



**Minutes of the General Council Meeting
held on Tuesday, 10 August 2021 at 6.30 pm
Council Chamber, 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 Sasha Mason (electronic from 7.04pm)

Councillor Tim Gard

Councillor Matthew Shilling

Councillor Luke Hutchinson (electronic from 7.04pm)

Councillor Nathan Prior

Councillor Jason Veliskou (electronic from 7.04pm)

Councillor Joseph Masika

In Attendance

Chief Executive Officer - Tony Harrison

General Manager City Services - Tony Lines (electronic from 7.04pm)

General Manager Corporate Services - Sorana Dinmore

General Manager City Development - Ilia Houridis

Manager Office of the CEO - Kate McKenzie

Unit Manager Governance and Council Support - Victoria Moritz

Governance Officer - Angela Porter

1 Open Meeting

The Mayor opened the meeting at 6.30pm.

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.

The meeting experienced technical difficulties and although Councillors Hutchinson, Veliskou and Mason had joined the meeting from 6.30pm they were unable to participate and were therefore not recorded as in attendance until 7.04pm when the issues were resolved.

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. Nil interests were disclosed.

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 27 July 2021

Report Reference GC210810R5.1

Moved Councillor Matthew Shilling

Seconded Councillor Joseph Masika

That the minutes of the General Council Meeting held on 27 July 2021 be taken as read and confirmed.

Carried Unanimously

6 Communications - Nil

7 Adjourned Items - Nil

8 Deputations - Nil

9 Petitions - Nil

10 Committee Recommendations

Procedural Motion

Moved Councillor Matthew Shilling

Seconded Councillor Tim Gard

That the following reports be moved en bloc:

- Confirmation of the minutes for the Review and Selection Committee held on 3 August 2021 (GC210810R10.1)
- State Bicycle Fund – Grant Funding Deed (GC210810R11.1)

Carried Unanimously

10.1 Confirmation of the minutes for the Review and Selection Committee held on 3 August 2021

Report Reference GC210810R10.1

Moved Councillor Matthew Shilling

Seconded Councillor Tim Gard

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting held on 3 August 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

11 Corporate Reports for Decision

11.1 State Bicycle Fund - Grant Funding Deed

Report Reference GC210810R11.1

Moved Councillor Matthew Shilling

Seconded Councillor Tim Gard

That Council:

1. Notes the Minister for Infrastructure has allocated \$235,000 ex GST from the State Bicycle Fund towards:
 - Diagonal Road Streetscape (Crew Street to Trott Grove) proposed pedestrian actuated crossing at the corner of Diagonal Road, Trott Grove and Warracowie Way.
 - Safe walking and cycling connection across Marion Road for the Sturt River Linear Path to Parkmore Street, Sturt.
 - Construct final stage for the Waterfall Creek shared path connection with the Linear Park Reserve, Hallett Cove, between the Linear Park Reserve playground and Aroona Road.
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 State Bicycle Fund.

Carried Unanimously

11.2 By-law Review

Report Reference GC210810R11.2

Moved Councillor Tim Gard

Seconded Councillor Maggie Duncan

That Council:

1. In exercise of the powers contained in section 246 of the *Local Government Act 1999*, having satisfied the consultation requirements of the Act and having had regard to the outcome of the consultation process, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner and the comments from the Dog and Cat Management Board in relation to By-Law numbers 4 and 6, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked 'Attachment 1':
 - Permits and Penalties By-law No. 1 of 2021;
 - Moveable Signs By-law No. 2 of 2021;
 - Local Government Land By-law No. 3 of 2021;
 - Dogs By-law No. 4 of 2021;

- Roads By-law No. 5 of 2021;
 - Cats By-law No. 6 of 2021; and
 - Animal Management By-law No. 7 of 2021.
2. That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the by-law review process and to give effect to the newly adopted by-laws.

Carried Unanimously

9 Members were present and voted in favour of the motion

The resolution was supported by an absolute majority

Procedural Motion

Moved Councillor Maggie Duncan

Seconded Councillor Tim Gard

That the following items be moved en bloc:

- Policy Review – Order Making Policy (GC210810R11.3)
- Policy Review – Enforcement Policy (GC210810R11.4)
- Policy Review – Privately Funded Development Plan Amendments Policy (GC210810R11.5)
- Policy Review – Development Delegations (GC210810R11.6)
- Policy Review – Development & Regulatory Policies for Rescission (GC210810R11.7)
- Local Government Reform Round 1 Regulations – Submission (GC210810R11.8)

Carried Unanimously

11.3 Policy Review - Order Making Policy

Report Reference GC210810R11.3

Moved Councillor Maggie Duncan

Seconded Councillor Tim Gard

That Council:

1. Endorse the Order Making Policy as attached to this report, subject to any amendments made by Council at the Council Meeting on 10 August 2021.

Carried Unanimously

11.4 Policy Review - Enforcement Policy**Report Reference** GC210810R11.4**Moved Councillor Maggie Duncan****Seconded Tim Gard**

That Council:

1. Endorse the Enforcement Policy as attached to this report subject to any amendments made by Council at the Council Meeting on 10 August 2021.

Carried Unanimously**11.5 Policy Review - Privately Funded Development Plan Amendments Policy****Report Reference** GC210810R11.5**Moved Councillor Maggie Duncan****Seconded Councillor Tim Gard**

That Council:

1. Adopt the Privately Funded Code Amendments Policy as attached to this report.

Carried Unanimously**11.6 Policy Review - Development Delegations****Report Reference** GC210810R11.6**Moved Councillor Maggie Duncan****Seconded Councillor Tim Gard**

That Council:

1. Adopt the Development Delegations Policy as attached to this report.

Carried Unanimously**11.7 Policy Review - Development & Regulatory Policies for Rescission****Report Reference** GC210810R11.7**Moved Councillor Maggie Duncan****Seconded Councillor Tim Gard**

That Council:

1. Rescind the Building and Swimming Pool Inspection Policy, noting that it is no longer valid due to the implementation of the Planning, Development and Infrastructure Act 2016.
2. Rescind the Temporary Signs and Banners Application, noting that it is not a formal policy and the process is captured within the 'Movable Signs By-Law'.

3. Rescind the Liquor Licensing Policy to align with the changes to the Liquor Licensing Act.

Carried Unanimously

11.8 Local Government Reform Round 1 Regulations - Submission

Report Reference GC210810R11.8

Moved Councillor Maggie Duncan

Seconded Councillor Tim Gard

That Council:

1. Endorse the submission and feedback to the Local Government Association on the *Local Government Reform Round 1 Regulations Summary Paper*.

Carried Unanimously

12 Corporate Reports for Information/Noting

Procedural Motion

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That the following items be moved en bloc:

- Corporate and CEO KPI Report Quarter Four 2020/21 (GC210810R12.1)
- Cover Report – Animal Impounding (GC210810F18.1)
- Cover Report – Cove Cobras Football Club Update (GC210810F18.2)
- Cover Report – Confirmation of the confidential minutes for the Review and Selection Committee held on 3 August 2021 (GC210810F18.3)
- Cover Report - Appointment of Independent Member – Finance and Audit Committee (GC210810F18.4)

Carried Unanimously

12.1 Corporate and CEO KPI Report Quarter Four 2020/21

Report Reference GC210810R12.1

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That Council:

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

Carried Unanimously

13 Workshop / Presentation Items - Nil

14 Motions With Notice - Nil

15 Questions With Notice

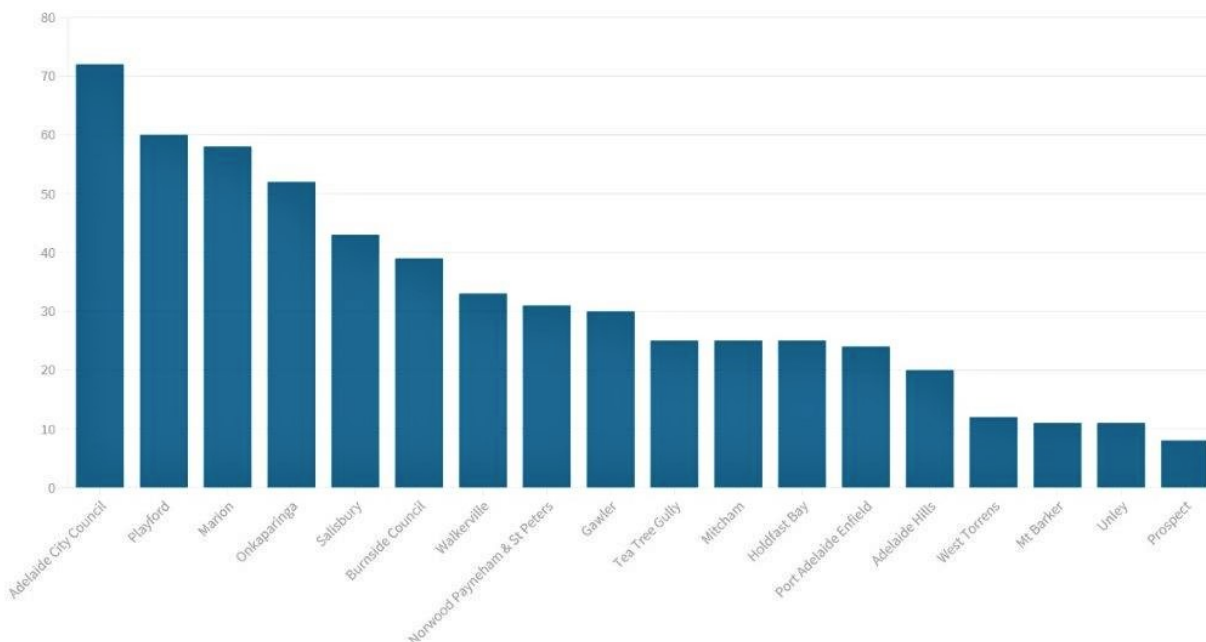
15.1 Confidential Items

Report Reference	GC210810Q15.1
Council Member	Councillor – Bruce Hull

QUESTION

With regards to the Advertiser article 27/7/21, titled Chamber of Secrets: Adelaide's most confidential councils, along with the attached graph that shows the Marion Council rating number 3. Could administration provide an explanation as to why Marion scores so highly in terms of the number of confidential items and also provide advise as to how we may be able to reduce the number of confidential items?

SUPPORTING INFORMATION



Response Received From	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the CEO - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

STAFF COMMENTS

The Local Government Act 1999 (the Act) regulates how Council administers confidential items, with an underlying principle that as government is accountable to its public, only certain circumstances evoke the appropriate use of confidential orders.

During the 2019/20 financial year, to which the article refers, Council (including committees) considered 58 reports in confidence in relation to matters in accordance with the Act. The following table provides further detailed information about Council's use of various sections of the Act (more than one confidential clause may apply to an item)

Relevant placita of Local	Explanation	Number of times used
	S 90 (2) Information the disclosure of which would;	

Government Act (SA) 1999		
3(a)	<ul style="list-style-type: none"> involve unreasonable disclosure of information concerning the personal affairs of any person (living or dead). 	23
3(b)(i) and (ii)	<ul style="list-style-type: none"> could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; on balance, be contrary to the public interest. 	14
3(c)	<ul style="list-style-type: none"> reveal a trade secret 	0
3(d)(i) and (ii)	<ul style="list-style-type: none"> commercial information of a confidential nature (not being a trade secret) the disclosure of which— could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; on balance, be contrary to the public interest. 	15
3(e)	<ul style="list-style-type: none"> matters affecting the security of council, members or employees of the council or council property, or the safety of any person. 	0
3(f)	<ul style="list-style-type: none"> could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial. 	3
3(g)	<ul style="list-style-type: none"> matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty. 	4
3(h)	<ul style="list-style-type: none"> legal advice. 	8
3(i)	<ul style="list-style-type: none"> information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council; 	2
3(j)(i) and (ii)	<ul style="list-style-type: none"> would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); on balance, be contrary to the public interest. 	0
3(k)	<ul style="list-style-type: none"> tenders for the supply of goods, the provision of services or the carrying out of works. 	0
3(m)	<ul style="list-style-type: none"> relating to a proposed amendment to a Development Plan under the Development Act 1993 (SA) before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act. 	0
3(n)	<ul style="list-style-type: none"> relevant to the review of a determination of a council under the Freedom of Information Act 1991 (SA). 	0

As identified in the table above, those sections of the Act that have been referred to most frequently include:

- Section 3(b)(i)(ii) and (d)(i)(ii) *Commercial Information* – This is influenced by the nature and number of projects the council is currently or considering undertaking and has resulted in a higher number of reports considered under this clause.
- Sections 3(a) *Personal Affairs* – This is influenced by the number of independent members on committees which includes the recruitment and performance review process. It is also noted that all confidential minutes of committees are subsequently considered at council as confidential item.

It is noted that the number of reports considered in confidence, of which there were 58, is the number of times council resolved to enter into confidence to hold discussions of a confidential nature and does not reflect the number of items that were either not retained in confidence, or that were released at a defined time, subsequent to the item being heard.

The provision to enter into confidence enables well-versed discussions and healthy debate to occur without prematurely releasing information that would be contrary to public interest and before an outcome or decision has been reached.

Each year, in accordance with Section 91 of the Act, Council undertakes a thorough review of any orders made relating to matters considered in confidence be kept confidential. Where Council makes such an order it must specify the duration of the order, or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. Any order that operates for a period exceeding 12 months is reviewed at least once a year to determine whether or not the confidentiality of the document needs to be retained.

Any confidential orders that are revoked are released and made available to the public immediately upon revocation.

When preparing and presenting reports, and when making decisions, we can continue to be mindful of the balance of providing sufficient information to allow informed decisions against the need for providing public awareness of the item.

The City of Marion is committed to the principle of an open and accountable government and maintaining high standards of accountability and transparency while acknowledging that on occasions, it may be necessary to restrict access to discussions and/or documents.

16 Motions Without Notice - Nil

17 Questions Without Notice - Nil

18 Confidential Items

18.1 Cover Report - Animal Impounding

Report Reference GC210810F18.1

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That pursuant to Section 90(2) (3) (b)(i) and (ii), (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 Office of the CEO, Manager Development & Regulatory Services, Unit Manager Communications, Unit Manager Community Health and Safety, Team Leader Building, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Animal Impounding 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 information regarding the provision of animal impounding services.

Carried Unanimously

7.05pm the meeting went into confidence

Moved Councillor Joseph Masika

Seconded Councillor Maggie Duncan

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

7.12pm the meeting came out of confidence

18.2 Cover Report - Cove Cobras Football Club Update

Report Reference GC210810F18.2

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

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 Property, Unit Manager Sport and Recreational Community Facilities, Unit Manager Communications, Unit Manager Governance and Council Support, Recreation Development Officer and Governance Officer be excluded from the meeting as the Council receives and considers information relating to Cove Cobras Football Club Update, 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 licencing conditions with Council.

Carried Unanimously

7.12pm the meeting went into confidence

Moved Councillor Matthew Shilling

Seconded Councillor Maggie Duncan

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that any attachments to the report, Cove Cobras Football Club Update, having been considered in confidence under Section 90(2) and (3)(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

7.26pm the meeting came out of confidence

18.3 Cover Report - Confirmation of the confidential minutes for the Review and Selection Committee held on 3 August 2021

Report Reference GC210810F18.3

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

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 Office of the CEO, Unit Manager Governance and Council Support, and Governance 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 held on 3 August 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 concerns the personal affairs of any person.

Carried Unanimously

7.26pm the meeting went into confidence

Procedural Motion

Moved Councillor Luke Hutchinson

Seconded Councillor Jason Veliskou

That the following items be moved en bloc:

- Confirmation of the confidential minutes for the Review and Selection Committee held on 3 August 2021 (GC210810F18.3)
- Appointment of Independent Member – Finance and Audit Committee (GC210810F18.4)

Carried Unanimously

Moved Councillor Luke Hutchinson

Seconded Councillor Jason Veliskou

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *Confirmation of the confidential minutes for the Review and Selection Committee held on 3 August 2021*, any appendices 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 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

18.4 Cover Report - Appointment of Independent Member - Finance and Audit Committee

Report Reference GC210810F18.4

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

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, General Manager City Services, General Manager Corporate Services, General Manager City Development, Manager Office of the CEO, Manage People and Culture, Governance Officer, Unit Manager Governance and Council Support, 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 concerns the personal affairs of any person.

Carried Unanimously

Moved Councillor Luke Hutchinson

Seconded Councillor Jason Veliskou

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 Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until the Independent Member has been notified of the outcome. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously

7.29pm the meeting came out of confidence

18.5 Cover Report - CEO Midway Probationary Review

Report Reference GC210810F18.5

Moved Councillor Matthew Shilling

Seconded Councillor Maggie Duncan

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, be excluded from the meeting as the Council receives and considers information relating to CEO Midway Probationary Review, 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 personal affairs of the Chief Executive Officer.

Carried Unanimously

7.29pm the meeting went into confidence

Moved Councillor Raelene Telfer

Seconded Councillor Ian Crossland

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, CEO Midway Probationary Review, any appendices 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 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

8.34pm the meeting came out of confidence

19 Other Business

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 8.34pm.

CONFIRMED THIS 24TH DAY OF AUGUST 2021

CHAIRPERSON