
City of Onkaparinga

Minutes of the Council meeting

held on 22 January 2019

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

Meeting commenced: 7pm

Present: Mayor E Thompson
Cr S Brown
Cr B Cowan
Cr de Graaf
Cr G Eaton
Cr H Greaves
Cr W Jamieson
Cr S McMahon
Cr M O'Brien
Cr W Olsen
Cr R Peat
Cr M Themeliotis

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 Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

1. Opening of meeting

Mayor Thompson officially declared the meeting open at 7pm.

Cr Eaton read the pledge.

Cr de Graaf entered the meeting at 7pm.

2. Confirmation of minutes

Cr Greaves MOVED that the minutes of the proceedings of the Council meeting held on 11 December 2018 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Themeliotis.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 Mayors Report 22 January 2019

Happy New Year and welcome back to what I am sure will be a very exciting year ahead.

Tour Down Under

City of Onkaparinga Key to the City

When last year's Tour Down Under saw Richie Porte take out stage 5 for the 5th consecutive year, our former Mayor Lorraine Rosenberg proposed that he be offered the Key to the City. This Sunday I will have the honour of presenting this prestigious award to Richie at the start line of Stage 6.

We are so lucky to again welcome this wonderful event to our city and for the first time this year we will be hosting the grand finale. This much loved event injects an estimated \$14.6 million into our local economy.

I wish all the riders the best of luck.

Corporate Marquee

The new council have been in discussions and will not be pursuing the provision of a corporate marquee at the final stage of this year's Tour Down Under. We have identified several other initiatives and opportunities to engage and meet with key businesses and contacts across our city such as the ON Business partner program and the development of our Business Ambassador program.

This decision will allow for the allocated budget of \$30k to be directed to other more community focused programs.

Correspondence received

The following correspondence is attached for your information:

Port Noarlunga South Residents Association, Attachment 1.

Mayor's calendar

My activities are reflected in Attachment 2.

Thank you.



Erin Thompson
Mayor

MOVED Cr Jamieson.

- 1. That Council note the 22 January 2019 Mayor's report.*
- 2. That as a consequence of not being able to secure sponsorship to offset the costs of hosting a City of Onkaparinga Corporate Marquee during the 2019 Santos Tour Down Under Be Safe Be Seen MAC Stage 6 at Penny's Hill Wines in accordance with the original resolution of Council dated 16 October 2018, and as per the deliberations with the Chief Executive Officer on this matter, the Council endorses and acknowledges that the resolution of the previous council was not enacted.*

Seconded by Cr Cowan.

CARRIED

6. Presentations

6.1 Declaration of Office – Cr Brown

Declaration of Office signing by Cr Brown.

7. Deputations

7.1 Proposal to sell closed road at Sellicks Hill – Michael Johns

Michael Johns gave a deputation and answered questions from elected members in relation to the proposal to sell closed road at Sellicks Hill.

7.2 Willunga Recreation Park – Graham Ormsby

Graham Ormsby gave a deputation and answered questions from elected members in relation to Willunga Recreation Park.

Cr Themeliotis left her seat in the Chamber at 7.40pm.

Cr Themeliotis resumed her seat in the Chamber at 7.43pm.

Cr Greaves left her seat in the Chamber at 7.48pm.

Mayor Thompson brought forward item 15.1 Code of Conduct for Council Members Preliminary Assessment Report EM2018-04 at this point.

15.1 Code of Conduct for Council Members Preliminary Assessment Report EM2018-04

MOVED Cr Themeliotis.

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 and Tracy Riddle of KelledyJones Lawyers, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*
Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- 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 Cowan.

CARRIED

MOVED Cr Greaves.

- 3. a. That the matter of Code of Conduct for Council members Preliminary Assessment EM2018-04 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 Code of Conduct for Council Members Preliminary Assessment EM2018-04 and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential excluding any future report presented to Council which determines a breach of the Code of Conduct for Council Members has been determined in relation to EM2018-04.*
- 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.*

Seconded by Cr Cowan.

CARRIED

At 9.24pm Mayor Thompson sought and was granted leave of the meeting for a 10 minute break.

Mayor Thompson reconvened the meeting in the Chamber at 9.38pm with all members present that were present before the adjournment with the addition of Cr Olsen.

Mayor Thompson brought forward item 15.5 Further advice on appeal options against approval of Seaford Meadows subdivision at this point.

15.5 Further advice on appeal options against approval of Seaford Meadows subdivision

MOVED Cr Themeliotis.

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 and Peter Psaltis of Norman Waterhouse, 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:
Section 90(3)(h) legal advice*
- 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 O'Brien.

CARRIED

MOVED Cr Themeliotis.

- 3a. That the matter of Further Advice on Appeal Options Against Approval of Seaford Meadows Subdivision, having been considered by the Council in confidence under Sections 90(2) and 90(3) and Section 90(3)(h) legal advice 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 (including attachments 1 and 2), any informal questions and responses, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr O'Brien.

CARRIED

At 10.28pm Cr Themeliotis MOVED that Council continue with business until 11pm at which time it will be assessed as to which reports be considered by the Strategic Directions Committee on 5 February 2019 and which reports be adjourned until the next meeting of Council.

Seconded by Cr O'Brien.

CARRIED

9. Reports of officers

Mayor Thompson brought forward item 9.2 Rates and Valuation Legislative Review 2018-19 Rating Impacts at this point.

9.2 Rates and Valuation Legislative Review 2018-19 Rating Impacts

MOVED Cr Cowan.

- 1. That Council advises the Local Government Association of South Australia (LGA) that the Council opposes the Local Government (Fixed Charges) Amendment Bill 2018.*
- 2. That Council advises the LGA that the Council opposes the Valuation of Land (Separate Valuations) Amendment Bill 2018.*
- 3. That Council requests the LGA engage in all available advocacy options to prevent these Bills passing into legislation.*
- 4. That Council endorse the Mayor to engage in direct advocacy with the Honourable JA Darley, the Minister for Local Government and Members of Parliament to prevent these Bills passing into legislation.*

Seconded by Cr Jamieson.

CARRIED

Mayor Thompson brought forward item 9.3 Update report to revoke and dispose of Community Land off Plains Road Sellicks Hill at this point.

9.3 Update report to revoke and dispose of Community Land off Plains Road Sellicks Hill

MOVED Cr Peat.

That Council not proceed to submit a request to the Minister for Transport, Infrastructure and Local Government for approval to revoke the subject land from its community land classification and not proceed with selling the land to the adjoining landowner of allotment 271 Old Sellicks Hill Road, Sellicks Hill.

That the prospective purchaser and Mr Johns be notified accordingly.

Seconded by Cr Themeliotis.

CARRIED

Mayor Thompson brought forward item 9.5 Willunga Recreation Park proposed redevelopment project stages 2-3 at this point.

9.5 Willunga Recreation Park proposed redevelopment project stages 2-3

Cr Jamieson left his seat in the Chamber at 10.56pm.

Cr Jamieson resumed his seat in the Chamber at 10.57pm.

MOVED Cr Greaves.

That Council:

- 1. Note the previous Council report and recommendations.*
- 2. Approve that Council endorses that a further funding allocation of \$900,000 will be made from the contingency reserve as part of the 2018-19 budget, to*

assist with the funding of the remaining project works understanding this is a departure from the City of Onkaparinga's funding procedure. The release of this additional funding will be subject to the Willunga Recreation Park Incorporated Management Committee (WRPIMC) submission for \$1.999 million to the Building Better Regions Fund Round 3 being successful and the balance of proceeds being made available from the WRPIMC.

3. *That Council seek further engagement with the WRPIMC and Department of Education and Child Development to consider funding sources and options for integrated design, and potential colocation of services in the Willunga Township with stages two and three of the proposed redevelopment of the Willunga Recreation Park.*
4. *That further reports be provided to Council in relation to funding options and opportunities for integrated design and colocation of services in partnership with the Willunga Recreation Park proposed stage two and three redevelopment.*

Seconded by Cr Olsen.

Cr Themeliotis left her seat in the Chamber at 11.06pm.

Cr Themeliotis resumed her seat in the Chamber at 11.08pm.

CARRIED

MOVED Cr Themeliotis.

That Council consider items 9.9, 10.2, 11.1, 13.1 and 15.2 tonight and that items 9.1, 9.6 and 9.7 be considered by the Strategic Directions Committee at its meeting of 5 February 2019 and that all other unresolved items be adjourned until the next Council meeting.

Seconded by Cr O'Brien.

CARRIED

9.9 Ombudsman SA's Report - Former Elected Member Declaration of Interests

MOVED Cr Themeliotis.

That Council note the Ombudsman's final report reference No 2018/01726, provided as attachment 1 to the agenda report, regarding former Cr Wainwright's disclosure of interests in relation to Primary and Ordinary Returns.

Seconded by Cr Greaves.

CARRIED

10. Nominations to external bodies

10.2 Election of South Australian Representative on Australian Coastal Councils Association Committee of Management

Cr Jamieson declared a material conflict of interest as the person nominated in the recommendation of the report and left the meeting at 11.17pm.

MOVED Cr Themeliotis.

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

Seconded by Cr Eaton.

Cr Jamieson resumed his seat in the Chamber at 11.18pm.

CARRIED

11. Questions on notice

11.1 Questions on Notice - Cr Themeliotis - Flagstaff Pines Shopping Centre

Background

Residents of Flagstaff Hill and Flagstaff Pines have asked several questions with regards to the proposed shopping centre, Seventh Street, Flagstaff Hill. The shopping centre has been proposed for several years now, but seems to have not progressed.

Residents who will be directly affected by the proposed shopping centre living in the surrounding streets would like an update on the following:

1. Could you provide an update on the Flagstaff Pines Shopping Centre Development?

The owner of the site, Adelaide Development Company, has advised that they are seeking an anchor tenant for the shopping centre and until this is secured the development will not occur. The development approval for the construction of the shopping centre and carparking is valid until 23 May 2019. An extension of time can be sought from the applicant.

Planning consent was recently granted under delegation for some filling of the land to a height of 8.7 metres. Should the applicant obtain development approval, the works are required to be undertaken with appropriate dust management practices in place to ensure no adverse impacts on the surrounding residents. Hydro-seeding grass will be treated to all batters at the completion of the work.

2. Has Council received an updated proposal from the Adelaide Development Company (ADC) for shopping centre?

No.

3. Is there a time limit for (ADC) to get a revised proposal back to Council?

The current approval for the shopping centre, as noted in response to question 1, lapses 23 May 2019. The applicant is able to seek an extension of time, should additional time be needed for the approval to be implemented.

4. What is the process from Council end once a revised proposal for the shopping centre is received?

This depends on the nature of the proposal. It will need to be determined whether the amended plans are a variation to the current approval or, if they are significantly different from what has been previously proposed, a new development application will be required. In both scenarios, category 2 public notification is likely to be required, meaning only those landowners and

occupiers adjoining or within 60m of the site are directly notified and able to make representation on the application.

5. Is this proposed shopping centre still going ahead as it seems to be in the works for some years now but has not progressed?

Unknown at this stage. Refer to question 1 response.

13. Petitions

13.1 Petition - removal of rumble bumps High Street, Willunga

MOVED Cr Greaves.

- 1. That the petition be received.*
- 2. That the matter be investigated and a further report presented to Council on 19 March 2019.*
- 3. That the head petitioner be advised of Council's decision.*

Seconded by Cr Olsen.

CARRIED

14. Urgent business

Nil.

15. Confidential items

15.2 Tier 1 Event

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, 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)(j) information the disclosure of which -

 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the Council); and*
 - (ii) would, on balance, be contrary to the public interest;*
 - c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Themeliotis.

CARRIED

MOVED Cr Olsen.

- 3a That the matter of Tier 1 Event having been considered by the Council in confidence under sections 90(2) and 90(3)(j) 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, any informal questions and responses, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential until 31 July 2019.*
- b That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Themeliotis.

CARRIED

Mayor Thompson reopened the meeting to the public at 11.21pm.

12.4 Notice of Motion Cr Olsen re audit of purchase card, travel and hospitality procedures

Cr Cowan left his seat in the Chamber at 11.25pm.

MOVED Cr Olsen.

- 1. That one of the first audit items for the newly formed Audit Committee be the review of the policies, procedures, guidelines and rules that have been developed to address the transparency and accountability of Corporate credit card usage, travel, entertainment and hospitality to ensure they are clear, thorough and provide transparency to the Community.*
- 2. That the Audit Committee provide a report back to Council outlining its findings, recommendations for improvements, and any omissions in the policies, procedures, guidelines and rules.*

Seconded by Cr Peat.

Cr Eaton MOVED an AMENDMENT.

- 1. That one of the first audit items for the newly formed Audit Committee be the review of the policies, procedures, financial spending, guidelines and rules that have been developed to address the transparency and accountability of Corporate credit card usage, travel, hospitality, including entertainment and gifts, to ensure they are clear, thorough and provide transparency to the Community.*
- 2. That the Audit Committee provide a report back to Council outlining its findings, recommendations for improvements, and any omissions in the policies, procedures, guidelines and rules.*
- 3. That the Audit Committee engages with the Auditor General, particularly the Local Government Audit Section, to enquire about a workshop to review our practices and procedures.*

Cr Cowan resumed his seat in the Chamber at 11.28pm.

Seconded by Cr de Graaf.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

16. Closure

There being no further business Mayor Thompson officially declared the meeting closed at 11.36pm.

Certified CorrectChair

/ /2019