020. This process concluded in early February 2021 with BluBuilt Constructions contracted to undertake the design and construction of the elevated boardwalk section of the base trail project. Blubuilt's design team includes WGA engineers and Oxigen landscape architects.

Community Engagement concluded on 28 September 2020 with the report to Council on the 17 November 2020. Given continuing discussions with the Port Noarlunga Conservation Society and requests for further input from the Kaurua community the date for providing comment was extended for these groups.

It is important to note that the ECI Design and Construct process involves the contractor undertaking the concept and detailed design. This process includes the review of the engagement outcomes and ensuring that they are considered in the design development. BluBuilt and their consultants have been issued with the engagement outcomes as part of this process. Internal review of the concepts will also consider the engagement outcomes.

On 4 August 2020 the Strategic Directions Committee approved the Witton Bluff Base Trail Risk Management and Procurement Strategy. This strategy included the use of an Early Contractor Involvement (ECI) methodology for the elevated boardwalk section of the project. This report included an overview of the ECI process as follows:

In an ECI methodology contractors are engaged through a multi-step selection process that places considerable emphasis on the calibre and experience of the proposed team. An ECI procurement process consists of two distinct stages with two contracts:

- **Stage One:** *The first contract is essentially a services agreement to develop the design to a point where it can be confidently estimated and a lump sum for constructions works is obtained.*
- **Stage Two:** *The second contract is a lump sum Design and Construct contract customised to reflect the risks agreed in Stage One and sees the completion of the design through to final construction. Council has the option to terminate the contract after Stage One if it does not believe the offer establishes true value.*

The ECI design and construct contractor was contracted for the Stage 1 works in early February 2021. At any time up to this the engagement can be stopped with no implications to council. The terms of the tender allow for Council to "amend, vary, supplement or terminate this RFT at any time". This would have occurred if Council had decided not to proceed with the project at its 17 November 20 meeting.

It is also not unusual to engage a design consultant prior to consultation being undertaken as they are often involved in the development of the initial concept designs used as part of the

consultation process. Changes arising from the consultation are then incorporated as part of the detailed design.

In relation to the timing of the Prudential Report section 7.5 of Council's Prudential Management Administration Policy states that:

"A Prudential Management report should be considered by Council prior to the City of Onkaparinga committing to engage in a project that this policy applies to.

Preparation and consideration of the Prudential Management report is expected to occur during the tender assessment period prior to a contract being offered to the successful tenderer."

We have previously received independent advice that in the circumstances where the project is included in the budget, council can quite properly undertake project planning steps (such as a procurement processes) to identify a market and market rate for the delivery of the project and that it would only be improper for the administration to award a construction tender and commence works before Council considers a prudential report.

A timeline for the key milestones for the project is shown below:

Date	Purpose
24/01/2017	Council requested that a report be presented to Council on the planning, design and construction of the Witton Bluff Base Trail.
21/03/2017	Council report provided a background and history for the project. Council agreed to allow for funding of the design of the base trail subject to confirmation of matching State Government funding. Agreed that construction will also be subject to receiving matching funds.
16/04/2019	Council requested that staff develop an innovative approach to delivery of the WBBT focussing on a flat in-house management structure and using small scale contractors.
26/05/2020	Council resolved provisions around the delivery of the WBBT including design, construction and internal management.
4/08/2020	Council approved the Community Engagement Plan and the Risk Management and Procurement Strategy.
1/09/2020–28/09/2020	Community engagement undertaken. Given continuing discussions with the Port Noarlunga Conservation Society, and requests for further input from the Kaurna community the date for providing comment was extended for these groups.
29/09/20	Tender process for the ECI design and construction of the boardwalk commences. The terms of the tender allow for Council to "amend, vary, supplement or terminate this RFT at any time". The tender process allowed the tenderer to consider multiple options to deliver the embayment portion of the project.
9/11/20	Tender closes for the ECI design and construction of the boardwalk.
17/11/20	Council considers the Engagement Outcomes Report and the Prudential Report.
2/2/21	A Professional Services Agreement entered into with BluBuilt Constructions for the concept and detail design (to the stage to provide a lump sum price) of the elevated boardwalk structure.

3. Has the Witton Bluff project gone to the Coast Protection Board for direction?

There is no requirement on Council to refer the project to the Coast Protection Board (CPB) for direction. This is because the development of a Recreation Path is not classified as “development” under the Planning, Development and Infrastructure Regulations 2016.

Notwithstanding this council has engaged with the Coast Protection Branch and other branches of the Department of Environment and Water (DEW). No issues were raised in these early discussions with DEW officers that would impact the ability to complete the project (subject to all investigations, detailed design and construction considerations). Council staff also committed to continue to work with the DEW officers throughout the design process. This commitment was formalised in a letter to the CPB on 2 March 21.

We are also aware that the project has been presented to the CPB by its officers.

On 11 March the CEO received a letter from the Coast Protection Board advising that they have been asked by the Minister for Environment and Water under Section 36 (1) of the Coast Protection Act 1972 to undertake an inquiry into the current proposal for the Witton Bluff Base Trail Projection in an effort to ensure the project is considered in an environmentally sustainable manner.

As part of this process our CEO wrote to the Coastal Protection Board on 15 March 20 offering any support or assistance required to support this process.

Council officers have provided project documentation and a detailed presentation on the project to the Coast Protection Board on Friday 26 March 2021.

4. If yes to question 3, what was the response from the Coast Protection Board?

Refer to the response in question 3 above.

5. Could you please explain at what stage council is at with this project? e.g. detailed design

BluBuilt Construction has been engaged for the design and construct of the elevated boardwalk. Early concept designs have been undertaken with options now being costed by BluBuilt. These costs will be used to guide the preferred options which will form part of the detailed design.

The next stage involves BluBuilt continuing the detailed design and finalising the construction cost prior to them commencing construction work. This is currently scheduled for approximately August 2021.

Design work is being finalised for the remainder of the path and the seawall repair. The scope of this work will be determined based on available budget and timing considerations.

Focus also remains on the continued engagement with Kurna to ensure that cultural considerations can be incorporated into the project. This engagement is being facilitated by the First Nation’s People Advisory Group Chairperson, Karl Telfer.

6. Where did the state government funding for Witton Bluff come from? Which Minister/department.

2020 Planning and Development Fund, Minister for Planning (Vickie Chapman). This grant is administered by ODASA (Office of Design and Architecture SA), part of the Attorney General’s Department.

7. Is the funding still secure of this project? (yes/no)

Yes - we have received no information that the funding has changed.

8. Off the back of Minister Speirs letter dated 25/3/2012 has Council stopped work on this project?

There is no onsite work occurring, but our contractor is continuing their design work as planned. The terms of the grant funding obligate us to continue delivering the project.

We remain committed to working with the Coast Protection Board and look forward to the completion of their report. We believe the project is being undertaken in an environmentally sustainable manner and will welcome receipt of the report. We will proactively work through any issues raised, as we have a positive and collaborative working relationship with the Coast Protection Branch that supports the Board.

9. What steps has Council taken since seeing Minister Speirs letter of 25/3/2021

On 31 March a status update was provided to ODASA to support a request for a brief which came to them from their Minister (Vickie Chapman MP).

On 1 April letters were sent from the Mayor to both the Minister for Planning (the Attorney General) and the Minister for Environment and Water in relation to issues raised in the media. These letters have been provided to Elected Members.

As detailed above, Council officers have also provided project documentation and a detailed presentation on the project to the Coast Protection Board on Friday 26 March 2021.

Council has also provided some responses to media enquiries.

10. Has Council met all of its funding agreement obligations for the Witton Bluff project?

Yes.

10.4 Questions on notice – Cr Themeliotis – Flagstaff Pines Shopping Centre

Background

I recently went on www.location.sa.gov.au to see how areas of my ward have been zoned. I noticed that when you search Flagstaff Hill, dataset, land management, property and planning and then land divisions. Proposed in red looks to be the shopping centre site divided up into several residential block and not a shopping centre as proposed. Please see images at attachment 1. Could I please see some clarification through the below questions:

1. Could I please get an update on the proposed shopping centre, Seventh Street, Flagstaff Pines, is it still going ahead?

Council has confirmed with the applicant that development application 145/1735/2013 is still in progress, being approval for a shopping centre development, construction of a public road and main street with associated earthworks, carparking, landscaping, signage, and removal of a regulated tree. An extension of time has been granted to allow the applicant to achieve Building Rules Consent by 23 May 2022.

2. Has the land proposed for the Seventh Street Shopping Centre been rezoned?

No. The name of the zone has however recently changed to Suburban Activity Zone (previously Neighbourhood Centre Zone) under the new Planning and Design Code introduced on 19 March 2021; the primary use and policies remain the same.

3. Has council received a new proposal for the proposed shopping centre site, to now be housing?



No housing proposals have been lodged and the applicant has reconfirmed their intent to progress the shopping centre development. The land division layer on the SAPP map shows all land divisions proposals, including historic and lapsed, over the land.

- 4. If the proposed shopping centre land will now be turned into housing. Is there any concerns with the soil brought up from Darlington? I understand the soil may be contaminated but suitable for a shopping centre and not housing?*

The soil contamination restriction allows for non-sensitive uses only, such as a shopping centre, where the soil is effectively capped by the concrete base of the centre. Housing would be considered a sensitive use and would require the Environment Protection Authority review prior to any such proposal.


- 5. If housing is proposed for the area, will residents be consulted? Will this come to council?*

At this time, council would be the relevant authority. Under the new Planning , Development And Infrastructure Act 2016, residential land division of this type (if proposed) would require public notification.

 location.sa.gov.au/View 

Flagstaff Hill, 5159 


Land Divisions



Joinid	4459100
Edalaid	44591
Stageno	0
Purpose	RES
Lotno	901
Pieceno	
Created	5/06/2020 6:05:38 PM

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10.5 Questions on notice – Cr Themeliotis – Council and Strategic Directions Committee (SDC) meeting video recordings

1. *Over the last 6 months how many viewers have viewed Council meetings and SDC meetings?*

The below meeting recordings remain on the website with the view counts as follows:

Council

19 January 2021 – 25 views
 16 February 2021 – 75 views
 16 March 2021 – 34 views

Strategic Directions Committee

2 February 2021 – 128 views
 2 March 2021 – 8 views
 6 April 2021 – 34 views

2. *How many residents have requested access to Council or SDC meetings that are older than 3 months?*

Council staff have received a request from one (1) resident via telephone to view a meeting recording that was older than three (3) months and accordingly removed from council's website as per Council's Code of Practice – Proceedings of Meetings.

3. *Has Council received any complaints from residents, who have been concerned that they are unable to access the recording of Council/SDC meetings older than 3 months?*

No complaints have been received. A Freedom of Information request was submitted by the same resident who requested access to the meeting recording that was older than 3 months.

11. Motions on notice

11.1 Motion on notice – Cr Olsen – Intersection audit, Main Road, McLaren Vale to Willunga

MOVED Cr Olsen.

That Council undertake a full audit of all the intersections on the Main Rd between McLaren Vale and Willunga to:

- *Determine if the existing intersection arrangements are compliant with current Australian Standards, Austroads guidelines and DIT requirements*
- *Assess the adequacy, quality and locations of pavement markings*
- *Assess the adequacy, quality and location of signage*
- *Assess the potential for additional advance warning signage, safety devices or road treatments to be installed at higher risk intersections*
- *Ensure all sight distance requirements are in accordance with Australian Standards and Austroads guidelines*
- *Complete the audit and any follow-up operational corrective actions that fall within Council's responsibility by the end of July 2021*
- *Should there be a requirement for significant capital expenditure from Council, initiate the process for adding into Project Capital Works to risk assess, seek budget, score and prioritise against other projects across the city, as per the Resource Prioritisation Document for Traffic assets*

- Advise the Department for Infrastructure and Transport of any identified issues to where the issues fall under their responsibility for any corrective actions
- Provide a report back to Council in August 2021 outlining the results of the audit, any corrective actions undertaken, or recommendations for future works.

Seconded by Cr de Graaf.

CARRIED

11.2 Motion on notice – Cr Olsen – Video recorded Council and Committee meetings – public access

MOVED Cr Olsen.

- That public instant access to video recordings on Council's website of the approved Council and Committee meetings be increased from 3 months to 24 months.
- That a publicly accessible YouTube channel be created and the recorded videos also be available at that site, as well as the Council website for the 24 month period.
- That the public instant access extension to 24 months, and the creation of the public YouTube channel, begins at the next meeting to be recorded.
- That when recorded videos eventually fall outside the ~~public instant access period~~, 24 month period, the publicly accessible links to the videos are removed from Council's website and the YouTube channel, however they are to be retained indefinitely in the event they are requested to be viewed by the public.
- That the previously recorded meetings be retained for public instant access for 3 months, as per the previous arrangement, as advised to persons performing deputations and presentations. They are also to be included on the newly created public YouTube channel.
- That a request for access to view recorded videos outside the public instant access timeframe be via a more simplified application process than a Freedom of Information (FOI) request that's currently required.
- That there be no financial charge for video recording access requests unlike the current FOI request.

Seconded by Cr de Graaf.

Cr Greaves MOVED an AMENDMENT.

- That public instant access to video recordings on Council's website of the approved Council and Committee meetings be increased from 3 months to 24 months.
- That a publicly accessible YouTube channel be created and the recorded videos also be available at that site, as well as the Council website for the 24 month period.
- That the public instant access extension to 24 months, and the creation of the public YouTube channel, begins at the next meeting to be recorded.
- That when recorded videos eventually fall outside the 24 month period, the publicly accessible links to the videos are removed from Council's website and the YouTube channel, however they are to be retained indefinitely in the event they are requested to be viewed by the public.
- That the previously recorded meetings be retained for public instant access for 3 months, as per the previous arrangement, as advised to persons performing deputations and presentations. They are also to be included on the newly created public YouTube channel.
- That a request for access to view recorded videos outside the public instant access timeframe be via a more simplified application process than a Freedom of Information (FOI) request that's currently required.

- *That the simplified application process include definition of significant administrative time that may result in a fee being charged.*

Seconded by Cr Tonkin.

Cr de Graaf left her seat in the Chamber at 9.43pm.

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

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

11.3 Motion on notice – Cr Brown – Honouring former Mayor Ray Gilbert and his wife Edith for dedication to community service

MOVED Cr Brown.

That the Council have a brief workshop (perhaps piggy backed with another workshop) within the next 2 – 6 weeks to discuss and formalise options of how the council could honour the first Mayor of the City of Onkaparinga, former Mayor Ray Gilbert and his wife Edith.

Seconded by Cr Eaton.

CARRIED

12. Petitions

12.1 Petition - Outlook Drive, Aberfoyle Park – speeding vehicles

MOVED Cr Themeliotis.

1. *That the petition be received.*
2. *That the matter continues to be investigated and an update be provided to Elected Members and the head petitioner when the investigations are complete by end of June 2021.*
3. *That the head petitioner be notified of Council's decision.*

Seconded by Cr Eaton.

CARRIED

13. Urgent business

Nil.

14. Confidential items

14.1 Audit, Risk, Value and Efficiency Committee meeting confidential minutes of 15 March 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) (k) tenders for the supply of goods, the provision of services or the carrying out of works.

This report is to be kept confidential due to the commercial nature of this appointment.

- 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 Audit, Risk, Value and Efficiency Committee meeting confidential minutes of 15 March 2021 having been considered by the Council in confidence under sections 90(2) and 90(3)(k) 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 the execution of the contract.*
- 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 Greaves.

CARRIED

Mayor Thompson reopened the meeting to the public at 9.59pm.

15. Closure

Mayor Thompson officially declared the meeting closed at 9.59pm.

Certified CorrectChair

/ /2021