

# MINUTES

## Council meeting 19 September 2023

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

MEETING COMMENCED: 6.30pm

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

APOLOGIES: Cr Fisher

LEAVE OF ABSENCE:

ABSENT:

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### 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 Rilett.*

*That the minutes of the proceedings of the Council meeting held on 15 August 2023 be received and confirmed as an accurate record of those proceedings.*

*Seconded by Cr Themeliotis.*

*CARRIED*

## 3. Adjourned business

Nil.

## 4. Leave of absence

### 4.1 LEAVE OF ABSENCE REQUEST – CR FISHER

*MOVED Cr Greaves.*

*That Cr Fisher be granted leave of absence from 20 September 2023 to 1 December 2023 inclusive.*

*Seconded by Cr Themeliotis.*

*CARRIED*

## 5. Mayor's communication

### 5.1 MAYOR'S REPORT

#### **Welcome Message**

This month there is a theme of new beginnings, with many clubs and associations reporting on the results of their past year, electing new leaders to support their contribution. We also have joyous news of two councillors welcoming new children into their family in the coming months.

As spring settles in, the Mayor's Gardening Competition, Tree of the Month and Sustainable Onkaparinga have multiple opportunities to celebrate being outdoors. Many councillors are keen to support and pursue community led opportunities for more greening and cooling of our city. We look forward to growing our community canopy together over the coming years.

Many councillors have reviewed grant applications from major events to small equipment grants. Their level of interest and effort in these submissions is very encouraging, unfortunately not everyone will be in receipt of funds from council in these very competitive processes.

On Monday 28 August, I had the privilege of welcoming 105 new Citizens from 36 countries at a Citizenship Ceremony at the Hopgood Theatre. Chris Picton, Member for Kaurua and Hon Ben Hood MLC were in attendance with Cr Wilkes, Cr Bell, Cr Pritchard, Cr Yeomans, and Cr Eaton.

Naomi Hicks and Maureen Humes welcomed everyone to the ceremony with acknowledgement of their heritage from places in Australia to Europe and Asia. Lucy Sampson, Onkaparinga Youth Committee Member, gave an impassioned speech and the audience was treated to a fantastic musical performance by Henry Olonga. We welcome all our new citizens and thank them for choosing our City as their home.

We will soon be kicking off the consultation phase of our next Community Plan. This will be a comprehensive and fulsome engagement process and everyone's input will be welcome. Together with setting the principles for the next Long Term Financial Plan (LTFP) and the framework for the Strategic Assessment Management Plan (SAMP), the Community Plan will establish the levers for the council's decision-making. The central thread of this plait is the Community Plan with the SAMP and LTFP threads winding around it to strengthen the braid. When fibres are twisted together, they become stronger than they are on their own. Our goal as a Chamber is to have a strong, disciplined and consistent approach that will set in place a sustainable future for next generations. Short-term, quick fixes will not meet the economic, environmental, social and cultural challenges we are facing.

<b>Community Plan 2030</b> <b>people:</b> connected, engaged, active, healthy <b>place:</b> green, inviting, accessible, liveable <b>prosperity:</b> economically strong, environmentally thriving <b>performance:</b> accountable, efficient, inclusive, sustainable	
Key Result Area	Activity and Outcomes
Active, healthy, connected and engaged communities	Commencement of Community Plan process development with elected members  Participation in a wide range of SALA exhibitions, presentation of the Sauerbier house prize, sporting events, and the opening of sports facilities in Happy Valley.  Council's Base 10 received a music industry grant from the Federal government.
Green, inviting, liveability	Finalist in the 2023 Cities Power Partnership Climate Awards, which recognise the work of local governments paving the way to a zero-carbon future.

<b>Economic benefits, thriving natural environment</b>	Elected members participated in city wide tour of projects, places and infrastructure supporting economic, community and cultural outcomes. Met with Commissioners for Small Business, Consumer and Corporate Affairs, Liquor and Gambling.
<b>Trust in delivery and returns for rates</b>	<p>Elected member included examination of planning, development, policy and funding matters as well as areas for advocacy to other spheres of government.</p> <p>Commenced engagement around submission to Greater Adelaide Regional Plan building on Council advocacy to Minister for Planning.</p> <p>Phase 4 Local Roads and Community Infrastructure program announcement from Federal Government supporting upgrades to the Noarlunga United Soccer Club – \$967,000; redevelopment of the Paul Murray Recreation Centre – \$443,000; new facilities for the Onkaparinga Canoe Club – \$306,330; relocation works for equestrian facilities in Aldinga – \$500,000.</p> <p>Community plan development in alignment with review and development of Long Term Financial Plan principles and the Strategic Asset Management Plan commenced.</p>

#### Elected Member Representation

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

- Norwood v South Adelaide with City of Norwood Payneham and St Peters

Thank you to Cr Lauren Jew for representing me at:

- Aldinga Business and Tourism Association AGM

Thank you to Cr Jordan Pritchard for representing me at:

- National Trust Willunga Branch 2023 AGM

Thank you to Cr Dan Platten for representing me at:

- Port Noarlunga Soldiers' Memorial Bowling Club meeting

This month the following invitations received an apology:

- Noarlunga United Soccer Club Sponsor Day
- SALA Myriad 2023 exhibition launch
- SANFL Commission Chairmans Match Day function AFL Adelaide vs Sydney
- Variety the Children's Charity The Bash Finish Line in McLaren Vale
- Fleurieu Community Bank Ambassador event
- The Next Step Charity Gala Dinner
- Friends of Willunga Basin AGM
- McLaren Vale Business & Tourism Association AGM
- Inspiring South Australian Women Impacting the world panel
- Australia Day Council Impacting South Australian Women
- Adult Learners Week at Hackham West Community Centre
- Aldinga Bay Bowling Club Opening

## Mayor's calendar 12 August to 15 September

August	
12	Ahmadiyya Muslim Women's Association 100th anniversary of women's empowerment
12	Noarlunga Districts Junior Soccer Association and City of Onkaparinga Women's World Cup Watch Party - Matildas vs France
15	Council Meeting
17	Guest presenter - LG Professionals SA Emerging Leaders Program
17	Met with Murray Darling Association Region 7 CEO and SA member
18	Met with White Ribbon and Respect Community Action Group representative
18	Leadership Onkaparinga Graduation
19	RSL Morphett Vale Annual Dinner
21	Onkaparinga Northern Forum AGM
21	University of Adelaide Law School Pathways to Politics for Women
22	Strategic Directions meeting
23	Met with Cr Linda Scott, President of Australian Local Government Association
24	Every Generation Onkaparinga meeting
24	Asia Pacific Cities Summit & Mayor's Forum Information Webinar
24	Elected Member session
25	Met with Natalie Wade of Equity Lawyers
25	Rotary Club of Morphett Vale Grand Unveiling of Kitchen
26	Resident meeting at Willunga Farmers Market
26	Christies Beach SLSC Annual Dinner
27	Visit resident for their 100 <sup>th</sup> Birthday
28	Ladies Probus Club of the Fleurieu Birthday Event
28	Citizenship Ceremony
29	Met with Rowena McLean, Director Strategy, Local Government Association
29	Met with the Liz Sanders, The Food Embassy
29	Elected Member session
30	Met with Moonrise Seaweed Company and Aunty Lynette Crocker
30	Visited Base 10 with the Hon Amanda Rishworth MP, Minister for Social Services
30	South Australian Small Business Commissioner Beers, Bubbles and Business Banter at McLaren Vale Visitor Information Centre; met with Small Business Commissioner Nerissa Kilvert and Dini Soulio Commissioner for Consumer Affairs, Commissioner for Corporate Affairs, Liquor and Gambling Commissioner and Commissioner for Prices
31	Media Interview – Channel 9
31	Met with James Koch, CulturAlchemy
31	Interview with History Trust of South Australia for school curriculum resources
31	Met with Mark Mills, OnkaStompa
31	Community briefing on Referendum at McLaren Flat Community Club

September	
1	Elected Member Bus Tour
1	Presented Sauerbier House SALA award
4	Toddler time at Seaford Library
6	Volunteered at SACWA Country Café, Royal Show
7	Met with Phil Morton of Morton Philips
7	Attendance performance at Cooee Arthouse, Aldinga
9	Celebration for 30 Years of men and community sheds
9	Elected Member visit to Southern Koala and Echidna Rescue
11	Great Southern Netball Association Senior Presentation Dinner and Awards
12	Facilitated workshop for local Electorate Offices
12	Met with Zoltan Heinrich, Regional Manager Vicinity Centres (Colonnades)
12	Elected Member session
13	Met with David Busby, President of Southern Performance Swimming Club
14	Radio Interview – Coast FM
14	Presented for webinar on The Voice to Parliament
15	Citizenship Ceremony
15	The Primary Schools Music Festival presenting "2023 Festival of Music"

### Correspondence

Att 1	From The Hon Nick Champion MP, Minister for Planning	Witton Bluff Base Trail Project
Att 2	From Khalid Rasheed, President Adelaide South Chapter, Ahmadiyya Muslim Association Australia	Letter of condolence
Att 3	To The Hon Dr Susan Close MP, Deputy Premier and the Hon Tom Koutsantonis MP, Minister for Infrastructure and Transport	Request for enhanced safety measures on the Southern Expressway and Main South Road
Att 4	From Professor Martin Westwell, Chief Executive Department of Education	Christies Beach High School change of name

Thank you.



Moira Were AM  
**Mayor**

*MOVED Cr Bell.*

*That Council note the 19 September 2023 Mayor's report.*

*Seconded by Cr Themeliotis.*

**CARRIED**

## 6. Presentations

Nil.

## 7. Deputations

### 7.1 DEPUTATION - GARY GOLAND, FRIENDS OF BYARDS RD WETLAND, INSTALLATION OF TOILET AT BYRARDS RD WETLAND

Gary Goland gave a deputation and answered questions from elected members in relation to the installation of a public toilet at Byards Road Reynella East.

### 7.2 DEPUTATION – YVONNE WENHAM AND JOHN HOULAHAN, WITTON BLUFF PROJECT

Yvonne Wenham and John Houlahan withdrew their deputation request.

*MOVED Cr Rilett.*

*That the council votes to accept the deputation request of Mr Mark Nielsen.*

*LAPSED for want of a seconder.*

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

### 8.1 CHIEF EXECUTIVE OFFICER PERFORMANCE MANAGEMENT COMMITTEE MEETING MINUTES OF 10 AUGUST 2023

*MOVED Cr Jew.*

*That Council note the minutes of the Chief Executive Officer Performance Management Committee meeting held on 10 August 2023 as attached to the agenda report.*

*Seconded by Cr Greaves.*

*CARRIED*

## 8.2 SOUTHERN REGION WASTE RESOURCE AUTHORITY – CONSTITUENT COUNCIL INFORMATION REPORT – BOARD MEETING 21 AUGUST 2023

*MOVED Cr Eaton.*

*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 HUB GYMNASTICS CLUB LONG-TERM LEASE & SECTION 48 PRUDENTIAL REPORT

*MOVED Cr Themeliotis.*

*That for subject land legally described as Portion of Allotment 21 in FP 10518, comprised in Certificate of Title 5068 Folio 374, known as The Paul Murray Recreation Centre, 42 Candy Road, Happy Valley SA 5159, and bordered in red on Attachment 1 to the agenda report, Council:*

- 1. Receives the 41 submissions received during the public consultation period undertaken in accordance with sections 202 of the Local Government Act 1999 (the Act).*
- 2. Having considered the Consultation Feedback Report (Attachment 2 to the agenda report) and the information in this agenda report, resolves to lease the subject land to Hub Gymnastics Club Incorporated for 12 years with three (3) rights of renewal for a further 10 years (total lease term of 42 years).*
- 3. Has considered and accepts the Paul Murray Recreation Centre Redevelopment Section 48 Prudential Report as per legislative requirements.*

*Seconded by Cr Eaton.*

CARRIED

### 9.2 WITTON BLUFF BASE TRAIL UPDATE AND NEXT STEPS

Cr Platten declared a general conflict of interest as an owner of a commercial property in the local area. 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.

*MOVED Cr Wilkes.*

*That Council:*

- 1. Notes the background and updates included within the agenda report.*
- 2B. Approves that based on the State Government offer to provide an additional \$700,000 towards the project Council will:*
  - i. continue the project;*
  - ii. approves contribution of \$700,000 as part of the 2024-2025 Project and Capital Works budget acknowledging that the Aldinga to Sellicks Beach trail and Kenneth*



*Road Morphett Vale footpath will be deferred for 2025-26 budget consideration; and*

- iii. pursue further funding opportunities with the State and Federal Governments towards additional seawall repair works and public art which can be undertaken together with the Witton Bluff Base trail project to enhance the outcomes from the project.*

*Seconded by Cr Greaves.*

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

*For:*

<i>Cr Stafford</i>	<i>Cr Wilkes</i>	<i>Cr Pritchard</i>	<i>Cr Eaton</i>	<i>Cr Rilett</i>
<i>Cr Greaves</i>	<i>Cr Platten</i>	<i>Cr Bell</i>	<i>Cr Themeliotis</i>	

*Against:*

<i>Cr Yeomans</i>	<i>Cr Jew</i>			
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**CARRIED.**

### 9.3 BYARDS ROAD REYNELLA EAST PUBLIC TOILET

*MOVED Cr Wilkes.*

*That Council:*

- 1. Approve the planning and construction of a public toilet at Byards Road Wetland Carpark by requesting the State Government provide the election promise funding commitment of \$250,000 noting the estimated total capital cost of \$236,000.*
- 2. Note the construction of a public toilet at Byards Road Wetland Carpark will be outside the current service level set in the Open Space Strategic Management Plan (OSSMP).*
- 3. Note that the OSSMP classifies the Byards Wetland as a 'Passive' reserve. The OSSMP is being reviewed in 2023 and the Byards Wetland classification will form part of that review.*
- 4. Note the additional annual operational costs of \$7,203 will be included in the 2024-25 annual operating budget.*
- 5. Note that additional renewal costs of \$6,250 for the life of the asset will be included as part of Council's asset depreciation schedule and operational budgets.*

*Seconded by Cr Themeliotis.*

*Cr Greaves MOVED an AMENDMENT.*

*That Council:*

- 1. Approve the planning and construction of a public toilet at Byards Road Wetland Carpark by requesting the State Government provide the election promise funding commitment of \$250,000 noting the estimated total capital cost of \$236,000.*
- 2. Note the construction of a public toilet at Byards Road Wetland Carpark will be outside the current service level set in the Open Space Strategic Management Plan (OSSMP).*

3. *Note that the OSSMP classifies the Byards Wetland as a 'Passive' reserve. The OSSMP is being reviewed in 2023 and the Byards Wetland classification will form part of that review.*
4. *Note the additional annual operational costs of \$7,203 will be included in the 2024-25 annual operating budget.*
5. *Note that additional renewal costs of \$6,250 for the life of the asset will be included as part of Council's asset depreciation schedule and operational budgets.*
6. *That an automatic locking system is included within the scope of the project.*

*Seconded by Cr Eaton.*

*The AMENDMENT was PUT and CARRIED*

*The MOTION, thus AMENDED was PUT and CARRIED*

#### 9.4 2022-23 ONKAPARINGA GRANTS PROGRAM UPDATE

*MOVED Cr Themeliotis.*

*That Council notes the:*

1. *2022-23 grants issued under CEO delegation (as detailed in attachment 1 to the agenda report)*
2. *Grant funding returned to savings in 2022-23 (as detailed in attachment 2 to the agenda report).*

*Seconded by Cr Wilkes.*

*CARRIED*

#### 9.5 STRATEGIC DIRECTIONS PROJECT- REVIEW PROCESS AND COMMUNITY ENGAGEMENT

*MOVED Cr Jew.*

*That Council approves:*

1. *The strategic management plan review process*
2. *The communications and engagement plan (Attachment 1 to the agenda report).*

*Seconded by Cr Platten.*

*CARRIED*

#### 9.6 FUTURE USE OF FRANK SMITH PARK OVAL FOR ORGANISED SPORT

*MOVED Cr Themeliotis.*

*That for the subject land legally described as portion of Allotment 1 in Filed Plan 2807, comprised in portion of Certificate of Title Volume 5512 Folio 914, located at Magarey Road, Coromandel Valley, SA 5051 and highlighted in green on attachment 1, Council:*

1. *Receives the 158 submissions received during the public consultation period undertaken in accordance with section 198 of the Local Government Act 1999 (the Act).*

2. *Having considered the Community Engagement Feedback Report (Attachment 2 to the agenda report) and the information in the agenda report, resolves in accordance with section 198 of the Act to amend the Community Land Management Plan for Sportsgrounds to include the subject portion of land known as the Frank Smith Park Oval.*

*Seconded by Cr Eaton.*

*Cr Greaves left her seat in the chamber at 7.58pm.*

*Cr Greaves returned to her seat in the chamber at 7.59pm.*

CARRIED

#### 9.7 COUNCIL APPOINTED ELECTED MEMBER LIAISON TO CHRISTIES BEACH BUSINESS AND TOURISM ASSOCIATION

*MOVED Cr Platten.*

*That Council appoint Cr Dan Platten to act as Council liaison to the Christies Beach Business and Tourism Association expiring 31 March 2025 as per Council's biennial process.*

*Seconded by Cr Themeliotis.*

CARRIED

#### 9.8 CODE OF PRACTICE – ACCESS TO MEETINGS AND DOCUMENTS, AND COMMUNITY ENGAGEMENT PLAN

*MOVED Cr Greaves.*

*That the draft Code of Practice – access to meetings and documents, included as attachment 1 to the agenda report, be approved for community engagement purposes.*

*Seconded by Cr Bell.*

CARRIED

#### 9.9 ELECTED MEMBER BEHAVIOURAL MANAGEMENT POLICY

*MOVED Cr Bell.*

*That Council adopts the City of Onkaparinga Elected Member Behavioural Management Policy 2023 (attachment 1 to the agenda report).*

*Seconded by Cr Greaves.*

*Cr Platten left his chair in the Chamber at 8.18pm.*

CARRIED

#### 9.10 QUARTERLY FINANCE REPORT INCLUDING BUDGET REVIEW 4

*MOVED Cr Pritchard.*

*That Council:*

1. *Note the draft actual results for the year ending 30 June 2023 as presented in Attachments 1 and 2 to the agenda report, specifically noting the following:*
  - a. *that no significant variations have been identified as part of the year-end analysis that would have impacted the 2023-24 budget or rate increase adopted by Council on 27 June 2023.*
  - b. *that carrying forward the operating projects net expenditure budgets will increase the 2023-24 budgeted operating deficit by \$0.133m.*
2. *Approve the re-instatement of \$17.54m net (\$32.03m expense, \$14.49m income) of capital works projects which were removed at Budget Review 2, and additional Budget Review 4 adjustments as outlined in this report in order to facilitate carry forward requests.*
3. *Approve the capital and operating project budgets to be carried forward and incorporated into the 2023-24 budget, as presented in Attachment 3 to the agenda report.*

*Cr Platten returned to his seat in the Chamber at 8.20pm.*

*Seconded by Cr Eaton.*

*CARRIED*

#### 9.11 APPOINTMENT OF INDEPENDENT MEMBER TO THE SOUTHERN REGION WASTE RESOURCE AUTHORITY AUDIT COMMITTEE

*MOVED Cr Pritchard.*

*That Council appoint Mr Tim O'Loughlin as an independent member to the Southern Region Waste Resource Authority Audit Committee for a term of 12 months commencing 19 September 2023.*

*Seconded by Cr Bell.*

*CARRIED*

#### 9.12 COUNCIL ASSESSMENT PANEL INDEPENDENT MEMBER APPOINTMENTS

*MOVED Cr Eaton.*

*That:*

1. *A recruitment process be commenced to identify and shortlist candidates for the Independent Presiding Member, three Independent Members and Deputy Independent Member of the Council Assessment Panel.*
2. *An interview panel comprising:*
  - a. *Mayor Moira Were*
  - b. *Director Planning and Regulatory Services*
  - c. *Assessment Manager to the Council Assessment Panel*

*be established to assess and select the shortlisted candidates for all independent member positions of the Council Assessment Panel and to make a recommendation to Council on the appointment of the suitable candidates.*

3. *The term of the current Independent Presiding Member be extended until 31 December 2023.*

*Seconded by Cr Greaves.*

*CARRIED*

## 9.13 COUNCIL AND COMMITTEE REPORTING SCHEDULE

*MOVED Cr Wilkes.*

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

*Seconded by Cr Themeliotis.*

*CARRIED*

*At 8.33pm Cr Jew MOVED that the meeting break for 10 minutes.*

*Seconded Cr Platten.*

*CARRIED*

*Mayor Were reconvened the meeting in the Chamber at 8.45 pm with all members present that were present before the break.*

## 10. Questions on notice

### 10.1 QUESTIONS ON NOTICE – CR THEMELIOTIS – COMMUNITY WASTEWATER MANAGEMENT SYSTEM (CWMS)

1. *What is the projected cost to run the CWMS this year?*

The budgeted 2023-24 cost to run CWMS is \$4,446,052 which includes depreciation. An additional \$649,242 is budgeted for capital expenditure.

2. *How much money are we raising in revenue from the CWMS this year?*

The budgeted revenue for the CWMS for 2023-24 is \$4,371,347.

## 10.2 QUESTIONS ON NOTICE – CR THEMELIOTIS – COUNCIL ASSESSMENT PANEL (CAP) MEMBERS

### BACKGROUND

I am trying to understand when/if the Elected Member on the CAP can take their CAP member hat off and on.

1. *Can you please explain the roles and responsibilities of the Elected Members who sit on the CAP?*

The CAP is a 'relevant authority' in its own right, established under the *Planning, Development and Infrastructure Act 2016*. It is not a delegate of Council and is independent of Council; as such Elected Members have no influence over its decision making. The Elected Member on the Panel or the deputy Elected Member, are not acting in their role as a councillor, but as part of an assessing authority and are required to assess applications against the Planning and Design Code.

2. *Can the Elected Member who sits on the CAP (outside of their CAP role), assist residents with development enquiries they may receive?*

No they cannot. All CAP members, whether they be independent or Council Members, must adhere to the Assessment Panel Members Code of Conduct. The Code of Conduct makes it clear that any members of a CAP must not discuss development proposals with applicants or representors.

12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
  - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
  - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
  - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
  - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
  - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Please refer to the link below for a full copy of the Code of Conduct.

<https://www.onkaparingacity.com/files/assets/public/governance/council-assessment-panel-code-of-conduct.pdf>

3. *Does the Elected Member's role as Councillor take priority over their role on the CAP?*

If the Elected Member sits on the CAP then they must separate themselves from their role as an Elected Member with respect to development matters. We understand community expectations and the desire to discuss development matters with their elected member, however the Elected Members on the CAP must ensure that they do not breach the CAP Code of Conduct. Therefore, it is recommended that the lines are not blurred and the EM does not engage in any discussion on development matters, regardless of whether a proposal or potential proposal may or may not be determined by the CAP, or under delegation by staff.

### 10.3 QUESTIONS ON NOTICE – CR THEMELIOTIS – SPORTING PROJECTS

*Does Council build covering of lease fees and/or costs for club relocation during their redevelopment within the contingency amount of the project? If not, is this something we should/can consider?*

This is generally considered on a case-by-case basis.

Initial considerations during the planning phase of a project include:

- The nature of works being undertaken
- The impact of these works on club operations
- Financial implications on the club and council

Whilst it is common for capital upgrades to impact club operations in some way, it is rare for works to have a significant impact on all club operations for an extended period, say more than 6 months.

Each project and club are different so when project planning and design is progressing council staff work with clubs on specific arrangements. This can include waving of lease fees, support to find alternative locations to continue sporting activities or provision of minor temporary facilities to maintain minimal/reduced club operations. Costs are negotiated and agreed between council and the Club.

For example, council generally pays for temporary toilets or storage if required. We also cover the cost of waived lease fees through lost council revenue. This is what occurred in the case of the Port Noarlunga Sports club building development.

There may also be occasions when a club is not required to pay council a lease fee during works so is comfortable using the budget, they would have paid council to hire or lease other facilities during council's works. This occurred during the SUNA netball court upgrade.

In some cases, we explore the staged delivery of works to reduce the impact on club operations. This cost can be identified as part of project planning and included as an item at tender to be considered at the time of award of contract. Should council elect to bear the additional costs required to stage the works, these costs are borne by council.

Project budget contingencies are generally used to manage unforeseen costs during construction. This includes costs related to latent conditions encountered during works, errors in design that result in additional costs and items that may have been unresolved at the time of contract award.

The project contingency forms part of the total project budget, so if not required for these purposes this budget may be available to cover other costs such as those detailed above. Any unspent capital budget at the end of a project is returned through the budget review process. It is not uncommon to have unspent capital budget at the end of a financial year over the full capital budget.

#### 10.4 QUESTIONS ON NOTICE – CR THEMELIOTIS – FIRST NATIONS PEOPLE ADVISORY GROUP (FNPAG)

1. *Will the current Terms of Reference (ToR) and functions of the FNPAG continue while the ToR are being reviewed?*

Regular FNPAG meetings are currently paused while the TORs are being reviewed. The current TORs remain as written until such time as an updated version is considered and endorsed by Council.

2. *If meetings will not continue, have members of the FNPAG been informed of this?*

The FNPAG members have been informed that regular meetings of the group are not continuing at this stage. They have been informed of our intention to repurpose the final regular FNPAG meeting scheduled for 2023, on Wednesday 11 October, as a workshop on the Terms of Reference.

3. *Is council still utilising members of the FNPAG to advise on projects, place naming and welcomes to country, while the ToR are being reviewed?*

We will continue to engage First Nations individuals, associations and professional entities on a case-by-case basis during this period, as the need arises. This will likely include seeking advice and other input and services from First Nations members of the FNPAG, outside of their capacity as FNPAG members.

4. *Has the FNPAG been consulted and provided feedback on council's Australia Day engagement?*

The FNPAG members were emailed the Australia Day events consultation information and survey link on 5 June 2023. To date we have not received any feedback directly from the group members, however members may have completed the survey.

#### 10.5 QUESTIONS ON NOTICE – CR EATON – WITTON BLUFF BASE TRAIL

1. *Could the proposed walkway to complete the Witton Bluff Base Trail be comprised of rock similar to what already exists on the section from Christies Beach to where the new trail is proposed to start.*

This option was previously investigated by Connell Wagner (2009) but was ruled out for several reasons as per the below slide from the [22 June 23 EM Presentation](#).



## Alternative options – New Seawall with path on top



- unlikely to be feasible from an environmental impact and a cost perspective
- significant encroachment onto beach and impact on visual amenity
- seawall not currently required due to protection from the limestone shelf



The [Connell Wagner report](#) and the [EM presentation](#) are available on the EM and Public websites.

2. *What are the engineering and environmental implications if this was to be the base for the trail.*

This would require the construction of an approximately 6.5m high rock wall in front of the existing limestone shelf. This would have a significant visual impact as well as reducing the area of the current beach by up to approximately 22 metres.

3. *Are there any particular issues in the area on the Port Noarlunga side of the posed trail by the beach that could inhibit this.*

It is more than likely that the existing boat ramp would need to be removed to accommodate the new path and seawall. This option would also further encroach on the Marine Park which may result in the need to implement additional environmental controls during construction.

Additionally, it is likely that a further Section 23 Authorisation under the *Aboriginal Heritage Act 1988* would be required as the original Authorisation is based on the current proposed plans.

4. *If this is the case would it be possible to only have the walking platform in this location.*

The current proposed design is a boardwalk on the Port Noarlunga end of the project and then an on-ground path on top of the existing seawall.

5. *What protection would be provided to the stability to the base of Witton Bluff to prevent further erosion if this was to occur. as historical photos demonstrate how these area have been eroded by the action of the sea against the base of the bluff.*

Previous reports as well as the Coastal Adaptation Plan has shown that the existing limestone shelf is providing adequate protection to the cliff with historical photos showing minimal erosion over a long period of time.

Future adaptation works may be required in localised areas of the limestone shelf as has been implemented in the past.

As recognised in the Coastal Adaptation Plan and specific investigation and design work undertaken on the Witton Bluff North seawall, improvements will be required to the existing seawall to protect the cliff from erosion in the medium term.

6. *What would an estimate of the cost be to have the solid base compared to the proposed construction method, including a solid base for most of the trail and then a platform base on the Port Noarlunga side.*

The combination of solid base for the majority of the trail and a platform at the Port Noarlunga end is the basis of the existing design.

Please refer to the [22 June 23 EM Presentation](#) and the report in Item 9.2 of this agenda for details of the proposed works and costs.

7. *What procedures will be put in place to close the trail should a severe weather warning be evident. I refer to a recent social media discussion with the below photo.*



The Witton Bluff Base Trail project has been carefully designed to account for future sea level rise and increased wave heights. The lowest point of the trail's deck sits approximately 1.2 meters above the height of the Port Noarlunga Jetty.

Despite this, our Council already has an established Operating Procedure for temporarily closing the Port Noarlunga Jetty during severe storm events. This process typically involves consultation with the Department of Infrastructure and Transport, who are the Jetty's owners.

A similar Operating Procedure will be created and put into effect for the Witton Bluff Base Trail. This procedure will include guidelines for:

- When the base trail should be closed.
- The steps to follow for closing the trail, including any necessary hazard assessments.
- The protocol for reopening the trail after such an event, including post-storm inspections.

It's important to note that historically, the Port Noarlunga Jetty has had very infrequent closures, occurring less than once per year.

## 10.6 QUESTIONS ON NOTICE – CR THEMELIOTIS – WITTON BLUFF BASE TRAIL

### 1. *If the Council proceeds with the Witton Bluff project, what are the ongoing costs?*

Ongoing costs were included within the prudential report considered by Council on [17 November 2020](#).

### 2. *Is Witton Bluff a site of cultural significance?*

The letter from Susan Close MP which accompanied the Section 23 Authorisation advised that the Authorisation gives authority to undertake activities that will impact Witton Bluff, a site of significance to Aboriginal anthropology and tradition given its association with the Tjilbruke Track.

### 3. *Why was the option to have the walk along the top ruled out?*

Please refer to the previous report to Council dated [17 November 2020](#) which detailed alternative routes that were considered.

Council has previously investigated an improved path over the Esplanade with details of these investigations and outcomes shown below.

#### **Alternative trail alignment proposals using the Esplanade**

In 2004, as part of Council's planning for its first stage of Coast Park, community engagement was undertaken on the Witton Bluff Base Trail concept. This consultation considered alternative alignments using the Esplanade including options to place sections of the shared use path on the western side of the Esplanade and an option to reduce the Esplanade to one-way.

The outcome of this community consultation was that development of the trail at the base of Witton Bluff had very strong support (84%) with significantly less support for the alternative options. Development of the shared use trail above the bluff on the western side of the Esplanade had 48% support and reducing the Esplanade to a one-way road to provide the space for the shared use trail had only 35% support.

After this community consultation process Parsons Brinkerhoff were engaged by Council to deliver the detailed design for the shared use path adjacent to the Esplanade while maintaining the Esplanade as a two-way road (the Esplanade option most preferred by the community). During this process further transport planning, community and State Government consultation was undertaken which concluded that both alternative options (detailed above) were unachievable.

The option to deliver the path on the western side was not supported by Planning SA (State funding agency) as it could not provide an adequate width for a shared use path and it also created significant conflicts with pedestrians and vehicle movements as people travel across multiple private driveways counter to the intent of Coast Park. This option was also found to require significant re-work to the adjacent, private residential front yards (and likely land acquisitions).

The option of converting the Esplanade to one-way was eliminated due to the minimum standard road widths required for the Esplanade as it has a collector road status. The importance of the Esplanade to maintain two-way flows is reinforced by this section of road now being part of the Route 31 Coastal Drive, a key action of council's Tourism

Strategic Plan 2019-23 developed in conjunction with coastal business and tourism associations as well as local businesses.

### **Alternative trail alignment option – Next to Esplanade**

The alternative option of constructing a path using placed fill or a suspended boardwalk structure over the top of the cliff on the seaward side of the Esplanade was considered as part of the Witton Bluff Base Trail Environment Feasibility and Design Concept Study (Connell Wagner).

This report, provided by Dr Matthew Duthy (Principal Geotechnical Engineer, URS Australia) and peer reviewed by Dr Peter Mitchell (Senior Principal Geotechnical Engineer, URS Australia), advised the following concerns with this option;

- path would be founded on area of cliff that is geotechnically unstable
- loss of native vegetation
- risk to path users as well as the path infrastructure itself, because of the potential for eventual undermining and collapse of the path support system
- construction phase noise and dust
- construction phase traffic and parking impacts.

For these reasons, a trail along the cliff crest was only considered to be a feasible option from a geotechnical perspective if it was set back landward from the cliff crest (on the Esplanade). As documented above this option is not possible.

In addition to the items noted above additional concerns include that:

- construction would need to consider the fragile nature of the cliff face. This could eliminate some construction methods and the use of heavy machinery
- there are areas of historic fill (both placed and dumped) on the cliff face that could impact the bearing capacity of the cliff and crest
- areas of the cliff crest were historically used as a dump with contaminated material including asbestos fragments found in the past.

### **State Government Requirements**

The state government's The Adelaide Metropolitan Coast Park concept plan published in 2001 is the overarching document for Coast Park development and provides concept plans for a consistent shared-use trail focused on providing recreation opportunities for all users including mobility impaired people. This report outlines design guidelines for the Coastal Linear Park which include the following:

- The path must meet minimum width and surface requirements to be suitable for shared use by pedestrians, cyclists, wheelchairs and other path users (as provided in the Austroads standards).
- Path width to be 3m for shared use.

In 2017 DPTI (now DIT) advised that the minimum width requirements for the path to be eligible for state government funding was 3m. This was based on Part 3.3 of The Adelaide Metropolitan Coast Park concept plan which identified that the path must meet minimum width and surface requirements to be suitable for shared use by pedestrians, cyclists, wheelchairs and other path users (as provided in the Austroads standards). Section 5.1 of the Austroad Standards identifies the desirable width for a shared-use recreation path is 3.5m with a minimum width of 3 metres. A 0.3 m minimum clearance is also required to handrails and other obstacles that have smooth features and are aligned parallel to the path.



Due to the limited room between the property owners lot boundaries and the cliff, which is less than 7.5m in places, no options are available that allow a shared use path of the minimum required standards (required for Coast Park funding) to be incorporated on the Esplanade in a safe manner that does not include significant conflicts and safety risks between pedestrians, cyclist and cars as well as impacting the ability of the Esplanade to act as a collector road.

Proceeding with a narrow path to overcome the significant constraints would result in a path connection that does not meet Coast Park requirements and is not eligible for State Government Funding.

### **Accessibility**

The proposed path over the hill will also impact the accessibility for a number of user groups including the elderly and people with a disability due to the very steep grades of up to 15% (compared to the Disability Discrimination Act (DDA) requirement for a maximum grade of 3% for a walkway without landings).

DDA compliance is a consideration of coast park projects to provide, as far as is reasonable, people with safe, independent, equitable and dignified access to the coast. To ensure Coast Park is accessible to all users, the design where practical should provide consistency with the requirements of the Disability Discrimination Act 1992.

The Adelaide Metropolitan Coast Park Plan recognised that South Australia had the fastest growing population of older persons of any state in Australia, with the need for easy access to the Coast Park for older people, as well as people with a disability, listed as a key priority. "Opportunities should be maintained for older people to enjoy the ambience of being by the beach and appreciating the views." The plan also includes design guidelines in regard to the path being suitable for shared use by pedestrians, cyclists, wheelchairs and other path users (as provided in the Austroads standards) and, where possible, walking tracks, access to jetties and viewing platforms should be suitable for wheelchairs and prams.

The City of Onkaparinga's Coast Park Plan 2019 seeks to translate the State's Plan into its local context and set our approach to its delivery. It also recognised that "the large and growing local and metropolitan population will result in an increased demand for improved, accessible coastal facilities and passive forms of physical activity such as walking and cycling."

The Witton Bluff Base Trail project complies with the DDA and presents an opportunity to provide a compliant connection between two of our most popular coastal nodes that can be accessed by more of our community, including people with a disability.

In 2021, at the request of the then Minister for the Environment and Water, the Coast Protection Board undertook an inquiry into the Witton Bluff Base Trail project. This report noted "The lower rock shelf alignment is intended to provide long-term access as part of the broader Coast Park vision for Greater Adelaide and will link in with existing coastal paths. The path is expected to enable more inclusive access. The steep topography along the Esplanade is understood to currently constrain inclusive access.

In summary, multiple options for a shared use path on the Esplanade have been explored over the years with no viable option found. This is primarily driven by the physical constraints of the limited available space between the cliff and the adjacent properties.

#### ***4. Have Kaurna Elders spoken out against the project?***

Please refer to the following information previously provided:

- Community Engagement feedback report in the Council meeting dated [17 November 2020](#).

- Mayor report [16 November 2021](#)

As part of the Section 23 process Aboriginal Affairs and Reconciliation (AAR) also undertook statutory consultation with Traditional Owners including the State Aboriginal Heritage Committee which was considered by the Minister when providing the Section 23 authorisation.

*5. What response has the council received from the FNPAG on this project?*

The project has not been formally considered by FNPAG.

The project pre-dates formation of FNPAG and has been progressed through the State Section 23 process that involved consultation of traditional owners.

Given the project has now progressed through this State led process, should Council elect to proceed with the project then administration will approach the Kaurua Yerta Aboriginal Corporation (the Registered Native Title Body Corporate (RNTBC) for Kaurua) to formally advise the key Kaurua stakeholders to be involved in the next stages of finalising the project design.

*6. What reports have been undertaken by the council to ensure public safety, the safety of the walk, risks/erosion associated with the walk are addressed, and environmental risks? If these reports are old, should they be undertaken again?*

Please refer to Appendix 2 of the Item 9.2 report in this agenda for a list of reports. These reports are accessible on the EM and [Public websites](#). The latest reports remain relevant and do not need to be undertaken again for this project.

Ongoing monitoring of the coastline and cliff faces will continue to inform our coastal adaptation strategy and any further protection work that may be required in the future. Recent 3D comparative analysis of the Witton Bluff cliffs shows that apart from minor erosion of small pockets of the cliff face from weathering and the area of seawall where slumping has been identified the remainder of the existing cliff and seawall has not changed materially.

*7. Can the council really afford to complete this project?*

Please refer to the report in Item 9.2 of this agenda. The recommendations within the report do not impact Council's overall budget position.

Council has been provided with the financial information on several occasions including a prudential report considered by Council on [17 November 2020](#).

*8. Can the project be scaled back to meet costs?*

The extent of the project cannot be scaled back and still deliver all the requirements of the Coast Park funding provided by the state government.

Material substitutions could be made (such as cheaper handrail) which could give a lower up-front cost, however this is not recommended based on the analysis that indicate this would result in a higher overall whole-of-life cost when considering the asset life, ongoing maintenance and replacement costs.

*9. Can I get a timeline of everything that has occurred with the project so far?*

Please refer to Appendix 2 of the Item 9.2 report in this agenda.

10. *When was the last time we engaged with the community on the project? Is this information considered outdated and we should re-engage with our community on the project again?*

Please refer to the Community Engagement feedback report in the Council meeting dated [17 November 2020](#).

As documented in this report the Witton Bluff Base trail has had enduring support by the community.

## 10.7 QUESTIONS ON NOTICE – CR WILKES – GREEN WASTE PICK UP – FOGO

1. *Are residents able to utilise the current fortnightly organics service for food organics?*

Yes, all service entitled properties that have been provided with organics bins (green lid) are encouraged to dispose of all food and organic waste in these bins.

2. *What is the current legislation with regards to picking up the following?*

- **Residual waste**

The *Environment Protection (Waste to Resources) Policy 2010 (EPP)*, Division 2, requires metropolitan councils to provide a weekly general (residual) kerbside waste collection service in respect of residential premises.

- **Organics**

Schedule 3 of the EPP makes allowance for the separate collection of organic waste.

Whilst not legislated, South Australia's State Waste Strategy promotes that metropolitan councils provide a minimum service of fortnightly collection of organics (including food waste).

- **Comingled recycling**

Schedule 3 of the EPP makes allowance for the separate collection of recyclables.

Whilst not legislated, South Australia's Waste Strategy 2020-2025 promotes that metropolitan councils provide a minimum service of fortnightly collection of co-mingled recyclables.

3. *Are there any legislative barriers to increasing green waste collections? If so, what are the barriers and what is the impact?*

There is no barrier to increasing or changing the frequency of organics collections. The current legislative requirement to provide a weekly residual waste collection means that properties must be provided with an option to have a weekly residual collection.

To change the collection cycle to weekly organics collection and fortnightly residual waste collection, Council would need to provide an option for properties to opt out of the service level change and retain a weekly residual waste service. This would require additional trucks each week to service properties. Green Industries SA have estimated opt out rates at 20%. This would result in higher collection costs for council especially when we consider the size and geographic area of a large council such as the City of Onkaparinga.

4. *What are the benefits of going from fortnightly collection of green organics to every week?*

We anticipate that some of the benefits of transitioning to a sustainable kerbside service will be:

- Increased diversion of organic waste from landfill, thereby decreasing our communities' emissions.
- Decreased landfill volumes.
- Contribution to the circular economy in South Australia.
- *Would diversion of food organics be increased and by how much?*

Yes, the diversion of food waste is expected to increase. We estimate that there will be 50% of available organics diverted from waste.

- *Would council save money given the residual waste would reduce?*

Council will save money on the waste levy because there will be a decrease in the tonnages being disposed of at landfill and the cost to process organic waste is a lower cost.

However, transport costs will increase to ensure we comply with current legislation. This will mean a net increase in cost of the service to council, with the final cost determined by the diversion rate achieved and the percentage of residents that opt out.

For example, it is estimated that if the service level change occurred and we achieved a 70% diversion rate with 20% opt out rate, the cost increase would be \$136,000. If the diversion rate was 50% and the opt out rates 30%, the cost for the service delivery would increase to approximately \$959,000.

There are also one-off costs of approximately \$1.36M associated with the roll out that are not included in the above costs. Grant funding is available to assist with a portion of these costs.

- *Other benefits to the community*

There will be a decrease in the community's emissions, realised from diverting food waste from landfill.

We anticipate that there will be decreased odours in the organics bins resulting from more frequent collections. A change in frequency of the residual and organics bin collection means residents will have an additional 100l of capacity to help dispose of waste in an appropriate manner. Capacity will increase from 760litres per fortnight to 860litres per fortnight using existing bins.

#### *5. What is the benefit for Council to undertake a weekly organics collection trial?*

Council would obtain specific data that can be used to determine the feasibility of implementing a full rollout of a weekly organics collection service.

## 10.8 QUESTIONS ON NOTICE – CR EATON – PUBLIC TOILETS

### *1. Has the City of Onkaparinga had reason to close any public toilets over the past 10 years?*

Our public toilets are unsupervised amenities that in many cases are situated in isolated locations where natural surveillance is less than ideal. As a result, they are unfortunately regularly subjected to vandalism and anti-social behaviour.

Over the past 10 years we have been required to close either the entire or part of a public toilet (i.e. the male toilets or a single cubicle) to enable works to be undertaken to repair damage caused by vandalism. Closures can also occur as a result of required maintenance and renewal works, such as the repair of failed plumbing, re-painting, flooring and roof works



In 2017, SA Police requested that council consider the need for a public toilet at the William Street, Morphett Vale Hall carpark due to ongoing issues with the facility being utilised for deviant/lewd behaviour and regularly being subjected to continuous offensive and perverse graffiti, vandalism and arson attempts. Following a consultation process and required development application, the toilet was subsequently demolished.

*2. If this is the case where and when were they closed?*

Unfortunately, we do not have records of every individual closure that has occurred over the past ten years.

However, staff are required, on average to close at least part of a public toilet daily to enable repairs to vandalism to occur. The majority of closures are generally for periods between 2 - 48 hours although closures can be longer if the damage caused is significant and difficult to repair.

Some examples of more significant closures as a result of vandalism include:

PublicToilet	Suburb	Vandalism type	Date	Closure period	Cost of repairs
Cottage Lane	Hackham	Arson	Sept 2017	3 months	\$46.5k
Wearing Street	Port Noarlunga	Arson	Jan 2022	1 month	\$15.1k
Pedler creek	Seaford Heights	Arson	Nov 2022	1 month	\$10.5k

3. *What was the reason for each closure?*

The types of vandalism that require closures to undertake repairs include:

**Graffiti** – Writing or drawings scribbled, scratched or sprayed illicitly on or in the public toilet



Cottage Lane, Hackham



Sellicks Beach Boat Ramp



Happy Valley Sport Park

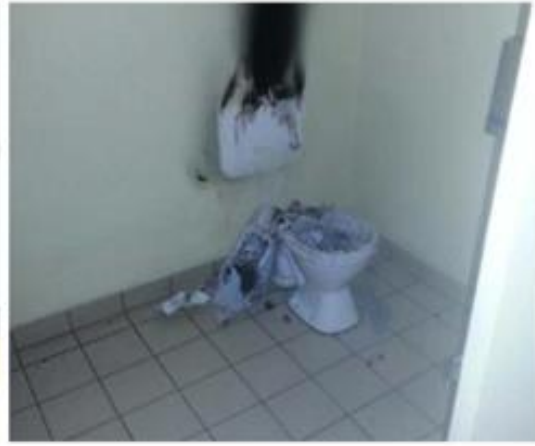


Snapper Point, Aldinga

**Arson** – The intentional setting alight or blowing up of public toilet infrastructure.



Cottage Lane, Hackham



Cottage Lane, Hackham



Jubilee Park, Port Noarlunga



Galloway Road, Christies Beach

**Infrastructure Damage** – When public toilet infrastructure such as toilet pans, urinals, doors, cisterns, toilet roll dispensers, tiles and partitions etc have been purposefully damaged.



Happy Valley Sports Park



Moana South





Creighton Reserve, Morphet Vale



Silver Sands



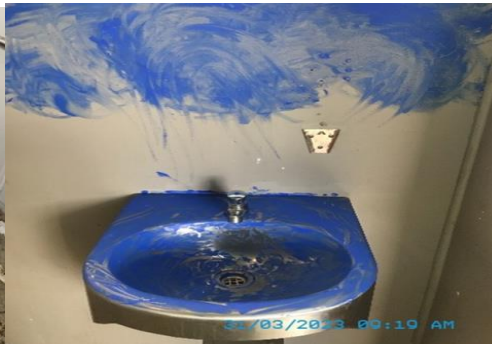
**Deliberate blocking of pans** – When items such as paper and rubbish etc have been purposefully placed in toilet bowls or sinks to create blockages that cannot be released by cleaning methods and require maintenance staff/contractor intervention.



Creighton Reserve, Morphet Vale



Jubilee Park, Port Noarlunga



Niipu-niipu Wama/Morton Park, Christie Downs

#### 4. *It is possible to provide the cost of vandalism and theft from public toilets for the financial years 2021/22 and 2022/23?*

It is very difficult to provide accurate costs of the impact of vandalism to our public toilets.

However, in the 2021-22 financial year, staff and or contractors were required to undertake repairs to public toilets in response to 508 separate vandalism incidents. The cost of these repairs, including staff wages, materials, and contractor costs, is estimated at approximately \$90K - \$100k.

During the 2022-23 financial year, staff and or contractors responded to 829 separate vandalism incidents, with estimated repair costs being approximately \$110k - \$120k.

As an example of the cost of vandalism, since opening approximately 15 months ago, the Niipu-niipu Wama/Morton Park public toilet has been subjected to a significant amount of vandalism and anti-social behaviour.

During this 15-month period, we have received 152 formal reports for property damage, with 17 of these reports being received from members of the public, and 135 being received from our public toilet cleaning contractor, who visits the site daily. Costs to undertake repairs to this toilet block are estimated to be in excess of \$27,000.

Twenty-three of these incidents have been formally reported to SAPol due to the significance, or potential significance of the damage caused (i.e. arson).

As a result of the ongoing vandalism and anti-social behaviour occurring at this and other public toilet sites, we continue to implement crime prevention initiatives and work with SA Police and other stakeholders to address these issues.

Some of the key initiatives we have undertaken where appropriate and where resources permit, which we believe have had a positive impact on reducing incidents include:

- Undertaking Crime Prevention Through Environmental Design (CPTED) audits to identify what physical changes/additions can be made at a site to reduce the opportunity for crime to occur, such as the lifting, pruning or removal of trees and shrubs to improve natural surveillance.
- The installation of auto locking doors where infrastructure and financial resources permit to secure the toilets in the late evening and early mornings when it is more likely that vandalism will occur.
- The installation of fixed CCTV that covers the outside of public toilets where infrastructure and financial resources permit, with the aim of deterring and or apprehending offenders. At Morton Park alone, we have provided CCTV footage to police relating to 23 of the above mentioned incidents. The CCTV supplied has assisted Police in the identification of persons responsible for a number of these incidents.
- The installation of SA Police approved covert CCTV that covers the outside of public toilets with the aim of apprehending offenders.
- The application of murals to at risk public toilet surfaces, with the aim of preventing ongoing graffiti vandalism.
- Working with the Youth team on youth engagement programs such as Streetlight and the Live Beyond Self Challenge Program at identified sites.
- Provide input and recommendations to our design and project teams to inform public toilet design, to reduce the opportunity for crime to occur, ensure they are more robust and therefore more cost effective to maintain, remain aesthetically pleasing for users and to increase asset life.

*5. Are there any specific types of locations of toilets that tend to experience property damage?*

As our public toilets are unsupervised amenities they are all unfortunately subjected to vandalism and anti-social behaviour, although some more frequently and severe than others. The type of locations where more frequent and severe vandalism occurs can be quite varied, and hotspots often change.

In general, if a public toilet is located in an area where crime statistics show there is already significant vandalism, anti-social behaviour and other associated crime. Then it is very likely that the public toilet facility will be regularly subjected to property damage.

Our current hotspots for more frequent and severe public toilet vandalism include:

- Niipu-niipu Wama/Morton Park public toilet, Christie Downs
- H W Cox Reserve public toilet, Morphett Vale
- Creighton Reserve public Toilet (end of Albert Terrace), Morphett Vale

- Marston Drive public toilet, Morphett Vale
- Happy Valley Sports Park public toilet, Aberfoyle Park
- Cottage Lane, Hackham
- Rose Garden public toilet, Willunga
- Seaford Skate Park public toilet, Seaford
- Wembley Street public Toilet, Port Noarlunga South
- Snapper Point public toilet, Aldinga Beach
- Esplanade (end of Gulf View Road) public toilet, Christies Beach
- Esplanade (end of Beach Road) public toilet, Christies Beach
- Fowey Street public toilet, Christies Beach
- Galloway Road public toilet, O'Sullivan Beach

*6. In the past three years has there been any reports to the City of Onkaparinga regarding deviate behaviour at any of our public toilets?*

The undertaking of deviant and lewd behaviour in public toilets, including the application of offensive and perverse graffiti, is an issue faced by all councils.

As outlined previously, council demolished a public toilet in 2017, largely due to the ongoing issue of this type of activity occurring. In the past three years there have been concerns raised by staff and our public toilet cleaning contractor regarding this type of behaviour, however we have not received any reports from the public in the past three years.

*7. If this is the case what type of locations did this occur?*

As with vandalism, the type of locations where this type of behaviour occurs is varied and although there have been identified hotspots in the past, that we have worked with SA Police to address. We are currently not aware of any particular public toilet hotspots at this time.

*8. Were these matters reported to the South Australia Police?*

All concerns raised by staff and or contractors, and any evidence gathered is forwarded to police immediately for their attention and action.

## 10.9 QUESTIONS ON NOTICE – CR BELL – CLOSING THE GAP

*What is the current federal, state and local government position on Closing the Gap?*

In 2009, the Council of Australian Governments committed to the first set of six 'Closing the Gap' targets, designed to reduce the gap on key indicators in health and other areas between Aboriginal and Torres Strait Islander people, and the rest of the Australian population. Each year, the Productivity Commission reports on progress toward the national targets, which now number 19 across 17 outcome areas. The [Productivity Commission's Annual Data Compilation Report July 2023 on Closing the Gap](#) shows that only 15 of the 19 targets can currently be measured and, of these, only four are on track to be met, with seven of the 11 remaining measurable targets experiencing only marginal improvements and four experiencing backwards movement.

In July 2020, Australian, state and territory governments, the Australian Local Government Association (ALGA), and the Coalition of Peaks developed a new [National Agreement on Closing the Gap](#), to work together to overcome the inequality experienced by Aboriginal and Torres Strait Islander people and achieve life outcomes equal to all Australians. The agreement focusses on four priority reform areas, being: Partnership and shared decision-

making; Building the community-controlled sector; Transforming government organisations; Shared access to data and information at a regional level.

In 2022, the South Australian Government, via the Attorney General's Department – Aboriginal Affairs and Reconciliation, in partnership with the Coalition of Peaks' South Australian representative member organisation, the South Australian Aboriginal Community Controlled Organisation Network, developed [South Australia's Implementation Plan for Closing the Gap](#). Across more than 200 government agency actions, this plan focuses on delivering positive outcomes in the areas of employment and business, improving the quality of government services, and designing measures that will strengthen the capability of Aboriginal corporations and organisations.

ALGA has been a co-signatory to the National Agreement on Closing the Gap since 2020. In 2021 the [ALGA Closing the Gap Implementation Plan](#) was released, which forms the key link for local government with the National Agreement on Closing the Gap. Many councils, with the encouragement of ALGA and state and territory associations, have developed strategies to support shared decision-making under the auspice of their Reconciliation Action Plans (RAPs) and/or through Indigenous Land Use Agreements under the Native Title legislative framework. Increasingly, councils are developing improved First Nations community consultation processes per highlight in the National Agreement on Closing the Gap of how important it is that First Nations people are engaged in the development of plans and service delivery.

*How does council currently contribute to Closing the Gap outcomes and targets, including programs and services council currently provides or supports?*

The [Closing the Gap outcomes and targets](#) are largely in areas where the federal and state government have lead, with many of the targets relating to areas such as health, education, housing, justice, and child protection. For other targets such as youth engagement in education and training, economic participation, social and emotional wellbeing, relationships with land and waters, culture and language, and information provision, there is a clearer link with the local government remit.

A blueprint for local government contributions to the outcome areas and targets is provided by the ALGA Closing the Gap Implementation Plan. In relation to actions by councils under the four priority reform areas of the National Agreement on Closing the Gap, the ALGA Implementation Plan states the following:

*From a local government perspective, some of these changes may already be taking place or embedded in the way that an individual council delivers its service and infrastructure and work with its local communities. Other changes may be more significant and require support and enabling actions from the state and territory governments and Aboriginal and Torres Strait Islander partners.*

The formal reconciliation journey embarked upon by the City of Onkaparinga, via our inaugural [Reconciliation Action Plan \(Reflect\) 2022–2024](#) (RAP), provides a platform for contributions to the priority reform areas outlined in the National Agreement on Closing the Gap. Importantly, within the role of local government, these include increased employment of First Nations people and increased procurement from Aboriginal and Torres Strait Islander businesses. Development of our Innovate RAP (the RAP stage after the current stage of Reflect, as directed by Reconciliation Australia) will provide opportunities to explore ways of making further contributions that align with the national objectives.

As a lead related plan, our [Community Capacity Strategic Plan 2021–2024](#) also carries our commitments to actions that address inequalities experienced by Aboriginal and Torres

Strait Islander communities in the City of Onkaparinga region. This plan identifies Aboriginal and Torres Strait Islander people as a priority population and includes actions towards the outcome that Aboriginal and Torres Strait Islander communities are actively engaged in community life and have support to live well. Future iterations of this plan provide opportunities for exploring ways of making further contributions that align with the national objectives.

Within council's role, many of our existing programs, services and initiatives align with Closing the Gap outcomes at the national level. These include:

- programs and services delivered at Neporendi Aboriginal Community Centre. This also supports the aims, initiatives, and services of Neporendi Aboriginal Forum Inc, including those to support the physical, social and emotional wellbeing of Aboriginal and Torres Strait Islander people, and the celebration of First Nations cultures and languages
- Traditional Owner engagement via the First Nations People Advisory Group, direct relationship with Kaurna Yerta Aboriginal Corporation, and other means to improve the ways in which council informs its work with Aboriginal and Torres Strait Islander perspectives, leading to better supporting cultural, spiritual, physical and economic relationships for Aboriginal and Torres Strait Islander people with local land and waters
- involvement in the Joining Hands and Minds network to support its initiatives, including the provision of information through Aboriginal and Torres Strait Islander community networks.

*Where are things up to with the delivery of our Reflect RAP and how does this contribute to Closing the Gap?*

A RAP sets the framework to support organisations through reconciliation in the scope of their work. Development of a RAP is an opportunity to strengthen relationships between Aboriginal and Torres Strait Islander peoples and non-indigenous peoples to create a future for our region which is based on principles of equity and respect and celebrates diversity.

Of the 29 Deliverables in our [Reconciliation Action Plan \(Reflect\) 2022-24](#), 10 have been completed with the further 19 Deliverables on track for completion by the end of our Reflect RAP in March 2024.

While a Reflect RAP does not directly contribute to Closing the Gap, it lays the foundations through a range of Deliverables including auditing a range of current policies, procedures, processes and identifying future needs. This foundation will prepare us for future RAPs and reconciliation initiatives which will more closely align with Closing the Gap.

*What further plans are there into the future, including the Innovate RAP and Neporendi's priorities which align with Closing the Gap targets?*

In early 2024, a review of the Reflect RAP will be undertaken along with the development of a Draft Reconciliation Action Plan (Innovate).

An Innovate RAP will allow council to gain deeper understanding of our sphere of influence and establish the best approach to advance reconciliation. An Innovate RAP will focus on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, and developing strategies to empower Aboriginal and Torres Strait Islander peoples.



Improving and increasing reconciliation efforts through future stages of a RAP will contribute to Closing the Gap targets.

Our [Community Capacity Strategic Plan 2021-24](#) guides our approach to building community capacity based on social justice and community development principles which includes programs and services delivered at Neporendi Aboriginal Community Centre. We receive funding from the Department for Human Services which supports program and service delivery at four community centres, including Neporendi Aboriginal Community Centre. While community centres have previously indirectly contributed to Closing the Gap initiatives in their program and service delivery, the funding extension recently provided by Department for Human Services now includes specific reference to centres contributing to Outcome 14 (Aboriginal and Torres Strait Islander people enjoy high levels of social and emotional wellbeing) and Priority Reform Three (Transform government organisations so they work better for Aboriginal and Torres Strait Islander people).

Additionally, we also receive funding from the National Indigenous Australians Agency to:

- support the expression, engagement and conservation of Indigenous culture
- increase Indigenous Australians' participation in the social and economic life of Australia through healing, and strengthening the capability, governance and leadership of Indigenous Australians, organisations and communities
- promote broader understanding and acceptance of the unique place of Indigenous cultures in Australian society.

This funding is also aimed at supporting Neporendi Aboriginal Forum Incorporated to deliver on their strategic initiatives. The programs and services delivered at the centre along with support provided to Neporendi Aboriginal Forum Incorporated closely aligns to Closing the Gap

*What guidance is provided by the LGA for councils contributing to Closing the Gap? And what discussions is council planning with LGA?*

LGA SA has not provided guidance to council for contributions to Closing the Gap. The ALGA Implementation Plan creates a strong role for the state and territory associations, including LGA SA.

We will contact the LGA, to seek advice on the best ways to make further Closing the Gap contributions via RAP delivery, as part of developing the Reconciliation Action Plan – Innovate (RAP) for Council approval.

## 11. Motions on notice

### 11.1 NOTICE OF MOTION – CR WILKES – LAWN BOWLS FACILITY

*MOVED Cr Wilkes.*

*That Council partner with Bowls SA in their development of a state-wide bowls infrastructure strategy, with a focus on identifying a current lawn bowls site that can be upgraded to a regional scale bowls facility in the City of Onkaparinga.*

*Preliminary findings from Bowls SA, in conjunction with the City of Onkaparinga, will be presented to Council in March 2024. The report to the chamber will include short- and long-term goals of the council and how these will be measured; timeline; budget constraints; pressures or opportunities; and a strategic direction for a regional scale bowls facility.*

*Seconded by Cr Platten.*

**CARRIED**

### 11.2 NOTICE OF MOTION – CR THEMELIOTIS – ASSET RATIONALISATION ELECTED MEMBER SESSION

*MOVED Cr Themeliotis.*

*That council staff organise a confidential Elected Member session on 28 November 2023 that allows for break out sessions where Ward Councillors can review the land in their Ward that has been identified as surplus to Council needs. Ward Councillors will then identify if they believe any of these parcels of land would be worth commencing the divestment process or should be retained for our community or future Council needs.*

*Seconded by Cr Eaton.*

**CARRIED**

### 11.3 NOTICE OF MOTION – CR PLATTEN – LAND AT 108 ESPLANADE PORT NOARLUNGA

*MOVED Cr Platten.*

- *That the Chamber recognises the significance of the parcel of land at 108 Esplanade Port Noarlunga situated on a sensitive dune system.*
- *That a letter from the Mayor is sent to the Minister for Planning expressing the concern in the community for the potential loss of this valuable piece of coastal dune ecosystem.*
- *That the Mayor reiterates in her Letter the call for the transfer of ownership of the land, for nil consideration, to Council or Department of Environment to preserve the significant ecology of the area.*

*Seconded by Cr Wilkes.*

**CARRIED**

#### 11.4 NOTICE OF MOTION – CR PLATTEN – NATIONAL TREE DAY

*MOVED Cr Platten.*

*That the City of Onkaparinga launch a city-wide campaign for National Tree Day 2024, building on our popular tree initiatives by encouraging community groups, networks and residents to increase the number of trees and shrubs on private property.*

*Seconded by Cr Jew.*

CARRIED

#### 11.5 NOTICE OF MOTION – CR STAFFORD – CHRISTIE CREEK ENVIRONMENTAL PROTECTION

*MOVED Cr Stafford.*

1. *That a report comes to council in the March 2024 meeting outlining:*

- *The environmental health of Christies Creek catchment area, including the current state of litter / pollution in the creek*
- *Potential upgrades over next 10 years for reducing litter and pollution in the creek, as well as possible funding opportunities for these upgrades*
- *Consideration for further wetlands along the Christies Creek, including location, costs to council and effect on movement of litter through Christies Creek*
- *Consideration for more Gross Pollutant Traps along the Christies Creek, including location, costs to council and effect on movement of litter through Christies Creek*

2. *Upgrades to Christies Creek environmental protection added to state advocacy plans*

*Seconded by Cr Wilkes.*

CARRIED

#### 11.6 NOTICE OF MOTION – CR STAFFORD – FEMININE HYGIENE PRODUCT DISPENSERS

*MOVED Cr Stafford.*

*That a report comes to council in March 2024 investigating the costs of implementing and maintaining feminine hygiene product dispensers across Onkaparinga's public toilets, including:*

- *The costs of implementation and maintenance in one public toilet, across all public toilets in Onkaparinga, and across toilets that are within close vicinity to facilities / parks / reserves of different service levels (Regional, district, neighbourhood and local)*
- *Cost differences in using free or paid feminine product dispensers*
- *Opportunities for outside funding for the aforementioned costs to council.*

*Seconded by Cr Wilkes.*

CARRIED

## 12. Petitions

### 12.1 PETITION – CONCERNS AROUND CRIME, BALLINA & BYRON COURTS, HUNTFIELD HEIGHTS

*MOVED Cr Bell.*

- 1. Council receives the petition in attachment 1 to the agenda report.*
- 2. Council note that further investigations will be undertaken, and a subsequent report will be presented to Council at its 17 October 2023 meeting.*
- 3. The head petitioner be notified of Council's decision.*

*Seconded by Cr Pritchard.*

*CARRIED*

### 12.2 PETITION TO BAN JET SKIS FROM ONKAPARINGA BEACHES

*MOVED Cr Greaves.*

*That:*

- 1. Council receives the petition at attachment 1 to the agenda report.*
- 2. Council note that a further report will be presented at its meeting in October 2023 in relation to this matter, which relates to the Mayor's letter to the Minister for the Department for Infrastructure and Transport, for a swim only area at Aldinga Beach.*
- 3. The head petitioner be notified of Council's decision.*

*Seconded by Cr Themeliotis.*

*CARRIED*

### 12.3 PETITION TO CHANGE RESTRICTIONS TO VEHICLE ACCESS TO ONKAPARINGA BEACHES

*MOVED Cr Themeliotis.*

*That:*

- 1. Council receives the petition at attachment 1 to the agenda report.*
- 2. Council note that further investigations will be undertaken and a subsequent report will be presented to Council in due course.*
- 3. The head petitioner be notified of Council's decision.*

*Seconded by Cr Bell.*

*CARRIED*

## 13. Urgent business

*Nil.*

## 14. Confidential items

### 14.1 LEGAL SERVICES SUMMARY

#### *1. Exclusion of the public*

*MOVED Cr Stafford.*

*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)(h) legal advice*

*and*

*Section 90(3)(i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;*

*The information to be received, discussed or considered in relation to this agenda report is information relating to:*

- actual litigation involving the Council concerning appeals, enforcement actions or negotiations before various Courts, and*
  - development proposals where the legal advice concerning these matters will be discussed.*
- c. Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Themeliotis.*

*CARRIED*

#### *2. Confidential resolution*

### *3. Period of confidentiality and delegations*

*MOVED Cr Stafford.*

- a. That the matter of Legal Services Summary having been considered by the Council in confidence under sections 90(2) and 90(3)(h) and (i) 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, related attachments, discussion and minutes of the Council relating to the subject matter be kept confidential until all the matters referred to in the agenda report are finalised.*
- 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 Jew.*

*CARRIED*

Mayor Were reopened the meeting to the public at 10:00pm.

## **15. Closure**

Mayor Were officially declared the meeting closed at 10:00pm.

*Certified Correct .....Chair*

*/ /2023*