



CITY OF ONKAPARINGA
FORESHORE BY-LAW 2023
By-law No. 6 of 2023

A By-law for the management of the foreshores in the Council's area.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Foreshore By-law 2023* and is By-law No. 6 of the City of Onkaparinga.

2. Authorising Law

This By-law is made under section 246 of the Act.

3. Purpose

The objects of this By-law are to regulate the access to and use of the foreshore:

- 3.1 to prevent and mitigate nuisances on the foreshore;
- 3.2 to prevent damage to and promote conservation of the foreshore;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No.6 – Foreshore 2016.*²

- 4.2 This By-law will expire on 1 January 2031.³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2023*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.
- 5.3 Clauses 9.6.2 and 9.6.4 of this By-law only apply in relation to such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4 Clauses 8.2.1, 8.3.2 and 8.9 of this By-law apply throughout the Council area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Definitions

In this By-law:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** or **animals** includes birds and insects but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.5 **coastal waters** means ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
- 6.6 **Council** means the City of Onkaparinga;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **foreshore** means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high-water mark (whichever is the lesser);
- 6.9 **high-water mark** means the point on land that is the highest astronomical tide;
- 6.10 **launch** means to transfer a boat from land to coastal waters and *vice versa*;
- 6.11 **low water mark** means the lowest astronomical tide;
- 6.12 **pebble bank** means the pebble banks located on the foreshore at Sellicks Beach and Aldinga Beach;
- 6.13 **personal watercraft** means a device that –
 - 6.13.1 is propelled by a motor;
 - 6.13.2 has a fully enclosed hull;
 - 6.13.3 is designed not to retain water if capsized; and

6.13.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;

and includes the device commonly referred to as a jet ski;

6.14 **special event** means an organised gathering of more than seventy (70) persons for any social, sporting or cultural purpose;

6.15 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO THE FORESHORE

7. Access

7.1 The Council may:

7.1.1 close or regulate or restrict access to, any part of the foreshore to the public for specified times and days; and

7.1.2 fix charges or fees payable for entry onto any part of the foreshore.

7.2 A person must not without permission, enter or remain on any foreshore;

7.2.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;

7.2.2 where entry fees or charges are payable, without paying those fees or charges; or

7.2.3 where the foreshore has been enclosed by fences or where signage is displayed to notify that the foreshore is closed to the public.

PART 3 – REGULATION OF ACTIVITIES ON THE FORESHORE

8. Activities Requiring Permission

A person must not without the permission of the Council, do any of the following activities on the foreshore.

8.1 Advertising

Display, paint or erect any advertisement (including on any building or structure on the foreshore).

8.2 Animals

8.2.1 Except on any part or parts of the foreshore to which the Council has resolved this subclause applies, allow, ride or take any animal onto or allow it to remain on the foreshore or in any coastal waters except between the hours of midnight and 9am.

8.2.2 Allow any horse or camel to enter or leave the foreshore other than by the access ramps constructed or provided by the Council for that purpose.

8.3 Boat Ramps

8.3.1 Use a boat ramp on the foreshore to which the Council has determined this clause applies to launch or retrieve a boat from or onto the foreshore:

8.3.1.1 without having first paid the fee determined by the Council and displayed the receipt of payment on the dashboard of the towing vehicle used to launch or retrieve the boat; and

8.3.1.2 other than in accordance with any conditions determined by resolution of the Council (if any).

8.3.2 Except for on any foreshore to which the Council has resolved this subclause applies, launch or retrieve a boat from or onto the foreshore without using a boat ramp constructed or provided by the Council for that purpose.

8.3.3 Allow a vehicle to remain stationary on a boat ramp for longer than is necessary to launch or retrieve a boat.

8.4 Equipment

Use any equipment, building or structure on the foreshore:

8.4.1 for a purpose other than its intended purpose; or

8.4.2 otherwise than in accordance with any conditions of use specified in signage on the equipment or structure.

8.5 Entertainment and Busking

8.5.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

8.5.2 Conduct or hold any event, concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

8.6 Fires

Subject to the *Fire and Emergency Services Act 2005*, light any fire except:

8.6.1 in a place provided by the Council for that purpose; or

8.6.2 in a portable barbeque as long as the barbeque is used in an area that is clear of flammable material for a distance of four metres.

8.7 Fishing

Cast a fishing line from any foreshore into coastal waters while there are other persons in the waters in the vicinity of the fishing line.

8.8 Jetties

8.8.1 Jump or dive from a jetty or other structure onto the foreshore or into any coastal waters.

8.8.2 Throw or propel any object from any structure or jetty onto the foreshore or into any adjacent waters.

8.9 Sandboarding

Use a sandboard or other item except where the Council has resolved this clause applies.

8.10 Trading

Sell, buy, offer or display for sale or hire any goods or services.

8.11 Weddings, Functions and Special events

8.11.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.

8.11.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.

8.11.3 Hold or conduct any filming where the filming is for a commercial purpose.

9. Prohibited Activities

A person must not do any of the following on the foreshore.

9.1 Annoyances

Unless authorised by the Council, act in such a manner that may, in the reasonable opinion of an authorised officer:

9.1.1 endanger others or cause damage to property;

9.1.2 unreasonably interfere with the lawful activities of others that are taking place on the foreshore; or

9.1.3 cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

9.2 Interference with Permitted Use

Interrupt or interfere with any other person's use of the foreshore as permitted by the Council.

9.3 Rubbish

Deposit in any rubbish bin:

9.3.1 any trash emanated from a domestic, trade or commercial source; or

9.3.2 any rubbish or waste contrary to any information on signs on the bin or in its vicinity.

9.4 Sand dunes, Pebble Banks, Coastal Slopes and Cliffs

9.4.1 Carry out any activity that may damage or threaten the integrity of sand dunes, pebble banks, coastal slopes or cliff.

9.4.2 Introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble bank.

- 9.4.3 Destroy, remove or cause interference to any flora or fauna, whether living or dead, on or within a sand dune, coastal slope, pebble bank or coastal cliff.
- 9.4.4 Remove or clear any sand, seaweed, soil, rocks or other flora and fauna.
- 9.4.5 Make or excavate any dug-out, cave, cliff or other opening, or camp in or otherwise occupy any dug out, cave or cliff overhang opening.

9.5 Toilets

In any public convenience facility (including showers, washing and toilet facilities):

- 9.5.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 9.5.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 9.5.3 use it for a purpose for which it was not designed or constructed; or
- 9.5.4 enter any gender specific public convenience except—
 - 9.5.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
 - 9.5.4.2 where the person is a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care;
 - 9.5.4.3 for the purpose of providing assistance to a person with a disability;
 - 9.5.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
 - 9.5.4.5 in the case of a genuine emergency.

9.6 Vehicles

- 9.6.1 Subject to this subclause 9.6, drive or propel a vehicle without the permission of the Council.
- 9.6.2 On foreshore areas to which the Council has resolved this subclause applies, drive or propel a vehicle without having first obtained a beach pass from the Council and other than in accordance with any conditions of the Council as set out on the beach pass.
- 9.6.3 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the Council for that purpose.
- 9.6.4 Use any ramp or thoroughfare to which the Council has resolved this subclause applies to drive or propel a vehicle onto or from the foreshore without having paid the applicable fee (if any) in the manner determined by the Council.
- 9.6.5 Drive or propel a vehicle over or on any sand dune or pebble bank.

- 9.6.6 Drive or propel a vehicle on or onto any foreshore that:
- 9.6.6.1 has been closed to vehicle access by the Council as indicated by signage thereon; or
 - 9.6.6.2 is a Hooded Plover breeding site.
- 9.6.7 For the purposes of this subclause 9.6:
- 9.6.7.1 **beach day pass** means a permit issued by the Council and/or its agent upon application, which authorises a vehicle to be driven on a designated foreshore in accordance with the conditions specified on the permit by the Council and which is valid for a single day only;
 - 9.6.7.2 **beach pass** means either a seasonal beach pass or a beach day pass;
 - 9.6.7.3 **Hooded Plover breeding site** means any part of the foreshore that is within twenty (20) metres of any sign thereon that includes the words '*hooded plover breeding site*'; and
 - 9.6.7.4 **seasonal beach pass** means a permit issued by the Council and/or its agent upon application and which authorises a vehicle to be driven on a designated foreshore in accordance with the conditions specified by the Council on the permit.

PART 4 – ENFORCEMENT

10. Directions

- 10.1 A person on the foreshore must comply with a reasonable direction from an authorised person relating to:
- 10.1.1 that person's use of the foreshore;
 - 10.1.2 that person's conduct and behaviour on the foreshore; or
 - 10.1.3 the safety and enjoyment of other persons on the foreshore.
- 10.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, including any order to leave that part of the foreshore.

11. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

12. Removal of Animals and Objects

An authorised person may remove an animal or object that is on the foreshore in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS

13. Exemptions

- 13.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor or volunteer while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 13.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 13.3 An exemption under subclause 13.2:
 - 13.3.1 may be granted or refused at the discretion of the Council;
 - 13.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 13.3.3 is subject to any conditions specified in the instrument of exemption.
 - 13.3.4 may be varied (including by way of an additional condition being imposed) by notice in writing to the person to whom the exemption applies; and
 - 13.3.5 may be revoked by the Council by notice in writing for a contravention of a condition of the exemption, or for any other reason that the Council thinks fit.

14. Liability of Vehicle Owners

- 14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Onkaparinga held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Julia Grant
Acting Chief Executive Officer

PART 5 – MISCELLANEOUS

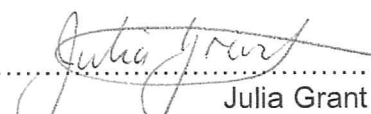
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.....
Julia Grant
Acting Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

THE CITY OF ONKAPARINGA

By-law No 6 – Foreshore By-Law 2023

A By-law for the management of foreshores in the Council's area

and do certify that in my opinion:

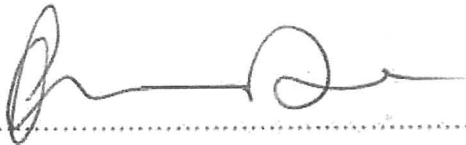
THE CITY OF ONKAPARINGA

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and
Harbors and Navigation Act 1993: section 18A.

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 2 day of July 2023



Cimon Burke, Legal Practitioner

- *Real Property Act 1886 (attachment 3 to the agenda report).*

Seconded by Cr Deakin.

CARRIED

9.6 By-law Resolutions

MOVED Cr Kilby.

- 1. That pursuant to By-law 2 of 2016 Moveable Signs, clauses 7.1 and 10.1, effective from 28 November 2016:*
 - a. 'the number of 'A' and 'T'Frame moveable signs allowed per business be no greater than three, to be displayed in accordance with the guidelines for 'A'and 'T'Frame signs, as attached to the agenda.*
 - b. vertical banner moveable signs be displayed in accordance with the guidelines for vertical banner signs, as attached to the agenda.*
- 2. That pursuant to By-law 4 of 2016 Local Government Land, clause 9.4.2, effective from 28 November 2016, horse access be permitted on:*
 - a. the Council reserves that comprise parts of the City of Onkaparingas' horse trail network.*
 - b. the Council land leased to the following organisations:*
 - Kangarilla Pony Club, Kangarilla Rd Kangarilla*
 - Southern Hills Pony Club, Station Rd Willunga*
 - Morphett Vale Riding Club, Wheatsheaf Rd Morphett Vale*
 - McLaren Flat Riding Club, Main Road McLaren Flat*
 - SA Horse Trials, Pine Road Woodcroft*
 - Riding for the Disabled, Pine Road Woodcroft*
 - Aldinga Riding Club (GSWRC), Port Road Aldinga*
 - Sophia Nicolis, horse recreation use on portion of Oakridge Road reserve, Aberfoyle Park.*
- 3. That pursuant to By-law 4 of 2016 Local Government Land, clause 9.10.2 (b) effective from 28 November 2016, the signed area at Clarendon Oval be designated as an area for 24 hour camping.*
- 4. That pursuant to By-law 6 of 2016 Foreshore, clause 8.2.1, effective from 28 November 2016, horse access be permitted to the following areas:*
 - a. The foreshore at Maslin Beach, Port Willunga, Aldinga Beach, Silver Sands, and Sellicks Beach subject to the following conditions:*
 - Horses are permitted 24 hour access during the winter months (May to September inclusive), and access between the hours of midnight and 9 am during the summer months (October to April inclusive).*
 - Horses are not permitted within 10 metres of dunes or vegetated areas or pebble banks.*
 - Horses are to be ridden in a manner which does not endanger the safety of any person in the area or unduly interfere with the peace,*

comfort or convenience of other users of the foreshore. In practical terms this shall mean that horses will be ridden at walking pace when within approximately 50 metres of other (non-equestrian) users of the foreshore.

- b. The foreshore at Moana, Southport, Port Noarlunga, and Christies Beach subject to the following conditions:*
- Horse access is permitted between the hours of midnight and 9.00am only.*
 - Horses are ridden at a safe speed at all times.*
 - Horses are not ridden within 10 metres of sand dunes and cliff faces.*
 - Horses are not ridden on the Christies Beach Boat Ramp as an access point due to safety reasons.*
 - Horses are ridden at walking pace within 50 metres of other (non-horse riding) beach users.*
 - Horses are not ridden in any dog off-lead exercise area on Moana, Port Noarlunga South and O'Sullivan's Beach.*
- 5. That pursuant to By-law 6 of 2016 Foreshore, clause 8.4.2, effective from 28 November 2016, boat launching and retrieval is permitted in the following areas:*
- a. that area of foreshore south of a point at a line drawn in a straight westerly direction to the sea from the intersection of the southern side of Sellicks Beach Road and the Esplanade to a point at a line similarly drawn from the intersection of the northern side of Robert Street and the Esplanade at Sellicks Beach.*
- b. that area of foreshore north of a point at a line drawn in a straight westerly direction to the sea from the intersection of the northern side of Morgan Street and the Esplanade and south of a point at a line drawn in a straight westerly direction to the sea from the intersection of the northern side Ocean Street and the Esplanade at Aldinga Beach.*
- c. that area of foreshore south of a point at a line drawn in a straight westerly direction to the sea from the southern side of Nashwauk Crescent, to a point at a line drawn in a westerly direction to the sea from the northern side of Macquarie Street, Moana.*
- d. that area of foreshore south of a point at a line drawn in a straight westerly direction to the sea from the centre line of the access ramp, located at Saltfleet Street and the Esplanade, Port Noarlunga (known as the Port Noarlunga Jetty boat ramp).*
- e. that area of foreshore, 100m north and south of a point in a line drawn in a straight westerly direction to the sea from the centre line of the access ramp, located opposite the Christies Sailing Club Incorporated, the Esplanade, Christies Beach.*
- f. that area of foreshore located at the end of Marine Drive, O'Sullivan Beach known as the O'Sullivan Beach boat ramp launching facility.*
- 6. That pursuant to By-law 6 Foreshore, clause 9.8.1, effective from 28 November 2016, vehicle access is permitted in the following areas:*

- a. *The area of foreshore that extends north of the extension of northern boundary of the road alignment of Robert Street Sellicks Beach to the extension of the northern boundary of the road alignment of Norman Road Aldinga Beach (known as the Silver Sands beach ramp) between 5.30 am and midnight of any day*
- b. *The area of foreshore that extends north of the extension of the northern boundary of the road alignment of Dingo Road to the extension of the southern most point of the Morgan Street Vehicle Access Ramp Aldinga Beach, between the 5.30am and midnight for the months of October to April inclusive*
- c. *The area of foreshore that extends north of the extension of southern most point of the Morgan Street Vehicle Access Ramp, Aldinga Beach, to the extension of the northern boundary of the road alignment of Ocean Street Aldinga Beach between 5.30 am and midnight of any day*
- d. *The area of foreshore that extends north of the extension of northern boundary of the road alignment of Macquarie Street Moana to the extension of the northern boundary of the road alignment of The Crescent, Moana between 5.30 am and midnight of any day.*

Seconded by Cr Merritt

CARRIED

9.7 2016-17 Black Spot program and funding

deeds MOVED Cr Greaves.

1. *That the Mayor and Chief Executive Officer be authorised to sign and affix the Common Seal of Council for the following approved 2016-17 Infrastructure Investment Australian Government Black Spot Program, which includes the following two projects:*
 - a. *Old Willunga Hill Road, Willunga (motorcycle barriers)*
 - b. *O'Sullivan Beach Road/Aldershot Road, Lonsdale (intersection upgrade).*
2. *That Council note the budgeted councils ' contribution of \$69,000 towards the O'Sullivan Beach Road/Aldershot Road, Lonsdale intersection upgrade project (PID 10583) as approved via the 2016-17 budget process is not required and will be transferred to the contingency reserve via Budget Review 1.*

Seconded by Cr Kilby.

CARRIED

9.8 Sports facilities funding announcements - funding implications

Cr Greaves left her seat in the Chamber at 8.34pm.

Cr Greaves resumed her seat in the Chamber at 8.35pm.

MOVED Cr Deakin.

That Council note the agenda report.

Seconded by Cr Themeliotis.

CARRIED

9.8 Proposed Local Nuisance and Litter Control Regulations

MOVED Cr Kilby.

That Council approve the attached draft Submission (attachment 1 to the agenda report) in response to consultation on the draft Local Nuisance and Litter Control Regulations 2016 and draft Local Nuisance and Litter Control (Amendment of Act, Schedule 1) Regulations 2016 to the Environment Protection Authority and Local Government Association.

Seconded by Cr Jamieson.

CARRIED

9.8.1 Managing Hazards to Hooded Plovers, 17 August 2021

MOVED Cr Brown.

That Council:

In exercise of its power under section 246(3)(e) of the Local Government Act 1999, resolves that effective immediately:

- 1. Clause 10.4 of the council's Dogs By-Law 2015 (By-law No. 7), applies to all fenced Hooded Plover breeding sites located on the foreshore and on any other Local Government land so that these sites are 'dog prohibited' areas;*

and

for the purposes of this resolution, a 'Hooded Plover breeding site' is any land that has been identified by a temporary fenced exclusion zone with a sign at least 20m away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

- 2. Clause 9.8.1 of the council's Foreshore By-Law 2015 (By-law No. 6) applies to all fenced Hooded Plover breeding sites located on the foreshore so that these sites constitute an area on the foreshore where a vehicle may not be driven or propelled;*

and

for the purposes of this resolution, a 'Hooded Plover breeding site' is any land that has been identified by a temporary fenced exclusion zone with a sign at least 20m away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

Seconded by Cr Greaves.

CARRIED

9.9 By-law penalties and expiations

MOVED Cr Greaves.

- 1. That pursuant to section 246 (3) of the Local Government Act 1999 a general maximum penalty for breaches of 2016 By-laws 1, 2, 3, 4, 6, and 7 be set at \$750, to apply from 30 November 2016.*
- 2. That the By-law Schedule of Expiations, as attached to the agenda report, be adopted as the expiations for alleged offences against 2016 By-laws 1, 2, 3, 4, 6, and 7, to apply from 30 November 2016, and be attached to the minutes.*
- 3. That councils ' annual Fees and Charges schedule be amended to reflect the above.*

4. *That pursuant to clause 8.4.1 of By-law 6 of 2016 Foreshore, the O'Sullivan Beach boat ramp be subject to a fee, payable at the O'Sullivan Beach kiosk, as specified in the City of Onkaparinga's Annual Schedule of Fees and Charges.*

Seconded by Cr Merritt.

CARRIED

9.10 Delegation Update November 2016

MOVED Cr Merritt.

1. *Delegations made under Development Act 1993*

That Council, in exercise of the power contained in Sections 20 and 34(23) of the Development Act 1993 of the powers and functions detailed below, hereby delegates this 29nd day of November 2016 to the person occupying the office of Chief Executive Officer and to any person occupying the office of Chief Executive Officer:

- a. *pursuant to Section 71(19)(a)(i), (iii) and (iv) of the Development Act 1993, the power to appoint officers of council to the Building Fire Safety Committee.*
- b. *pursuant to Section 71(19)(b) of the Development Act 1993, the power to determine the term of office of the membership for the Building Fire Safety Committee for a period up to and not exceeding three years.*
- c. *pursuant to Section 71(19)(d) of the Development Act 1993, the power to appoint deputy members to the Building Fire Safety Committee.*

2. Delegations made under Local Government Act 1999

That, pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, in addition to the areas of foreshore stated in the Councils' resolution of 18 October 2016, clause 9.8.1 of By-law No 6 - Foreshore applies to all other parts of the foreshore subject to the Chief Executive Officer (or his delegate) being satisfied that it is appropriate to allow a person to drive or propel a vehicle on that part of the foreshore and authorising the person (in writing) to do so pursuant to the conditions the Chief Executive Officer (or his delegate) sees fit to impose.

Seconded by Cr Gunn.

CARRIED

9.11 City of Onkaparinga Excellence Award nominations

Mayor Rosenberg declared a perceived conflict of interest as she is named as the nominator of one candidate and encouraged the nominator of the second candidate for the Excellence Awards. Mayor Rosenberg stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

MOVED Cr Kilby.

- 1. That Council consider and approve two nominations for a City of Onkaparinga Excellence Award for significant contribution to the community in the area of sport for the following nominees:*
 - Mr Hayden Gunn (Eight Ball)*
 - Mr Brayden Davidson (Paralympian).*
 - 2. That these awards be presented as part of the Australia Day Bush Fair 2017.*
- Seconded by Cr Jamieson.*

CARRIED

10. Nominations to external bodies

10.1 Election of Metropolitan Representatives to the LGA Board

MOVED Cr Greaves.

Council determines the voting order of preference for the Board Member positions of the Local Government Association Board as follows:

- 1. Mayor Gillian Aldridge, City of Salisbury*
- 2. Mayor Glenn Spear, City of Mitcham*
- 3. Mayor Karen Redman, Town of Gawler*
- 4. Mayor Bill Spragg, Adelaide Hills Council*
- 5. Mayor David Parkin, City of Burnside*
- 6. Mayor David O'Loughlin, City of Prospect*
- 7. Mayor Robert Bria, City of Norwood Payneham & St Peters*
- 8. Cr Susan Clearihan, Adelaide City Council*