

**MINUTES OF THE GENERAL COUNCIL MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 14 AUGUST 2018**

---



**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland  
Tim Gard

**Mullawirra Ward**

Jason Veliskou  
Jerome Appleby

**Southern Hills**

Janet Byram

**Warracowie Ward**

Bruce Hull

**Warriparinga Ward**

Raelene Telfer  
Luke Hutchinson

**Woodlands Ward**

Tim Pfeiffer  
Nick Kerry

**In Attendance**

Mr Adrian Skull  
Ms Abby Dickson  
Mr Tony Lines  
Mr Vincent Mifsud  
Ms Kate McKenzie  
Ms Jaimie Thwaites

Chief Executive Officer  
General Manager City Development  
General Manager City Services  
General Manager Corporate Services  
Manager Corporate Governance  
Unit Manager Governance and Records (minute taker)

**1. COMMENCEMENT**

The meeting commenced at 6.30pm

**2. KAURNA ACKNOWLEDGEMENT**

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

**3. 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.

#### **4. 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.

- Councillor Hull declared a conflict of interest for one of the confidential items

#### **5. CONFIRMATION OF MINUTES**

**Moved Councillor Hutchinson, Seconded Councillor Telfer** the minutes of the General Council meeting held on 24 July 2018 be taken as read and confirmed.

**Carried Unanimously**

#### **6. COMMUNICATIONS**

Nil

#### **7. ADJOURNED ITEMS**

##### **ORDER OF AGENDA**

The Chair sought and was granted leave of the meeting to vary the order of the agenda and move the item 'Tonsley Water Agreement' (Report Reference: GC180814R01) until after the confidential items.

#### **8. DEPUTATIONS**

##### **6.33pm Seaview High School Sport Facilities Partnership Report Reference: GC180814D01**

Mr Pau Hodgson, President of the Dover Square Tennis Club gave a deputation to Council relating to the report *Seaview High School Sport Facilities Partnership*.

##### **6.41pm Seaview High School Sport Facilities Partnership (Seaview High School) Report Reference: GC180814D02**

Ms Penny Tranter from Seaview High School gave a deputation to Council relating to the item *Seaview High School Sport Facilities Partnership – GC180814R02*.

##### **ORDER OF AGENDA**

The Chair sought and was granted leave of the meeting to vary the order of the agenda to bring forward the items 'Seaview High School Sports Facilities Partnership' (Report Reference: GC180814F05) and 'Seaview High School Sport Facilities Partnership' (Report Reference: GC180814R02).

**6.43pm Seaview High School Sports Facilities Partnership**  
**Report Reference: GC180814F05**

**Moved Councillor Hutchinson, Seconded Councillor Telfer** that:

1. Pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud General Manager Corporate Services; Abby Dickson, General Manager City Development; Tony Lines, General Manager City Services; Kate McKenzie Manager Corporate Governance, Jaimie Thwaites, Unit Manager Governance and Records; Carol Hampton, Manager Land and Property; Victoria Masterman, Unit Manager Open Space and Recreation Planning and Sean O'Brien, Community Facilities Planner be excluded from the meeting as the Council receives and considers information relating to the Seaview High School Facilities Partnership, upon the basis that 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 of a commercial nature and would on balance, be contrary to the public interest.

**Carried Unanimously**

6.45pm the meeting went into confidence

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that Council:

1. Note the information contained within Appendix 1
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, Confidential - Seaview High School Facilities Partnership, having been considered in confidence under Section 90(2) and (3)(d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried Unanimously**

6.58pm the meeting came out of confidence

**6.59pm Seaview High School Sport Facilities Partnership**  
**Report Reference: GC180814R02**

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that Council:

1. Endorses Option 1 for the proposed redevelopment of the courts at Seaview High and to build a multi-purpose clubroom to support community use of the courts and playing fields. That consideration be given to undertaking this option in two stages. Stage 1 including the tennis and netball courts, lighting and associated retaining. Stage 2 being the clubrooms.
2. Endorses an allocation of up to \$37,000 for the development a concept design and cost estimates for the preferred option, to be funded in 2018/19 through the budget review process.
3. Notes Seaview High School's contribution of \$37,000 towards the development of a concept design and cost estimates to redevelop the courts and a clubroom.

4. Request a report will be provided to Council in February 2019 on the concept design, cost estimates, funding options and School Access Agreement.

**Carried**

## **9. PETITIONS**

Nil

## **10. COMMITTEE RECOMMENDATIONS**

Nil

## **11. CONFIDENTIAL ITEMS**

### **7.08pm Tonsley Water Agreement Report Reference: GC180814F01**

**Moved Councillor Hutchinson, Seconded Councillor Byram** that:

1. Pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Services; Abby Dickson, General Manager City Development; Tony Lines, General Manager City Services; Kate McKenzie, Manager Corporate Governance, Jaimie Thwaites, Unit Manager Governance and Records; Glynn Ricketts, Water Resource Coordinator and Mathew Allen, Manager Engineering and Field Services be excluded from the meeting as the Council receives and considers information relating to the Tonsley Water Agreement, upon the basis that 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 of a commercial nature and would on balance, be contrary to the public interest.

**Carried Unanimously**

7.08pm the meeting went into confidence

**Moved Councillor Pfeiffer, Seconded Councillor Crossland** that Council:

1. Notes the report.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, *Tonsley Water Agreement*, having been considered in confidence under Section 90(2) (b) and (3)(d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried**

7.11pm the meeting came out of Confidence

**7.11pm Service Review - Community Safety Inspectorate**  
**Report Reference: GC180814F02**

**Moved Councillor Crossland, Seconded Councillor Byram** that:

1. Pursuant to Section 90(2) and Section 90 (3)(a) of the Local Government Act 1999, the Finance and Audit Committee orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Vincent Mifsud, Abby Dickson, Kate McKenzie, Jason Cattonar, Sharon Perin, Luke Manuel, Jaimie Thwaites and Victoria Moritz be excluded from the meeting as Council receives and considers information relating to the Service Review – Report – Community Safety Inspectorate, upon the basis that 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 personnel matters.

**Carried Unanimously**

7.12pm the meeting went into confidence

**Moved Councillor Crossland, Seconded Councillor Gard** that formal meeting proceeding be suspended to enable discussion on the item.

**Carried unanimously**

7.19pm formal meeting procedures suspended

7.40pm formal meeting procedures resumed

**Moved Councillor Crossland, Seconded Councillor Byram** that Council:

1. In accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999, 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 Section 90(3)(a) of the Act except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried**

**Councillor Hull called for a division:**

**The vote was set aside**

**Those For:** Councillors Pfeiffer, Telfer, Byram, Veliskou, Appleby and Crossland

**Those Against:** Councillors Kerry, Hutchinson, Hull and Gard

**Carried**

7.59pm the meeting came out of confidence

**8.00pm Proposed Class Action**  
**Report Reference: GC180814F03**

8.00pm Councillor Crossland left the meeting

**Moved Councillor Byram, Seconded Councillor Telfer that:**

1. Pursuant to Section 90(2) and (3)(d) of the *Local Government Act 1999*, Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Services; Tony Lines, General Manager City Services; Abby Dickson, General Manager City Development; Kate McKenzie, Manager Corporate Governance, Sherie Walczak, Unit Manager Risk and Jaimie Thwaites, Unit Manager Governance and Records, be excluded from the meeting as Council receives and considers the letter received relating to an offer to register with a class action, upon the basis that 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 commercial information the disclosure of which could prejudice the commercial position of Council and would on balance be contrary to the public interest.

**Carried Unanimously**

8.00pm the meeting went into confidence

8.01pm Councillor Crossland re-entered the meeting

**Moved Councillor Byram, Seconded Councillor Gard that:**

1. The item be considered at the 11 September 2018 General Council meeting
2. Mr Matt Pinnegar, Chief Executive Officer of the LGA (or a suitable representative) be invited to attend and provide comment at the 11 September 2018 General Council meeting.
3. In accordance with Section 91(7) and (9) of the *Local Government Act 1999*, Council orders that this report and any attachment to this report having been considered in confidence under Section 90(2) and (3)(d) of the Act except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried Unanimously**

8.15pm the meeting came out of confidence

**8.15pm Code of Conduct**  
**Report Reference: GC180814F04**

**Moved Councillor Hutchinson, Seconded Councillor Pfeiffer that:**

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, Adrian Skull, Chief Executive Officer, Kate McKenzie, Manager Corporate Governance and Jaimie Thwaites, Unit Manager Governance and Records, 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 requirements for the meeting to be conducted in a place open to the public has been

outweighed by the need to keep consideration other matter confidential on the ground that the report contains information relating to personal affairs.

**Carried Unanimously**

8.15pm the meeting went into confidence

8.22pm Councillor Hull left the meeting

**Moved Councillor Byram, Seconded Councillor Kerry** that Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report *Code of Conduct*, the minutes arising from this report and any attachments to the report, having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried**

**Councillor Kerry called for a division**

**Vote was set aside**

**Those For:** Councillors Kerry, Telfer, Byram, Gard and Crossland

**Those Against:** Councillors Kerry, Hutchinson, Veliskou and Appleby

**Carried**

8.43pm the meeting came out of confidence

8.43pm Councillor Hull re-entered the meeting

**8.43pm Tonsley Water Agreement**  
**Report Reference: GC180814R01**

**Moved Councillor Pfeiffer, Seconded Councillor Byram** that Council:

1. Notes the report.
2. Delegates to the CEO approval to enter into an Agreement with Enwave to sell treated stormwater into the Tonsley Precinct and the proposed Flinders University Development.
3. Notes that Administration has now obtained all necessary approvals from the DEW and EPA for the extraction and injection of treated stormwater, up to 700 ML/year

8.47pm Councillors Gard and Kerry left the meeting

**Carried**

## **12. CORPORATE REPORTS FOR DECISION**

**8.48pm Implementation of the Natural Landscape Design and Maintenance Guidelines at Bandon Terrace Reserve**  
**Report Reference: GC180814R03**

8.50pm Councillor Veliskou left the meeting

**Moved Councillor Crossland, Seconded Councillor Byram** that Council:

1. Endorses the draft concept plan for Bandon Terrace Reserve (Appendix 1) for consultation, detailed design and construction noting the plan reflects the Natural Landscape Design and Maintenance Guidelines.
2. Endorses the allocation of up to \$55,500 to implement the Natural Landscape Design and Maintenance Guidelines at Bandon Terrace Reserve, to be funded in 2018/19 through savings identified in the second 2018/19 Budget Review process.
3. Endorses an allocation of \$5,000 p.a. for the first five years for operating and maintenance and \$2,014 p.a. for renewal/depreciation for the Natural Landscape Design and Maintenance Guidelines at Bandon Terrace Reserve within the Long Term Financial Plan.

**Carried Unanimously**

**8.52pm Meals on Wheels Edwardstown Lease**  
**Report Reference: GC180814R04**

**Moved Councillor Pfeiffer, Seconded Councillor Telfer** that Council:

1. Endorses entering into a 5 year lease with a 5 year option with the Edwardstown Meals on Wheels according to the terms and conditions as set out in this report and subject to the outcomes of community consultation.
2. Endorses the current minimum annual fee of \$300 plus GST increased by CPI annually be charged to Edwardstown Meals on Wheels.
3. Authorises the Manager City Property to finalise negotiations with the Edwardstown Meals on Wheels.
4. Notes should any submissions be received during the consultation period request significant changes to the terms and conditions outlined in this report a further report will be brought back to Council for consideration.

8.52pm Councillors Kerry, Veliskou and Gard re-entered the meeting

**Carried Unanimously**

**8.53pm Draft Public Consultation Policy**  
**Report Reference: GC180814R05**

**Moved Councillor Crossland, Seconded Councillor Gard** that Council:

1. Considers the item at the 11 September 2018 General Council meeting

**Carried Unanimously**



**8.56pm Call for Nominations for Members of Greater Adelaide Regional Organisation of Councils (GAROC)**

**Report Reference: GC180814R06**

9.01pm Councillor Crossland left the meeting

9.03pm Councillor Crossland re-entered the meeting

**Councillor Byram** gave a personal explanation in relation to the item *claiming*:

- The LGA acknowledges all that Marion has done and said and is thankful for the change it is moving to.
- Although we have been asking for change she believes it is useful having someone on the inside to help with the change and that is why she is putting her hand up for consideration.

**Councillor Byram** declared a conflict of interest in the item as she was interested in nominating for a position on the Greater Adelaide Regional Organisation of Councils (GAROC) and left the meeting.

9.09pm Councillor Byram left the meeting

**Moved Councillor Gard, Seconded Councillor Veliskou** that Council:

1. Notes the report '*Call for Nominations for Members of Greater Adelaide Regional Organisation of Councils (GAROC)*'.
2. Nominates Councillor Byram to the LGA for a position on the Greater Adelaide Regional Organisation of Councils (GAROC).
3. Notes that the above nomination will be forwarded to the LGA by 5.00pm on Friday 24 August 2018.

**Carried**

9.12pm Councillor Byram re-entered the meeting

9.12pm Councillor Kerry left the meeting and did not return

**ORDER OF THE AGENDA**

The Chair sought and was granted leave of the meeting to move the item 'Policy Review - Tranche one' (Report Reference: GC180814R07) to the end of the agenda.

**13. CORPORATE REPORTS FOR INFORMATION / NOTING**

**9.13pm Woodend Primary School – Traffic and Parking Improvements**

**Report Reference: GC180814R08**

**Moved Councillor Byram, Seconded Councillor Crossland** that Council:

1. Notes the Report.
2. Notes that the State Government will contribute \$250,000 to fund the extension of the kiss and drop zone on Edward Beck Drive, Sheidow Park.

3. Endorses Council providing in kind support for the design and project management to extend the kiss and drop zone on Edward Beck Drive, Sheidow Park.

**Carried Unanimously**

**9.14pm Questions Taken on Notice Register**  
**Report Reference: GC180814R09**

**Moved Councillor Telfer, Seconded Councillor Byram** that Council:

1. Notes the report "Questions Taken on Notice Register"

**Carried Unanimously**

9.14pm Councillor Pfeiffer left the meeting

**14. WORKSHOP / PRESENTATION ITEMS**

Nil

**15. MATTERS RAISED BY MEMBERS**

**Motions with Notice**

**9.15pm Single Use Plastics**  
**Report Reference: GC180814M01**

9.17pm Councillor Pfeiffer re-entered the meeting

**Moved Councillor Hutchinson, Seconded Councillor Telfer** that:

1. The City of Marion ban the sale and gifting of all single use plastics (including but not limited to, drinking straws, utensils, plates and food packaging) at all council run events, with immediate affect.

**Meeting Extension**

**Moved Councillor Crossland, Seconded Councillor Pfeiffer** that the meeting be extended until the conclusion of the Motions with Notice.

**Carried**

**9.31pm meeting extended**

The motion was **Lost**

**9.35pm Rate Capping Forum**  
**Report Reference: GC180814M02**

**Moved Mayor Hanna, Seconded Councillor Crossland** that Council:

1. Hold a community forum at the Marion Cultural Centre in the week beginning 27 August 2018 to increase public awareness of the State Government's proposed rate capping legislation, the potential impact on Marion Council and Marion Council's position.

**Carried**

**The following items were not considered:**

- Policy Review - Tranche one (Report Reference: GC180814R07)
- Public Access to Contractual and Other Information (Report Reference:GC180814Q01)
- External Funding Committee (Report Reference: GC180814Q02)

**16. OTHER BUSINESS**

Nil

**17. MEETING CLOSURE**

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**MEETING CLOSURE** - Meeting Declared Closed at 9.41pm

**CONFIRMED THIS 28 AUGUST 2018**

.....  
**CHAIRPERSON**