

MINUTES OF THE GC201013 - GENERAL COUNCIL MEETING

Tuesday, 13 October 2020 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT

Elected Members

Mayor – Kris Hanna

Councillor – Ian Crossland

Councillor – Maggie Duncan

Councillor – Matthew Shilling

Councillor – Raelene Telfer

Councillor – Bruce Hull

Councillor – Nathan Prior (from 6.32pm)

Councillor - Kendra Clancy

Councillor – Jason Veliskou (Electronically)

Councillor – Joseph Masika

Councillor – Sasha Mason

In Attendance:

Chief Executive Officer – Adrian Skull

General Manager City Services – Tony Lines

General Manager City Development - Ilia Houridis

General Manager Corporate Services – Sorana Dinmore

Manager Corporate Governance – Kate McKenzie

Unit Manager Governance and Council Support – Jaimie Thwaites

OPEN MEETING

The Mayor opened the meeting at 06:30 PM

KAURNA ACKNOWLEDGEMENT

We acknowledge the Kaurna 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 (if any)

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

The following interests were disclosed:

- Councillor Telfer declared a perceived conflict of interest in the item *SWBMX and Southern*

Soccer Facilities – Approval to Call Tenders for Construction Report Reference:
GC201013F01

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 22 September 2020

Report Reference: GC200922R01

Moved Councillor – Matthew Shilling, Seconded Councillor – Joseph Masika

That the minutes of the General Council Meeting held on 22 September 2020 be taken as read and confirmed.

Carried Unanimously

ADJOURNED ITEMS - Nil

DEPUTATIONS - Nil

PETITIONS - Nil

6.32pm Councillor – Nathan Prior entered the meeting

WORKSHOP / PRESENTATION ITEMS

Presentation - Russell Colbourne - Independent Member Infrastructure and Strategy Committee

Report Reference: GC201013R02

Moved Councillor – Matthew Shilling, Seconded Councillor - Maggie Duncan

That Council:

1. Notes the presentation.

Carried Unanimously

COMMITTEE RECOMMENDATIONS

Confirmation of the minutes for the Special Review and Selection Committee meeting held on 22 September 2020

Report Reference: GC201013R03

Moved Councillor – Kendra Clancy, Seconded Councillor - Matthew Shilling

That Council:

1. Receives and notes the minutes of the Special Review and Selection Committee meeting held on 22 September 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

CORPORATE REPORTS FOR DECISION

Representation Review - Outcome of Community Consultation

Report Reference: GC201013R04

Moved Councillor – Ian Crossland, Seconded Councillor - Joseph Masika

That Council:

1. Notes the Public Consultation outcomes of the Representation Review Options Paper provided in Attachment 1.
2. Endorses that Council retains a Mayor (not a Chairperson).
3. Endorses option 6 (6 Wards, 2 Councillors) to form the Representation Review Report to be presented to Council at its meeting of 27 October 2020.
4. Notes a further 3 week public consultation is required on the Representation Review Report before Council can make its final determination on its representation structure.

Carried

Councillor Hull called for a Division

The Mayor declared the vote set aside

Those for: Councillors Mason, Masika, Veliskou, Prior, Hull, Telfer, Duncan and Crossland

Those against: Councillors Clancy and Shilling

Carried

Spinnaker Circuit Reserve - East - Revocation of Community Land Classification

Report Reference: GC201013R05

6.51pm Councillor – Joseph Masika left the meeting

6.53pm Councillor – Joseph Masika re-entered the meeting

Moved Councillor – Maggie Duncan, Seconded Councillor – Matthew Shilling

That Council:

1. Notes the outcome of the community consultation process undertaken for the revocation of the community land classification for the whole of Spinnaker Circuit Reserve - East, Sheidow Park, at Lot 88 in Deposited Plan 17901, Certificate of Title Volume 5546 Folio 484 and for the potential disposal of the reserve.
2. Authorises the lodgement of the proposal to dispose of the whole of Spinnaker Circuit Reserve - East, Sheidow Park to the Minister for Planning in accordance with Section 194 of the Local Government Act 1999 with:
 - a report on all submissions made as part of the public consultation process
 - a request to approve the revocation of the Community Land Classification
3. Notes a report will be presented to Council upon receipt of the determination from the Minister for Planning in relation to Spinnaker Circuit Reserve - East, Sheidow Park.

Moved Councillor – Bruce Hull, Seconded Councillor – Ian Crossland

That the item be adjourned until later in the meeting (to be consider before the item “SWBMX & Southern Soccer Facilities – Approval to Call Tenders for Construction”).

Carried Unanimously

Asset Management Plans for Endorsement

Report Reference: GC201013R06

Moved Councillor – Raelene Telfer, Seconded Councillor – Ian Crossland

That Council:

1. Endorses the Draft City of Marion Transport Asset Management Plan 2020
2. Endorses the Draft City of Marion Stormwater Asset Management Plan 2020
3. Endorses the Draft City of Marion Water Treatment and Resources Asset Management Plan 2020

7.12pm Councillor - Jason Veliskou left the meeting

7.16pm Councillor- Jason Veliskou re-entered the meeting

Carried Unanimously

Election of LGA President

Report Reference: GC201013R07

Moved Councillor – Nathan Prior, Seconded Councillor – Raelene Telfer

That formal meeting proceedings be to suspended enable ballots to be conducted for the following items:

- Election of LGA President (Report Reference: GC201013R07)
- Election for the LGFA positions of Representative Members of the Board of Trustees (Report Reference: GC201013R08)
- Australia Day Council of SA Inc - Election to Board of Management (Report Reference: GC201013R09)

Carried Unanimously

7.25pm formal meeting proceedings suspended

7.41pm Councillor – Sasha Mason left the meeting

7.42pm Councillor – Sasha Mason re-entered the meeting

7.43pm Councillor – Ian Crossland left the meeting

7.45pm Councillor – Ian Crossland re-entered the meeting

7.46pm formal meeting proceedings resumed

Moved Councillor - Ian Crossland, Seconded Councillor - Matthew Shilling

That Council votes for the appointment of;

1. EVANS, Angela (Mayor, Charles Sturt)

to the position of Local Government Association President.

Carried Unanimously

Election for the LGFA positions of Representative Members of the Board of Trustees

Report Reference: GC201013R08

Moved Councillor - Ian Crossland, Seconded Councillor - Matthew Shilling

That Council votes for the appointment of;

1. MARTIN, Annette (Manager Financial Services, Charles Sturt)
2. STUPPOS, Sotirios (Councillor Whyalla)

to the positions of Local Government Finance Authority Representative Board Member.

Carried Unanimously

Australia Day Council of SA Inc - Election to Board of Management

Report Reference: GC201013R13

Moved Councillor - Ian Crossland, Seconded Councillor - Matthew Shilling

That Council:

1. Votes for the appointment of the following candidates to the Australia Day Council Board of Management:
 - COX Michelle
 - ABRAHIMZADEH OAM Arman
 - ANNICCHIARICO Sarah

Carried Unanimously

Section 41 Committee's Terms of Reference

Report Reference: GC201013R09

Moved Councillor – Raelene Telfer, Seconded Councillor – Sasha Mason

That Council:

1. Adopts the Terms of Reference for the Finance and Audit Committee provided in Attachment 1, in accordance with Section 41 and 126 of the Local Government Act 1999.
2. Adopts the Terms and Reference for the Review and Selection Committee as provided in Attachment 2, in accordance with Section 41 of the Local Government Act 1999.
3. Adopts the Terms and Reference for the Asset and Sustainability Committee as provided in Attachment 3, in accordance with Section 41 of the Local Government Act 1999.
4. Adopts the Terms and Reference for the Planning and Development Committee as provided in Attachment 4, in accordance with Section 41 of the Local Government Act 1999.
5. Disbands the Infrastructure and Strategy Committee and Urban Planning Committee from 30 November 2020.
6. Meets informally on 1 December 2020 to plan the work program for 2021 for the Asset and Sustainability Committee and Planning and Development Committee.
7. Invites Mr Russell Colbourne (Expert Member of the Infrastructure and Strategy Committee) to attend the informal session on 1 December 2020 to provide his feedback and be paid a normal meeting sitting fee of \$1000.
8. Thanks the Expert Member Mr Russell Colbourne from the Infrastructure and Strategy Committee for his contribution.

Carried

Meals on Wheels Hallett Cove and Warradale Lease

Report Reference: GC201013R10

Moved Councillor – Ian Crossland, Seconded Councillor - Maggie Duncan

That Council:

1. Endorses administration to conduct public consultation for Council to enter into a lease for a term of 5 years with the option to renew for an additional 5 years
2. Endorses entering into a 5 year lease with a 5 year option with the Hallett Cove and Warradale Meals on Wheels according to the terms and conditions as set out in this report and subject to the outcomes of community consultation.
3. Endorses the current minimum fee of \$300.00 plus GST increased by CPI annually be charged to Hallett Cove and Warradale Meals on Wheels.
4. Authorises Council Administration to finalise negotiations with the Hallett Cove and Warradale Meals on Wheels.
5. 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.

Amendment:

Moved Councillor – Bruce Hull, Seconded Councillor - Jason Veliskou

That Council:

1. Endorses administration to conduct public consultation for Council to enter into a lease for a term of 5 years with the option to renew for an additional 5 years
2. Endorses entering into a 5 year lease with a 5 year option with the Hallett Cove and Warradale Meals on Wheels according to the terms and conditions as set out in this report and subject to the outcomes of community consultation.
3. Endorses a fee of \$1 per year on request to be charged to Hallett Cove and Warradale Meals on Wheels in recognition of their service to the community.
4. Authorises Council Administration to finalise negotiations with the Hallett Cove and Warradale Meals on Wheels.
5. 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.

The amendment was **Lost**
The original motion was **Carried**

Appointment of Date, Time and Place of Council Meetings

Report Reference: GC201013R11

Moved Councillor – Raelene Telfer, Seconded Councillor – Maggie Duncan

That Council:

1. Adopts the following meeting cycle to facilitate open, responsive and accountable government as well as the timely conduct of Council's business:
 - General Council Meeting to be held on Wednesday, 27 January 2021.
 - General Council Meetings to be held on the 2nd and 4th Tuesday of the month in February, March, May, June, August and October.
 - General Council Meetings to be held on the 4th Tuesday of the month in April, July and November.
 - General Council Meetings to be held on the 2nd Tuesday of the month in September and December.
 - General Council meetings will be held in the Chamber, at the City of Marion Administration Centre, 245 Sturt Road, Sturt commencing at 6.30pm.
2. Adopts that the Planning and Development Committee meets on the first Tuesday of the month in March, May, August, October and December.
3. Adopts that the Asset and Sustainability Committee meets on the first Tuesday of the month in February, April, June, September and November.
4. Adopts the schedule of meeting dates for 2021 provided at Appendix 1 to the report.
5. Notes the proposed dates for Elected Member Forum (informal gatherings) provide in Appendix 1 to the report.
6. Publishes the Schedule of Meetings for 2021 on the City of Marion website.

Carried

Major events and COVID-19

Report Reference: GC201013R12

Moved Councillor – Ian Crossland, Seconded Councillor – Nathan Prior

That Council:

1. Postpones Concert at the Cove from November 2020 to a date to be determined in 2021/22 and allocates funding of \$59,000 as part of the 2021/22 annual business planning process.

2. Postpones Marion Celebrates from March 2021 to a date to be determined in 2021/22 and allocates funding of \$45,000 as part of the 2021/22 annual business planning process.

Carried Unanimously

CORPORATE REPORTS FOR INFORMATION/NOTING - Nil

MOTIONS WITH NOTICE

Funding agreement to deliver the Hallett Cove ANZAC service

Report Reference: GC201013M01

Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan

That Council:

1. Allocates \$5000 as part of Council's 2020/21 budget review process and a further allocation of \$5,000 per year for the following 5 years (to include 2025/2026) to assist the Hallett Cove Lions to deliver the ANZAC Day dawn service at Heron Way Reserve, Hallett Cove.
2. Enters into a Memorandum of Understanding (MOU) with the Hallett Cove Lions Club for this funding
3. Completes a review in June 2023 and brings a further report to Council only if changes to the funding or MOU are required.

Carried Unanimously

McConnell Reserve

Report Reference: GC201013M02

Moved Councillor - Ian Crossland, Seconded Councillor – Nathan Prior

That Council:

1. Notes the commitment to upgrade the eastern side of McConnell Avenue Reserve in the 2021/22 financial year.
2. Develops an integrated community engagement strategy for the renewal of the eastern parcel of McConnell Avenue Reserve and potential revocation of the western parcel of McConnell Avenue Reserve.
3. Commences the revocation process 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 which includes a public consultation and preparation of a report under Section 194(2)(a) of the Local Government Act.

4. Brings 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.

Carried

Councillor Hull called for a Division

The Mayor declared the vote set aside

Those for: Councillors Mason, Masika, Clancy, Veliskou, Prior, Telfer, Duncan, Shilling and Crossland

Those against: Councillor Hull

Carried

ADJOURNED ITEM RESUMED

Spinnaker Circuit Reserve - East - Revocation of Community Land Classification

Report Reference: GC201013R05

Moved Councillor – Bruce Hull, Seconded Councillor – Jason Veliskou

That pursuant to Section 90(2) 3(b) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Thuyen Vi-Alternetti, Geoff Norris, Richard Watson, and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report 'Spinnaker Circuit Reserve - East - Revocation of Community Land Classification', 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the Council.

Carried Unanimously

8.23pm meeting went into confidence

Moved Councillor – Ian Crossland, Seconded Councillor – Nathan Prior

That formal meeting proceedings be suspended to enable discussion on the item.

Carried Unanimously

8.25pm formal meeting proceedings were suspended.

Conflict of Interest

Councillor- Raelene Telfer declared an actual conflict of interest in the item as Members were discussing Westminster Reserve and she resides in close proximity to it and left the meeting.

8.27pm Councillor – Raelene Telfer left the meeting

8.28pm Councillor – Raelene Telfer re-entered the meeting

8.29pm formal meeting proceedings resumed

Resumed Motion:

Moved Councillor – Maggie Duncan, Seconded Councillor - Matthew Shilling

That Council:

1. Notes the outcome of the community consultation process undertaken for the revocation of the community land classification for the whole of Spinnaker Circuit Reserve - East, Sheidow Park, at Lot 88 in Deposited Plan 17901, Certificate of Title Volume 5546 Folio 484 and for the potential disposal of the reserve.
2. Authorises the lodgement of the proposal to dispose of the whole of Spinnaker Circuit Reserve - East, Sheidow Park to the Minister for Planning in accordance with Section 194 of the Local Government Act 1999 with:
 - a report on all submissions made as part of the public consultation process
 - a request to approve the revocation of the Community Land Classification
3. Notes a report will be presented to Council upon receipt of the determination from the Minister for Planning in relation to Spinnaker Circuit Reserve - East, Sheidow Park.

Carried

Councillor Veliskou called for a Division

The Mayor declared the vote set aside

Those for: Councillors Mason, Masika, Clancy, Hull, Prior, Telfer, Duncan, Shilling and Crossland

Those against: Councillor Veliskou

Carried

CONFIDENTIAL ITEMS

Moved Councillor – Matthew Shilling, Seconded Councillor – Nathan Prior that all of the Confidential Motions to move into confidence be considered next on the agenda.

Carried Unanimously

SWBMX and Southern Soccer Facilities - Approval to Call Tenders for Construction

Report Reference: GC201013F01

Moved Councillor - Matthew Shilling, Seconded Councillor – Nathan Prior

That pursuant to Section 90(2) 3(b)(i) and (ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report *SWBMX and Southern Soccer Facilities - Approval to Call Tenders for Construction*, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

Carried Unanimously

8.36pm the meeting went into confidence

Conflict of Interest

Councillor – Raelene Telfer declared a perceived conflict of interest in the item as she is a Member for the Council Assessment Panel and will be part of the decision making process and left the meeting.

8.37pm Councillor Raelene Telfer left the meeting and did not return

Moved Councillor – Maggie Duncan, Seconded Councillor - Ian Crossland

That Council:

1. Endorses the developed designs for the SWBMX and Southern Soccer Facility developments (Attachment 1 and Attachment 2).
2. Approves call for tender for a lead construction contractor to deliver the SWBMX and Southern Soccer developments.
3. Authorises the Chief Executive Officer to:
 - 3.1. execute the Licence to Construct for each site with the Department for Environment and Water.
 - 3.2. award the construction contract for the SWBMX Project on the basis that the final tender price is within the endorsed project budget of \$5.8 million, accounting for all project costs.
 - 3.3. award the construction contract for the Southern Soccer Project on the basis that the final tender price is within the endorsed project budget of \$7 million,

accounting for all project costs.

4. Note City Property will prepare a report to Council regarding the long term lease arrangements at Majors Road with the State Government.

Carried Unanimously

Moved Councillor – Ian Crossland, Seconded Councillor - Maggie Duncan

That Council:

5. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and appendices, SWBMX and Southern Soccer Facilities Developments - Approval to Call Tenders for Construction, having been considered in confidence under Section 90(2)3 (b)(i) and (ii) 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 2020.

Carried Unanimously

8.38pm the meeting came out of confidence

Confirmation of the confidential minutes for the Special Review and Selection Committee meeting held on 22 September 2020

Report Reference: GC201013F02

Moved Councillor – Matthew Shilling, Seconded Councillor – Nathan Prior

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, Council orders that all persons present with the exception of the following persons: Adrian Skull, Iliia Houridis, Sorana Dinmore, Tony Lines, Steph Roberts, Kate McKenzie and Jaimie Thwaites, be excluded from the meeting as Council receives and considers information relating to the Confidential Minutes of the Special Review and Selection Committee Meetings held on 15 September 2020 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 the personal affairs of any persons.

Carried Unanimously

8.38pm the meeting went into confidence

Moved Councillor – Matthew Shilling, Seconded Councillor – Sasha Mason

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Confirmation of Confidential Minutes of the Special Review and Selection Committee Meeting held on 22 September 2020*, any appendices and minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a), 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 2020.

Carried Unanimously

8.40pm the meeting came out of confidence

Appointment of Independent Member - Finance and Audit Committee

Report Reference: GC201013F03

Moved Councillor – Matthew Shilling, Seconded Councillor – Nathan Prior

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Sorana Dinmore, Iliia Houridis, Kate McKenzie, Steph Roberts, and Jaimie Thwaites be excluded from the meeting as the Council receives and considers information relating to the appointment of an independent member to the Finance and Audit Committee, 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 the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

Carried Unanimously

8.41pm the meeting went into confidence

Moved Councillor – Matthew Shilling, Seconded Councillor – Sasha Mason

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Appointment of Independent Member - Finance and Audit Committee and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with the Committee's resolution(s) regarding this matter, be kept confidential and not available for public inspection until all candidates have been notified of the decision. This confidentiality order will be reviewed at the General Council Meeting in December 2020.

Carried Unanimously

8.42pm the meeting came out of confidence

QUESTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE - Nil

QUESTIONS WITHOUT NOTICE - Nil

OTHER BUSINESS - Nil

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 08.42pm

CONFIRMED THIS 27TH DAY OF OCTOBER 2020

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CHAIRPERSON