



**Minutes of the General Council Meeting
held on Tuesday, 27 July 2021 at 6.30 pm
Virtual Meeting Room - Zoom**



PRESENT

His Worship the Mayor Kris Hanna

Councillor Ian Crossland

Councillor Maggie Duncan

Councillor Raelene Telfer

Councillor Bruce Hull

Councillor Kendra Clancy

Councillor Sasha Mason

Councillor Tim Gard

Councillor Matthew Shilling

Councillor Luke Hutchinson

Councillor Nathan Prior

Councillor Jason Veliskou

Councillor Joseph Masika

In Attendance

Chief Executive Officer - Tony Harrison

General Manager City Services - Tony Lines

General Manager Corporate Services - Sorana Dinmore

General Manager City Development - Ilia Houridis

Manager Corporate Governance - Kate McKenzie

Unit Manager Governance and Council Support - Victoria Moritz

1 Open Meeting

The Mayor opened the meeting at 6.31pm

2 Kaurna Acknowledgement

We acknowledge the Kaurna 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 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 Duncan declared a perceived conflict of interest in the item *Pedestrian Pathway – David Avenue to Sampson Reserve, Mitchell Park (GC210727M14.1)*

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 22 June 2021 and Special General Council Meeting held on 13 July 2021

Report Reference GC210727R5.1

Moved Councillor – Matthew Shilling

Seconded Councillor – Joseph Masika

That the minutes of the General Council Meeting held on 22 June 2021 and Special General Council Meeting held on 13 July 2021 be taken as read and confirmed subject to the following corrections being made:

- P8 correction in the spelling of Minister Speirs name (Deputy Mayors Communication Report – 28 May 2021 entry)
- P12 Councillor Gard has been omitted from the division vote for the Glandore Item and voted in favour.

Carried Unanimously

6 Communications

Moved Councillor – Matthew Shilling

Seconded Councillor - Ian Crossland

That the following Communications Items be moved en bloc:

- Mayoral Communication Report
- Deputy Mayor Communication Report
- CEO and Executive Communication Report

Carried Unanimously

6.1 Mayoral Communication Report

Report Reference GC210727R6.1

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
21 June 2021	Launch of World Refugee Day 2021 at Government House	
22 June 2021	Meeting with Graeme Botting of Hallett Cove Lions	Received certificate of appreciation
23 June 2021	Meeting with SA Jockey Club representatives	
24 June 2021	Coast FM radio interview	
24 June 2021	Meeting with Edwardstown Football Club representatives	
26 June 2021	George Street Reserve celebration event	Hosted event
28 June 2021	Club Marion grants discussion meeting	
29 June 2021	Meeting with Mayor of West Torrens	

1 July 2021	Funeral/wake of former Marion Council Alderman Walter David Woodhouse	
1 July 2021	Meeting with Principal Andrew Linke of Emmaus Christian College	
6 July 2021	Meeting with the Hon Vickie Chapman MP, Minister for Planning and Local Government	Attended with CEO
6 July 2021	Marion City Band constitution discussion	
7 July 2021	Meet and greet with OneWorld LED at their head office in Edwardstown	
9 July 2021	Open Space Grant Program Launch Event hosted by The Hon Vickie Chapman MP, Minister for Planning and Local Government	
9 July 2021	Sturt Pistol Shooting Club 2021 Committee Dinner	
10 July 2021	Westall Way Reserve Playground Upgrade Celebration Event	Hosted event
11 July 2021	St Mary's Anglican Church 180th Anniversary Service	
17 July 2021	Glandore Community centre upgrade and playground celebration event	
18 July 2021	Citizenship ceremonies (x3)	Hosted events
19 July 2021	Community Grants Cheque Presentation Ceremony	
19 July 2021	Club Marion meeting	Attended as club liaison
In addition, the Mayor met with residents, community groups, and industry representatives.		

Moved Councillor – Matthew Shilling

Seconded Councillor – Ian Crossland

That the Mayoral Communication report be received and noted with the following entry included 15 July 20321 – *Community Leadership Program Graduation* which was omitted in error.

Carried Unanimously

6.2 Deputy Mayor Communication Report

Report Reference	GC210727R6.2
Name of Council Member	Deputy Mayor – Nathan Prior

Date	Event	Comments
25 June 2021	Carbon Sequestration initial discussion with staff	
26 June 2021	George Street Playground opening	
15 July 2021	Carbon Sequestration report discussion with staff	

Moved Councillor – Matthew Shilling

Seconded Councillor – Ian Crossland

That the Deputy Mayor Communication report be received and noted.

Carried Unanimously

6.3 CEO and Executive Communication Report

Report Reference	GC210727R6.3
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Date	Activity	Attended By
23 June 2021	Meeting Mayor Kris Hanna, Tony Harrison, Grant Mayer and Neil Anderson (SAJC)	Tony Harrison
23 June 2021	Cross Council Meeting Data Analytics CoM, City of PAE, CCS	Sorana Dinmore
24 June 2021	Meeting City of Marion and Edwardstown Football Club meeting	Tony Harrison
24 June 2021	Executive Coaching Session with Judith Sellick	Sorana Dinmore
24 June 2021	Meeting: Elyse Hearn (LG Professionals SA) Sorana Dinmore (CoM)	Sorana Dinmore
25 June 2021	SMRF JV Committee Construction Project Meeting	Sorana Dinmore
25 June 2021	Meeting Todd Elliott (Satalyst) Michelle Stokes (Satalyst) Sorana Dinmore (City of Marion)	Sorana Dinmore
25 June 2021	Meeting: Aaron Reynolds (Pernix) JC De Klerk (Pernix) Ben Farrell (CoM) Sorana Dinmore (CoM)	Sorana Dinmore
28 June 2021	Meeting: Pete Auhl (EQI Consulting) Sorana Dinmore (CoM)	Sorana Dinmore
29 June 2021	Meeting Tony Harrison and David Johnson (Mott MacDonald)	Tony Harrison
29 June 2021	Meeting Tony Harrison, Matt Pears (City of Mitcham) and Nigel	Tony Harrison

	Bear (Forty2) re Environmental Change prediction project	
30 June 2021	Meeting Oaklands Green Project Monthly Control Group	Tony Lines
30 June 2021	Signing of Management Agreement with Southern Cultural Immersion	Tony Lines
1 July 2021	Meeting Tony Harrison and Christine Locher	Tony Harrison
1 July 2021	Meeting CoM & Aboriginal Community Housing Ltd re Aboriginal Elders Independent Living Village	Tony Harrison Ilia Houridis
1 July 2021	Meeting Eddie Dessman (Edwardstown Football Club), Tony Harrison & Thuyen Vi-Alternetti (City of Marion)	Tony Harrison
1 July 2021	Meeting Cross Council Fleet governance Meeting with Cities of Marion, Charles Sturt and Port Adelaide Enfield	Tony Lines
2 July 2021	Stirling Hospital Strategic Planning Workshop	Tony Harrison
2 July 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
6 July 2021	Meeting Carolyn Power MP and Attorney General, Hon Vickie Chapman MP and Minister for Planning and Local Government	Tony Harrison
8 July 2021	Meeting Oaklands Green Project Control Group with Housing Renewal SA re Rajah Reserve	Tony Lines
8 July 2021	Meeting Flinders University re Graduate Opportunities	Tony Lines
9 July 2021	Launch Event - Open Space Grant Program & Local Design Review Scheme	Tony Harrison
12 July 2021	Meeting Tony Harrison, Cr Ian Crossland, Dave Brain and Phil	Tony Harrison
13 July 2021	Meeting Flinders University re Graduate Opportunities	Tony Lines
13 July 2021	Meeting Planning and Land Use Services & City of Marion	Ilia Houridis
15 July 2021	Meeting Minter Ellison re internal review	Tony Lines
15 July 2021	Meeting SAJC re Concept plan for infield community sports facilities	Ilia Houridis
18 July 2021	MC Citizenship ceremony 11.30am 2:00pm 4:00pm	Tony Harrison Tony Harrison Tony Lines
20 July 2021	Meeting PEET & City of Marion re Tonsley	Tony Lines

21 July 2021	Meeting Tony Harrison and Minister Speirs	Tony Harrison
22 July 2021	Meeting Geoff Smith (Housing Renewal Australia, Oaklands Green) and Tony Harrison	Tony Harrison
23 July 2021	CEO Steering Group - Environmental Change Prediction Project	Tony Harrison
23 July 2021	Meeting CleanPeak	Tony Lines
23 July 2021	Meeting Minister Wingard re South Adelaide Basketball Club	Ilia Houridis
26 July 2021	Meeting Future Urban & City of Marion re Lot 707 zoning discussion	Ilia Houridis
27 July 2021	Meeting Nadia Clancy (Labor candidate for Elder) and Tony Harrison	Tony Harrison
27 July 2021	Meeting Site Contamination Reference Group	Ilia Houridis

Moved Councillor – Matthew Shilling

Seconded Councillor – Ian Crossland

That the CEO and Executive Communication report be received and noted.

Carried Unanimously

6.4 Elected Member Communication Report

Report Reference GC210727R6.4

Name of Council Member Councillor - Raelene Telfer

Date	Activity	Comments
24/6/21	Coast FM	Presentation
26/6/21	George St Reserve	Opening
28/6/21	Mitchell Park Neighbourhood Centre	Met Tony lines re additional resources
30/6/21	Messines Avenue Streetscape	Option 2 discussion by phone with Cain Jeffries
1/7/21	Jasmine Ave Reserve	Met staff re Green Fingers proposal
6/7/21	AG Vicki Chapman MP and Caroline Power MP	Elder concerns , particularly Hamilton SC oval Pedestrian access
7/7/21	Council Assessment Panel	Member
7/7/21	Mitchell Park SC Club	Meeting to interpret Council's management proposal
12/7/21	CAP	Ethics training
13/7/21	Warriparinga Ward briefing	Met by zoom
15/7/21	Community Leadership	Graduation presentation

7 Adjourned Items - Nil

8 Deputations

8.1 Pedestrian Pathway - David Avenue to Sampson Reserve - Amber Tomas Report Reference GC210727D8.1

Ms Tomas made a five minute deputation to Council regarding community access across the Hamilton Senior College Oval.

9 Petitions – Nil

10 Committee Recommendations – Nil

11 Corporate Reports for Decision

11.1 Local Government Association Annual General Meeting 2021 Report Reference GC210727R11.1

Moved Councillor – Tim Gard

Seconded Councillor – Matthew Shilling

That:

1. The nominated Council Voting Delegate for the 2021 Local Government Association Annual General Meeting is Mayor Kris Hanna and that the Proxy Delegate for this meeting is Councillor Nathan Prior.
2. Council submits the following Notices of Motion to the Local Government Association by 6 August 2021 for consideration at the 2021 Local Government Association Annual General Meeting:
 - a. *That the Annual General Meeting requests the LGA to investigate and provide a report with an analysis of likely costs to the sector (and individual Councils where relevant) of:*
 - *submissions to the Remuneration Tribunal*
 - *submissions to ESCOSA*
 - *the Behavioural Panel*
 - *HR consultancy when recruiting a CEO and performance reviews*
 - *any other relevant changes mandated by the 2021 Local Government legislative reforms*
 - b. *That the Annual General Meeting requests the LGA research the possibility of a regular print media item that addresses the interests and needs of metropolitan Adelaide residents and businesses.*
3. On submitting Notices of Motion to the Local Government Association, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

Amendment**Moved Councillor – Bruce Hull****Seconded Councillor – Ian Crossland**

That:

1. The nominated Council Voting Delegate for the 2021 Local Government Association Annual General Meeting is Mayor Kris Hanna and that the Proxy Delegate for this meeting is Councillor Nathan Prior.
2. Council submits the following Notices of Motion to the Local Government Association by 6 August 2021 for consideration at the 2021 Local Government Association Annual General Meeting:
 - a. *That the Annual General Meeting requests the LGA to investigate and provide a report with an analysis of likely costs to the sector (and individual Councils where relevant) of:*
 - *submissions to the Remuneration Tribunal*
 - *submissions to ESCOSA*
 - *the Behavioural Panel*
 - *HR consultancy when recruiting a CEO and performance reviews*
 - *any other relevant changes mandated by the 2021 Local Government legislative reforms*
 - b. *That the Annual General Meeting requests the LGA research the possibility of a regular print media item that addresses the interests and needs of metropolitan Adelaide residents and businesses.*
 - c. *That the Annual General Meeting requests the LGA to divest from fossil fuel investments in their share portfolios.*
4. On submitting Notices of Motion to the Local Government Association, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

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

11.2 Local Government Finance Authority Annual General Meeting 2021
Report Reference GC210727R11.2**Moved Councillor – Bruce Hull****Seconded Councillor – Jason Veliskou**

That:

1. The nominated Council Representative for the Local Government Finance Authority Annual General Meeting 2021 is Mayor Kris Hanna.
2. Council submits the following Notices of Motion to the Local Government Finance Authority by Friday 20 August 2021 for consideration at the 2021 Local Government Finance Authority Annual General Meeting:

a. *That the LGFA divest from fossil fuel investments in their share portfolios.*

3. On submitting Notices of Motion to the Local Government Finance Authority, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

Carried

11.3 Spinnaker Circuit Reserve - Revocation of Community Land Classification Report Reference GC210727R11.3

Moved Councillor – Matthew Shilling

Seconded Councillor – Maggie Duncan

That Council:

1. Acknowledges the determination by the Minister for Planning and Local Government dated 23 June 2021;
2. Confirms its intention is to sell the portion of the reserve indicated as 'Piece A' in Attachment 3 to St Martins De Porres School by negotiation, at or close to market value (based on assumed residential zoning value), subject to the outcome of the revocation process;
3. Confirms its intention is to sell the portion of the reserve indicated as 'Piece B' in Attachment 3 on the open market in a manner to achieve maximum net financial return to Council, subject to the outcome of the revocation process;
4. Endorses the Report for Consultation titled 'Section 194 Report for Consultation - Spinnaker Circuit Reserve' contained in Attachment 1 and resolves that it be subject to a period of Community Engagement, in accordance with Section 194(2)(b) of the Local Government Act 1999 and Council's Community Engagement Policy;
5. Authorises the 'Chief Executive Officer' or his nominee, to make minor variations to the Report for Public Consultation prior to the commencement of Community Engagement;
6. Require a Community Engagement Plan to be prepared and referred to the Ward Councillors and Mayor for review prior to the commencement of the consultation period, community consultation to include mail out to residents within a 400 metre radius of the reserve, excluding the area to the west of Lonsdale Road;
7. Confirms that should the revocation of community land classification and sale proceed, that net sale proceeds will be paid into the Open Space Reserve Fund for the development of Open Space for the benefit of the community, as approved by Council.
8. Requires a further report to be presented for consideration by Council following conclusion of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential revocation of community land classification of the whole of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484 to enable Council to determine if the revocation and disposal process should proceed.

Amendment

Moved Councillor Hull

That Council:

1. Acknowledges the determination by the Minister for Planning and Local Government dated 23 June 2021;
2. Confirms its intention is to sell the portion of the reserve indicated as 'Piece A' in Attachment 3 to St Martins De Porres School by negotiation, at or close to market value (based on assumed residential zoning value), subject to the outcome of the revocation process and subject to a satisfactory reservation of pedestrian access between Spinnaker Crescent and Berrima Road.
3. Confirms its intention is to sell the portion of the reserve indicated as 'Piece B' in Attachment 3 on the open market in a manner to achieve maximum net financial return to Council, subject to the outcome of the revocation process;
4. Endorses the Report for Consultation titled 'Section 194 Report for Consultation - Spinnaker Circuit Reserve' contained in Attachment 1 and resolves that it be subject to a period of Community Engagement, , in accordance with Section 194(2)(b) of the Local Government Act 1999 and Council's Community Engagement Policy;
5. Authorises the 'Chief Executive Officer' or his nominee, to make minor variations to the Report for Public Consultation prior to the commencement of Community Engagement;
6. Require a Community Engagement Plan to be prepared and referred to the Ward Councillors and Mayor for review prior to the commencement of the consultation period, community consultation to include mail out to residents within a 400 metre radius of the reserve, excluding the area to the west of Lonsdale Road;
7. Confirms that should the revocation of community land classification and sale proceed, that net sale proceeds will be paid into the Open Space Reserve Fund for the development of Open Space for the benefit of the community, as approved by Council.
8. Requires a further report to be presented for consideration by Council following conclusion of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential revocation of community land classification of the whole of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484 to enable Council to determine if the revocation and disposal process should proceed.

The amendment lapsed for want of a seconder

The motion was Carried

Councillor Shilling called a Division

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

Those against: Councillor Hull

Carried

11.4 Warriparinga Advisory Team
Report Reference GC210727R11.4**Moved Councillor – Ian Crossland****Seconded Councillor – Joseph Masika**

That Council:

1. Notes that the Expression of Interest for the recruitment of two representatives for Warriparinga Advisory Team will progress via the Review and Selection Committee.
2. Endorses a sitting fee of \$300 per quarterly meeting per City of Marion Warriparinga Advisory Team Representative.
3. Notes this will be funded from within existing budgets set for independent members or advisory services for Section 41 Committees.

Amendment**Moved Councillor – Bruce Hull****Seconded Councillor – Nathan Prior**

That Council:

1. Notes that the Expression of Interest for the recruitment of two representatives for Warriparinga Advisory Team will progress via the Review and Selection Committee.
2. Endorses a sitting fee of \$300 per quarterly meeting per City of Marion Warriparinga Advisory Team Representative with an additional two paid meetings in the first year of operation if required.
3. Notes this will be funded from within existing budgets set for independent members or advisory services for Section 41 Committees.

The Amendment to become the motion was Carried
The motion as amended was Carried Unanimously

Councillor Crossland Called a Division**Those for:** Councillors Crossland, Shilling, Clancy, Duncan, Veliskou, Gard, Hutchinson, Mason, Prior, Masika, Hull**Those against:** Nil**Carried Unanimously**

11.5 Hallett Cove Beach: coastal protection and outdoor pool
Report Reference GC210727R11.5**Procedural Motion****Moved Councillor – Nathan Prior****Seconded Councillor – Tim Gard**

That formal meeting procedures be suspended to discuss the item

Carried

7.39pm formal meeting procedures suspended

8.00pm Cr Clancy left the meeting

8.00pm Cr Duncan left the meeting

8.01 pm Cr Masika left the meeting

8.01pm Cr Duncan re-entered the meeting

8.01pm Cr Masika re-entered the meeting

8.04pm Councillor Masika left the meeting

8.06pm Councillor Masika re-entered the meeting

8.08pm Councillor Clancy re-entered the meeting

8.19 formal meeting procedures resumed.

Moved Councillor – Ian Crossland**Seconded Councillor – Tim Gard**

That Council:

1. Part funds a concept plan and community consultation program for an outdoor pool at Hallett Cove Beach that includes:
 - a. allocation of up to \$35,000 (i.e. up to 50% of the cost) from savings identified through the 2021/22 first budget review process
 - b. applying for funding from the state government's Coast Protection Fund for the remaining project costs (opens mid-2021)
 - c. referring the Hallett Cove outdoor pool back to Council's unfunded priorities list for future consideration if funding cannot be secured from the Coast Protection Fund in 2021/2022.
 - d. a community engagement process as part of the design process to inform the scope of the concept design.
 - e. a report back to Council with a draft concept plan and proposed approach for community consultation (subject to confirmation and timing of grant funding)
 - f. a report back to Council summarising results of community feedback and recommending next steps (subject to Council approval of the concept plan and approach for community consultation, and confirmation and timing of external funding).

Carried

Councillor Crossland called a Division

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

Those Against: Councillors Veliskou and Telfer

Carried**11.6 Carbon Sequestration****Report Reference GC210727R11.6**

8.27pm Councillor Shilling left the meeting

Moved Councillor – Nathan Prior**Seconded Councillor – Ian Crossland**

That Council:

1. Notes the high-level carbon sequestration information provided in this report.
2. Allocates up to \$10,000 as part of Council's 2021/22 first budget review process to engage a technical carbon sequestration specialist to:
 - undertake a feasibility assessment that considers all aspects affecting eligibility against the *Carbon Credits (Carbon Farming Initiative) Act 2011* and viability (carbon yield and potential costs),
 - provide a written report detailing assessment outcomes, and
 - present assessment outcomes in a workshop forum.

8.28pm Councillor Telfer left the meeting

8.29pm Councillor Duncan left the meeting

8.30pm Councillor Hutchinson left the meeting

8.30pm Councillor Masika left the meeting

Carried Unanimously

8.32pm Councillor Shilling returned

8.32pm Councillor Duncan returned

8.34pm Councillor Hutchinson returned

Procedural Motion**Moved Councillor – Kendra Clancy****Seconded Councillor - Jason Veliskou**

That the following two items be moved en bloc:

- Local Government Infrastructure Partnership Program - LKCC Coach House Restoration and Pedestrian Bridge Upgrade
- Landlord Consent - YMCA Hall Glengowrie

Carried Unanimously

11.7 Local Government Infrastructure Partnership Program - LKCC Coach House Restoration and Pedestrian Bridge Upgrade
Report Reference GC210727R11.7**Moved Councillor – Kendra Clancy****Seconded Councillor - Jason Veliskou**

That Council:

1. Notes the Department of Treasury and Finance has allocated \$750,000 towards the restoration of the Coach House and upgrade of the pedestrian bridge at the Living Kaurna Cultural Centre.
2. 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 necessary to execute the Grant Deed for restoration of the Coach House and upgrade of the pedestrian bridge at the Living Kaurna Cultural Centre.

Carried Unanimously**11.8 Landlord Consent - YMCA Hall Glengowrie**
Report Reference GC210727R11.8**Moved Councillor – Kendra Clancy****Seconded Councillor - Jason Veliskou**

That Council:

1. Grants Landlord Consent to undertake internal upgrades of the YMCA Hall Glengowrie, 1A Butler Crescent, Glengowrie, Certificate of Title Volume 1636 Folio 163, subject to:
 - 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, suites, losses etc. that may result from carrying out this work.
2. Delegates to the Unit Manager Land and Property approval to authorise any relevant documents necessary to facilitate the construction and management of the work.
3. Advises that the YMCA of SA Incorporated will be responsible for any project related costs and will be responsible for all future maintenance and repairs of the internal upgrades
4. Notes that Landlord Consent will be subject to all Statutory approvals being obtained.
5. Notes that a new lease agreement with the YMCA of SA Incorporated be supported and entered into under delegation in accordance with Councils Leasing and Licensing Policy.

Carried Unanimously

12 Corporate Reports for Information/Noting**Moved Councillor - Matthew Shilling****Seconded Councillor – Maggie Duncan**

That the following reports for noting be moved en bloc:

- Cats (Confinement) Variation By-law Update
- Revitalisation of the Edwardstown Employment Precinct – Progress Report
- WHS End of Year Performance Report - June 2021
- Questions Taken on Notice Register

Carried Unanimously**12.1 Cats (Confinement) Variation By-law Update**
Report Reference GC210727R12.1**Moved Councillor - Matthew Shilling****Seconded Councillor – Maggie Duncan**

That Council:

1. Note this report.

Carried Unanimously**12.2 Revitalisation of the Edwardstown Employment Precinct - Progress Report**
Report Reference GC210727R12.2**Moved Councillor - Matthew Shilling****Seconded Councillor – Maggie Duncan**

That Council:

1. Note the progress of the Revitalisation of the Edwardstown Employment Precinct project.

Carried Unanimously**12.3 WHS End of Year Performance Report - June 2021**
Report Reference GC210727R12.3**Moved Councillor - Matthew Shilling****Seconded Councillor – Maggie Duncan**

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

12.4 Questions Taken on Notice Register
Report Reference GC210727R12.4**Moved Councillor - Matthew Shilling****Seconded Councillor – Maggie Duncan**

That Council:

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

Carried Unanimously**13 Workshop / Presentation Items - Nil****14 Motions With Notice****14.1 Pedestrian Pathway - David Avenue to Sampson Reserve, Mitchell Park**
Report Reference GC210727M14.1

Councillor Duncan declared a perceived conflict of interest in the item as she is nominated as the Council Liaison Officer for Hamilton College, and will remain the room for the item.

Moved Councillor – Luke Hutchinson**Seconded Councillor – Jason Veliskou**

That a report be brought to General Council (after consideration at the Asset and Sustainability Committee) regarding the feasibility and cost to Marion Council of a fenced pedestrian pathway to connect from David Avenue, Mitchell Park to Sampson Reserve, Mitchell Park, across the south east perimeter of the Hamilton College school oval.

Carried Unanimously**14.2 Rescission Motion - SWBMX - Scope of Pump Track**
Report Reference GC210727M14.2

8.39pm Councillor Telfer re-entered the meeting

Moved Councillor – Nathan Prior**Seconded Councillor – Bruce Hull**

That Council:

1. Rescinds the following resolution of Council relating to SWBMX Scope of Pump Track made on 22 June 2021 (GC210622R12)

That Council approve the scope of the pump track to be:

1. A community pump track comprising of both bitumen and dirt to cater for all levels of riders.

And

2. Resolves the following:

That Council approve the scope of the pump track to be:

1. A Union Cyclist International (UCI) pump track that will be sealed with bitumen with additional funding of \$64,000 to be provided from the Asset Sustainability Reserve.

Carried Unanimously

**14.3 Green Adelaide
Report Reference**

GC210727M14.3

Moved Councillor – Jason Veliskou

Seconded Councillor – Nathan Prior

That Council:

1. Writes to the Green Adelaide Board advising that:
 - Council shall contribute \$10,000 to Green Adelaide for heat mapping and canopy cover work subject to the CEO receiving a satisfactory proposal and invoice (funds to be drawn from savings arising from the next budget review); and
 - Council shall sign the Adelaide National Park City Charter if there is widespread support from other metropolitan SA councils.

Carried Unanimously

15 Questions With Notice

15.1 JOLT EV Charging Station Advertising

Report Reference

GC210727Q15.1

Council Member

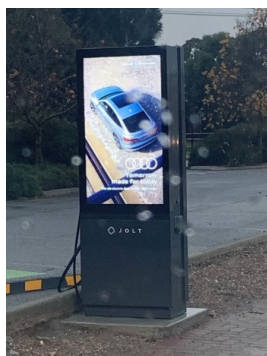
Councillor – Bruce Hull

Question:

With regards to the installation of a number of JOLT electric vehicle stations around the city:

- Was the illuminated advertising approved by Council as part of the JOLT EV charging station contract?
- In terms of informed consent in approving this contract by Elected Members. Was it clearly and explicitly explained to Councillors that there would be illuminated advertising signage on these JOLT EV charging stations?
- With regards to determining the location of these JOLT EV charging stations, was the potential advertising exposure the primary consideration for their locations?
- Given the relative revenue pittance that Council will receive with this quite lengthy contract with JOLT. Was the lucrative advertising revenue factored into the assessment of an appropriate contract with our Council?

Supporting Information:



Response Received From
Corporate Manager
General Manager

Unit Manager Engineering – Carl Lundborg
Manager Engineering, Assets and Environment – Mathew Allen
General Manager City Services – Tony Lines

Staff Comments:

• Was the illuminated advertising approved by Council as part of the JOLT EV charging station contract?

Yes, Council endorsed at the 10 December 2019 General Council meeting (report reference GC191210F02) recommendation item 2 – “*Advises Jolt Charge Pty Ltd that they are the successful proponent in the delivery of Electric Vehicle charging stations in the Marion council area under the terms and conditions described in this report.*”

The report stated:

To pay for the ‘up front’ and operational costs of the EV charging stations, an advertising panel would be installed similar to that of the ‘advertising bus shelters’ which would generate the revenue required to facilitate the installation and ongoing operating costs.

• In terms of informed consent in approving this contract by Elected Members. Was it clearly and explicitly explained to Councillors that there would be illuminated advertising signage on these JOLT EV charging stations?

Yes, the report (report reference GC191210F02) stated:

The advertising will be via a 55 or 75 inch screen with a total width of 0.9 or 1.1 meters depending on the local site restraints (2.38 meters high).

Advertising at no cost for Council for the purpose of promoting Council business or community messaging (repeating once in every 6 advertisements – with a 45 second dwell time in accordance with DPTI requirements from a road safety perspective).

Attachment 1 of the report showed an artist impression of how the charger could look in the public realm. Please refer to supporting information above.

• With regards to determining the location of these JOLT EV charging stations, was the potential advertising exposure the primary consideration for their locations?

In considering locations for electric vehicle charging station Jolt have undertaken an analysis to determine ‘link and place’ locations within the Council that will likely meet the need for EV charging and also locations for effective advertisement.

Locations will likely be near arterial roads and car parking areas before considering Collector & Distributor roads with car parking areas – areas around high-volume areas (such as Westfield) seem to be the best opportunity for Council and Jolt. Consideration of locations also includes the distance to suitable power connections while also ensuring safety to pedestrian and motorists (path widths and sight lines).

• Given the relative revenue pittance that Council will receive with this quite lengthy contract with JOLT. Was the lucrative advertising revenue factored into the assessment of an appropriate contract with our Council?

Yes, In October 2019 a ‘Request for Proposal’ open tender was called to explore suitable proponent/s to provide Electric Vehicle (EV) charging stations within the cities of Marion, Port Adelaide Enfield Charles Sturt.

Jolt Charge Pty Ltd (Jolt) was assessed as the preferred contractor amongst the three Councils. Jolt demonstrated an effective business case, offered more flexibility and a higher number of charging stations (minimum 15 and up to 35 charging stations over the next several years within City of Marion).

It was also included as part of the contract that advertising at no cost for Council for the purpose of promoting Council business or community messaging (repeating once in every 6 advertisements – with a 45 second dwell time in accordance with DIT requirements from a road safety perspective). Other electric vehicle charging station providers offered neither revenue nor free advertising with their application.

15.2 Dog and Cat Registrations

Report Reference

GC210727Q15.2

Council Member

Councillor – Matthew Shilling

Question:

1. How many dogs were registered in the City of Marion in the 2020/21 Financial Year
2. What was the breakdown of dog breeds?
3. How many cats were registered in the City of Marion in 2020/21?
4. Were all registration fees paid on time (August 2020), if not how many were followed up and expiated (where required)?

Supporting Information:

Nil

Response Received From

Team Leader Community Safety – Caroline Corston

Corporate Manager

Manager Development and Regulatory Services
– Warwick Deller-Coombs

General Manager

City Development – Iliia Houridis

Staff Comments:

1. How many dogs were registered in the City of Marion in the 2020/21 Financial Year
 - *There were 13,943 dogs registered for the 2020/2021 financial year.*
2. What was the breakdown of dog breeds?
 - *The Dogs and Cats Online (DACO) data base does not have the capability to report on a breakdown of dog breeds. Administration has raised a request with DACO administration requesting a report to be created as an enhancement to the system.*
3. How many cats were registered in the City of Marion in 2020/21?
 - *1,792 cats were 'registered' in the 2020/2021 financial year.*
 - *The City of Marion does not have compulsory cat registration, but the Dog and Cat Management Board and Council's Administration encourage cat owners to record their cat's details on DACO.*
 - *As microchipping is compulsory, the Dog and Cat Management Board refer to recording cat details on DACO as 'registration'.*
4. Were all registration fees paid on time (August 2020), if not how many were followed up and expiated (where required)?
 - *Not all registrations were paid on time.*

- *The Community Safety Team conducted follow-up enquiries with 1,057 residents who did not pay for their dog registrations. Subsequently, 89 of these people failed to make registration payments and they were issued an expiation.*

15.3 LGAMLS Declaration

Report Reference GC210727Q15.3
Council Member Mayor – Kris Hanna

Question:

Why is it necessary for the Mayor to sign an LGAMLS Elected Members and Officers Declaration and what are the implications of it not being signed by the Mayor?

Supporting Information:

On 23rd March 2021 at 10.32 am the Mayor received an email from staff stating that “both Adrian and Kris’ signature are required on the LGAMLS Elected Members & Officers Declaration for 2021”. Attached to the email was the Declaration form which had a few questions about the organisation.

On 23 March 2021 at 10:46 am the Mayor replied “I am not comfortable signing off on the “No” to awareness of employee behaviour which may give rise to civil liability. I do not recall being asked to sign such a form before. I think forms of this nature should come to me directly rather than through Tom.”

To that the Mayor received no response or follow-up from staff. After raising a query about this verbally with the new CEO, the Mayor wrote to the CEO on 26 April 2021 stating “after my email of 23/3/21, I heard nothing further at all”. After receiving a report “Energy Review of Marion Leisure and Fitness Centre” at the General Council meeting of 24 October 2017, Council resolved that:

To date the Mayor has received no clarification.

Response Received From	Sherie Walczak, Unit Manager Risk
Corporate Manager	Kate McKenzie, Manager Office of the CEO
General Manager	Tony Harrison, CEO

Staff Comments:

The Local Government Association Mutual Liability Scheme (LGAMLS) requested dual sign off from the CEO and Mayor regarding the Elected Members and Officers Declaration as part of the insurance renewals. The Mayoral sign off is not a legislative requirement but imposed by the scheme as part of their assurance processes. The dual sign off is a recent addition to the insurance declaration process.

Mayor Hanna indicated that he was uncomfortable in signing off on employee behavior which may give rise to civil liability, as the declaration is for both employees and Council members. This was raised with the LGAMLS and the forms were submitted without the Mayor’s signature. The LGAMLS accepted the submission and the insurance renewals progressed as normal.

As the declaration is an administrative process that can be executed by the CEO, management will seek to streamline the process with the LGAMLS for the 2022/23 renewal and request again that the dual declaration is removed.

15.4 Solar Panels - Marion Leisure and Fitness Centre

Report Reference GC210727Q15.4

Council Member Mayor – Kris Hanna

Question:

Did negotiations ever take place regarding joint funding of solar panels for the rooftop of the Marion Leisure and Fitness building? If so, can a summary of interactions please be provided?

Supporting Information:

After receiving a report “Energy Review of Marion Leisure and Fitness Centre” at the General Council meeting of 24 October 2017, Council resolved that:

“Financing models to support energy efficiency and solar energy on Council-owned leased facilities is discussed at an Elected Members Forum early in 2018 with a report brought to Council by 20 February 2018 for consideration following the Forum discussion”.

When the matter came back to Council on 13 February 2017, it was resolved that Council.

- “1. Adopts a proposed approach to fund up to 50% of the purchase and installation costs of energy efficiency upgrades and solar panels for Council-owned and leased facilities.**
- 2. Supports the use of the Community Facilities Partnership Program to assess and fund applications for energy efficiency upgrades and solar panels for Council-owned and leased facilities.**
- 3. Adopts Methodology B – Council coordination of submission process and sites installation to implement the program.”**

When the matter was again considered at a General Council meeting on 8th August 2017, Council resolved to *“adjourn the item until the 10 October 2017 General Council meeting to enable discussions regarding equitable contributions from relevant parties to occur”.*

On 29 September 2020 the Mayor’s Assistant, based on the Mayor’s instructions, sent an email to a relevant staff member stating.

*“Mayor has dug up an old report (GC080817 are) proposing to install solar and energy saving infrastructure at the Marion Leisure and Fitness Centre. (Link below)
Do you know if this ended up happening or not?”*

To which the staff reply on 16 October 2020 was;

“at this stage it doesn’t appear solar has been installed under this arrangement”.

**Response Received From
Corporate Manager
General Manager**

Acting Unit Manager Land & Property – Michael Collins
Manager City Property – Thuyen Vi-Alternetti
General Manager City Development – Iliia Houridis

Staff Comments:

Following a previous Council report seeking Council funding of a new rooftop solar system for the MLFC on 13 February 2018 Council resolved to seek expressions of interest for 50% contribution to solar installation on Council leased premises in accordance with ‘Methodology B’ outlined in the Council Report. This methodology proposed that Council coordinates the management of the program, seeking expressions of interest from lessees over a period of around 3 months, and then

engaging a provider/retailer to work with the Council and lessees in a coordinated way to manage the installation of improvements.

In September 2020 the Mayor followed up with Administration in relation to the implementation of the resolution, it was identified that Administration had not progressed Council's 2018 resolution and this was communicated to the Mayor.

Administration subsequently commenced the EOI process in line with Council's previous decision, with the EOI opening on 22 April 2021 and concluding on 16 July 2021.

Correspondence was sent to all lessees and licensees of Council's facilities, including the lessees of the MLFC at the commencement of the EOI period. A follow up email was also sent on 5 July 2021 as a reminder to lessees and licensees.

Four enquiries were received following the EOI notification and at the close of the EOI period on 16 July only one EOI submission had been received from YMCA of SA in relation to the MLFC.

An assessment of the submission from YMCA in relation to MLFC is currently being carried out, and a further report will be prepared for Council to provide a formal update Council's resolution from 2018. Subject to Council endorsement, Administration will seek to procure a provider to manage the installation of the improvements at the facility in consultation with the YMCA.

16 Motions Without Notice

17 Questions Without Notice

18 Confidential Items

18.1 Cover Report - Abandoned trolleys and the utilisation of the Local Nuisance and Litter Control Act

Report Reference GC210727F18.1

Moved Councillor – Matthew Shilling

Seconded Councillor – Sasha Mason

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, Unit Manager Community Health and Safety Unit, Manager Communications, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Abandoned trolleys and the utilisation of the Local Nuisance and Litter Control Act, 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 legal advice.

Carried Unanimously

8.47pm the meeting went into confidence.

9.00pm Councillor Masika re-entered the meeting

Moved Councillor – Joseph Masika**Seconded Councillor – Sasha Mason**

That Council:

1. Endorses enforcement action under the Local Nuisance and Litter Control Act 2016 being pursued against the owner of an abandoned shopping trolley discarded on public or council-controlled land within the City of Marion, in a manner giving rise to a litter offence, including by the issue of a litter abatement notice, using the following proposed enforcement strategies as appropriate:
 - a. for any litter abatement notice issued to the owner of an abandoned shopping trolley to include a requirement that abandoned trolleys be removed within 72 hours; and
 - b. where such a requirement is not complied with, for the Council to take action itself to remove and store the trolley and to recover the costs of such action from the recipient of the notice; and
 - c. for Council to make an application to the Environment Resources and Development Court for a civil remedy in suitable cases.
2. Note that resourcing will be monitored to measure impacts to other service areas.
3. Local retailers known to make shopping trolleys available for customer use shall be sent a copy of these minutes.

Carried Unanimously**Moved Councillor - Jason Veliskou****Seconded Councillor - Matthew Shilling**

4. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Abandoned trolleys and the utilisation of the Local Nuisance and Litter Control Act, having been considered in confidence under Section 90(2) and (3)(h) 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

9.11pm the meeting came out of confidence.

19 Other Business

Nil

20 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.

The meeting was declared closed at 9.11pm

CONFIRMED THIS 10TH DAY OF AUGUST 2021.

CHAIRPERSON
