
City of Onkaparinga
Minutes of the Council meeting
held on 1 April 2014

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

Meeting commenced: 7.01pm

Present: Mayor L F Rosenberg
Cr M Bray
Cr R A Brown (left 8.33pm)
Cr S Brown (left 8.33pm)
Cr D Chapman (left 11.02pm)
Cr H Greaves
Cr J Gunn
Cr W Jamieson
Cr G Kilby (left 10.09pm)
Cr C Knight (7.03pm)
Cr H Merritt
Cr S Nash
Cr W Olsen (left 11.20pm)
Cr D Parslow
Cr P Schulze
Cr P Sutherland (left 11.20pm)
Cr N Swann (7.04pm)
Cr S Webster
Cr Y Wenham (11.23pm)

Apologies: Cr K Richardson

Leave of absence:

Absent: Cr R de Jonge

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 7.01pm.

2. Confirmation of minutes of the Council meeting held on Tuesday 11 March 2014, the Special Council meeting held on Tuesday 18 March 2014 and the Special Council meeting held on Thursday 27 March 2014.

Cr Kilby *MOVED* that the Minutes of the proceedings of the Council meeting held on Tuesday 11 March 2014, the Special Council meeting held on Tuesday 18 March 2014 and the Special Council meeting held on Thursday 27 March 2014, be received and confirmed as an accurate record of those proceedings.

Seconded by **Cr Schulze**

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

Nil.

6. Presentation

6.1 City of Onkaparinga Pipe Band (Keith Blyth, President)

Cr Knight entered the meeting at 7.03pm.

Cr Swann entered the meeting at 7.03pm.

Keith Blyth, President, City of Onkaparinga Pipe Band, gave a presentation and answered questions from Elected Members in relation to the history and operations of the City of Onkaparinga Pipe Band.

7. Deputation

Nil.

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

8.1 Chief Executive Officer Performance Management Committee minutes

***Cr Nash** MOVED that the minutes of the Chief Executive Officer Performance Management Committee meeting held on 18 March 2014 as attached to the agenda report are noted by Council.*

*Seconded by **Cr Swann***

CARRIED

8.2 Strategic Directions Committee minutes

***Cr Parslow** MOVED that the minutes of the Strategic Directions Committee meeting held on 25 March 2014 as attached to the agenda report are noted by Council.*

*Seconded by **Cr Swann**.*

***Cr S Brown** MOVED an AMENDMENT.*

That the minutes be noted with the exception of the nomination to the Murray Darling Basin Association.

*Seconded by **Cr Bray**.*

Mayor Rosenberg declared an interest as council contact to the Murray Darling Basin Association.

The AMENDMENT was PUT and LOST.

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

9. Reports of officers

9.1 Monthly Financial Report - February 2014

*MOVED **Cr Greaves**.*

That the financial reports for February 2014 be received and noted.

*Seconded by **Cr Chapman**.*

CARRIED

9.2 Certificate of Consent for the Deposit of a Plan of Division - 92349 and 90655, Seaford Rise.

*MOVED **Cr Nash.***

That Council:

- 1. Consents to the Deposit of the Plan of Division 92349 and 90655 (attachment 1 to this agenda report) at Seaford Rise approved in Development Application 145/8202/2007.*
- 2. Acknowledges that its interest, AG11587842, will be unaffected by issuing its consent as the Land Management Agreement is rescinded over those allotments to which the Land Management Agreement does not apply and is carried over to those allotments to which it does.*
- 3. Delegates to the Mayor and Chief Executive Officer the authority to affix the council seal to and execute the Certificate of Consent for the Deposit a Plan of Division form (attachment 4 to this agenda report).*

*Seconded by **Cr Gunn.***

CARRIED

9.3 Update on The Quarter

*MOVED **Cr Kilby.***

That Council note the report.

*Seconded by **Cr Merritt.***

CARRIED

10. Nominations to external bodies

Nil.

11. Questions on notice

Nil.

12. Motions

Nil.

13. Petitions

Nil.

14. Urgent business

14.1 Cr Webster – Service Review of Arts Services Area

MOVED Cr Webster.

That the Arts Services Area undertake an immediate services review and the report of the findings including possible cost reductions be presented to Council by end of August 2014.

*Seconded by **Cr Wenham.***

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

14.2 Cr Webster - Questions on Agenda items

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

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

MOVED Cr Webster.

That answers to Questions raised on Agenda items for all Council and Committee meetings be sent to Elected Members by email no later than 12pm of the same day of these meetings.

*Seconded by **Cr S Brown.***

***Cr Greaves** MOVED that the MOTION be PUT.*

*Seconded by **Cr Gunn.***

CARRIED

The MOTION was PUT and LOST.

*At 8.33pm **Cr Wenham** MOVED that the meeting adjourn for a five minute break.*

*Seconded by **Cr Schulze.***

CARRIED

Mayor Rosenberg reconvened the meeting in the Chamber at 8.47pm with all Members present that were present before the adjournment with the exception of **Cr R Brown** and **Cr S Brown**.

15. Confidential items

15.1 Legal proceedings

MOVED Cr Merritt.

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 at the meeting in order to consider in confidence this item.*
- b) Council is satisfied that, pursuant to Section 90(3)(i) of the Local Government Act 1999, the information to be received, discussed and considered in relation to this agenda item is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of Council in that legal advice regarding the options of legal proceedings will be discussed, and this information ought not be made available to the public as it could detrimentally affect the Council's position if such legal proceedings are commenced.*
- c) Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure of this information may compromise the Council's position if legal proceedings are commenced.*

Seconded by Cr Nash.

Cr Webster MOVED that the MOTION be PUT.

Seconded by Cr Greaves.

CARRIED

The MOTION was PUT and CARRIED.

Cr Wenham called a Division.

For:

<i>Cr Gunn</i>	<i>Cr Greaves</i>	<i>Cr Kilby</i>	<i>Cr Knight</i>
<i>Cr Jamieson</i>	<i>Cr Merritt</i>	<i>Cr Nash</i>	<i>Cr Parslow</i>
<i>Cr Schulze</i>	<i>Cr Swann</i>	<i>Cr Webster</i>	

Against:

<i>Cr Bray</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>
<i>Cr Sutherland</i>	<i>Cr Wenham</i>	

CARRIED

MOVED Cr Nash.

2. *That Item 15.1 Legal proceedings having been considered in confidence under Section 90(2) and 90(3)(i) of the Local Government Act 1999 an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that Item 15.1 Legal proceedings, the legal advice relating to this item and all minutes and attachments of Council, with the exception of attachment 4 Council Report on Sellicks Beach Community Wastewater Management Scheme: 2012-13 Financial Information from meeting March 19 2013 and attachment 5 Council Report on Sellicks Beach Community Wastewater Management Scheme from meeting February 26 2013, relating to discussion of the subject matter be kept confidential until conclusion of any legal proceedings (including appeal actions).*
3. *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.*
4. *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 Merritt.**

Cr Olsen left the meeting at 11.20pm.

Cr Sutherland left the meeting at 11.20pm.

CARRIED

Cr Wenham called a Division.

For:

<i>Cr Gunn</i>	<i>Cr Greaves</i>	<i>Cr Knight</i>
<i>Cr Merritt</i>	<i>Cr Nash</i>	<i>Cr Parslow</i>
<i>Cr Schulze</i>	<i>Cr Swann</i>	<i>Cr Webster</i>

Against:

<i>Cr Bray</i>	<i>Cr Jamieson</i>	<i>Cr Wenham</i>
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CARRIED

Cr Wenham left the meeting at 11.23pm.

15.2 Personal affairs

MOVED Cr Greaves.

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 at the meeting in order to consider in confidence this item.*
- b) *Council is satisfied that, pursuant to Section 90(3)(a) of the Local Government Act 1999, it is necessary that the public be excluded to enable the Council to consider the matter 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);
- c) *Council is satisfied that the principle that the meeting 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 Schulze

CARRIED

MOVED Cr Jamieson.

- 2. *That item having been considered in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999 an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the discussion of the subject matter and all minutes and attachments of Council, be kept confidential.*
- 3. *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.*
- 4. *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 Swann.

CARRIED

Mayor Rosenberg reopened the meeting to the public at 11.30pm.

16. Closure

Mayor Rosenberg officially declared the meeting closed at 11.30pm.

Certified CorrectChair

/ /2014