



**Minutes of the General Council Meeting
held on Tuesday, 14 September 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 (electronically)

Councillor Tim Gard

Councillor Matthew Shilling

Councillor Luke Hutchinson

Councillor Nathan Prior

Councillor Jason Veliskou (electronically)

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 Office of the CEO - Kate McKenzie

Unit Manager Governance and Council Support - Victoria Moritz

1 Open Meeting

The Mayor opened the meeting at 6.30pm

2 Kurna Acknowledgement

We acknowledge the Kurna 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 Shilling declared a perceived conflict of interest in the item *Southern Suburbs Residential Policy - Code Amendment GC210914R11.4*

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 24 August 2021 Report Reference GC210914R5.1

Moved Councillor Matthew Shilling

Seconded Councillor Joseph Masika

That the minutes of the General Council Meeting held on 24 August 2021 be taken as read and confirmed.

Carried Unanimously

6 Communications - Nil

7 Adjourned Items - Nil

8 Deputations

8.1 Marion Cultural Centre Plaza Plan - Deputation from Mr Graham Watts Report Reference GC210914D8.1

Mr Watts gave a five-minute deputation regarding the proposed Marion Cultural Centre Plaza Plan.

9 Petitions - Nil

10 Committee Recommendations

10.1 Confirmation of Minutes for the Finance and Audit Committee Meeting held on 17 August 2021 Report Reference GC210914R10.1

Moved Councillor Maggie Duncan

Seconded Councillor Matthew Shilling

That Council:

1. Receives and notes the minutes of the Finance and Audit Committee meeting held on 17 August 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

Carried Unanimously

11 Corporate Reports for Decision**11.1 Messines Avenue Streetscape Project**
Report Reference GC210914R11.1**Moved Councillor Sasha Mason****Seconded Councillor Joseph Masika**

That Council:

1. Recommends proceeding to Messines Avenue Streetscape detailed design with Option 2 at an estimated cost of \$481,000. Balance of funding (\$172,000) to be obtained through any savings in the 2021/22 capital works budget.

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

Councillor Hull called a Division**Those For:** Councillors Mason, Maskia, Prior, Hutchinson, Shilling and Duncan**Those Against:** Councillors Veliskou, Clancy, Hull, Telfer, Gard and Crossland

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

11.2 Lander Road / Young Street Junction Upgrade
Report Reference GC210914R11.2**Moved Councillor Matthew Shilling****Seconded Councillor Maggie Duncan**

That Council:

1. Allocates up to \$205,820 funding from the Local Roads and Community Infrastructure Round 3 grant for the Lander Road and Young Street intersection upgrade.

Carried Unanimously

11.3 Solar Panels for Council Owned and Leased Facilities - Expression of Interest Outcomes

Report Reference GC210914R11.3

Moved Councillor Kendra Clancy**Seconded Councillor Jason Veliskou**

That Council:

1. Support YMCA SA's application for the installation of a new solar system at Marion Leisure and Fitness Centre and fund 50% of the cost of the new solar system from Council's Community Facilities Partnership Program, with a maximum Council contribution amount of up to \$48,000, 50% to be funded by YMCA SA.

- Note that the solar panel installation will be project managed by Council, including the tender process for purchase and installation.

Carried Unanimously

11.4 Southern Suburbs Residential Policy - Code Amendment
Report Reference GC210914R11.4

Councillor Shilling declared a perceived conflict of interest in the item due to his place of residence being located within the Southern Suburbs Residential Policy area and will remain in the meeting.

Councillor Veliskou declared a perceived conflict of interest in the item due to a property owned by him being located within the Southern Suburbs Residential Policy area and will remain in the meeting.

Moved Councillor Ian Crossland

Seconded Councillor Maggie Duncan

That Council:

- Endorses the 'Southern Suburbs Residential Policy - Code Amendment' - Proposal to Initiate' and forwards the document (Attachment 1) to the Minister for Planning for consideration.

Carried Unanimously

Councillor Shilling voted in Favour
Councillor Veliskou voted Favour

11.5 Urban Corridor – Marion Road Code Amendment
Report Reference GC210914R11.5

Moved Councillor Raelene Telfer

Seconded Councillor Luke Hutchinson

That Council:

- Endorses the 'Urban Corridor Marion Road - Code Amendment' - Proposal to Initiate' and forwards the document (Attachment 1) to the Minister for Planning amended to included consideration of the Marion Road corridor as far south as Sturt Road.

Carried Unanimously

11.6 SRWRA Audit Committee Member - City of Marion Representative
Report Reference GC210914R11.6

Moved Councillor Matthew Shilling

Seconded Councillor Tim Gard

That Council:

- Appoint Mr. Greg Connor to the Southern Region Waste Resource Authority Audit Committee as the City of Marion representative for the period of two years from the next SRWRA Annual General Meeting on 20th September 2021.

Carried Unanimously

11.7 Funding Support for District Council of Loxton Waikerie litigation
Report Reference GC210914R11.7**Moved Councillor Bruce Hull****Seconded Councillor Matthew Shilling**

That this item be left lying on the table until the Chief Executive Officer has additional information to enable an informed decision to be made.

Carried**11.8 Policy Review - Prudential Management Policy**
Report Reference GC210914R11.8**Moved Councillor Luke Hutchinson****Seconded Councillor Raelene Telfer**

That Council:

1. Endorse the Prudential Management Policy as attached to this report, subject to any amendments made by Council at the Council meeting on 14 September 2021.

Carried Unanimously**11.9 Policy Review - Policies for Rescission**
Report Reference GC210914R11.9**Moved Councillor Raelene Telfer****Seconded Councillor Ian Crossland**

That Council:

1. Rescind the Playground Policy, noting that it will be made into a procedure and incorporated into the Open Space Plan.
2. Rescind the Marion Library Service Customer Conditions of Use Policy, noting that it will be made into a procedure.
3. Rescind the Roads Opening and Closing Policy, noting that it is not a formal policy and is governed by the *Roads (Opening and Closing) Act 1991*.
4. Rescind the How We Work Together Policy, noting that it is no longer valid due to the *Statutes Amendment (Local Government Review) Act 2021*.

Carried Unanimously

11.10 Local Government Reform - September 2021 Proclamation and Repeal of S78A (Legal Advice)

Report Reference GC210914R11.10

Moved Councillor Matthew Shilling**Seconded Councillor Luke Hutchinson**

That Council:

1. Notes the updates provided on the implementation of Local Government Reform and the First Round of proclamations.
2. Rescinds the Policy *Access to Legal Advice for Council Members*
3. Updates the *Council Members' Allowances and Benefits Policy* to include the provision of access to legal advice for defined purposes.

Carried Unanimously**12 Corporate Reports for Information/Noting****12.1 Traffic and Parking implications of the Morphettsville Racecourse DPA**

Report Reference GC210914R12.1

Moved Councillor Jason Veliskou**Seconded Councillor Kendra Clancy**

That Council:

1. Notes the report.
2. Will endeavor to reduce loss of amenity to existing residents in negotiations with the developers
3. Will seek financial assistance from the developers in respect of any desirable traffic infrastructure improvements

Carried Unanimously**13 Workshop / Presentation Items - Nil****14 Motions With Notice****14.1 Lander Road Speed Limit**

Report Reference GC210914M14.1

Moved Councillor Matthew Shilling**Seconded Councillor Maggie Duncan**

That Council:

1. Investigate and consult with the community about reducing the speed limit along Lander Road (between Main South Road and Patpa Drive roundabout) from 60km to 50km.
2. A report be brought back to the General Council Meeting in January 2022.

Carried Unanimously

15 Motions Without Notice

16 Questions With Notice - Nil

17 Questions Without Notice

18 Confidential Items

PROCEDURAL MOTION

Moved Councillor Matthew Shilling

Seconded Councillor Maggie Duncan

That the following confidential cover reports to move into confidence be considered en bloc:

- Cover Report - Cove Sports and Community Club Feasibility Study and Business Case
- Cover Report - Sports Lighting Project LRCIP Funded
- Cover Report - Code of Conduct

Carried Unanimously

ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to consider the item *Westminster Reserve and Keaton Avenue Reserve - Revocation of Community Land Classification* next on the agenda.

18.2 Westminster Reserve and Keaton Avenue Reserve - Revocation of Community Land Classification

Report Reference GC210914F18.2

Councillor Telfer declared a material conflict of interest as she resides in close proximity to the reserve and left the meeting.

7.54pm Councillor Telfer left the meeting

Moved Councillor Kendra Clancy

Seconded Councillor Matthew Shilling

That Council:

1. That council revoke the confidentiality orders pertaining to the reports, minutes, and appendices relating to Westminster Reserve that have been considered in confidence by Council (Report Reference: GC190514F01, GC190611F01, GC200623F02, GC200922F03 and GC210511F04).

Carried Unanimously

Moved Councillor Ian Crossland**Seconded Councillor Joseph Masika**

That Council:

Option 1 – Proceed with the revocation and disposal

1. Acknowledges the Ministerial approval to revoke the community land classification dated 4 August 2021 for Westminster Reserve and Kenton Avenue Reserve, Lot 107 FP11413 being the whole of the land in Certificate of Title Volume 3776 Folio 21 on the condition that Council passes a resolution to reinstate the Community Land Classification for Kenton Avenue Reserve at the earliest opportunity.
2. Revokes the community land classification in respect of Westminster Reserve and Kenton Avenue Reserve to enable Westminster Reserve to be sold to Westminster School, and that a Notice of the revocation of community land revocation is placed in the Government Gazette.
3. Resolves that Kenton Avenue Reserve will be reinstated as community land immediately upon the two reserves being separated by a land division.
4. Notes that the Registrar General is to be notified of the revocation of the classification of community land in accordance with Section 195 of the Local Government Act 1999.
5. Authorises the disposal of Westminster Reserve in accordance with the Council resolution made on 22 September 2020 (GC200922F03) on the basis that all costs associated with the revocation of the community land classification, sale and transfer of land are paid by the Purchaser.
6. Authorises the net revenue from the sale be transferred to the Open Space Reserve Fund for the development of open space facilities as approved by Council.
7. Pursuant to Section 37(b) of the Local Government Act 1999, authorises the Chief Executive Officer to negotiate, enter into and sign all contracts and documentation necessary to effect the land division, sale and settlement of the Land.

Carried**Moved Councillor Joseph Masika****Seconded Councillor Matthew Shilling**

8. That:
 - That pursuant to Section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council orders that the legal advice - attachment 18.2.3 to the report *Westminster Reserve and Keaton Avenue Reserve Revocation* be received in confidence by the following persons present, Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Chief Financial Officer, Manager Office of the Chief Executive, Manager City Property, Unit Manager Sport and Recreational Community Facilities, Communications Advisor, Unit Manager Governance and Council Support upon the basis that the Council is satisfied that the requirement for the meeting to receive this information in confidence has been outweighed by the need to keep consideration of the matter confidential given the information relates to Legal Advice that would be contrary to the public interest.
 - In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Attachment 18.2.3 to this report *Westminster Reserve and Keaton Avenue Reserve Revocation* having been received 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

8.06pm Councillor Telfer re-entered the meeting

18.1 Cover Report - Cove Sports and Community Club Feasibility Study and Business Case

Report Reference GC210914F18.1

Moved Matthew Shilling

Seconded Maggie Duncan

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 Office of the Chief Executive, Manager City Activation, Project Manager Strategic Projects, Unit Manager Sport and Recreational Community Facilities, Communications Advisor, Unit Manager Governance and Council Support, and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Cove Sports and Community Club Feasibility Study and Business Case, 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.

Carried Unanimously

8.07pm the meeting went into confidence

MEETING SUSPENSION

Moved Councillor Ian Crossland

Seconded Councillor Matthew Shilling

That formal meeting procedures be suspended to discuss the item

Carried Unanimously

8.08pm formal meeting procedures suspended

9.04pm formal meeting procedures resumed

Moved Councillor Matthew Shilling

Seconded Councillor Maggie Duncan

That Council:

1. Notes the Feasibility Study and Business Case for the Cove Sports and Community Club redevelopment.
2. Endorses for the Cove Sports and Community Club BMX Track to be permanently closed and decommissioned with \$ [REDACTED] from the Asset Sustainability Reserve Fund allocated

for the removal of the BMX track and associated infrastructure following the relocation of Cove BMX Club in January 2022.

3. Endorses the concept design of the Cove Sport and Community Club redevelopment.
4. Notes the proposed two stage approach to undertake the redevelopment:
 - a. Stage One (estimated cost of \$ [REDACTED] GST exclusive):
 - i. demolition of BMX track,
 - ii. expansion of the existing (natural turf) playing field
 - iii. expansion of the Northern car park (Lonsdale Road end) to meet current site requirements
 - iv. redevelopment of the netball facility including two extra courts.
 - b. Stage Two (estimated cost of \$ [REDACTED] GST exclusive);
 - i. new oval clubhouse,
 - ii. realignment of the upper oval,
 - iii. ancillary works including play spaces, fitness stations, wayfinding, landscaping and entrance signage.
 - iv. possible side carpark
5. Endorses Administration to prepare a s48 Prudential Report and detailed design and fees for Stage 1, of up to \$ [REDACTED] GST exclusive to be funded from savings identified through the first budget review.
6. Endorses Administration to seek external funding opportunities for Stage 1.
7. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Cove Sports and Community Club Feasibility Study and Business Case* (excluding attachments) and the minutes to the report be released subject to the financial figures being redacted. Any attachments to this report having been considered in confidence under Section 90(2) and (3)(b) (i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously

9.06pm the meeting came out of confidence

18.3 Cover Report - Sports Lighting Project LRCIP Funded

Report Reference GC210914F18.3

Moved Councillor Matthew Shilling

Seconded Maggie Duncan

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, Chief Financial Officer, Manager Office of the Chief Executive, Manager City Property, Unit Manager Sport and Recreational Community Facilities, Communications Advisor, Unit Manager Governance and Council Support, and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Sports Lighting Project LRCIP Funded, 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 options and costs of the sports lighting project.

Carried Unanimously

9.06pm the meeting went into confidence

Moved Councillor Raelene Telfer

Seconded Councillor Luke Hutchinson

That Council:

1. Notes the existing project funding allocation of \$869,400 consisting of \$774,616 from round 2 of the Local Roads and Community Infrastructure Program (LRCIP), and \$94,784 allocated in Councils 2021-22 budget.

2. Endorses Option 1 - Proceed with all four sites:

The four sports sites lighting upgrades being completed (Glandore Oval, Marion Oval, Marion RSL Bowling Club, Marion Tennis Club) with \$257,250 additional funding allocated from the Local Roads and Community Infrastructure Program (LRCIP) Round 3 to provide a total budget allocation of \$1,126,650.

3. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Attachment 18.3.1 to the report, *Sports Lighting Project LRCIP Funded*, having been considered in confidence under Section 90(2) and (3) (b), (i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

9.09pm Councillor Clancy left the meeting

9.12pm Councillor Clancy re-entered the meeting

Carried Unanimously

9.15pm the meeting came out of confidence

18.4 Cover Report - Code of Conduct

Report Reference GC210914F18.4

Moved Councillor Matthew Shilling

Seconded 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, Manager Office of the Chief Executive, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Code of Conduct, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential, given the information relates to the conduct of Elected Members.

Carried Unanimously

9.15m the meeting went into confidence

MEETING EXTENSION**Moved Councillor Luke Hutchinson****Seconded Councillor Maggie Duncan**

That the meeting be extended until the completion of the item

Carried

9.20pm meeting extended

PERSONAL EXPLANATION

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

- Like Councillor Crossland raised, he is unsure why this complaint has been brought and is not clear on the grounds of the complaint or alleged breach
- He referred to a document sent to the Chief Executive and all Council Members that indicated he had not contacted the media, but rather they had contacted him.
- He didn't wish to say anything further beyond what was in the document

CONFLICT OF INTEREST

Councillor Bruce Hull declared an actual conflict of interest in the item as he was the subject of the Code of Conduct complaint and will leave the meeting for the item.

9.22 pm Councillor Hull left the meeting and did not return

Moved Councillor Luke Hutchinson**Seconded Councillor Joseph Masika**

That Council :

1. Notes that Administration informed council of the prosecution of the former employee contrary to recent public statements and that administration are not obliged to inform elected members of the prosecution outcome (pursuant to the **Local Government Act 1999**) of the terminated employee (which was publicly available knowledge)
2. Resolves that Councillor Hull in his behaviour and commentary to the media has breached the Code of Conduct, under Part 2:
 - *Section 2.2, Act in a way that generates community trust and confidence in the Council*
3. Censures Councillor Hull in relation to this incident and requests a written public apology from Councillor Hull

Carried**The Mayor called a division****Those For:** Councillors Mason, Veliskou, Masika, Clancy, Prior, Telfer, Hutchinson and Duncan**Those Against:** Councillors Shilling, Gard and Crossland**Carried**

10:02pm the meeting came out of confidence

19 Other Business

20 Meeting Closure

The meeting was declared closed at 10:02pm

CONFIRMED THIS 12th DAY OF OCTOBER 2021

CHAIRPERSON