

MINUTES OF THE GC210309 - GENERAL COUNCIL MEETING

Tuesday, 09 March 2021 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT

His Worship the Mayor Kris Hanna

Councillor - Ian Crossland

Councillor - Maggie Duncan

Councillor - Raelene Telfer

Councillor - Bruce Hull

Councillor - Kendra Clancy

Councillor - Joseph Masika

Councillor - Tim Gard

Councillor - Luke Hutchinson

Councillor - Nathan Prior

Councillor - Jason Veliskou

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

Acting Unit Manager Governance and Council Support - Victoria Moritz

Governance Administration Officer - Angela Porter

OPEN MEETING

The Mayor opened the meeting at 06:31 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)

Councillor Telfer declared a perceived conflict of interest in the item *X Convenience Service Station Development Application (GC210309F01)*.

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 23 February 2021 and Special General Council Meeting held on 25 February 2021

Report Reference: GC210309R01

Moved Councillor – Tim Gard

Seconded Councillor – Joseph Masika

That the minutes of the General Council Meeting held on 23 February 2021 and the minutes of the Special General Council Meeting held on 25 February 2021 be taken as read and confirmed subject to the inclusion of an “actual” conflict of interest for Councillor Veliskou in the item *Artificial Turf within the City of Marion (GC210223R06)*.

Carried Unanimously

ORDER OF AGENDA

The Mayor sought and was granted leave of the meeting to vary the order of the agenda to consider the Motion with Notice – *BMX Facility (GC210309M02)* next on the agenda.

BMX Facility

Report Reference: GC210309M02

Moved Councillor – Ian Crossland

Seconded Councillor – Bruce Hull

That Council:

1. Acknowledges Councils contribution of \$58,000 (\$3000 to the Native Vegetation Council and \$55,000 to the Significant Environmental Benefits (SEB) Grants) which will fund the on-ground restoration of native vegetation in South Australia including Glenthorne National Park.
2. Acknowledges that Council will be planting an additional 230 native trees on the BMX site, and an additional 115 native trees on the Football (Soccer) site as well as significant revegetation within and around each site.
3. Acknowledges that DEW is providing the land to construct the BMX and the Football (soccer) facilities at no cost to the City of Marion.
4. Acknowledges that we will be contribute \$10,000 per annum (\$5,000 per site) to the Department of Environment and Water (DEW) Conservation Dividend fund which will assist in the revegetation of Glenthorne National Park Precinct and that this amount will increase annually by CPI (SA); noting that this amount will form part of the future lease/license negotiations with the Happy Valley and The Cove BMX clubs as well as The Cove FC (Soccer).

5. Notes the presence of a significant tree in the area identified to be used as car parking for the BMX facility and confirms that this tree will be retained, and the car park will be redesigned to ensure the ongoing health of the tree.
6. Notes the importance of a public toilet at the BMX/Pump Track facility and proposes that public toilet facilities within the BMX building will be available between the hours of 8am and 8pm daily (8am and 9pm during daylight savings) as a part of the lease agreement with DEW. This arrangement will continue until an alternative public toilet facility is constructed in the nearby vicinity.
7. Notes that the cost to maintain and clean the public accessible toilets within the BMX facility will form part of the future lease/license negotiations with both Happy Valley and The Cove BMX clubs.
8. Requests that Administration provide the final building designs to the Minister for Environment and Water for approval and notify the Minister and the Department for Environment and Water of Council's resolution.

Carried Unanimously

ADJOURNED ITEMS

BMX Facility Toilets for Public Use

Report Reference: GC210309R02

The motion (*BMX Facility*) considered before this item was Carried Unanimously and therefore the adjourned item was not considered.

DEPUTATIONS - Nil

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS - Nil

CONFIDENTIAL ITEMS

Cover Report - X Convenience Service Station Development Application

Report Reference: GC210309F01

Councillor Hull sought and was granted leave of the meeting to provide a personal explanation. Councillor Hull provided the following comments:

- He has no problem with discussing the item in public.

Moved Councillor – Jason Veliskou

Seconded Councillor – Ian Crossland

That pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager Development & Regulatory Services, Team Leader Planning, Unit Manager Communications, Acting Unit Manager Governance and Council Support, Governance Administration Officer, Peter Psaltis (Norman Waterhouse) be excluded from the meeting as the Council receives and considers information relating to the X Convenience Service Station Development Application 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 legal advice.

Carried

6.49pm the meeting went into confidence

Confidential - X Convenience Service Station Development Application

Report Reference: GC210309F01

Councillor Raelene Telfer declared a perceived conflict of interest in the item as she will be fulfilling her Council role under the *Local Government Act 1999* and its Code of Conduct. In her Council Assessment role, she did not and does not intend to be present at any future hearings of the 373 Diagonal Road application by Andrash Pty Ltd. Councillor Telfer will remain in the meeting for the item.

Moved Councillor – Joseph Masika

Seconded Councillor – Tim Gard

That Council:

1. Instruct Council's lawyers to send a response to the Minister for Planning in terms of the draft letter in Attachment 1 to this report to refute the submission to the Minister from the developer's lawyers for the planning decision to be made by the SCAP, with such grammatical or other alterations or additions as are considered appropriate.

Carried
Councillor Telfer voted in Favour

Moved Councillor – Jason Veliskou

Seconded Councillor – Joseph Masika

In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that dot point 7 of the discussion, and the attachments, having been considered in confidence under Section 90 (2) and (3)(h) of the Act, except when required to effector 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 2021.

Amendment

Moved Councillor - Bruce Hull

Seconded Councillor - Ian Crossland

2. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that the attachments, having been considered in confidence under Section 90 (2) and (3)(h) of the Act, except when required to effector 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 2021.

The Amendment to become the Motion was Tied

Cr Telfer voted Against the Amendment

The Mayor made a casting vote and voted Against

The original motion was Put

The original motion was Carried

Councillor Telfer voted in Favour

7.26pm the meeting came out of confidence

Cover Report - Urban Renewal Opportunities

Report Reference: GC210309F02

Moved Councillor – Jason Veliskou

Seconded Councillor – Joseph Masika

That pursuant to Section 90(2) and (3)(d)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Activation, Project Director Urban Renewal, Manager Finance, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Administration Officer, be excluded from the meeting as the Council receives and considers information relating to Urban Renewal Opportunities, 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 confidential commercial information including preliminary concept plans and financial figures.

Carried Unanimously

7.27pm the meeting went into confidence

Confidential - Urban Renewal Opportunities

Report Reference: GC210309F02

Meeting Suspension

Moved Councillor – Ian Crossland

Seconded Councillor – Nathan Prior

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

Carried Unanimously

7.28pm formal meeting procedures suspended

8.20pm formal meeting procedures resumed

Moved Councillor – Ian Crossland

Seconded Councillor – Maggie Duncan

In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report, the attachments, and any minutes arising from this report having been considered in confidence under Section 90 (2) and (d)(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 2021.

Carried Unanimously

8.25pm the meeting came out of confidence

Cover Report - Field River Linear Park

Report Reference: GC210309F03

Moved Councillor – Jason Veliskou

Seconded Councillor – Ian Crossland

That pursuant to Section 90(2) and (3)(d)(i) and (ii) and (j)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager Corporate Services, General Manager City Development, Manager Corporate Governance, Unit Manager Governance and

Council Support, Unit Manager Communications, Project Director Urban Renewal and Governance Administration Officer be excluded from the meeting as the Council receives and considers information relating to the Field River Linear Park, 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 commercial in confidence information provided by a Minister.

Carried Unanimously

8.26pm the meeting went into confidence

8.26pm Councillor Hutchinson left the meeting

8.29pm Councillor Hutchinson re-entered the meeting

Confidential - Field River Linear Park

Report Reference: GC210309F03

Moved Councillor – Ian Crossland

Seconded Councillor – Maggie Duncan

In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report, the attachments, and any minutes arising from this report having been considered in confidence under Section 90 (2) and (3) (d)(i) and (ii) and (j)(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 2021.

Carried Unanimously

8.35pm the meeting came out of confidence

CORPORATE REPORTS FOR DECISION

Revitalisation of the Edwardstown Employment Precinct - 2021/22 Action Plan

Report Reference: GC210309R03

8.36pm Councillor Prior left the meeting

Moved Councillor – Joseph Masika

Seconded Councillor – Jason Veliskou

That Council:

1. Endorse the 2021/22 FY Action Plan as the program of work (Attachment 1).
2. Endorse a budget of \$277,500 including the Project Coordinator (1.0 FTE) to be included as part of the 2021/22 budget process.
3. Note that administration will identify and progress any grant opportunities to deliver the program of works.

Carried Unanimously

Draft Transport Plan

Report Reference: GC210309R04

Moved Councillor – Raelene Telfer

Seconded Councillor – Jason Veliskou

8.38pm Councillor Prior re-entered the meeting

That Council:

1. Endorses the DRAFT Transport Plan (Attachment 1) for public consultation.
2. Notes a final Transport Plan and summary of public consultation findings will be brought to Council for consideration and endorsement in June 2021.

Carried Unanimously

Community Gardens Agreement - Updated

Report Reference: GC210309R05

Moved Councillor – Bruce Hull

Seconded Councillor – Maggie Duncan

That Council:

1. Endorses the proposed 'Community Gardens Agreement' template (Attachment 1).
2. Amends the 'Community Gardens Policy' (Attachment 2) by including references to Community Gardens Agreement template.

Carried Unanimously

ALGA 2021 National General Assembly of Local Government - Call for Notices of Motions

Report Reference: GC210309R06

Moved Councillor – Maggie Duncan

Seconded Councillor – Bruce Hull

That Council:

1. Notes the report '*ALGA 2021 National General Assembly of Local Government - call for Notices of Motions*'
2. Nominates Councillor Shilling as the City of Marion voting delegate for the Australian Local Government National General Assembly 2021.

Carried Unanimously

Draft City Limits and Publications Policies

Report Reference: GC210309R07

Moved Councillor – Tim Gard

That Council:

1. Adopts the City Limits Publications Policy subject to the following amendment:
 - Fifth dot point under "*articles that promote*" to read "Financial products or services that promote loans and investments".
2. Adopts the Publications Policy.

Moved Councillor – Joseph Masika

Seconded Councillor – Kendra Clancy

That the item be deferred to the General Council meeting to be held on 27 April 2021.

Carried

Cove Football Club - Stronger Communities Funding Submission

Report Reference: GC210309R08

Moved Councillor – Maggie Duncan

Seconded Councillor – Ian Crossland

That Council:

1. Notes the Cove Football Club have submitted an Expression of Interest to Amanda Rishworth MP for funding through the Federal Government Stronger Communities Program.
2. Grants Landlord Consent for the installation of a new electronic scoreboard at Cove Sports & Community Club Oval subject to:
 - Council receiving detail assessment and costs for all works to be undertaken.
 - All works being undertaken in a professional manner and to the satisfaction of the City of Marion.
 - The City of Marion being indemnified against all claims, suits, losses etc. that may result from carrying out this work.
 - The scoreboard becoming a Council asset once installed.
 - Development approval and building rules consent (if required).
3. Delegates to the Unit Manager Land and Property, approval to authorise any relevant documents necessary to facilitate the installation and management of the work.
4. Advises that the Cove Football Club will be responsible for any project related costs and will be responsible for all future maintenance and repairs of the scoreboard.

Carried Unanimously

SWBMX - Funding Deed - Majors Road Access

Report Reference: GC210309R09

Moved Councillor – Maggie Duncan

Seconded Councillor – Tim Gard

That Council:

1. Notes that the Department for Infrastructure and Transport has allocated \$250,000 towards the construction of site access from Majors Road to the Sam Willoughby BMX Facility, increasing the project budget to \$6.05 million.
2. Pursuant to Section 37 of the Local Government Act 1999, authorises the Mayor and Chief Executive Officer to sign and affix the common seal to the documentation necessary to execute the Funding Deed for Site Access to the Sam Willoughby BMX Facility from Majors Road.

Carried Unanimously

CORPORATE REPORTS FOR INFORMATION/NOTING - Nil

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Shopping Trolley By-law

Report Reference: GC210309M01

Moved Councillor – Bruce Hull

“That Council be provided with a draft Shopping Trolley By-law to consider for adoption that embodies the substance of the previously Council endorsed By-law (as rejected by State Parliament 17.2.21) with the deletion of any reference to penalties applicable to retailers being the owners of the shopping trolleys. That the new By-law focus be on the warnings, education and penalties for perpetrators who dump and litter our streets and reserves with shopping trolleys.”

The motion Lapsed for want of a Seconder

QUESTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE

QUESTIONS WITHOUT NOTICE

OTHER BUSINESS

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 09:06 PM

CONFIRMED THIS 23RD DAY OF MARCH 2021

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CHAIRPERSON