

MINUTES OF THE GC210511 - GENERAL COUNCIL MEETING – 11 May 2021

Tuesday, 11 May 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 Matthew Shilling
Councillor Raelene Telfer
Councillor Nathan Prior
Councillor Jason Veliskou (from 6.38pm)
Councillor Joseph Masika

Councillor Bruce Hull
Councillor Kendra Clancy
Councillor Sasha Mason

In Attendance

Chief Executive Officer – Tony Harrison
General Manager City Services Tony Lines
General Manager City Development – Iliia Houridis
General Manager Corporate Services – Sorana Dinmore
Manager Corporate Governance – Kate McKenzie
Acting Unit Manager Governance and Council Support – Victoria Moritz

OPEN MEETING

The Mayor opened the meeting at 6:31pm

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.

- Councillor Telfer declared a material conflict of interest in the item *Westminster Reserve and Kenton Avenue Reserve – Revocation of Community Land Classification (GC210511R05) and Westminster Reserve – Confidential Appendix (GC210511F04)*
- Councillor Telfer declared a perceived conflict of interest in the item *Proposed Code Amendments: Morphettville / Glengowrie stables, southern residential areas, centre zones, Marion Road corridor (GC210511R11)*.

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 27 April 2021

Report Reference: GC210511R01

Moved Councillor – Raelene Telfer

Seconded Councillor – Matthew Shilling

That the minutes of the General Council Meeting held on 27 April 2021 be taken as read and confirmed with the following amendment noted:

- The Elected Member Communication Report from Councillor Telfer was omitted in error and that this be included.

Carried Unanimously

ADJOURNED ITEMS

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the Adjourned Item *Draft City Limits and Publications Policies (GC210511R02)* at the time in the meeting the Motions with Notice are considered and in parallel to the item: Motion with Notice *Rescission Motion - City Limits Magazine*.

PUBLIC SUBMISSION ITEMS

Public submissions on the Draft Annual Business Plan 2021-2022

Report Reference GC210511R03

The Mayor opened the item and invited any member of the public to comment on the Annual Business Plan and Budget and make a submission during the next 60 minute period, commencing at 6.31pm. The item will resume at the conclusion of this period.

DEPUTATIONS

Mitchell Park Sports & Community Club Management Model

Report Reference: GC210511D01

Mr John Gumley of Mitchell Park Sports Club gave a five minute deputation regarding the Management Model for the redeveloped Sports & Community Centre.

6.38pm Councillor Veliskou entered the meeting

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS

Confirmation of the minutes for the Review and Selection Committee Meeting held on 4 May 2021

Report Reference GC210511R04

Moved Councillor – Matthew Shilling

Seconded Councillor – Maggie Duncan

That Council:

1. Receives and notes the minutes from the Review and Selection Committee meeting held on 4 May 2021.
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

Moved Councillor - Raelene Telfer

Seconded Councillor - Nathan Prior

That the following cover reports for the items to be considered in confidence be moved en bloc:

- Cover Report - Confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021 (GC210511F01)
- Cover Report - Review and Selection Committee – Appointment of Independent Council Assessment Panel Member (GC210511F02)
- Cover Report - Edwardstown Future Management Model (GC210511F03)

Carried Unanimously

Cover Report - Confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021

Report Reference GC210511F01

Moved Councillor - Raelene Telfer

Seconded Councillor - Nathan Prior

That 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, Chief Executive Officer, Manager People and Culture, Manager Corporate Governance, and Governance Administration Officer be excluded from the meeting as the Council receives and considers information relating to confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021, 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 past and present employees of the City of Marion.

Carried Unanimously

Cover Report - Review and Selection Committee – Appointment of Independent Council Assessment Panel Member

Report Reference GC210511F02

Moved Councillor - Raelene Telfer

Seconded Councillor - Nathan Prior

That 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, Chief Executive Officer, Manager People and Culture, Manager Corporate Governance, and Governance Administration Officer be excluded from the meeting as the Council receives and considers information relating to the appointment of Independent Council Assessment Panel (CAP) Members, 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 information concerning personal affairs.

Carried Unanimously

Cover Report - Edwardstown Future Management Model

Report Reference GC210511F03

Moved Councillor - Raelene Telfer

Seconded Councillor - Nathan Prior

That pursuant to Section 90(2) and (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: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Property, Unit Manager Sport and Recreational Community Facilities, Unit Manager Land & Property, Unit Manager Communications, Unit Manager Governance and Council Support, Manager Finance and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Future Management Model, 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 a profit share model and a current Confidential order is in place over previous reports, attachments and minutes to which this report relates.

Carried Unanimously

Confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021

Report Reference GC210511F01

6.56pm the meeting went into confidence

Moved Councillor – Maggie Duncan

Seconded Councillor – Bruce Hull

That Council:

1. Receives and notes the confidential minutes from the Review and Selection Committee meeting held on 4 May 2021.

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 the attachments to 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 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

7.04 time meeting came out of confidence

Review and Selection Committee – Appointment of Independent Council Assessment Panel Member

Report Reference GC210511F02

7.05pm the meeting went into confidence

Moved Councillor - Raelene Telfer

Seconded Councillor – Maggie Duncan

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report and 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 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

7.08pm time meeting came out of confidence

Edwardstown Future Management Model

Report Reference GC210511F03

7.09 the meeting went into confidence

Moved Councillor – Joseph Masika

Seconded Councillor – Sasha Mason

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

7.34pm time meeting came out of confidence

Councillor Raelene Telfer declared a material conflict of interest in the following two items relating to Westminster Reserve due to residing in close proximity to the reserve and left the meeting

7.31pm Councillor Telfer left the meeting.

Cover Report - Westminster Reserve - Confidential Appendix
Report Reference GC210511F04

Moved Councillor – Matthew Shilling

Seconded Councillor – Sasha Mason

That pursuant to Section 90(2) and (3)(b)(i) and (ii) and (g) 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 Property, Unit Manager Land & Property, Unit Manager Communications, Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Westminster Reserve, 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 previous resolutions of Council containing commercial information including financial figures currently held in confidence.

Carried Unanimously

7.35pm the meeting went into confidence

7.43pm Councillor Mason left the meeting

7.47pm Councillor Mason re-entered the meeting

Moved Councillor - Joseph Masika

Seconded Councillor – Matthew Shilling

That Council:

1. Notes the report *Westminster Reserve – Confidential Appendix* and information contained within.
2. In accordance with Section 91(7) and (9) of the *Local Government Act 1999*, orders that the attachments to this report having been considered in confidence under Section 90 (2) and (3)(b)(i) and (ii) and (g) 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. Delegate to the CEO the power to revoke the confidentiality orders relating to Westminster Reserve (as detailed in the attachment to the report) at his discretion. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously

7.54pm meeting came out of confidence

CORPORATE REPORTS FOR DECISION

7.54pm Councillor Prior left the meeting

Westminster Reserve and Kenton Avenue Reserve - Revocation of Community Land Classification

Report Reference GC210511R05

Moved Councillor – Ian Crossland

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 Westminster Reserve and Kenton Avenue Reserve, Oaklands Park at Lot 107 FP11413, Certificate of Title Volume 3776 Folio 21 and for the potential disposal of approximately 957 square metres of land known as Westminster Reserve.
2. Declares that the retention of the land does not contribute to Council's strategic objectives and is surplus to Council's requirements.
3. Authorises the lodgement of the proposal to dispose of Westminster Reserve 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 on the basis that the Community Land Classification will automatically be reinstated over Kenton Avenue Reserve which is being retained by Council, upon the two reserves being separated by a land division.
4. Notes a further report will be presented to Council upon receipt of the determination from the Minister for Planning in relation to the revocation.

Carried Unanimously

7.57pm Councillor Telfer re-entered the meeting

Public submissions on the Draft Annual Business Plan 2021-2022

Report Reference GC210511R03

7.58pm Item resumed at the conclusion of the one hour allocated period.

Moved Councillor - Raelene Telfer

Seconded Councillor - Ian Crossland

That Council:

1. Notes feedback provided by any public representations on the Draft Annual Business Plan 2021-2022 and that a further report on the results of public consultation will be presented to Council at the meeting to be held on 8 June 2021.

Carried Unanimously

Environment Protection Authority Board - nominations sought

Report Reference GC210511R06

Councillor Crossland declared actual conflict of interest in the item as he was nominated as a candidate for the Board and left the meeting

8.01pm Councillor Crossland left the meeting

Moved Councillor – Nathan Prior

Seconded Councillor – Joseph Masika

That:

1. Council notes the report Nominations Sought for Environment Protection Authority Board.
2. Council nominates Councillor Crossland as candidate for the Environment Protection Authority Board.
3. Administration forwards the above nomination/s to the Environment Protection Authority Board by COB Monday 24 May 2021.

Carried Unanimously

8.03pm Councillor Crossland re-entered the meeting

Policy Review - Final Climate Change Policy

Report Reference GC210511R07

Moved Councillor – Maggie Duncan

Seconded Councillor – Raelene Telfer

That Council:

1. Notes the public feedback received on the DRAFT Climate Change Policy (Attachment1).
2. Endorses the revised Climate Change Policy (Attachment 2).

Carried Unanimously

Spearfishing at Hallett Cove and Marino - response to PIRSA

Report Reference GC210511R08

Moved Councillor – Ian Crossland

Seconded Councillor – Maggie Duncan

That Council:

1. Does not support spearfishing along Hallett Cove and Marino.
2. Writes to the Department of Primary Industries and Regions (PIRSA) in response to the Spearfishing Closures Review Options Paper March 2021 (Attachment 2) identifying support for “Option 3 - no change to current spearfishing spatial restrictions”.
3. Requests PIRSA conduct open public consultation if it wants to further pursue the option of spearfishing along the metropolitan coast.

Carried

Animal Impounding

Report Reference GC210511R09

Moved Councillor – Bruce Hull

Seconded Councillor – Joseph Masika

That Council:

1. Writes to the City of Onkaparinga with a formal invitation to commence a partnership and collaboration to facilitate a holding impound for both councils to utilise.
2. Writes to other nearby Councils including the City of Mitcham and City of Holdfast Bay to gauge of their level of interest in utilising a joint-council pound.
3. Further investigate options to build a pound that:
 - a. Includes managing dogs for the legislative time frame of 72 hours (for dogs found wandering at large and a minimum of 7 days for dogs subject to the investigation process of a dangerous dog).
 - b. Includes the flexibility to hold dogs longer by agreement (e.g. if the owner/person in charge is contactable but not in a position to collect their dog within the legislative time frame).
 - c. Includes options for Council to work with other nearby councils, as well as a potential independent facility.
 - d. Includes expert input from relevant animal welfare agencies.
 - e. Includes options for the management of impounding cats.
4. Continues to investigate ways to reduce the number of animals that require impounding.
5. Notes an update report will be submitted to Council by 10 August 2021.

Carried Unanimously

SA Water - Acquisition of land at Hallett Cove

Report Reference GC210511R10

Moved Councillor – Ian Crossland

Seconded Councillor – Shilling

That Council:

1. Pursuant to Section 38 of the *Local Government Act 1999* authorises the Mayor and Chief Executive Officer to sign and affix the common seal to the documentation required for the release of funds from Court for the land that has been acquired by SA Water, subject to minor variations.
2. Authorises the Chief Executive Officer to sign the Affidavits and any other document required for the release of funds from Court for the land that has been acquired by SA Water, subject to minor variations.
3. Endorse the payment of the net proceeds into the Open Space Reserve Fund for the development of open space facilities as approved by Council.

Carried Unanimously

Councillor Telfer declared a perceived conflict of interest in the item with particular reference to 373 Diagonal Road, due to her position as a member on the Council Assessment Panel and will remain in the meeting for the item.

Proposed Code Amendments: Morphettville/Glengowrie stables, southern residential areas, centre zones, Marion Road corridor.
Report Reference GC210511R11

Moved Councillor – Raelene Telfer **Seconded Councillor – Joseph Masika**

That Council:

1. Initiates a Code Amendment process for the Morphettville/Glengowrie residential stables area seeking a change of zone from Suburban Neighbourhood Zone to General Neighbourhood Zone.
2. Initiates a Code Amendment process seeking that those southern residential areas recently rezoned to the Suburban Neighbourhood Zone (former Southern Policy Area 18 and Cement Hill Policy Area 10) be transitioned to the Hills Neighbourhood Zone and that one set of consistent (and appropriate) slope related policy is used throughout the Hills Neighbourhood Zone (gradient/site dimensions, setbacks etc.) that provides opportunity for subdivision/redevelopment to occur in appropriate locations.
3. Initiates a Code Amendment process for Centre Zones which have been identified by the Planning and Development Committee to have anomalies, or potential for zoning changes to improve future site viability.
4. Initiates a Code Amendment process for the creation of an Urban Corridor type zone along relevant sections of Marion Road.
5. Notes that a community engagement and consultation process will take place for each Code Amendment and that Ministerial approval would eventually be required for any amendments to the Planning and Design Code.

8.31pm Councillor Masika left the meeting

8.33pm Councillor Shilling left the meeting

8.34pm Councillor Masika re-entered the meeting

Carried Unanimously
Councillor Telfer voted in Favour

Red House Group - Renewal of 3 year Gallery Management Services
Report Reference GC210511R12

Moved Councillor – Ian Crossland **Seconded Councillor – Maggie Duncan**

That formal meeting procedures be suspended to discuss the item

Carried

8.35pm formal meeting procedures suspended

8.35pm Councillor Shilling re-entered the meeting

8.46pm Councillor Duncan left the meeting

8.49pm Councillor Duncan re-entered the meeting

8.52pm formal meeting procedures resumed

Moved Councillor – Jason Veliskou

Seconded Councillor – Joseph Masika

That Council:

1. Endorses a new three year management agreement with the Red House Group Inc., and allocation within the 2021/22 draft budget and ABP for \$175,000 ex GST with an annual CPI increase for the Management of Gallery M commencing 1 July 2021 and concluding on 30 June 2024.
2. Approves the new management agreement that allows for the Red House Group Inc. to retain in full Gallery Shop and Sales commission.

Carried

Councillor Hull called a Division

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

Those Against: Councillors Clancy and Crossland

Carried

Galleon Theatre Group 3 year Agreement renewal

Report Reference GC210511R13

The Mayor declared a perceived conflict of interest in the item as he is patron of the Galleon Theatre Group and will remain in the meeting for the item.

Moved Councillor – Bruce Hull

Seconded Councillor – Matthew Shilling

That Council:

1. Endorses the execution of a new three year venue hire subsidy agreement with Galleon Theatre Group for \$13,581.59 ex GST and annual CPI increases commencing 1 July 2021 and concluding on 30 June 2024.

Carried

Marion Outdoor Pool - Review 2020/21 Season and Fee Reduction

Report Reference GC210511R14

Moved Councillor – Jason Veliskou Seconded Councillor – Bruce Hull

That Council:

1. Endorses an ongoing 25% reduction in entry fees for City of Marion residents and businesses for the following entry passes:
 - Multi-use visit passes i.e. 10, 30, concession and seasonal Aqua aerobics 10 visit pass and concession
 - General admission inclusive pass (entry and unlimited use of water slides)
 - Birthday parties
2. Notes the fee reduction will be incorporated into the Fees & Charges Schedule for 2021/22.
3. Notes the Marion Outdoor Pool fees and charges are included within the 2021/22 Annual Business Plan and Budget process (ABP&BP) of 2021/22.

Amendment

Moved Councillor - Ian Crossland

Seconded Councillor – Maggie Duncan

That Council:

1. Endorses an ongoing 30% reduction in entry fees for City of Marion residents and businesses for the following entry passes:
 - Multi-use visit passes i.e. 10, 30, concession and seasonal Aqua aerobics 10 visit pass and concession
 - General admission inclusive pass (entry and unlimited use of water slides)
 - Birthday parties
2. Notes the fee reduction will be incorporated into the Fees & Charges Schedule for 2021/22.
3. Notes the Marion Outdoor Pool fees and charges are included within the 2021/22 Annual Business Plan and Budget process (ABP&BP) of 2021/22.

The amendment to become the motion was **Carried**
The motion as amended was **Carried Unanimously**

MEETING EXTENSION

Moved Councillor - Jason Veliskou

Seconded Councillor - Maggie Duncan

That the meeting be extended until the conclusion of the following items:

- Code of practice – Procedures at Council Meetings – Annual Review
- All Corporate Reports for Information / Noting

The vote was **Tied**
The Mayor made casting vote and voted in Favour
Carried

Code of Practice - Procedures at Council Meetings Annual Review

Report Reference GC210511R15

Moved Councillor - Nathan Prior

Seconded Councillor – Raelene Telfer

That Council:

1. Adopts the amended 'Code of Practice – Procedures at Council Meetings 2021/22' provided at Attachment 1 to this report.

Two-thirds majority vote required
10 voted in Favour
Carried Unanimously
(vote was successful)

CORPORATE REPORTS FOR INFORMATION/NOTING

Moved Councillor – Matthew Shilling

Seconded Councillor – Nathan Prior

That the following Corporate Reports for Information / Noting be moved en bloc:

- Economic Development - Six Monthly Update
- Work Health & Safety - Monthly Performance Report - March 2021
- Finance Report - March 2021
- Questions Taken on Notice Register
- Corporate and CEO KPI Report Quarter Three 2020/21

Carried Unanimously

9.34pm Councillor Veliskou left the meeting

9.38pm Councillor Mason left the meeting

9.38pm Councillor Veliskou re-entered the meeting

9.40pm Councillor Mason re-entered the meeting

Economic Development - Six Monthly Update

Report Reference GC210511R16

Moved Councillor – Matthew Shilling

Seconded Councillor – Nathan Prior

That Council:

1. Note the Economic Development function report and that this report will be brought to Council at six monthly intervals.

Carried Unanimously

Work Health & Safety - Monthly Performance Report - March 2021

Report Reference GC210511R17

Moved Councillor – Matthew Shilling

Seconded Councillor – Nathan Prior

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

Finance Report - March 2021

Report Reference GC210511R18

Moved Councillor – Matthew Shilling

Seconded Councillor – Nathan Prior

That Council:

1. Receives the report “Finance Report – March 2021”

Carried Unanimously

Questions Taken on Notice Register

Report Reference GC210511R19

Moved Councillor – Matthew Shilling

Seconded Councillor – Nathan Prior

That Council:

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

Carried Unanimously

Corporate and CEO KPI Report Quarter Three 2020/21

Report Reference GC210511R20

Moved Councillor – Matthew Shilling

Seconded Councillor – Nathan Prior

That Council:

1. Notes this report and information contained within the attachments for Quarter Three.

Carried Unanimously

MEETING CLOSURE - Meeting Declared Closed at 9.51 PM

CONFIRMED THIS 25th DAY OF MAY 2021

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CHAIRPERSON

The following items were not considered:

- Adjourned Item - Draft City Limits and Publications Policies (GC210511R02)
- Rescission Motion - City Limits Magazine (GC210511M01)
- Vinall Street Reserve - Irrigation (GC210511M02)
- Flu Vaccine for Elected Members (GC210511M03)
- Waste from City of Marion skips and bins (GC210511Q01)
- Local Government Data Breach Notification (GC210511Q02)