

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 9 MAY 2017**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Mullawirra Ward

Jason Veliskou
Jerome Appleby

Southern Hills

Nick Westwood

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Tim Pfeiffer

In Attendance

Mr Adrian Skull
Ms Abby Dickson
Mr Tony Lines
Mr Vincent Mifsud
Ms Jaimie Thwaites
Ms Victoria Moritz

Chief Executive Officer
General Manager City Development
General Manager Operations
General Manager Corporate Services
Acting Manager Corporate Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 6.30pm.

KAURNA ACKNOWLEDGEMENT

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

ELECTED MEMBER'S DECLARATION OF INTEREST

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

The following perceived conflicts were noted:

- Councillor Gard - *Streetscape Project – Program of Works (Report Reference: GC090517R09)*
- Councillor Crossland - *Streetscape Project – Program of Works (Report Reference: GC090517R09)*
- Councillor Appleby - *Streetscape Project – Program of Works (Report Reference: GC090517R09)*
- Councillor Veliskou – *City of Marion Volunteer Program – Annual Report (Report Reference: GC090517R01)* and *2017-2020 City of Marion Libraries Marketing Plan (Report Reference: GC090517R11)*

Councillor Hull noted a potential perceived conflict in the item *Streetscape Project – Program of Works (Report Reference: GC090517R09)* as he lives on Diagonal Road, however does not reside in the section that is included as part of the streetscape project therefore no perceived conflict was declared.

CONFIRMATION OF MINUTES

6.33pm Moved Councillor Veliskou, Seconded Councillor Crossland that the minutes of the General Council Meeting held on 11 April be taken as read and confirmed.

Carried Unanimously

COMMUNICATIONS

Nil

ADJOURNED ITEMS

Councillor Veliskou noted a perceived conflict of interest in the item *City of Marion Volunteer Program – Annual Report* as one of the volunteer programs relates to *ATO Tax Help*, which involves his employer. However, as he is not directly associated, he remained for this item.

6.33pm City of Marion Volunteer Program – Annual Report
Report Reference: GC090517R01

Moved Councillor Hull, Seconded Councillor Crossland that Council:

1. Notes the Volunteer Program Annual Report (2016), including 41,489 volunteer hours achieved during the year valued at \$1,138,873.
2. Adopts the reviewed Volunteer Policy.

3. Acknowledges the contribution of both City of Marion registered volunteers and other volunteers working within the City of Marion.
4. Encourages the recruitment of volunteers who have come from countries other than the main English speaking countries and reports on the results in the Volunteer Program annual report.

Carried Unanimously
Councillor Veliskou voted in favour

6.34pm Marion Outdoor Swimming Centre Master Plan
Report Reference: GC090517R02

The Motion as adjourned from the General Council meeting on 28 March 2017 is as follows:

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that Council:

1. Endorses an allocation of up to \$150,000 for design development and documentation for the Marion Outdoor Swimming Centre in the draft 2017-18 budget.
2. Endorses undertaking detailed design for the scope of works outlined within this report.
3. Notes that a Section 48 prudential management report will be prepared for Council's consideration which incorporates whole of life costs for further consideration and assessment of Councils funding capacity.

Councillor Veliskou with the consent of Councillor Pfeiffer sought and was granted leave of the meeting to vary the motion as follows:

1. Endorses the allocation of funds for the undertaking of upgrade works for the upgrade of the Marion Outdoor Swimming Centre as set out in this report.
2. Endorses an allocation of up to \$268,000 be provided in the 2017/18 Annual Business Plan and Budgeting process for:
 - Preparation of detailed design and costing for the reconfiguration of the foyer and upgrade to the facade.
 - Supply and installation of new shade structures.
 - Preparation of detailed design and costing for a new BBQ and picnic area.
 - Preparation of designed design and costing for the change room upgrade
3. Council refers to this project as a whole as the Marion Outdoor Pool Upgrade
4. Notes further reports will be provided for the allocation of funding to enable the remaining upgrades to be undertaken in 2017/18 or 2018/19.

Amendment:

Moved Councillor Telfer that Council:

1. Endorses the allocation of funds for the undertaking of upgrade works for the upgrade of the Marion Outdoor Swimming Centre as set out in this report.
2. Endorses an allocation of up to \$268,000 be provided in the 2017/18 Annual Business Plan and Budgeting process for:
 - Preparation of detailed design and costing for the reconfiguration of the foyer and upgrade to the facade.
 - Supply and installation of new shade structures.
 - Preparation of detailed design and costing for a new BBQ and picnic area.
 - Preparation of designed design and costing for the change room upgrade
3. Council refers to this project as a whole as the Marion Outdoor Pool Upgrade
4. Notes further reports will be provided for the allocation of funding to enable the remaining upgrades to be undertaken.

**The Amendment lapsed for want of a Seconder
The Motion as varied was Carried**

DEPUTATIONS

Nil

PETITIONS

Nil

COMMITTEE RECOMMENDATIONS

6.47pm Confirmation of Minutes of the Special Urban Planning Committee meeting held on 1 May 2017

Report Reference: GC090517R03

Moved Councillor Hutchinson, Seconded Councillor Pfeiffer that Council:

1. Receives and notes the minutes of the Special Urban Planning Committee meeting held on 1 May 2017 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

Carried Unanimously

6.47pm Infrastructure and Strategy Committee - Confirmation of Minutes of Meeting held on 2 May 2017

Report Reference: GC090517R04

Moved Councillor Hutchinson, Seconded Councillor Pfeiffer that Council:

1. Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 2 May 2017 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.

Carried Unanimously

6.47pm Confirmation of Minutes of the Review and Selection Committee Meeting held on 2 May 2015

Report Reference: GC090517R05

Moved Councillor Hutchinson, Seconded Councillor Pfeiffer that Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting held on 2 May 2017 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

CONFIDENTIAL ITEMS

6.50pm Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 2 May 2017

Report Reference: GC090517F01

Moved Councillor Telfer, Seconded Councillor Crossland that:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 3 2016/17 upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.

Carried Unanimously

6.50pm meeting went into confidence

Moved Councillor Crossland, Seconded Councillor Veliskou that Council:

1. Receives and notes the confidential minutes of Review & Selection Committee meeting held on 2 May 2017
(Appendix 1)
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 1 to this report, *Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 2 May 2017* having been considered in confidence under Section 90(2) and (3)(a) of the Act, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017.

Carried Unanimously

6.53pm the meeting came out of confidence

6.53PM CEO Key Performance Indicators for Quarter 3 2016/17
Report Reference: GC090517F02

Moved Councillor Crossland, Seconded Councillor Veliskou that Council:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 3 2016/17, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.

Carried Unanimously

6.53pm the meeting went into confidence

Moved Councillor Crossland, Seconded Councillor Veliskou that Council:

1. Notes this report.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, CEO Key Performance Indicators for Quarter 3 2016/17 (including appendix one) having been considered in confidence under Section 90(2) and (3)(a) of the Act, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017.

Carried Unanimously

6.55pm the meeting came out of confidence

6.56PM Code of Conduct
Report Reference: GC090517F03

Moved Councillor Veliskou, Seconded Councillor Prior that:

1. Pursuant to Section 90(2) and (3)(a) and (h) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the following [Adrian Skull, Chief Executive Officer; Jaimie Thwaites, Acting Manager Corporate Governance], be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conduct upon the basis it is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential on the grounds that the report contains information relating to personnel matters and legal advice.

Carried Unanimously

6.56pm the meeting went into confidence

6.59pm Councillor Gard left the meeting

Moved Councillor Westwood, Seconded Councillor Veliskou that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) and (h) of the Act be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2017.

Carried Unanimously

7.11pm Councillor Gard re-entered the meeting

7.13pm the meeting came out of confidence

WORKSHOP / PRESENTATION ITEMS

Nil

CORPORATE REPORTS FOR DECISION

7.15pm Section 270 – Resolute Crescent, Hallett Cove Final Report
Report Reference: GC090517R06

Moved Councillor Westwood, Seconded Councillor Telfer that Council:

1. Notes the report attached titled “GC090517R06- Section 270 Resolute Reserve Hallett Cove Final Report App 1”
2. Endorse the recommendations of the panel from the Section 270 Review Report;
 - a. A report is prepared and provided to Council collating all the relevant feedback gathered during the consultation phase (Oct 2016 – December 2016) for a final determination on the removal or otherwise of the playground on Resolute Crescent, Hallett Cove.
 - b. Administration ensures it undertakes actions consistent with Council resolutions.

- c. A report is prepared and provided to Council to formally endorse the Playground Policy, service levels, worklist, project methodology and community engagement approach surrounding playground removals (e.g. Inform, consult, involve, collaborate or empower) if considered appropriate. Such a report is scheduled to come to Council in May 2017.
 - d. The proposed resolutions of Council as printed in such a report are explicit in their actions and intentions, for example “Endorse the removal of x, y, z *subject to community consultation*”.
 - e. The final endorsed resolutions of Council as printed in the minutes accurately reflect the decision of Council for Administration to undertake expediently and professionally.
 - f. The Manager Governance address the opportunities for improvement to natural justice principles as a result of this review including;
 - When and to whom the preliminary report should be distributed,
 - Consultation periods including what constitutes meaningful consultation and reasonable timeframes,
 - Clarity regarding whether Administration or an external party undertakes a review.
3. Recognises that there are opportunities to improve and simplify the current Section 270 process and that Administration undertake the appropriate steps required to achieve this.

7.41pm Councillor Pfeiffer left the meeting

7.44pm Councillor Pfeiffer re-entered the meeting

Amendment:

Moved Councillor Crossland Seconded Councillor Gard that Council:

1. Notes the report attached titled “GC090517R06- Section 270 Resolute Reserve Hallett Cove Final Report App 1”
2. Notes the recommendations of the panel from the Section 270 Review Report;
3. Notes that staff were operating under a draft policy and not the current 2009 policy
4. Notes that no clarification was sought after the meeting regarding the meaning of the endorsement of the removal of eleven playspaces as per GC270916R07.
5. The Manager Governance address the opportunities for improvement to natural justice principles as a result of this review including;
 - When and to whom the preliminary report should be distributed,
 - Consultation periods including what constitutes meaningful consultation and reasonable timeframes,
 - Clarity regarding whether Administration or an external party undertakes a review.
6. A report is prepared and provided to Council collating all the relevant feedback gathered during the consultation phase (Oct 2016 – December 2016) for a final determination on the removal or otherwise of the playground on Resolute Crescent, Hallett Cove.

**The vote that the Amendment become the motion was tied
The Mayor made a casting vote and voted in favour
The Amendment became the motion**

Adjournment:

Moved Councillor Veliskou that this item be adjourned.

Councillor Veliskou withdrew the motion to adjourn the item.

The motion as Amended was Carried

**7.51pm Draft Annual Business Plan for Public Consultation
Report Reference: GC090517R07**

Moved Councillor Gard, Seconded Councillor Telfer that Council:

1. Endorse the City of Marion Draft Annual Business Plan 2017/18 and Draft Long Term Financial Plan for public consultation (attached as Appendix 1), subject to any changes proposed by Council, on the basis of a proposed average rate increase of 2.2%.
2. Endorse that public consultation be facilitated via the conduct of a meeting of the Council to be held on 13 June 2017 at which members of the public may ask questions and make submissions, in relation to the Draft Annual Business Plan 2017/18 and draft LTFP, for at least one hour.

Carried

**7.58pm Inclusive Playground, Hendrie Street Reserve
Report Reference: GC090517R08**

Meeting Suspension:

Moved Councillor Veliskou, Seconded Councillor Crossland that formal meeting procedures be suspended to discuss this item further.

Carried Unanimously

8.02pm meeting suspended
8.26pm meeting resumed

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that this item be adjourned to the General Council meeting to be held on 23 May 2017.

Carried

Councillor Hull called for a Division

Those for: Councillors Pfeiffer, Telfer, Hutchinson, Westwood, Veliskou, Gard and

Those against: Councillors Prior, Hull and Appleby

Carried

Councillor Appleby declared a perceived conflict of interest in the item *Streetscape Project – (Program of Works Report Reference: GC090517R09)* as his brother resides on one of the streets included in the project and he left the meeting.

8.32pm Councillor Appleby left the meeting

Councillor Gard and Councillor Crossland noted a perceived conflict of interest in the item *Streetscape Project – Program of Works (Report Reference: GC090517R09)* as they both reside on streets that are included as part of the project, however remained for the item.

**8.33pm Streetscape Project – Program of Works
Report Reference: GC090517R09**

Meeting Suspension:

Moved Councillor Hutchinson, Seconded Councillor Telfer that formal meetings procedures be suspended to discuss the item *Streetscape Project – Program of Works*

Carried

8.33pm meeting suspended

8.36pm meeting resumed

Moved Councillor Crossland, Seconded Councillor Pfeiffer that Council:

1. Notes the report.
2. Endorses Option 3 (filters – Wards and Alignment with other initiatives) for the Program of Works.
3. Notes annual streetscape projects will be presented in the Annual Business Plan.

Carried

**Councillor Crossland voted in favour
Councillor Gard voted in favour**

Councillor Hutchinson called for a Division

Those For: Councillors Pfeiffer, Telfer, Hull, Westwood, Veliskou, Gard and Crossland

Those Against: Councillors Hutchinson and Prior

Carried

**8.44pm Morphettsville Urban Renewal Project
Report Reference: C090517R10**

8.44pm Councillor Crossland left the meeting

8.45pm Councillor Appleby re-entered the meeting

Moved Councillor Veliskou, Seconded Councillor Gard that Council:

1. Notes the report.

2. Endorses staff to negotiate and sign the Project Charter with Renewal SA that establishes the project terms, conditions, roles and responsibilities.
3. Includes the renewal works estimated at \$547,958 in the existing capital works program.
4. Notes Renewal SA's \$1.2 million expenditure on landscape and open space works in lieu of the open space contribution.

8.46pm Councillor Crossland re-entered the meeting

Moved Councillor Hull, Seconded Councillor Prior that this item be adjourned until the General Council meeting on 23 May 2017.

Lost

The Motion was Carried

The Mayor sought and was granted leave of the meeting to vary the order of items and consider the following two items at the end of the Corporate Reports:

- 2017-2020 City of Marion Libraries Marketing Plan (Report Reference: GC090517R11)
- City Limits (Report Reference: GC090517R12)

8.55pm Councillor Veliskou left the meeting

8.55pm Asset Optimisation – McConnell Avenue Reserve – Western Portion
Report Reference: GC090517R13

Moved Councillor Gard, Seconded Councillor Crossland that Council:

1. Declares that the retention of the western portion of land known as McConnell Avenue Reserve does not contribute to Council's strategic objectives and is surplus to Council's requirements and subject to Ministerial approval, the net sale proceeds will be paid into the Open Space Reserve Fund.
2. Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the western portion of land known as McConnell Avenue Reserve, Allotment 189 in Deposited Plan 2909 being portion of the land in Certificate of Title Volume 1234 Folio 18.
3. Authorises Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the western portion of land known as McConnell Avenue Reserve, Allotment 189 in Deposited Plan 2909 being portion of the land in Certificate of Title Volume 1234 Folio 18.

8.57pm Councillor Veliskou re-entered the meeting

9.00pm Councillor Prior left the meeting

9.04pm Councillor Prior re-entered the meeting

Carried Unanimously

9.08pm Asset Optimisation – Oliphant Avenue Reserve – Northern Portion
Report Reference: GC090517R14

Moved Councillor Hutchinson, Seconded Councillor Prior that Council:

1. Notes the outcome of the contamination investigations for the Oliphant Avenue Reserve which conclude the site is suitable for residential or recreational use.
2. Declares that the retention of the Oliphant Avenue Reserve at Lot 23 in Deposited Plan 5712 being portion of the land comprised in Certificate of Title Volume 2652 Folio 17 does not contribute to Council's strategic objectives and is surplus to Council's requirements and subject to Ministerial approval, the net sale proceeds will be paid into the Open Space Fund.
3. Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of Lot 23 in Deposited Plan 5712 being portion of the land comprised in Certificate of Title Volume 2652 Folio 17.
4. Authorises Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of Oliphant Avenue Reserve at Lot 23 in Deposited Plan 5712 being portion of the land comprised in Certificate of Title Volume 2652 Folio 17.

Carried Unanimously

9.15pm 2017-18 Corporate and CEO KPIs
Report Reference: GC090517R15

Moved Councillor Hutchinson, Seconded Councillor Telfer that Council:

1. Adopts the Corporate KPIs for the 2017-18 financial year as set out in Appendix 1.
2. Will seek to align the Corporate KPIs with those of the Chief Executive Officer, when the 2016-2017 end of year CEO performance review has been concluded in November 2017.

Carried Unanimously

Councillor Veliskou noted a perceived conflict of interest in the item *2017-2020 City of Marion Libraries Marketing Plan* as one of the volunteer programs relates to *ATO Tax Help*, which involves his employer, is run through the Libraries. However, as he is not directly associated, he remained for this item.

9.18pm 2017-2020 City of Marion Libraries Marketing Plan
Report Reference: GC090517R11

Moved Councillor Veliskou, Seconded Councillor Gard that Council:

1. Adopts the 2017-2020 Libraries Marketing Plan - (attached as *Appendix A*).

Carried Unanimously
Councillor Veliskou voted in favour

9.21pm City Limits

Report Reference: GC090517R12

Meeting Extension:

Moved Councillor Veliskou, that the meeting be extended for a period of 25 minutes to consider the remaining items on the agenda.

The Motion lapsed for want of a Seconder

Moved Councillor Telfer, Seconded Councillor Hutchinson that Council:

1. Adopt Option 1A for a 24-page, A4 sized City Limits distributed three times per year, at an annual estimated cost of \$80,100 which is lower than the current cost.
2. Includes one column from the Mayor in each edition and a column from Ward Councillors in alternate editions (two columns per year per Ward Councillor)
3. Updates the City Limits Publications Policy (attached as *Appendix A*) in line with the new format of the magazine and the frequency of Elected Member columns
4. Introduce the new format City Limits from edition 55 scheduled for Distribution in August 2017.

9.30pm The Mayor declared the meeting closed prior to the item being voted on.

The following items were not considered:

- Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 3rd Quarter 2016-17 YTD (Report Reference: GC090517R016)
- 3rd Budget Review 2016/17 (Report Reference: GC090517R17)
- Cost Shifting (Report Reference: GC090517Q01)
- SA Housing (Report Reference: GC090517Q02)

Motions with Notice

Nil

Questions without Notice

Nil

Motions without Notice

Nil

LATE ITEMS

Nil

MEETING CLOSURE - Meeting Declared Closed at 9.30pm

CONFIRMED THIS 23 MAY 2017

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CHAIRPERSON