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**City of Onkaparinga**  
**Minutes of the Council meeting**  
**held on 18 February 2014**

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

**Meeting commenced:** 7.00pm

**Present:** Mayor L F Rosenberg  
Cr S Brown  
Cr R de Jonge  
Cr J Gunn  
Cr W Jamieson  
Cr G Kilby  
Cr C Knight  
Cr H Merritt  
Cr S Nash  
Cr W Olsen  
Cr D Parslow  
Cr P Schulze  
Cr N Swann  
Cr S Webster

**Apologies:** Cr M Bray  
Cr R A Brown  
Cr D Chapman  
Cr H Greaves  
Cr Y Wenham

**Leave of absence:**

**Absent:** Cr K Richardson  
Cr P Sutherland

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**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 28 January 2014.**

**Cr Nash** *MOVED* that the Minutes of the proceedings of the Council meeting held on 28 January 2014 be received and confirmed as an accurate record of those proceedings.

*Seconded by Cr Kilby.*

*CARRIED*

**3. Adjourned business**

Nil.

**4. Leave of absence**

**4.1 Leave of absence – Cr S Brown**

**Cr Webster** *MOVED* that Cr S Brown be granted leave of absence from 12 March 2014 to 29 March 2014 inclusive.

*Seconded by Cr Nash.*

*CARRIED*

**5. Mayor's communication**

Nil.

**6. Presentation**

Nil.

**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 Parslow** *MOVED that the minutes of the Chief Executive Officer Performance Management Committee meeting held on 28 January 2014 are noted by Council.*

*Seconded by Cr Schulze.*

*CARRIED*

**8.2 Strategic Directions Committee minutes**

**Cr Parslow** *MOVED that the minutes of the Strategic Directions Committee meeting held on 11 February 2014 are noted by Council.*

*Seconded by Cr Swann.*

*CARRIED*

**9. Reports of officers**

**9.1 Monthly Financial Report - December 2013**

*MOVED Cr Webster.*

*That the financial reports for December 2013 be received and noted.*

*Seconded by Cr Merritt.*

*CARRIED*

**9.2 Certificate of Consent for the Deposit of a Plan of Community Division (145/6022/2013) 11 Deck Crescent, Seaford Meadows**

*MOVED Cr Olsen.*

*That Council:*

- 1. Consents to the Deposit of the Plan of Division C28002 (Attachment 1 to the agenda report) at Seaford Meadows approved in Development Application 145/6022/2013;*
- 2. Acknowledges that its interest, A11210922, will be unaffected by issuing its consent;*
- 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 Community Division form (Attachment 4 to the agenda report).*

*Seconded by Cr Jamieson.*

*CARRIED*

### **9.3 Petition - Requesting Extension of the Seaford Skate Park**

*MOVED **Cr Nash.***

- 1. That a Project and Capital Works bid of \$50,000 for minor facility improvements, excluding the skate trail to the Seaford Skate Park be included for consideration as part of the 2014-15 budget process.*
- 2. That any further improvements, including the development of a skate trail, to the Seaford Skate Park be informed by the completion of the Skate Park Implementation Plan and the Seaford District Centre - 3 Parks Reserve Concept Plan.*
- 3. Council note that a City Wide Skate Park Implementation Plan defining Council's provision of skate parks across the City will be developed by mid-2014 with the outcomes reported via the Strategic Directions Committee.*
- 4. That the head petitioner be notified of Council's decision.*

*Seconded by **Cr Olsen.***

*CARRIED*

### **9.4 Dog Registration and Dog Management 2014-15**

***Cr Kilby** MOVED that item no. 9.4 Dog Registration and Dog Management 2014-15 be deferred pending a further report on expenditure and income.*

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

*CARRIED*

### **9.5 Place Naming Application - Antony Street Reserve, Christie Downs report**

*MOVED **Cr Merritt.***

*That Council approve staff undertake community engagement on the place naming application (Helen Ellis Reserve) and the common name (Antony Street Reserve) for the open space in Christie Downs bounded by Antony and Godfrey Streets in accordance with our Place Naming Policy.*

*Seconded by **Cr Gunn.***

*CARRIED*

### **9.6 Elected Member attendance at Adelaide Velo-city Global 2014 Celebration of Cycling Conference**

*MOVED **Cr Webster.***

*That Council approve the applications and the associated costs for Cr Peter Schulze and Mayor Lorraine Rosenberg to attend the Velo-city Global 2014 Celebration of Cycling Conference in Adelaide on 27-30 May 2014.*

*Seconded by **Cr Nash.***

*CARRIED*

## 9.7 Review of Confidential Items

### *MOVED Cr Nash.*

1. *That with respect to the following five items, Council remains satisfied that the previously relied on grounds of Section 90(3)(b) remain relevant in that the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting or proposing to conduct business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest.*

*Seaford District Centre - development and land considerations refer item 11.2 on 15 November 2011*

*Water Business Unit refer item 15.2 on 6 December 2011*

*Confidential Futurtec Project - Update refer item 15.2 on 2 October 2012*

*Confidential update report on the proposal to sell a council reserve at White Court Aldinga Beach refer item 15.1 on 13 November 2012*

*Aldinga Community Facilities Feasibility Study refer item 15.1 on 5 February 2013.*

2. *That with respect to the following item, Council remains satisfied that the previously relied on grounds of Section 90(3)(d) remain relevant in that the disclosure of commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.*

*Consent to register a caveat on a title of private land at Aldinga Beach refer item 15.2 on 21 August 2012*

3. *That with respect to the following item, Council remains satisfied that the previously relied on grounds of Section 90(3)(h) legal advice remains relevant.*

*Confidential attachment to item 9.1 Aldinga Airfield, request to revoke condition 8 of 1977 planning approval for Authorised Landing Area refer to item 15.1 on 23 October 2012*

4. *That with respect to the following two items, Council remains satisfied that the previously relied on grounds of Section 90(3)(j) remain relevant in that the disclosure would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority.*

*South Adelaide Football Club proposal refer to item 15.2 on 4 December 2012*

*Southern Sports Complex Funding update refer to item 15.2 on 5 February 2013*

5. *That with respect to the following items, Council remains satisfied that the previously relied on grounds of Section 90(3)(a) information with the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

*Council remains satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the employment performance of a person at the meeting would be inconsistent with accepted principles of professional human resource management.*

*Chief Executive Officer Panel Minutes refer to item 11.1 on 4 October 2011*

*Appointment of new Chief Executive Officer refer to item 11.2 on 4 October 2011*

*Chief Executive Officer Performance Review Committee minutes refer to item 15.2 on 13 November 2012*

*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 Urgent business (Cr Parslow)**

Cr Parslow asked that staff follow up on registration details regarding the 2014 Local Government Showcase and Ordinary General Meeting and advise Elected Members accordingly.

**15. Confidential items**

**15.1 Contract Award - Concrete Works - Kerb Repair Works - contract number 13063**

*MOVED Cr Nash.*

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 Kilby.*

*CARRIED*

*MOVED Cr Olsen.*

2. *That Council award the tenders proposed by Kites Concrete Pty Ltd ATF the Kite Family Trust, Trueline Kerbing Pty Ltd and Civil Mining Group Pty Ltd for contract no. 13063 as they:*

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

*Seconded by Cr Swann.*

*CARRIED*

*MOVED Cr Merritt.*

5. *That the matter of Contract Award - Concrete Works – Kerb Repair Works, Contract Number 13063 having being considered in confidence under Sections 90(2) and 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 - Concrete Works – Kerb Repair Works, Contract Number 13063 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.*

6. *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.*
7. *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 Kilby**.*

**CARRIED**

## **15.2 Tier 1 Event**

*MOVED **Cr Swann**.*

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)(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 Schulze**.*

**CARRIED**

*MOVED **Cr Nash**.*

5. *That the matter of the Tier 1 Event having been considered in confidence under Sections 90(2) and 90(3)(j), 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 Tier 1 Event and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 1 August 2014.*
6. *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.*
7. *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 Kilby**.*

**CARRIED**



**15.3 Chief Executive Officer Performance Management Committee confidential minutes**

***MOVED Cr Nash.***

*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 this item in confidence.*
- 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)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), in this instance being the employment performance of the Chief Executive Officer.*

*The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the employment performance of a person at the meeting would be inconsistent with accepted principles of professional human resource management.*

- c. 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 and/or discussion confidential.*

*Seconded by Cr Merritt.*

***CARRIED***

***MOVED Cr Nash.***

- 3. That the matter of the Chief Executive Officer Performance Management Committee confidential minutes having been considered in confidence under Sections 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 Chief Executive Officer Performance Management Committee confidential minutes and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 31 December 2015.*
- 4. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- 5. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr de Jonge.*

***CARRIED***

#### 15.4 Strategic Directions Committee confidential minutes

*MOVED Cr de Jonge.*

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 a verbal report on legal advice 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 S Brown.*

*CARRIED*

*MOVED Cr de Jonge.*

3. *That the matter of the Strategic Directions Committee confidential minutes having been considered in confidence under Sections 90(2) and 90(3)(h) 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 legal advice relating to the Strategic Directions Committee confidential minutes and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until conclusion of any legal proceedings (including appeal actions) relating to the Seaford District Centre Development Plan Amendment.*
4. *That, pursuant to Section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
5. *That, pursuant to Section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Merritt.*

*CARRIED*

#### 16. Closure

Mayor Rosenberg officially declared the meeting closed at 7.50pm.

*Certified Correct .....Chair*

*/ /2014*