

MINUTES

Council meeting 18 July 2023

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

MEETING COMMENCED: 6.30pm

PRESENT: Mayor Were (Chair)
Cr Bell
Cr Eaton
Cr Fisher
Cr Greaves
Cr Jew
Cr Platten
Cr Pritchard
Cr Rilett
Cr Stafford
Cr Themeliotis
Cr Wilkes
Cr Yeomans

APOLOGIES: -

LEAVE OF ABSENCE: -

ABSENT: -

PLEDGE

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future wellbeing of those we serve.

1. Opening of meeting

Mayor Were officially declared the meeting open at 6.30pm.

Members read the pledge.

2. Confirmation of minutes

MOVED Cr Themeliotis.

That the minutes of the proceedings of:

- *the Council meeting held on 20 June 2023*
- *the Special Council meeting held on 27 June 2023*

be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Fisher.

CARRIED

3. Adjourned business

3.1 **ADJOURNED BUSINESS – NEXT STAGE OF REFORM: PRESERVING A DEMOCRATIC LOCAL GOVERNMENT SECTOR IN SOUTH AUSTRALIA**

In accordance with regulation 19(3) of the *Local Government (Procedures at Meetings) Regulations 2013* Item 9.8 adjourned from the Council meeting of 18 April 2023 was considered. A formal motion was carried at that meeting to adjourn this item “to be discussed in a workshop at the earliest convenience”. A workshop was subsequently held on 22 June 2023.

Debate on this item was resumed at the point of adjournment of the item.

MOVED Cr Stafford.

That Council approve the attached submission titled “The next stage of Reform: Preserving a democratic local government sector in South Australia” (attachment 1) to the Local Government Association (LGA) Board of Directors for the establishment of a Local Government Legislative Reform Working Party, and for the LGA Board of Directors to approve inclusion of the following submission recommendations to the Local Government Association Annual General Meeting agenda:

- 1. That the Local Government Association lead a sector wide advocacy program seeking reform to the Local Government Act 1999 and the Local Government (Elections) Act 1999, to:*
 - *commence compulsory voting for the 2026 South Australian local government elections*
 - *review the timing of South Australian local government elections to avoid them being held in the same year as state and federal elections*
 - *enable electronic Council meetings to be conducted in extra ordinary circumstances*
 - *provide for immediate suspension provisions (short or longer term) and other specific measures in context of section 75G of the Local Government Act 1999 (broader specific options listed than not attending meetings)*
- 2. To expediate this advocacy program the LGA establish a Local Government Legislative Reform Working Party comprised of representatives from the LGA, Office of Local Government, Electoral Commission, and relevant Councils.*

3. Council expresses its concerns to the LGA over any rigorous candidate eligibility requirement and its potential to harm the breadth of candidate views, and its inconsistency with the requirements for candidates at state and federal levels

Seconded by Cr Rilett.

LOST

MOVED Cr Jew.

That Council approve the attached submission titled "The next stage of Reform: Preserving a democratic local government sector in South Australia" (attachment 1) to the Local Government Association (LGA) Board of Directors for the establishment of a Local Government Legislative Reform Working Party, and for the LGA Board of Directors to approve inclusion of the following submission recommendations to the Local Government Association Annual General Meeting agenda:

1. That the Local Government Association lead a sector wide advocacy program seeking reform to the Local Government Act 1999 and the Local Government (Elections) Act 1999, to:
 - consider compulsory voting for the 2026 South Australian local government elections
 - review the timing of South Australian local government elections to avoid them being held in the same year as state and federal elections
 - enable electronic Council meetings to be conducted in extra ordinary circumstances
 - provide for immediate suspension provisions (short or longer term) and other specific measures in context of section 75G of the Local Government Act 1999 (broader specific options listed than not attending meetings)
 - to strengthen the criteria for individuals seeking candidacy by requiring a Department of Human Services Working with Children clearance.
2. To expediate this advocacy program the LGA establish a Local Government Legislative Reform Working Party comprised of representatives from the LGA, Office of Local Government, Electoral Commission, and relevant Councils.
3. Council expresses the importance of a cross section of people being representatives and nominating for Council. That it should be accessible to the everyday resident, and no accounting or governance experience be required.

Seconded by Cr Fisher.

Cr Platten MOVED an AMENDMENT.

That Council approve the attached submission titled "The next stage of Reform: Preserving a democratic local government sector in South Australia" (attachment 1) to the Local Government Association (LGA) Board of Directors for the establishment of a Local Government Legislative Reform Working Party, and for the LGA Board of Directors to approve inclusion of the following submission recommendations to the Local Government Association Annual General Meeting agenda:

1. That the Local Government Association lead a sector wide advocacy program seeking reform to the Local Government Act 1999 and the Local Government (Elections) Act 1999, to:
 - consider compulsory voting for the 2026 South Australian local government elections
 - review the timing of South Australian local government elections to avoid them being held in the same year as state and federal elections
 - enable electronic Council meetings to be conducted in extra ordinary circumstances

- *provide for immediate suspension provisions (short or longer term) and other specific measures in context of section 75G of the Local Government Act 1999 (broader specific options listed than not attending meetings)*
 - *to strengthen the criteria for individuals seeking candidacy by requiring a Department of Human Services Working with Children clearance.*
 - *That candidates be considered fit and proper*
2. *To expediate this advocacy program the LGA establish a Local Government Legislative Reform Working Party comprised of representatives from the LGA, Office of Local Government, Electoral Commission, and relevant Councils.*
 3. *Council expresses the importance of a cross section of people being representatives and nominating for Council. That it should be accessible to the everyday resident, and no accounting or governance experience be required.*

Seconded by Cr Greaves.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

4. Leave of absence

4.1 LEAVE OF ABSENCE REQUEST – MAYOR WERE

MOVED Cr Themeliotis.

That Mayor Were be granted leave of absence from 16 November 2023 to 7 December 2023 inclusive.

Seconded by Cr Greaves.

CARRIED

5. Mayor's communication

5.1 MAYOR'S REPORT

The Mayor provided a presentation on the National General Assembly of Local Government as part of this item.

Welcome Message

The winter weather is here and with the wettest June on record in more than twenty years, once again we are all being reminded of climate challenges. The Deputy Mayor and I have begun exploring an initiative to support community groups, schools and private citizens to get involved with planting trees on their private property. We all have a contribution to make and we look forward to inviting members of our City to join us.

NAIDOC Week march and family fun day was a huge success on Beach Road and Rotary Park and it was wonderful to see our youngest members from Christies Beach leading the march.

In this season, I am thrilled to see so many locals and visitors taking advantage of our winter activities – sport, festivals and using our trails and parks.

I was fortunate this month to have an opportunity to meet with over 40 leaders in local government – CEOs and Mayors – learning more about how a shared leadership model will advance our communities. The theme of the LGA training was Leading behaviour – a united approach. We heard from Amanda Stevens LLB (Hons), LLM, GAICD, Board Member and Chair, former Mayor (City of Port Phillip) and experienced Executive Leader in Victoria who talked about our responsibilities as leaders to our staff and elected members, especially in

relation to governance and occupational health, welfare and safety. We also heard from Thilan Legierse Presiding Member, Behavioural Standards Panel who explained the processes being applied and how her experiences as a barrister, human rights lawyer and HR consultant will be applied to the work of the Panel. The City of Salisbury Mayor and CEO then shared their recent experiences with the expulsion of two of their elected members who have failed to meet their obligations. The Mayor and CEO of City of Salisbury also provided some advice to the Panel and to other councils based on their experiences with the Local Government Act and provisions to support behavioural standards.

As I move around our City, I continue to be inspired by the voluntary contribution of those in governance, serving on committees, boards, governing councils at schools, student and parent leaders, and all the service club committees who have just refreshed their leaders in the past month.

Governance is teamwork and our elected members are no exception. I would like to thank all our councillors for their dedication and participation this past month as we passed our first budget and Annual Business Plan. As an elected body we reflect a range of views from our community, and bring those views together to make the best possible decisions we can on behalf of the whole community. I would like to thank councillors for taking care in juggling all the variables and keeping in mind the future as we grappled with our first budget. Long-term thinking is needed, as we have long-term challenges.

Community Plan 2030 people: connected, engaged, active, healthy place: green, inviting, accessible, liveable prosperity: economically strong, environmentally thriving performance: accountable, efficient, inclusive, sustainable	
Key Result Area	Activity and Outcomes
Active, healthy, connected and engaged communities	Citizenship ceremony, and extending invitation to two community members awarded OAM's on the King's Birthday. Working with Onkaparinga Youth committee and recognition of local leaders, participation in NAIDOC Week and community leaders, advocacy around homelessness, family violence and community engagement with schools.
Green, inviting, liveability	Workshop for elected members on coastal adaptation plan, Witton Bluff Base Trail. Mayor's Gardening Competition promotion commenced.
Economic benefits, thriving natural environment	Elected members workshops on council's climate emergency declaration development and update on progress and opportunities in council climate action plan, advocacy with State government officers and non-government agencies.
Trust in delivery and returns for rates	Delivery of budget and Annual Business Plan, Thalassa Park Trust draft master plan under development and consultation with the Trustees, elected members workshop on Local Government reform.

Elected Member Representation

Thank you to Deputy Mayor Mick Fisher for representing me at:

- Rotary Club of Morphett Vale handover luncheon

Thank you to Cr Lauren Jew for representing me at:

- Rotary Club of Seaford Changeover

Thank you to Cr Colt Stafford for representing me at:

- Pilgrim School Musical

Thank you to Cr Gretel Wilkes for representing me at:

- South Adelaide Football Club First Nations Round

This month the following invitations received an apology:

- Onkaparinga City Concert Band Proms event
- Charity Walk for Feeding the Homeless in Adelaide
- Lord Mayor's Civic Reception - SA Voice to Parliament Information Session
- Lions Club of Noarlunga Morphett Vale Handover Lunch
- Reconciliation at Warriparinga
- EcoClassroom Sanctuary at Tatachilla community events
- Fleurieu Food Festival
- City of Charles Sturt SANFL Round 11 Eagles v South Adelaide
- Russell Sisters at the singing gazebo at Clarendon
- Launch of South Australia's Small Business Strategy
- Rotary Club of Coromandel Valley Changeover

Mayor's calendar 17 June to 14 July

June	
19	Christies Beach High School Governing Council meeting
20	Council Meeting
21	Met with business
21	Presented certificate of appreciation
21	Onkaparinga Youth Committee meeting
22	Visited Southern Montessori School
22	Met with chair of Tribe FM
22	Met with resident
22	Elected Member Session
23	Met with Mayor Simone Bailey, Mid-Murray Council
27	Special Council meeting
27	Elected Member session
28	Met with resident
28	Met with business
29	Visited Woodcroft College
29	Met with Alliance to End Homelessness group
29	Met with Chair of Kurna Yerta Aboriginal Corporation
30	Met with Head of Strategy, Department of Premier and Cabinet
30	Met with resident
30	Met with Chair of Zonta District 23
July	
2	Willunga Lions handover luncheon
3	Citizenship Ceremony
4	Met with Gemboree representatives

4	Thalassa Trust meeting
4	Strategic Directions Committee meeting
4	Coastal Adaptation Plan update
5	Met with resident
5	NAIDOC March and Family Fun Day 2023
6	Met with Mayor Gillian Aldridge, City of Salisbury
6	LGA Mayor & CEO Forum dinner
7	LGA Mayor & CEO Forum
7	Radio Interview – Tribe FM
10	Radio Interview – ABC 891 Radio Adelaide
11	Woodcroft Dog Park update
11	First Nations People Advisory Group update
11	Elected Member Session
13	Radio Interview – Coast FM
13	Met with representatives from Department of Trade and Investment
13	Met with Deputy Premier, the Hon Dr Susan Close MP
13	Chief Executive Officer Performance Management Committee meeting
14	Met with Bendigo Bank community activation officer
14	Met with resident
14	Met with Port Willunga Heritage Committee

Deputy Mayor's calendar 17 June to 14 July

June	
22	Elected Member Session
25	Rotary Club of Morphett Vale handover luncheon
27	Special Council Meeting
27	Elected Member Session
28	Met with Vines Golf Club
July	
1	The Headstone Project at Morphett Vale Cemetery
4	Strategic Directions Committee meeting
4	Coastal Adaptation Plan update
7	Sporting club fees and subsidy review outcomes
11	Woodcroft Dog Park update
11	First Nations People Advisory Group update
11	Elected Member Session

MOVED Cr Rilett.

That the Mayor's presentation on the Australian Local Government Association National General Assembly be uploaded to the website

Seconded by Cr Bell.

CARRIED

MOVED Cr Themeliotis.

That Council note the 18 July 2023 Mayor's report.

Seconded by Cr Bell.

CARRIED

6. Presentations

Nil.

7. Deputations

7.1 DEPUTATION - MARIAN MCDUIE, ALDINGA BAY COAST CARE RE VEHICLE ACCESS TO BEACHES AND IMPACT ON HOODED PLOVERS

This deputation was moved to be heard at the August meeting at the request of Marian McDuie.

7.2 DEPUTATION – EMMA MURRAY, HUB GYMNASTICS – EXPANSION AND REFURBISHMENT OF THE PAUL MURRAY RECREATION CENTRE

Emma Murray gave a deputation and answered questions from elected members in relation to the expansion and refurbishment of the Paul Murray Recreation Centre.

7.3 DEPUTATION – LAURA DEANE, SELICKS AREA RESIDENTS ASSOCIATION (SARA), RE BY-LAW 6 RE FORESHORE ACCESS

Laura Deane gave a deputation and answered questions from elected members in relation to By-law 6 re foreshore access.

7.4 DEPUTATION – HARVEY JOLLY – SPORTING CLUB FEES AND SUBSIDIES

Harvey Jolly gave a deputation and answered questions from elected members in relation to sporting club fees and subsidies.

Cr Jew left her seat in the Chamber at 8.06pm.

Cr Jew resumed her seat in the Chamber at 8.07pm.

7.5 DEPUTATION -MATT FARRELL, SELICKS WOODLANDS AND WETLANDS ACTION NETWORK (SWWAN) RE 800,000 TREE PLANTING TARGET

Matt Farrell gave a deputation and answered questions from elected members in relation to an 800,000 tree planting target.

Cr Fisher left his seat in the Chamber at 8.30pm.

Cr Fisher resumed his seat in the Chamber at 8.32pm.

At 8.36pm Cr Greaves MOVED that the meeting break for 10 minutes.

Seconded by Cr Fisher.

CARRIED

Mayor Were reconvened the meeting in the Chamber at 8.47pm with all members present that were present before the break.

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

8.1 STRATEGIC DIRECTIONS COMMITTEE MEETING MINUTES OF 4 JULY 2023

MOVED Cr Themeliotis.

That Council note the minutes of the Strategic Directions Committee meeting held on 4 July 2023 as attached to the agenda report.

Seconded by Cr Wilkes.

CARRIED

8.2 SOUTHERN REGION WASTE RESOURCE AUTHORITY – CONSTITUENT COUNCIL INFORMATION REPORT – BOARD MEETING 26 JUNE 2023

MOVED Cr Themeliotis.

That Council notes the Southern Region Waste Resource Authority Constituent Council Information Reports – Public (attachment 1 to the agenda report).

Seconded by Cr Pritchard.

CARRIED

9. Reports of officers

9.1 BY-LAWS REVIEW CONSULTATION OUTCOMES AND REQUEST FOR ENDORSEMENT

MOVED Cr Bell.

That Council:

1. *Receive and note the results of community consultation on the proposed By-laws numbered 1, 2, 3, 4 and 6.*
2. *In the exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act), having satisfied the consultation requirements of the Act and having had regard to the outcome of the consultation process, the National Competition Policy Report and the Certificates of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members hereby makes the following By-laws as shown in Attachment 1 to the agenda report:*
 - a. *Permits and Penalties By-law No 1 of 2023*
 - b. *Moveable Signs By-law No 2 of 2023*
 - c. *Roads By-law No 3 of 2023*
 - d. *Local Government Land By-law No 4 of 2023 and*
 - e. *Foreshore By-law No 6 of 2023.*
3. *Authorise the Chief Executive Officer to take all necessary steps to give effect to the By-laws including making any minor formatting amendments, arranging for the publication of the By-laws in the Government Gazette, publishing a notice of the making of the by-laws in a newspaper circulating in the area, and referring them to the Legislative Review Committee of Parliament for review.*

Seconded by Cr Greaves.

CARRIED

9.2 CLIMATE EMERGENCY RESPONSE– PROPOSED ADDITIONAL ACTIONS

MOVED Cr Wilkes.

That Council:

- 1. Notes the progress report on the Climate Change Response Plan 2022 – 2027 (attachment 1 to the agenda report).*
- 2. Approves the proposed additional actions and enhancements in response to the climate emergency declaration as an addendum to the Climate Change Response Plan (attachment 2 to the agenda report).*
- 3. Notes that elected member feedback outside the scope of this declaration, relating to trees, biodiversity, and waste, will be addressed via existing actions within the Climate Change Response Plan and other existing plans.*

Seconded by Cr Greaves.

CARRIED

9.3 SPORTING CLUB FEES AND SUBSIDIES REVIEW

MOVED Cr Themeliotis.

That Council:

- 1. Note the investigations and key findings of the Review of City of Onkaparinga Sporting Club Fees and Subsidies Executive Report (attachment 1 to the agenda report).*
- 2. Approve to maintain the cost sharing principles for sporting club fees and subsidies at:*
 - 90 per cent council and 10 per cent club contribution to building maintenance costs through a rent fee.*
 - 80 per cent council and 20 per cent club contribution to sports ground maintenance including irrigation costs for SA Water irrigated sites.*
 - 80 per cent council and 20 per cent club contribution to sports ground maintenance costs for bore water irrigated sites.*
 - 50 per cent council and 50 per cent club contribution to council owned tennis and netball court maintenance costs.*
 - 50 per cent council contribution for recoating of community owned tennis and netball courts subject to need and council's annual budget process.*
- 3. Note that fees for council owned tennis and netball court maintenance and sports ground maintenance for bore water irrigated sites will be increased from 1 July 2024 to reflect actual costs and meet cost sharing principles.*
- 4. Note that operational health checks including governance and financial analysis will be undertaken with our 12 council owned and three community owned multi use sporting facilities in 2023/24 to identify priority issues and develop an action plan to further support multi use sporting facility sustainability and operations.*

Seconded by Cr Fisher.

Cr Platten declared a general conflict of interest as a sponsor of the Port Noarlunga Football Club. Cr Platten stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering the matter and chose to remain in the meeting and debate and vote on the matter.

LOST

Cr Themeliotis called a DIVISION and the decision was set aside.

For:

<i>Cr Fisher</i>	<i>Cr Stafford</i>	<i>Cr Platten</i>	<i>Cr Themeliotis</i>	
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Against:

<i>Cr Wilkes</i>	<i>Cr Pritchard</i>	<i>Cr Eaton</i>	<i>Cr Yeomans</i>	<i>Cr Rilett</i>
<i>Cr Greaves</i>	<i>Cr Jew</i>	<i>Cr Bell</i>		

LOST

MOVED Cr Fisher.

That Council:

- 1. Note the investigations and key findings of the Review of City of Onkaparinga Sporting Club Fees and Subsidies Executive Report (attachment 1 to the agenda report).*
- 2. Approve to maintain the cost sharing principles for sporting club fees and subsidies at:*
 - 80 per cent council and 20 per cent club contribution to building maintenance costs through a rent fee.*
 - 80 per cent council and 20 per cent club contribution to sports ground maintenance including irrigation costs for SA Water irrigated sites.*
 - 80 per cent council and 20 per cent club contribution to sports ground maintenance costs for bore water irrigated sites.*
 - 50 per cent council and 50 per cent club contribution to council owned tennis and netball court maintenance costs.*
 - 50 per cent council contribution for recoating of community owned tennis and netball courts subject to need and council's annual budget process.*
- 3. Note that fees for council owned tennis and netball court maintenance and sports ground maintenance for bore water irrigated sites will be increased from 1 July 2024 to reflect actual costs and meet cost sharing principles.*
- 4. Note that operational health checks including governance and financial analysis will be undertaken with our 12 council owned and three community owned multi use sporting facilities in 2023/24 to identify priority issues and develop an action plan to further support multi use sporting facility sustainability and operations.*

Seconded by Cr Jew.

Cr Wilkes MOVED an AMENDMENT.

That Council:

- 1. Note the investigations and key findings of the Review of City of Onkaparinga Sporting Club Fees and Subsidies Executive Report (attachment 1 to the agenda report).*
- 2. Approve to maintain the cost sharing principles for sporting club fees and subsidies at:*
 - 80 per cent council and 20 per cent club contribution to building maintenance costs through a rent fee.*
 - 80 per cent council and 20 per cent club contribution to sports ground maintenance including irrigation costs for SA Water irrigated sites.*
 - 80 per cent council and 20 per cent club contribution to sports ground maintenance costs for bore water irrigated sites.*
 - 50 per cent council and 50 per cent club contribution to council owned tennis and netball court maintenance costs.*

- 50 per cent council contribution for recoating of community owned tennis and netball courts subject to need and council's annual budget process.
3. Note that fees for council owned tennis and netball court maintenance and sports ground maintenance for bore water irrigated sites will be increased from 1 July 2024 to reflect actual costs and meet cost sharing principles.
 4. That a report comes back to Council in April 2024 that outlines operational governance and financial analysis of our 12 council owned and three community owned multi use sporting facilities in 2023/24 to identify priority issues and develop an action plan to further support multi use sporting facility sustainability and operations. This report should include exploring state government facility use contracts and other revenue income streams as well as investigating the complexity of complying with council lease conditions and opportunities for council to conduct some management tasks for the facility (such as accounting services).

Seconded by Cr Greaves.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

Cr Themeliotis called a DIVISION and the decision was set aside.

For:

Cr Stafford	Cr Wilkes	Cr Pritchard	Cr Eaton	Cr Yeomans
Cr Rilett	Cr Greaves	Cr Platten	Cr Jew	Cr Bell

Against:

Cr Fisher	Cr Themeliotis			
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CARRIED

9.4 RAA ELECTRIC VEHICLE CHARGING STATION 16 YEAR LICENCE

MOVED Cr Bell.

That for the subject land legally described as Portion of allotment 1099 Sec 341 in Deposited Plan 3231, comprised in portion of Certificate of Title Volume 5300 Folio 951, Main Street, Seaford SA 5169, and bordered in red on Attachment 1 to the agenda report, Council:

1. Receives the Community Engagement Feedback Report (see Attachment 2 to the agenda report).
2. Having considered submissions received during the public consultation phase, resolves in accordance with section 202(2) of the Local Government Act 1999 to licence the subject land to the Royal Automobile Association of Australia for six years with two rights of renewal for a further five years (total licence term of 16 years).
3. Authorises the Chief Executive Officer to execute the licences with the Royal Automobile Association of Australia to finalise the transactions on Council's behalf.

Seconded by Cr Eaton.

CARRIED

9.5 PROPOSAL TO COMMENCE THE REVOCATION OF COMMUNITY LAND CLASSIFICATION FOR COUNCIL LAND AT ALDINGA BEACH AND SELICKS BEACH FOR TRANSFER TO THE MINISTER FOR CLIMATE, ENVIRONMENT AND WATER

Cr Fisher left his seat in the Chamber at 10.08pm.

Cr Wilkes left her seat in the Chamber at 10.12pm.

Cr Fisher resumed his seat in the Chamber at 10.13pm.

Cr Wilkes resumed her seat in the Chamber at 10.17pm.

MOVED Cr Jew.

That for the Council owned land described as Allotment (Reserve) 116 in Deposited Plan 6326 comprised in Certificate of Title Volume 5708 Folio 649 and Allotment 11 in Filed Plan 10453 comprised in Certificate of Title Volume 5485 Folio 81 and bordered in red on Attachment 1 to the agenda report, Council:

- 1. Declares that the subject Council owned community land is surplus to requirements and potentially suitable for transfer to the Minister for Climate, Environment and Water for addition to the Aldinga Conservation Park bordered in green on Attachment 2 to the agenda report.*
- 2. Approves the commencement of the revocation process to revoke the community land classification, including undertaking public consultation in accordance with the provisions of subsection 194(2) of the Local Government Act 1999 and that draft Communication and Engagement Plan contained in Attachment 7 to the agenda report.*
- 3. Requests a further report be presented to Council following the outcome of the public consultation phase of the revocation process to enable Council to determine if the revocation and disposal should proceed.*

Seconded by Cr Bell.

CARRIED

9.6 PROPOSED RATING REVIEW

MOVED Cr Themeliotis.

That Council:

- 1. Notes the report, including when a rating review is required and the process to be undertaken to conduct a rating review.*
- 2. Commits council staff to commencing a rating review in August 2024, with any changes made through the review to be in place for the generation of the 2025-26 rates;*

Seconded by Cr Platten.

CARRIED

9.7 COUNCIL APPOINTED ELECTED MEMBER LIAISON TO ROTARY CLUB OF FLAGSTAFF HILL

MOVED Cr Jew.

That Council appoint Cr Marion Themeliotis and Cr Geoff Eaton to act as Council liaison to the Rotary Club Flagstaff Hill expiring 31 March 2025 as per Council's Elected Member Liaison Appointment biennial process.

Seconded by Cr Eaton.

CARRIED

9.8 ELECTED MEMBER TRAINING AND DEVELOPMENT POLICY AND PLAN

MOVED Cr Bell.

1. *That the Elected Member Training and Development Policy provided as attachment 1 to the agenda report be adopted.*
2. *That the Elected Member Training and Development Plan provided as attachment 2 to the agenda report be noted and updated in accordance with the evolving training requirements of the elected member body and any legislative changes.*

Seconded by Cr Themeliotis.

CARRIED

9.9 CONFIDENTIAL ITEMS QUARTERLY REVIEW

MOVED Cr Themeliotis.

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

Seconded by Cr Eaton.

CARRIED

9.10 COUNCIL AND COMMITTEE REPORTING SCHEDULE

MOVED Cr Themeliotis.

That Council note the agenda report and Reporting Schedule (attachment 1 to the agenda report).

Seconded by Cr Bell.

CARRIED

10. Questions on notice

10.1 QUESTION ON NOTICE – CR THEMELIOTIS – ADOPT A TREE

Since it began how many residents have taken up the adopt a tree program?

Below are the statistics since we started the Adopt a Tree program:

- 2021-22 requests for winter 2022 planting season = 259 requests assessed as eligible and street trees planted
- 2022-23 requests for winter 2023 (ie now) planting season = 171 requests assessed as eligible with planting to occur before end Sept this year
- 2023-24 requests opened in April for the winter 2024 planting season – this year we are also trialling the inclusion of fruit trees as a new category (allocation already exhausted), however street trees are still available.

Each year we allocate 300 trees to the adopt a tree program, which is within the capacity for our nursery, on top of the other 28,000 seedlings and plants produced. For the 2024 tree planting program we wanted to trial fruit trees as an option to determine community interest. We currently have 50 locations requesting fruit trees.

Residents can visit the Adopt a Tree page on our website to check eligibility and read through the program FAQs.

www.onkaparingacity.com/Services/Environment-and-sustainability/Trees/Adopt-a-Tree

10.2 QUESTIONS ON NOTICE – CR THEMELIOTIS – DEVELOPMENTS – NEIGHBOURING RESIDENTS' RIGHTS

- 1. What rights do neighbouring residents have to reject or provide feedback on developments next to or behind their property?*
- 2. If a neighbour rejects a development taking place, is this considered as part of the final decision made by Council or the SA Planning portal?*

Response

The state government PlanSA website <https://plan.sa.gov.au/> includes a public register that lists all development, however, the Planning and Design Code (the Code) specifies when public notification of a development application is required in accordance with the Planning, Development and Infrastructure Act and Regulations.

If the Code does not require notification of an application, then Council must not notify the application and in these circumstances (the majority), neighbours have no opportunity to provide feedback.

If an application is publicly notified (adjoining owners receive a letter, however any person may lodge a representation) and a representation is submitted on the state website <https://plan.sa.gov.au/> against the proposal, then this representation is taken into account prior to determination of the application.

The representor has the opportunity to present their submission in person at a hearing if they select 'I wish to be heard in support of my representation' on the 'Submit a representation' page of the above website. This means they will have the opportunity to speak at the Council Assessment Panel, prior to a decision being made.

The City of Onkaparinga's Council Assessment Panel is comprised of 4 independent, accredited planning professionals and one elected member of Council.

Appeal rights generally no longer apply for neighbours of a proposed development, having been removed from state legislation in 2021.

10.3 QUESTION ON NOTICE – CR THEMELIOTIS – SUBDIVISIONS

How can a real estate agent advertise a piece of land with the opportunity for developers to sub divided, when the area/towns zoning may not permit subdivisions? Wouldn't this be considered the false advertising?

Real Estate Agents frequently advertise development opportunities for properties they are selling including the potential for land division, home business opportunities, dwelling extensions etc. When doing so, a disclaimer is usually added to the advertisement such as 'Subject to Council Consent' (STCC).

Whilst they usually advertise opportunities that are reasonably within the planning guidelines, if an Agent advertises opportunities that do not strictly conform to the relevant planning guidelines Council has no jurisdiction over the matter. The state government's Consumer and Business Services provides some oversight of real estate practitioners - more information can be found at <https://www.sa.gov.au/topics/business-and-trade/licensing/real-estate/land-agents>

10.4 QUESTIONS ON NOTICE – CR THEMELIOTIS – RESIDENT USAGE

1. *What percentage of Onkaparinga residents use the following:*

- *Sporting facilities*
- *Libraries*
- *Community centres*
- *Swimming centres run by council*

Council does not have comparable data relating to the percentage of Onkaparinga residents use of the facilities listed. The following information is provided from the data we have available:

Sporting facilities

The City of Onkaparinga is home to 210 sporting clubs. Council leases buildings, tennis and netball courts and turf playing surfaces (ovals and pitches) to sporting clubs and has 64 sporting club leaseholders with 43 sub-user sporting clubs.

Council collects data through our Community Survey regarding local resident participation in sport and volunteering in sport. The Community Survey 2022 found 18 per cent of residents (32,000 people) play or volunteer in organised sport.

Libraries

In 2022/23 there were 695,939 visits to our libraries with more than 929,703 loans from our collection. There are 43,064 active registered members of the library, however the community do not need a membership to come to a library and access many services.

Community Centres

The percentage of residents using our nine community centres is not able to be provided, as we only capture overall facility use and not individual visits.

We can confirm the total number of visits to our nine community centres in 2022/23 was 259,527.

Noarlunga Aquatic and Recreation Centre

In 2022/23 the Noarlunga Aquatic and Recreation Centre had 99,112 visits to the centre. The percentage of residents is not able to be provided as we only capture overall facility visitation.

10.5 QUESTIONS ON NOTICE – CR THEMELIOTIS – COUNCIL FUNDING

1. *How much funding does council provide to support:*

- *Sporting clubs*
- *Libraries*
- *Community Centres*
- *Businesses that lease council facilities*

Council funding support for sporting clubs, libraries, community centres and businesses that lease council facilities is challenging to compare given the differing management models. However, staff have collated the information below as best as possible.

Funding includes operational budgets including maintenance and compliance but excludes assets lifecycle costs including renewal and depreciation.

Please note the funding is not directly comparable due to different ownership and management models including:

- Libraries operate under multiple models including council owned, privately leased and through joint use arrangements with Department of Education.
- Community Centres are council owned and operate under council management and independent community management.
- Sporting clubs and relevant businesses operate independently of council using council leased facilities. Council does not have financial oversight of the sporting clubs or businesses that lease council facilities.

Sporting Clubs

Background

Council leases buildings, tennis and netball courts and turf playing surfaces (ovals and pitches) to sporting clubs to support participation in sport. Council has 64 sporting club leaseholders with 43 sub-user sporting clubs that together pay subsidised annual fees for a portion of the costs of maintaining the infrastructure.

These clubs receive exclusive use of sports buildings and courts, and priority use of ovals and pitches for games and training. There are also three community-owned sports grounds at Willunga, McLaren Vale and Ironbank Cherry Gardens that pay subsidised fees to council in return for turf maintenance services.

Council supports sporting clubs to be safe, welcoming and well managed and enables sporting clubs to generate income through commercial activities from the subsidised leased facilities. Council does not have oversight of sporting club's income or expenditure.

Financial contribution 2022/23

Maintenance and compliance	\$1,338,023
Operational grants to Surf Life Saving Clubs	\$65,704
Support services and programs (provided by Recreation Services)	\$350,000
Net cost	<u>\$1,753,727</u>

Libraries

Background

Libraries are welcoming and inclusive places for learning, leisure, participation, creativity and literacy development as well as providing free access to computers, new technology and the internet which supports digital inclusion.

There are six libraries with two library branches operating under a Joint Use Agreement with the Department for Education (DfE). Seaford Library provides services to students and staff of Seaford Secondary College and Hub Library provides services to students and staff of Aberfoyle Park High School.

Financial contribution 2022/23

Libraries receive annual funding from the Libraries Board of South Australia of \$1.3 million with \$711,780 held by Public Library Services for material purchases through the central acquisition system.

Total Operating budget	\$6,270,602
Plus lease fee – Noarlunga Library	\$161,244
Plus lease fee - Aldinga	\$513,372
Minus DfE income	\$575,302
Minus Libraries Board Operating income	\$649,022
Net Operating (includes maintenance and compliance)	<u>\$5,720,894</u>

Community Centres

Background

Community Centres are a safe, welcoming space providing social connection, lifelong learning, skill development and pathways to employment. Programs and services are available for the whole community and are supported by over 350 volunteers.

Financial contribution 2022/23

In 2022/23, the main external funding for centres came from Department of Human Services (DHS) and the National Indigenous Australians Agency (NIAA).

In addition to the council financial contribution provided to community centres, the five Boards of Management also contributed \$1,734,169 in 2021/22 for the delivery of programs and services at their centres, funded through grants, venue hire income and sponsorship.

Total Operating budget	\$1,995,929
Minus DHS funding	\$495,718
Minus Hall Hire and program income	\$302,832
Minus NIAA funding	\$70,000
Net operating (includes maintenance and compliance)	<u>\$1,127,379</u>

Businesses that lease council facilities

Council leases some of its facilities to businesses for commercial operations.

Businesses that lease council facilities pay commercial lease rates through a commercial lease agreement. The lease fee is based on the best rent that can be obtained for the lease area in an open market.

Council does not provide funding to support commercial leases. Council is responsible for maintenance as per the lease agreement and *Retail and Commercial Leases Act*, with maintenance and capital costs funded through lease fee income.

10.6 QUESTIONS ON NOTICE – CR THEMELIOTIS – DEVELOPMENTS – FINES

Are there any mechanisms for Councils to issue fines to developers who intend to develop an area, but leave it undeveloped for many years, for a developer who keeps their development site unkept with overgrown grass, and fences falling down?

Council has no direct mechanism to compel developers to undertake works (building works or landscaping maintenance) on a proposed building site, however bushfire safety measures do allow council to, during bushfire season, require that maintenance operations such as mowing/slashing take place. In the cases of extreme disrepair or overgrown vegetation the *Local Nuisance and Litter Control Act 2016* may be applicable.

Standard fencing is a purely civil matter between neighbouring property owners – more information on this can be found at

<https://lsc.sa.gov.au/resources/FencesandtheLawBooklet.pdf>.

Non-standard fencing may require development approval which could require future compliance ie maintenance of a fence that was required as part of an approval. Council's Development Services officers can provide advice on individual development approvals via 8384 0666.

Safety fencing is not a requirement for bare allotments and council has no power to enforce the installation or maintenance of fencing. However, SafeworkSA does have power to require secure fencing for construction sites or sites that they consider unsafe.

11. Motions on notice

11.1 NOTICE OF MOTION – CR THEMELIOTIS – PAUL MURRAY RECREATION CENTRE REDEVELOPMENT

MOVED Cr Themeliotis.

- 1. That Council in principle approve up to \$500,000 towards the redevelopment of the Paul Murray Recreation Centre.*
- 2. That staff work with Hub Gymnastics to find savings to ensure the project remains within budget*
- 3. That staff provide options of where any additional costs outside the allocated project budget, could be funded from.*
- 4. That a report comes back to Council's October Council meeting outlining the above (Points 1-3), final project costs, how the project will be delivered, and where Hub Gymnastics will continue to operate during the project build.*

Seconded by Cr Fisher.

LOST on the Mayor's casting vote

Cr Themeliotis called a DIVISION and the decision was set aside.

For:

<i>Cr Fisher</i>	<i>Cr Stafford</i>	<i>Cr Eaton</i>	<i>Cr Rilett</i>	<i>Cr Platten</i>
<i>Cr Themeliotis</i>				

Against:

<i>Cr Wilkes</i>	<i>Cr Pritchard</i>	<i>Cr Yeomans</i>	<i>Cr Greaves</i>	<i>Cr Jew</i>
<i>Cr Bell</i>				

LOST on the Mayor's casting vote

11.2 NOTICE OF MOTION – CR THEMELIOTIS – 800,000 TREE PLANTING TARGET

MOVED Cr Themeliotis.

That a report comes back to Council's December meeting outlining the following:

- *Ways the council could achieve planting of 800,000 trees over a 15 year period, including scaling up of the Open Spaces departments capacity to deliver the target, advocacy to change the Planning Laws, working with residents, businesses, primary producers, developers, schools, and community groups, the risks associated with this proposal, the risks associated with not delivering this proposal (no change to current, target remains at 15%), and costs to deliver this project.*

Seconded by Cr Eaton.

CARRIED

At 11pm Cr Eaton MOVED that the meeting continue to end of business.

Seconded by Cr Platten.

CARRIED

11.3 NOTICE OF MOTION – CR JEW – WORKSHOP RE ECONOMIC DEVELOPMENT AND TOURISM

MOVED Cr Jew.

That a workshop is provided to Elected Members by the end of 2023 covering:

- *Local data related to economic development and tourism*
- *Programs and services offered by the City of Onkaparinga for small business and start ups*
- *How council currently promotes and invests in advancing tourism opportunities across the city*
- *An understanding of the current landscape that businesses exist within across the city*
- *A snapshot desktop analysis of gaps and opportunities existing relating to advancing economic development and tourism across the city*
- *How the council's priorities related to economic development and tourism align with state and federal government.*

Seconded by Cr Eaton.

CARRIED

11.4 NOTICE OF MOTION – CR JEW – WOMEN'S WORLD CUP

MOVED Cr Jew.

That the City of Onkaparinga supports Noarlunga and Districts Junior Soccer Association and others to host a watch party of the Soccer World Cup Grand Final if Australia makes it through.

Council's support would include:

- *Promotion of the event*
- *Encouraging collaboration with other organisations*
- *Highlighting on council's social media during the world cup opportunities for girls and women to participate in soccer across the City of Onkaparinga.*

Seconded by Cr Bell.

CARRIED

11.5 NOTICE OF MOTION – CR YEOMANS – WATER ASSETS

Cr Yeomans declared a general conflict of interest as one of the 4,500 CWMS customers in this council. Cr Yeomans stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering the matter and chose to remain in the meeting and debate and vote on the matter.

MOVED Cr Yeomans.

A future report presented to Council regarding the water assets should contain:

- 1. Details of the previous community consultation in 2018 and 2022.*
- 2. Details of CWMS customer pricing post the initial five-year period if the water assets are divested.*
- 3. Details of Council's current rebate position for CWMS customers if the water assets are divested.*
- 4. Details of CWMS service level arrangements if the water assets are divested.*
- 5. Details of how the proceeds of any sale of the water assets will be used.*
- 6. Within the Terms of Reference for the Water Assets Strategic Review Community Reference Group, it notes 'if required, council may directly appoint members to the Community Reference Group.'*
 - a. Details of any such appointments.*
- 7. Details of costs associated with this Community Reference Group.*

Seconded by Cr Jew.

CARRIED

Cr Yeomans voted for the motion.

12. Petitions

Nil.

13. Urgent business

Members made a presentation to Julia Grant thanking her for her leadership and guidance during her time as acting CEO.

14. Confidential items

14.1 UPDATE REPORT FOR COROMANDEL VALEY INSTITUTE HALL EXPRESSION OF INTEREST PROCESS

- 1. Exclusion of the public*

MOVED Cr Themeliotis.

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)(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 Cr Bell.

CARRIED

2. Confidential resolution

MOVED Cr Themeliotis.

That, for the council owned land described as Allotment 44 in Filed Plan 149129, comprised in Certificate of Title Volume 5831 Folio 522, known as the Coromandel Valley Institute Hall, Council:

- 1. Acknowledge the two submissions received during the expression of interest process for the Coromandel Valley Institute Hall.*
- 2. Having considered all the information comprised in the agenda report, resolves to approve the Chief Executive, or their delegate, negotiate a commercial lease over the Coromandel Valley Institute Hall with the recommended applicant, Brett Julian Architects, of up to 42 years, subject to the outcome of public consultation if the lease term is more than five years (see attachment 2 to the agenda report for the application).*

Seconded by Cr Eaton.

CARRIED

3. Period of confidentiality and delegations

MOVED Cr Wilkes.

- a. *That the matter of Coromandel Valley Institute EOI Outcome having been considered by the Council in confidence under sections 90(2) and 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), 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 and minutes of the Council relating to the subject matter be kept confidential until the recommendations have been approved, with the following exceptions:*
- That attachments 2, 3 and 4 of the agenda report, being the applications and evaluation report, remain confidential.*
- b. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, the 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, the Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub delegate.*

Seconded by Cr Stafford.

CARRIED

Mayor Were reopened the meeting to the public at 11.15pm.

15. Closure

Mayor Were officially declared the meeting closed at 11.15pm.

*Certified Correct*Chair

/ /2023