
City of Onkaparinga
Minutes of the Council meeting
held on 28 January 2014

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

Meeting commenced: 7.00 pm

Present: Mayor L F Rosenberg
Cr M Bray
Cr R A Brown
Cr S Brown
Cr D Chapman (left 8.47pm)
Cr R de Jonge
Cr H Greaves
Cr J Gunn
Cr W Jamieson
Cr G Kilby (left 7.36pm)
Cr C Knight
Cr H Merritt
Cr S Nash
Cr W Olsen (7.09pm) (left 8.58pm)
Cr D Parslow
Cr K Richardson
Cr P Schulze
Cr P Sutherland
Cr N Swann
Cr S Webster
Cr Y Wenham (left 8.16pm)

Apologies:

Leave of absence:

Absent:

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 7.00pm.

2. Confirmation of minutes of the Council meeting held on Tuesday 10 December 2013.

Cr Nash *MOVED* that the Minutes of the proceedings of the Council meeting held on 10 December 2013 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Gunn.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's communication

5.1 Mayor's Report 28 January 2014

Happy New Year!

I sincerely hope you had a relaxing and enjoyable Christmas break and are ready for the coming year. The break is an opportunity to reflect on our City and all we have achieved, but also to reflect on the importance of Local Government in general.

When I look back over the past year, I conclude it was a very busy and successful one. On your behalf I wish to thank our staff at the City of Onkaparinga for what they contribute to the success. I also thank the volunteers, service clubs and organisations for all they contribute.

I feel that business success has been patchy after last year and hope sincerely we see a better 2014 for all our businesses.

I think it is worthwhile to note some of the key achievements for 2013.

- Finalised Community Plan 2035, Tourism Strategy and Bulky Goods Development Plan Amendment
- Finalised Stage II of Water Proofing the South, capturing three billion litres of stormwater
- Completion and celebration of milestones for Port Noarlunga RSL Memorial Gardens, Minkarra Dog Park, Traffic Education park at Reynella and the update of the Noarlunga Aquatic Centre
- Foreshore upgrades
- Huge number of events in November
- Changes to the waste program with an \$8 million improvement to our bottom line over seven years
- Awards for Planning and Tourism
- Continuation of service reviews for improved efficiency.

While reflecting on the past break period I note with deepest regret the passing of a colleague and workmate, Brian Greig. Many of us attended his funeral and we will miss him around the council office and outer buildings. Our best wishes are extended to Julie, Ryan and Daniel and to the extended family. May he rest in peace.

Since the last meeting of Council there have been a few issues worth noting here.

Citizenship

We held two Citizenship Ceremonies in December 2013. One was held at the Moana Surf Life Saving Club on the grounds to the south of the building. The club members and nippers took part in the ceremony in various ways and for those of council who attended, we were impressed with both the venue and the participation of the club. Thanks to all for your contribution.

Local Excellence Program

As the Local Government Association's Acting President I held a forum on 12 December 2013 to launch the final recommendations by the Hon Greg Crafter (Chair of Local Excellence Panel) of the 'Council of the Future' report. This report is just that, a series of recommendations for Local Government to consider, discuss, debate and decide to either accept, reject or amend. A copy can be viewed at <http://lga.sa.gov.au/page.aspx?u=2936>.

At the same forum, I hosted the Planning Reform panel, set up by the Hon John Rau, Minister for Planning. The document produced 'What we have heard on Planning Reform' was released. Go to www.thinkdesigndeliver.sa.gov.au for subscription to the report.

Local Government Association New Zealand Study Tour update

As detailed in previous Mayor's Reports it was expected that various members of the study tour would write parts of the report so it could be collated into one final document. To date, the report is in draft and has not been tabled with the Local Government Board (host of the study tour). When it has been adopted by the Local Government Association Board, I will be happy to report further.

China Delegation

We were asked to host another China delegation from Luzhou (pronounced Loo Joe) on 19 December 2013. This delegation was in Adelaide to sign a contract with Shottesbrooke Wines.

Elected Member representation, 4 December 2013 – 21 January 2014

I thank the following Elected Members who have represented me over this period:

Deputy Mayor Gail Kilby

- McLaren Vale Business Showcase - 4 December 2013
- 40 Army Cadet Unit end of year parade - 7 December 2013

EM Briefings/Workshops from 4 December 2013 to 21 January 2014

16 December 2013 – Budget Process

21 January 2014 – Seaford District Centre

Mayor's calendar

My activities from 4 December 2013 to 21 January 2014 are reflected in Attachment 1.

Thank you



Lorraine Rosenberg

Mayor

Cr Nash *MOVED that the Mayor's Report is noted by Council.*

Seconded by Cr Swann.

CARRIED

Mayor Rosenberg brought forward item 12.2 Notice of Rescission Motion (Cr Wenham) at this point.

12.2 Notice of Rescission Motion (Cr Wenham)

Cr Wenham has indicated her intention to move the following rescission motion.

Explanation

At the meeting on 13 August 2013, Council considered The Strategic Directions Report (SDR) (a statutory requirement under section 30 of the Development Act 1993) and resolved that Council approves the draft Strategic Directions Report to enable commencement of the proposed five year Development Plan Amendment (DPA) program. The SDR was submitted to the Minister on 16 August 2013 and Council is currently awaiting a response.

As part of the SDR five year DPA program, a DPA was recommended to be considered for the site at Gulf Parade Maslin Beach which contained the former sand quarry (Certificate of Title reference Volume 5868 Folio 547 & 548). Investigations were proposed to be undertaken in 2017-18 to consider the site for recreation and tourism purposes and, if justified, undertake a DPA in 2018. It was also noted in the SDR that the timing of the DPA would depend upon agreement with the State Government to gain access over and the inclusion of Crown (Coastal) land. The DPA has the potential to be funded by the land owner/developer.

Rescission Motion

*MOVED **Cr Wenham** that:*

The resolution of Council passed on 13 August 2013 at Item 9.8 of the Council Agenda, 'Strategic Directions Report for Approval'; in part:

That Council:

- 1. Approves the draft Strategic Directions Report and draft Development Plan Amendment Priorities Analysis as attached to the agenda report, for submission to the Minister for Planning pursuant to Section 30(7) of the Development Act 1993, with the addition of an additional point 7 to page 21 of the draft Development Plan Amendment Priorities Analysis, that being:*
'7. Advocate for the future provision of a railway station to service Seaford Heights and Seaford Rise in the planning for the extension of the rail corridor between Seaford Centre to Aldinga'.
- 2. Notes in relation to funding the proposed Development Plan Amendment program the following:*
 - It is expected that recent procedural changes within State Government requiring in some cases legal agreements to be reached with developers and infrastructure providers regarding the provision of infrastructure prior to rezoning will significantly increase the cost of undertaking some Development Plan Amendments.*
 - Estimated capital funds needed to implement the five year Development Plan Amendment program, with projected annual allocations averaging \$125 000 per annum over five years be considered as part of annual budget deliberations.*
- 3. Notes and has regard to the following in relation to the Character Preservation (McLaren Vale) Act 2012:*
 - Section 6(2) relating to the Objects of the Act that in exercising powers and functions in relation to the district has had regard to and seeks to further the objects of the Act by identifying a Development Plan Amendment program that furthers the objects of the Act.*
 - Section 8(b) relating to transitional requirements under the Act undertaking a review of the development plan to determine if a Development Plan Amendment is needed to address the changes to the Planning Strategy and/or provisions that are relevant to operation of the Act. This has been addressed through identifying the need to recognise areas of specific character including the townships and undertake a Character Preservation (McLaren Vale) District Development Plan Amendment.*

4. *Notes the draft comments received from the State Government and our response including elevating the priority status of the centres and residential Development Plan Amendments and reducing the number of Development Plan Amendments through merging the Rural, Townships and Tourism Development Plan Amendments.*
5. *Notes the following policy activities recommended in the program that support investment attraction and employment outcomes in our council area including:*
 - a. *Activity Centres Study 2013-18 and Development Plan Amendment to support vibrant mixed use centres*
 - b. *Employment Land Demand and Future Needs Analysis and Development Plan Amendment to improve the supply and flexibility of use of appropriately zoned land for employment purposes*
6. *Notes Adelaide Development Company's request to elevate the priority status of the Moana Sands Development Plan Amendment and approves our response which is detailed in section 5 of the council report under 'Moana Sands DPA' which includes elevating the Development Plan Amendment to commence investigations in 2016 with the opportunity to undertake the Development Plan Amendment sooner should developer funding be provided.*

be AMENDED to replace item number 1 of the resolution with the following:

That Council:

1. *Approves the draft Strategic Directions Report and draft Development Plan Amendment Priorities Analysis as attached to the agenda report, for submission to the Minister for Planning pursuant to Section 30(7) of the Development Act 1993, with the following amendments:*
 - a. *the addition of an additional point 7 to page 21 of the draft Development Plan Amendment Priorities Analysis, that being:*
 - '7. *Advocate for the future provision of a railway station to service Seaford Heights and Seaford Rise in the planning for the extension of the rail corridor between Seaford Centre to Aldinga'.*
 - b. *that the landowner/developer request submitted as part of the Section 30 consultation to rezone the land at the former Maslin Beach quarry be rejected and that Council may consider investigations to inform the scope of a DPA and policy directions that reflects the interests of the community*
2. *Approves that the Strategic Directions Report be amended to reflect 1b above and be resubmitted to the Minister for Planning for agreement.*

*Seconded by **Cr Kilby**.*

Cr Olsen entered the meeting at 7.09pm.

Leave of the meeting was sought and granted to extend period of debate for **Cr Wenham**.

CARRIED

Cr Wenham called a Division.

For:

<i>Cr Olsen</i>	<i>Cr Kilby</i>	<i>Cr Schulze</i>	<i>Cr Greaves</i>	<i>Cr Chapman</i>
<i>Cr S Brown</i>	<i>Cr Knight</i>	<i>Cr Bray</i>	<i>Cr Sutherland</i>	<i>Cr Merritt</i>
<i>Cr Gunn</i>	<i>Cr Swann</i>	<i>Cr Jamieson</i>	<i>Cr R Brown</i>	<i>Cr Webster</i>
<i>Cr Wenham</i>	<i>Cr Parslow</i>	<i>Cr Richardson</i>	<i>Cr Nash</i>	

Against:

<i>Cr de Jonge</i>				
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CARRIED

Background

The Maslin DPA is in response to a request by Nobletech Pty Ltd to rezone the land at Gulf Parade Maslin Beach (CT 5868/547 & CT 5868/548), along with a portion of adjoining Crown land, which will total a combined area of approximately 40 hectares.

The Developer has requested, 14 hectares of land to be re-zoned for tourism accommodation, Marina & residential (letter requesting re-zoning is attached as per attachment 1)

The requestor for the additional 26 hectares of Crown Land to be re-zoned as part of this Maslin DPA is unknown at this time.

Nobletech Pty Ltd does have the ability to build tourism accommodation and residential properties under the existing zoning policy.

Elected Members may recall 24th September 2013 questions on Notice seeking further clarifying information on Maslin Beach DPA

Maslin Beach Desired Character Statement

Council at its meeting 15 May 2007 endorsed the draft Desired Character Statements, Human Services and Infrastructure DPA Statement of Intent (SOI). This DPA was withdrawn by Council in 2009, however extensive community engagement was undertaken and draft desired future character were created for Maslin Beach that are shown below.

The intent of the DPA was to provide character statements that would inform development outcomes and preserve the inherent character of Maslin Beach along with several other suburbs.

The SOI identified Maslin Beach as an area where the desired character may be compromised in the event of infill development with smaller allotments.

It was envisaged that the DPA would amend objectives and principles of development control at the zone or policy area level to support desired character statements. It would also introduce or amend concept plans, where appropriate, for identified areas to depict desired outcomes.

Desired Character Statements were extensively consulted with Community .

The Maslin Beach draft preferred character Statement, in part & provided in full as Attachment 2, states

"1. Preferred future statement

Maslin Beach ... an area where there is ...

- *acknowledgement and protection of its significant Aboriginal heritage*
- *preservation and rehabilitation of its diverse ecological habitats including the cliff and dune remnant vegetation and Maslin Creek*
- *preservation of its geologically significant cliffs*
- *retention and enhancement of the scenic value of the bay and cliffs*
- *appropriate recreational use of the beach and foreshore to capture the diversity of activities for local and metropolitan users*
- ***retention of its village scale***

3.8 Residential character

- *small, contained residential "pocket" with open space to the north and south*
- *older dwellings being replaced by contemporary home*
- *some diversity of dwelling type, especially along Gulf Parade houses along Gulf Parade enjoy sea views*
- *a strong 'sense of place' ..*

.. Maslin township is visually low key, with a homogenous roofline of single-storey dwellings which rise with the topography in an ordered and methodical way. No single roof punctuates the skyline.

Recommendations: *Reinforce the sense of progression from the bay to (and through) the township, using local materials and modest building style.*

Space and scale

- *the bay is "monumental" with imposing cliffs and there is a strong sense of arrival.*
- *future built form should acknowledge strong visual qualities.*
- *within the township, continue the 'modest' and subtle development of the town up the slope. Avoid excessive height."*

Maslin Beach Coastal Precinct Features map, page 6, Maslin Beach Character Statement, Attachment 2, provides a visual understanding of the 40 hectares of land that is subject to the Maslin Beach DPA under the current Council Decision.

As is evidence within this map the area is a significant sized land parcel in comparison to the existing Maslin Beach Township.

Maslin Beach Coastal Precinct Value map, page 7, Maslin Beach Character Statement, attachment 2, provides a visual understanding of the size and scale of the area of land subject to this Maslin Beach DPA that is of Indigenous/cultural interest.

Land surrounding Maslin Beach Township to the North is zoned in a manner to protect urban encroachment and deliver the objectives and desired Maslin Beach Character statement.

While above draft desired future character statement has not been incorporated into the current Development Plan an amendment to the Open Space Zone, Seascape Policy Area to include an updated desired character statement occurred through the Better Development Plan DPA, authorised in July 2013 to reflect current policies. The desired character statement for the Open Space Zone Seascape Policy Area reads as follows:

*The policy area occupies non-urban land abutting the eastern side of the **Coastal Conservation Zone** within the areas of Maslins Beach and Port Willunga.*

The terrain varies between the northern, central and southern parts of the policy area. To the north, in Maslins Beach the land rises upwards from the coast creating expansive coastal views towards, and from the sea. The landform is gently undulating and only sparsely vegetated in this area, where a small portion on the northern periphery has been divided into rural living allotments. Between these allotments and the north-eastern fringes of the Maslins Beach urban area, the land has been quarried leaving a substantial depression in the landform which has been partially reinstated and revegetated. While the natural land form in this portion of the policy area has been compromised, it is not visible when viewed from the coast or surrounding land. South of the urban area of Maslins Beach the landform rises upwards on both sides of Maslins Creek with small areas of remnant native vegetation. The balance of the policy area extends as far south as Port Willunga where the terrain is generally flat, featureless and devoid of native vegetation.

The policy area is established to preserve a panoramic setting in terms of coastal views, open vistas to the southern Mount Lofty Ranges, and the area's function as an open space buffer between the urban areas of Port Willunga, Maslin Beach township and Seaford. Rural land uses and undeveloped natural areas will predominate in the zone, with dwellings and other buildings being subordinate to the natural features and located away from visually prominent locations.

It is important that the coastal landscape character of the area is preserved and only development compatible with that character is established. The cliff top areas will be kept free of development in order to preserve the scenic value of the coast, and to minimise erosion. It is envisaged that coastal pedestrian trails with coastal lookouts in appropriate locations are established.

The environment will be enhanced by sound water management practices including the protection of water quality, erosion control, protection of remnant native vegetation and revegetation with native species along waterways to the coast , along cliff tops and around structures.

A limited area of residential development is envisaged at the northern end of the policy area in order to provide the opportunity to create an appropriate urban form and townscape edge to the Moana area. The area is identified as 'Living' in Concept Plan Map Onka/18 - Living Area with the remainder of the land being established as open space.

All development will be set well back from the coastline, be low in density and scale and responsive to the landscape character values and the landform. It will be designed to minimise skyline or other visual intrusion particularly as viewed from the coast and the road network. Any development within the former quarry will not be visible when viewed from the coast and surrounding areas.

The coastal frontage, land predominantly owned by the crown is zoned Coastal Conservation. In relation to this zoning and the desired intent the City of Onkaparinga Development Plan states:

OBJECTIVES

- 1. To enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora.*
- 2. A zone that accommodates community facilities, which require a coastal site, located within an appropriate location.*
- 3. Recreational, tourist and institutional development within appropriate locations.*
- 4. To contribute to the Metropolitan Open Space System (MOSS).*
- 5. Maintenance of the open space links, including the various local and regional open space networks and corridors, to ensure passive recreational linkages.*
- 6. Low-intensity recreational uses located where environmental impacts on the coast will be minimal.*
- 7. Development that contributes to the desired character of the zone.*

In relation to the Open Space zone – Seascape Policy Area, land sought for re-zoning by the for redevelopment of Marina, residential & tourist accommodation, located east of the Coastal Conservation Zone and applies to the Nobletech site the desired intent in the City of Onkaparinga Development Plan states the following:

OBJECTIVES

- 1. Preservation of the scenic coastline.*
- 2. The minimisation of the impact of development on the coastal environment and rural character of the area.*
- 3. Protection of the open rural character and the scenic coastal qualities of the Maslin Beach area from typical urban development densities.*
- 4. Development that contributes to the re-establishment of a natural ecological balance by the application of environmentally sustainable development practices.*
- 5. Development that contributes to the desired character of the policy area.*

It is clear the intent of the existing policy zones it protect Maslin Beach Township from urban encroachment, urban densities, protect scenic coastal qualities and large economic activity.

Community Plan Consultation

Harrison Research provided a report to Council analysing feedback and suggestions provided during public consultation on what was the new Draft Community Plan.

In the category of Protection of townships/boundaries feedback & suggestions included

"17 At Maslins Beach we would like to keep it as a quiet town and not invaded by restaurants etc of no use to this community. We cannot go back but the store we had was enough. that was evident by the trial restaurant not succeeding

23 We would not like to see high rise development on our coast line. We would not like to see cafes, fast food outlets at Maslin beach."

29 Keep townships separated by green belts. EG Moana from Maslins (probably too late) from Aldinga. Not merge into the Adelaide sprawl.

This recent feed back again reiterates Community desire for Maslin Township to be protected as a rural sea side community and their desire for effective development policy control to deliver such outcome.

Council report 13th August 2013

Discussions with Elected Members since this meeting has identified that some Elected Members, myself included were not aware we made a decision regarding a future Maslin Beach DPA that the developer sought to be re-zoned for Marina.

It is said, this was in part due to The Council agenda item '9.8 Strategic Directions Report for Approval' being a 680 page agenda & members believed the agenda content to be correct . It is also said this was in part due to the omission within the body of the staff report the developer seeks the re-zoning for development of a Marina.

It has also since been identified pertinent information provided in the agenda relating to Maslin Beach DPA is incorrect.

Agenda item 9.8 Strategic Directions Report for Approval, pg 196 incorrectly asserts Elected Members discussed the draft work program as it relates to Maslin Beach DPA. Three policy options were presented to members prior to a workshop on 20 November 2012 and presented at the workshop, however these policy options were glossed over and not discussed or properly considered by members at the workshop. Further the report incorrectly sites summary outcomes were provided to a SDC meeting that never took place, however a workshop summary was provided to Council via email and to the 4 December, 2012 Council meeting.

The agenda states:

"A workshop was undertaken with Elected Members on 20 November 2012 where the SDR process and draft work program were discussed. A summary of the questions/comments and a response was provided as an attachment to the SDC meeting agenda on 4 December 2012. At the workshop in addition to seeking general feedback we also sought feedback from Elected Members on the following specific issues considered more complex or of community interest: ..

" .. Maslin Beach DPA (Refer to Attachment 2 Development Plan Amendment Priorities Analysis and page 45 for details).

We sought feedback on three options:

Option 1- *No change in zoning. Developer undertakes investigations and lodges a likely non-complying development application ('Hotel' and 'shop' are non-complying in the MOSS (Seascape) Zone). This Option is high risk for the developer.*

Option 2- *Undertake preliminary investigations and feasibility (funded by the developer) and then determine policy direction.*

Option 3- *Council undertakes DPA investigations.*

We are recommending Option 2 and consider that the timing of this DPA be dependent on agreement with the State Government to gain access over and consent to the inclusion of Crown (Coastal) Land in the DPA and future

proposed development. It is possible that this may attract Major Project status and the DPA be undertaken by the Minister for Planning."

While it is agreed a workshop on the Strategic Directions Report was considered by the Elected Membership on the 20th November 2012, there was neither discussion nor feedback provided at that workshop regarding Maslin Beach DPA.

Despite feedback being sought from Elected Members at the workshop on specific issues considered more complex or of community interest there was no feedback provided on the three options, as that component was glossed over and not discussed at the workshop.

Additionally there was no summary of the questions/comments and a response was not provided as an attachment to the SDC meeting agenda on 4 December 2012 as there was no SDC meeting on the 4 December 2012. Rather a summary of the questions/comments was provided to the 4 December, 2012 Council meeting and via email to members on the 28 November, 2012.

It is suggested that the incorrect assertions made within this agenda item led some members to believe consideration of the Maslin Beach DPA and specific issues in the public interest had been considered and specifically discussed 9 months prior.

It is also suggested that in conjunction with the incorrect assertions in the body of the agenda item & the omission to include within the body of the agenda item Maslin DPA rezoning is also being sought by the developer for a Marina, members made a decision with incorrect & without all relevant information when it decided to proceed with the Maslin Beach DPA in the works program.

Strategic Directions Report, page 94 makes it quite clear the *"developer requests re-zoning to allow for tourist accommodation and Marina."*

The developer's submission as part of the Section 30 review is attached 1

Developer funded DPA's

The Maslin Beach DPA is logged in Councils DPA works program for 2018.

While this is Councils preferred time to consider the DPA, nothing stops the developer seeking a Developer funded DPA to fast track these works.

As is evidenced with Moana Sands Conservation DPA (also decided at the 13th August 2013) logged in the works program for 2016, Developers can and will make application to fast track such works via a Developer Funded DPA.

Council will consider Moana Sands Developer funded DPA at SDC 18th February 2014. Once future DPA's are logged in our DPA program developers have the opportunity to seek such works to be brought forward.

Council's time frame for Maslin Beach DPA could be brought forward if a developer funded DPA request was successful.

If Council removes the Maslin Beach DPA from the works program, this limits the success of a developer funded DPA & reduces the opportunity for such works to be fast tracked giving the Council more time to consider Maslin DPA in more detail.

In Summary

Nobletech Pty Ltd has indicated a desire to develop land in Maslin Beach for tourism accommodation, residential & Marina. Nobletech Pty Ltd asked Council to re-zone land so such development could be constructed on the land.

Nobletech Pty Ltd could develop under existing zoning tourism accommodation and residential.

Council agreed at the 13 August 2013 council meeting to program a Maslin Beach DPA to consider policy changes to the land in question.

The existing Coastal Conservation Zone & Open Space Zones surrounding the Maslin Township have specific objectives & intent to protect the township from urban encroachment, urban densities, out of scale large economic activity, protect scenic coastal qualities & re-establishment of natural ecological balance.

Some Elected Members feel not all relevant information was provided at the time of making such decision & therefore now seek to overturn that decision now that the further information has been provided.

Cr Kilby left the meeting at 7.36pm.

Cr Chapman left his seat in the Chamber at 7.36pm.

6. Presentation

Nil.

7. Deputation

Nil.

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

8.1 Strategic Directions Committee minutes

Cr Parslow *MOVED that the minutes of the Strategic Directions Committee meeting held on 21 January 2014 are noted by Council.*

Seconded by Cr Merritt.

CARRIED

8.2 Audit Risk Value and Efficiency Committee minutes

Cr Nash *MOVED that the minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 16 December 2013 are noted by Council.*

Seconded by Cr Gunn.

CARRIED

9. Reports of officers

9.1 Monthly Financial Report for November 2013

Cr Chapman resumed his seat in the Chamber at 7.37pm.

MOVED Cr Greaves.

That the financial reports for November 2013 be received and noted.

Seconded by Cr Chapman.

CARRIED

9.2 Clarendon Streetscape Upgrade; Request for Use of the City of Onkaparinga Seal

MOVED Cr Parslow.

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the Funding Deed under the South Australian Transport System Responsiveness Program (Installation of Drainage Infrastructure along RN04615 Grants Gully Road, Clarendon), as provided in Attachment 1 to the agenda report.

*Seconded by **Cr Chapman.***

CARRIED

Cr Greaves left her seat in the Chamber at 7.46pm.

Having read and considered the relating reports in the agenda, the following items were passed *en bloc*:

- **9.3** Certificate of Consent for the Deposit of a Plan of Division (145/D039/2012 Stage 2B) 93 Griffiths Drive, Seaford
- **9.4** Certificate of Consent for the Deposit of a Plan of Division (145/D039/2012 Stage 3) 93 Griffiths Drive, Seaford
- **9.5** Certificate of Consent for the Deposit of a Plan of Division (145/D119/2013) at 1533 and 1534 Trunnel Court, Seaford Meadows
- **9.6** Certificate of Consent for the Deposit of a Plan of Division (145/C045/2013) at 1533 and 1534 Trunnel Court, Seaford Meadows
- **9.7** Certificate of Consent for the Deposit of a Plan of Division (145/D118/2013) 677 Grand Boulevard, Seaford Meadows
- **9.8** Certificate of Consent for the Deposit of a Plan of Division (145/D080/2006), 1 Maslin Beach

MOVED Cr Nash.

9.3 Certificate of Consent for the Deposit of a Plan of Division (145/D039/2012 Stage 2B) 93 Griffiths Drive, Seaford

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the Application for Certificate of Consent for the Deposit of a Plan of Division created as part of an approved land division at Seaford (development application 145/D039/2012 Stage 2B), as contained in Attachment 3 to the agenda report.

9.4 Certificate of Consent for the Deposit of a Plan of Division (145/D039/2012 Stage 3) 93 Griffiths Drive, Seaford

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the application for the Certificate of Consent for the Deposit of a Plan of Division created as part of an approved land division at Seaford (development application 145/D039/2012 Stage 3), as contained in Attachment 3 to the agenda report.

9.5 Certificate of Consent for the Deposit of a Plan of Division (145/D119/2013) at 1533 and 1534 Trunnel Court, Seaford Meadows

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the application for the Certificate of Consent to Deposit a Plan of Division created as part of an approved land division at Seaford Meadows (development application 145/D119/2013), as contained in Attachment 1 to the agenda report.

9.6 Certificate of Consent for the Deposit of a Plan of Division (145/C045/2013) at 1533 and 1534 Trunnel Court, Seaford Meadows

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the application for the Certificate of Consent to Deposit a Plan of Division created as part of an approved land division at Seaford Meadows (development application 145/C045/2013), as contained in Attachment 1 to the agenda report.

9.7 Certificate of Consent for the Deposit of a Plan of Division (145/D118/2013) 677 Grand Boulevard, Seaford Meadows

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the application for the Certificate of Consent to Deposit a Plan of Division created as part of an approved land division at Seaford Meadows (development application 145/D118/2013), as contained in Attachment 3 to the agenda report.

9.8 Certificate of Consent for the Deposit of a Plan of Division (145/D080/2006), 1 Maslin Beach.

That Council approve the Mayor and Chief Executive Officer to affix the Council Seal to and execute the application for the Certificate of Consent to Deposit a Plan of Division created as part of an approved land division at Maslin Beach (development application 145/D080/2006), as contained in Attachment 2 to the agenda report.

*Seconded by **Cr Sutherland**.*

CARRIED

9.9 Appointment of Audit, Risk, Value and Efficiency Committee independent members

*MOVED **Cr Merritt**.*

- 1. That Council approves the extension of the appointment to Council's Audit, Risk, Value and Efficiency Committee of Mr David Powell, Chairperson and Mr Allen Bolaffi, Ordinary Independent Member, for the period 1 January 2014 until 30 April 2014.*
- 2. That Council invite expressions of interest from appropriately qualified persons for appointment as Independent Members to Council's Audit, Risk, Value and Efficiency Committee for the period 1 May 2014 to 31 December 2016.*
- 3. That an interview panel consisting of the Chief Executive Officer, the Director People, Governance and Regulatory Services and the Director Finance and Commercial consider the expressions of interest received, conduct interviews, liaise with the Mayor and make recommendation to Council on preferred candidates for appointment to the positions of Presiding Member and Ordinary Member of the Audit, Risk, Value and Efficiency Committee.*

4. *That the Audit, Risk, Value and Efficiency Committee Terms of Reference are amended at the next review to allow for four-year terms for the Independent Members.*

*Seconded by **Cr Gunn**.*

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

CARRIED

9.10 Kangarilla Landfill - Closure and Post Closure Management Plan Update

*MOVED **Cr Parslow**.*

1. *That Council note this report and acknowledge advice from the State Government that neither the Environment Protection Authority nor Zero Waste SA currently provide funding or grant programmes for landfill closure activities.*
2. *That Council note the need for a state funding mechanism for the remediation of former landfill sites (including Kangarilla Landfill as a priority) be included in Council's draft State Election 2014 document, which will be considered by Council on 28 January 2014.*
3. *That any additional external funding secured, reduce Council's overall funding contribution and that if by May 2014 no additional funding has been sourced, work commence to meet the 30 June 2015 required completion date, fully funded by Council as identified within the Major Projects Fund.*

*Seconded by **Cr Swann**.*

CARRIED

9.11 State Election: Investment Partnership Priorities

Cr Nash declared an interest as Campaign Manager for the Liberal Candidate for Reynell.

Cr Greaves declared a perceived conflict as a State Candidate for the Liberal Party and left the Chamber at 8.16pm.

Cr Richardson declared an interest as Independent Candidate for Kaurana.

Cr Wenham left the meeting at 8.16pm.

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

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

*MOVED **Cr de Jonge**.*

That Council approve the State Election 2014 document – Investment Partnership Priorities 2014, forming Attachment 1 to the agenda report, with the inclusion of the following points:

- *Seek assistance with project for Old Coach Road (Oleander to Gulf Parade).*
- *Reflect support for local government revenue within the LGA document (page 34 of 58).*
- *That the introductory text in the Coast Protection brief (upper case text below the title Coast Protection title) be amended to read 'Our city's coast covers*

31km or half of metropolitan Adelaide's coastline. This includes O'Sullivan Beach, Christies Beach, Port Noarlunga, Port Noarlunga South, Seaford, Moana, Maslin Beach, Port Willunga, Aldinga Beach and Sellicks Beach'.

- *Include advocacy for an integrated railway station at Seaford Rise – Seaford Heights in the Investment Partnerships Priorities document as part of the Aldinga Rail Extension brief.*
- *Include reference in the Investment Partnership Priorities document in the Seeking Policy and Project Support under the Sustainable Environments goal ie an area where state government policy and program support is sought 'for the management of abundant species'.*
- *That 9, in the map on page 4, representing Panalatinga Road extension, be shifted to the road location.*
- *Advocate support for the Darlington interchange and the widening of Flagstaff Road for four lanes along its entire length.*
- *Separation of numbering of all road projects.*
- *Any other minor amendments be delegated to the Chief Executive Officer.*

*Seconded by **Cr Chapman**.*

CARRIED

10. Nominations to external bodies

Nil.

11. Questions on notice

Nil.

12. Motions

12.1 Notice of Rescission Motion (Cr Schulze)

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

Cr Olsen left his seat in the Chamber at 8.26pm.

Cr Schulze has indicated his intention to move the following rescission motion.

Rescission Motion

MOVED Cr Schulze:

That the motion of Council passed on 26 November 2013 at item 8.2 of the agenda, entitled 'Arts, Culture, Community Capacity, Events and Heritage Committee minutes':

7.1 Awards Procedure review

1. *That Council adopts the City of Onkaparinga Awards policy, as attached to the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report.*

2. *That investigation be undertaken to consider the criteria and suitability of including a Business Excellence Award in conjunction with the Mayor's business function held at Christmas.*

7.2 Grant application for works at 32 St Matthews Street, Willunga

That Council approve the funding application for \$7,113.80 under Council's Local Heritage Incentive Scheme for works to a Local Heritage Place at 32 St Matthews Street, Willunga (Local heritage item ID No. 428).

7.3 Grant application for works at 46 High Street, Willunga

That Council approve the funding application for \$5,526 under Council's Local Heritage Incentive Scheme for works to a Local Heritage Place at 46 High Street, Willunga (Local heritage item ID No. 456).

7.4 Proposed Heritage Workshop to be held in History Month (May 2014)

1. *a heritage event for 2014 – being a two day workshop during History Month (May 2014) conducted by Dry Stone Walls Association of Australia Inc. at National Trust Museum (former Willunga Police Station & Courthouse), 61 High Street, Willunga subject to approval from State Heritage Branch, Department of Environment, Water and Natural Resources.*
2. *the expenditure of \$7,500 from the Local Heritage Incentive Scheme budget.*

7.5 Maximising benefits to council from sponsored events

That Council approve:

1. *the proposed changes to the Tier 1 and Tier 2 Sponsorship Guidelines which outline the minimum benefits required to be delivered by events as detailed in the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report.*
2. *the changes to the Tier 2 Conditions of Funding reinforcing the requirements for events to deliver applicable benefits as detailed in the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report.*

7.6 Multi-year Sponsorship report

That Council approve:

1. *the revised Tier 2 Sponsorship Guidelines to enable the provision of multi-year sponsorship agreements as outlined in the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report.*
2. *the revised Tier 2 and Tier 3 Sponsorship Guidelines and Tier 2 and Tier 3 Conditions of Funding to enable event organisers to retain profit from events as outlined in the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report.*
3. *and that the application will include a sustainability strategy clause that indicates the event is to utilise profit to work towards becoming self-funding by the conclusion of the multi-year sponsorship agreement.*

7.7 Review of funding levels for the grant and sponsorship programs

That Council approve that:

1. *a. The Community Grants, the Community Streetscape Grants, Environment Grants, Every Generation Onkaparinga Grants, Minor Capital Works and*

Facilities Grants, Tiers 2 and 3 Sponsorship programs be consolidated under one budget line in the Community, Culture and Libraries category of Project and Capital Works.

- b. An indicative funding quota (percentage) be allocated to each grant and sponsorship program within the consolidated Project and Capital Works budget based on the current funding levels of each grant program.*
 - c. Introduction of a provision so that funding from any undersubscribed grants and sponsorship programs in the consolidated Project and Capital Works budget can be reallocated to oversubscribed programs according to the indicative funding quota (percentage) allocated for each program, or by approval from a panel comprising Manager Marketing, Arts, Tourism and Engagement, Manager Community Capacity and the nominated Elected Member.*
- 2. As part of the 2014-15 budget process a general Tier 1 Sponsorship project bid for \$165,000 be submitted against the Economic Development Project and Capital Works category and that should this bid be allocated funding through the budget process those funds are allocated as a pool from which new Tier 1 events subsequently approved by Council can be funded.*

7.8 Update of Community Grants to incorporate Environmental and Community Streetscape grants as sub-categories

That Council approve that the Environment Grants and Community Streetscape Grants not be included as sub-categories of the Community Grants Program.

7.10 Tier 2 sponsorship assessment Round 2

That Council approve the Festivals and Events (Tier 2) Round 2 Sponsorship applications for the 2014–15 funding period as per the Tier 2 Eligibility summary sheet, as attached to the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report.

That the remaining business of the meeting is noted by Council.

be AMENDED in part 7.1 to read:

7.1 Awards Procedure review

- 1. That Council adopts the City of Onkaparinga Awards policy, as attached to the Arts, Culture, Community Capacity, Events and Heritage Committee agenda report, except for the recommendation to discontinue the Secondary Schools Community Service Award, which will remain in place.*
- 2. That investigation be undertaken to consider the criteria and suitability of including a Business Excellence Award in conjunction with the Mayor's business function held at Christmas.*

*Seconded by **Cr Chapman**.*

Cr Olsen resumed his seat in the Chamber at 8.28pm.

CARRIED

13. Petitions

Nil.

14. Urgent business

Cr Chapman left the meeting at 8.47pm.

14.1 Urgent business (Cr Nash)

*MOVED **Cr Nash**.*

That information provided by staff in response to questions asked by Mayor Rosenberg in relation to Item 12.2 Notice of Rescission Motion (Cr Wenham) of 28 January 2014 be included in the minutes of the meeting.

*Seconded by **Cr Merritt**.*

CARRIED

14.2 Urgent business (Cr Richardson)

*MOVED **Cr Richardson**.*

- 1. That a report be presented to the Strategic Directions Committee on current policy utilised and options to influence and determine the approach to urban road policy in new estates to support safe and convenient access for all users, including emergency services and off street parking.*
- 2. This report be provided in conjunction with the medium density zoning report being provided to the Strategic Directions Committee on 11 February 2014.*

*Seconded by **Cr Swann**.*

Cr Sutherland left his seat in the Chamber at 8.52pm.

Cr Sutherland resumed his seat in the Chamber at 8.57pm.

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

*Seconded by **Cr Webster**.*

CARRIED

The MOTION was PUT and CARRIED.

Cr Olsen left the meeting at 8.58pm.

*At 8.58pm **Cr Parslow** MOVED that the meeting adjourn for a ten minute break.*

*Seconded by **Cr Nash**.*

LOST

14.3 Urgent business (Cr Parslow)

*MOVED **Cr Parslow**.*

Congratulations to all staff for events through November/December/January which showcased Council internationally. Council recognises the efforts of staff in presenting a range of activities for all of our communities and the workload involved.

*Seconded by **Cr de Jonge**.*

CARRIED

15. Confidential items

15.1 Contract Award - Upgrade of Beach Access Boardwalk and Path, Port Noarlunga South Stage 1 & 2

MOVED Cr Webster.

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. the Council is satisfied that it is necessary that the public 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;

The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of the information at the meeting may:

- prejudice the commercial position of the companies that supplied the information; or*
- confer a commercial advantage on a third party; or*
- prejudice any ongoing negotiations with the preferred supplier potentially causing damage to the interests of the Council*

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 Greaves.

CARRIED

MOVED Cr Nash.

2. That Council award the tender proposed by Blu-Built Constructions Pty Ltd, tender number 13069 as:

- it passed mandatory criteria;*
- it presented a commercially acceptable offer.*

Seconded by Cr Merritt.

CARRIED

MOVED Cr Schulze.

6. That the matter of Contract Award - Upgrade of beach access boardwalk and path, Port Noarlunga South Stage 1 & 2 having being considered in confidence under Section 90(3)(k) 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 Contract Award - Upgrade of beach access boardwalk and path, Port Noarlunga South Stage 1 & 2 and the minutes and the report of the council relating to discussion of the subject matter, with the exception of part 2

of the recommendation and resolution, be kept confidential until the contract has been awarded and signed.

- 7. 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 his sub-delegate.*
- 8. 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 his sub-delegate.*

*Seconded by **Cr Jamieson**.*

CARRIED

16. Closure

Mayor Rosenberg officially declared the meeting closed at 9.04pm.

Certified CorrectChair

/ /2014

The following response was provided by the Manager Projects and Development Policy in response to Questions from Mayor Rosenberg in regards to Agenda Item 12.2 Notice of Rescission Motion (Cr Wenham), 28 January 2014 Council meeting.

I refer to your questions regarding Agenda Item 12.2 and specifically comments that staff have not provided all, accurate or clear information to Council prior to any decision; and whether Council staff have any comments to ensure members have full information before the meeting.

Response

To clarify Council has made no commitment to re-zoning of the former quarry site at Maslin Beach owned by Nobletech. The commitment made as part of the approved Strategic Directions Report is only to undertake an investigation to inform potential options for alternative zoning through a possible Development Plan Amendment (DPA) in the future. Further the scope of these investigations are yet to be determined by Council. Following investigations and consideration of policy options Council will make a decision on whether a DPA is warranted. Further background on this matter is also contained in the Questions on Notice item number 11.1 to the [24 September 2013 Council meeting. A copy is attached for reference.](#)

In response to your question seeking clarity on the issue of whether the landowner has requested a marina the following response is offered:

As part of its Strategic Directions Review (SDR) process, Council received a written request from IE Planning (acting on behalf of the land owners Nobletech) in 2011 to investigate alternative zoning options for Nobletech's portion of the site (and the portion of Crown land to the west of the site should the State Government be willing to include it).

Nobletech in their submission (or any other written correspondence) have not proposed a marina, but have rather only referred to a previous state government study on marinas. However as mentioned in Nobletech's submission, over the past 10 years they have had preliminary discussion with Council staff about development options for the site. At more recent meetings, Nobletech have made it clear that in addition to investigating use of the area for recreation, tourism accommodation and an Aboriginal interpretive centre, there is also a desire to investigate an onshore marina. Staff in evaluating the future policy program took into consideration these discussion's and therefore included reference to a marina as a theme raised by the landowner in the summary of submissions.

While reference to a Marina was included in the summary of submissions attachment to the Council report, the issue of a Marina was not discussed in the agenda report as the decision being sought from Council was to undertake investigations to inform future policy options and possible DPA. In other words, no decision was being sought from Council as part of the SDR in relation to the future scope of investigations or policy directions and therefore specific discussion about whether a marina should form part of the scope of future work was seen as premature.

Consistent with the response to the [Question on Notice in September, 2013](#) the scope of works for the investigation of this area will be determined with extensive consultation with the Council and the community which is expected to commence in 2017.

In response to whether staff have provided all information prior to any decision the following response is provided:

Council through meetings of the former Planning Policy Committee, Strategic Directions Committee and a workshop have been kept fully informed of Nobletech's intention to pursue rezoning of their land at Maslin Beach as follows:

- [27 September 2011](#) (Planning Policy Committee) where a copy of Nobletech's submission was attached.
- [27 March 2012](#) (Planning Policy Committee) where an update report was provided which also summarised the proposed Maslin Beach DPA being for tourism development.
- Workshop on 20 November 2012 where proposed investigations and/or DPA's were presented.
- [4 December 2012](#) (Council) where the draft strategic Directions Report was provided (in full) to members for feedback by way of feedback form by the end of January 2013.
- [13 August 2013](#) (Council) where the draft Strategic Directions Report was approved for submission to the Minister for Planning for agreement.

In relation to the workshop mentioned above a Powerpoint presentation was provided to Elected Members 20 days prior to the workshop on 20 November 2012 to enable Elected Members sufficient time to consider the proposed five year investigation and policy program; and priorities which was contained in the Powerpoint. The proposed program included investigations and a potential DPA for 'Maslin Beach tourism and recreation'. Slide 22 (Notes section) of the Powerpoint sought feedback from Council on three options for the Maslin Beach site with one of those options being 'No change in zoning'. The other two options included either potentially Council investigations and a DPA, or a Developer funded investigations and DPA. A summary of the questions raised at the workshop was provided to Elected Members on 28 November 2012 via email and a copy was also included with the [4 December 2012 Council report](#). This Council report also noted that no feedback was received from members regarding Maslin Beach. A feedback form was also distributed at this meeting and via email on 6 December 2012 seeking further feedback on the SDR to be provided by the end of January 2013.

In summary at the end of January 2013 no feedback had been received via the feedback form, Council meeting or workshop from Elected Members in relation to the Maslin Beach former quarry site. Following the engagement with members outlined above the administration progressed the Strategic Directions Report for Council consideration.

Precinct Guidelines – March 2004 Strategy and Policy Department, City of Onkaparinga

In relation to the guidelines attached to the Notice of Rescission Motion council staff are clarifying the status of these guidelines and will seek to provide an update at the meeting.

Summary

In summary the Strategic Directions Report is a high level gap analysis of future investigations and potential DPA's. In relation to the Maslin Beach investigations and proposed DPA, the SDR does not commit Council to any specific investigation or policy parameters, which will be determined by future processes.

While in hindsight the issue of a marina has proven to be of local community interest, any consideration of such a specific element/issue as part of the SDR and ahead of resolving the state governments position in relation to access over Crown land and future detailed investigations is premature.

The effect of the proposed notice of rescission motion would be to reject a developer requested DPA and rather consider investigations to inform the scope of a DPA and policy directions with a starting point that more strongly reflects the interests of the broader community, rather than that of an individual landowner.