

**Minutes of the General Council Meeting
held on Tuesday, 24 October 2023 at 6.30 pm
Council Chamber, Council Administration Centre
245 Sturt Road, Sturt**

PRESENT

His Worship the Mayor Kris Hanna

Councillor Joseph Masika

Councillor Nathan Prior

Councillor Raelene Telfer

Councillor Jayne Hoffmann

Councillor Matt Taylor

Councillor Jana Mates

Councillor Jason Veliskou

Councillor Sarah Luscombe

Councillor Ian Crossland

In Attendance

Chief Executive Officer - Tony Harrison

General Manager City Services - Ben Keen

General Manager Corporate Services - Angela Allison

Acting General Manager City Development - Charmaine Hughes

Manager Office of the CEO - Kate McKenzie

Unit Manager Governance and Council Support - Victoria Moritz

Governance Officer - Amey Johnson

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.

4 Council 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 Luscombe declared a material conflict of interest in item 11.10 *Community Gardens Policy*

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 12 September 2023
Report Reference GC231024R5.1

Moved Councillor Telfer
Seconded Councillor Veliskou

That the minutes of the General Council Meeting held on 12 September 2023 be taken as read and confirmed.

Carried Unanimously

6 Communications

6.1 Elected Member Verbal Communications

During this time, Council Members were given the opportunity to provide any verbal Communication updates.

Moved Councillor Prior
Seconded Councillor Mates

That the following Communication Reports be moved en bloc:

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

Carried Unanimously

6.2 Mayoral Communication Report
Report Reference GC231024R6.2

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
15 August 2023	Interviewed by Punjab TV	
17 August 2023	Greater Adelaide Regional Plan Discussion Paper briefing for elected members	Attended
18 August 2023	Glandore Tree Planting Ceremony	Welcome speech
21 August 2023	Southern Business Connections Social Networking Event	Attended
21 August 2023	Meeting with Basketball SA	Discussion regarding future stadium requirements
22 August 2023	Marion Village Museum Annual General Meeting	Attended
24 August 2023	Coast FM	Interview
1 September 2023	Chancellor Stephen Gerlach's Farewell Celebration	Attended with Mayoress
6 September 2023	Meeting with Scouts SA	Discussion regarding accommodation needs
6 September 2023	Pelligra Sports Industry & Government Event	Attended

8 September 2023	Probus Club of Hallett Cove	Guest speaker
9 September 2023	South Adelaide Basketball Club Senior Presentation Night	Attended as Club Patron
11 September 2023	Community Leadership Program Launch Event	Opening speech
12 September 2023	Bader Aero	Factory visit
14 September 2023	Sheidow Park School – Moon Lantern Festival	Welcome speech
18 September 2023	First Dig Ceremony at Marino Community Hall	Welcome speech
18 September 2023	Southern Business Connections Social Networking Event	Attended
19 September 2023	Meeting with Stephen Yarwood	Discussion regarding strategic plan consultancy
20 September 2023	Meals on Wheels Hallett Cove AGM	Attended
21 September 2023	Opening of Hamilton Secondary College Performing Arts Centre and Planetarium	Attended
21 September 2023	Marion 100 event	Attended
23 September 2023	Inspection of Newcastle sea pool upgrade	At own expense
27 September 2023	Friends of Glenthorne Annual General Meeting	Attended
28 September 2023	Memorial ceremony for former Councillor Carol Bouwens	Speech
28 September 2023	Extremely grand and auspicious opening of Dial-A-Curry Plympton	Attended with Mayoress
30 September 2023	City of Marion Citizenship Ceremonies	Performed two ceremonies
6 October 2023	Touch a Truck family event	Welcome speech
7 October 2023	Commencement of Lion Hearts Learning bike ride	Cut ribbon
7 October 2023	New toilet celebration at Maldon Reserve	Opening speech
8 October 2023	Marion Gift Carnival	Awarded sashes to winners of sprint finals
10 October 2023	Meeting with service clubs	Discussion regarding revival of Marion markets
12 October 2023	Liveability in Australia 2023 information session	Attended
In addition, the Mayor has met with residents, MPs and with the CEO and Council staff regarding various issues		

Moved Councillor Prior

Seconded Councillor Mates

That the Mayoral Communication report be received and noted.

Carried Unanimously

6.3 Deputy Mayor Communication Report

Report Reference GC231024R6.3

Name of Council Member Deputy Mayor – Raelene Telfer

Date	Event	Comments
20 July 2023	Grants Awards	Awarded
29 July 2023	T2D consultation	Viewed
29 July 2023	Cove Sports Opening	Attended
30 July 2023	Pump track opening	Attended
30 July 2023	Glenthorne opening	Attended
3 August 2023	Gallery M VIP	Special viewing
8 August 2023	Warriparinga Ward briefing	Participated
15 August 2023	Marion Life SALA	Morning tea
22 August 2023	Marion Museum AGM	Participated
27 August 2023	LKCC Indigenous	Concert goer
5 September 2023	Environment Committee	Member
12 September 2023	Warriparinga Ward Briefing	Participated
18 September 2023	Club Marion	Liaison role
21 September 2023	Dementia Week Forum	Attended
28 September 2023	Coast FM	Interviewed
6 October 2023	MPSCC Advisory	Committee liaison
7 October 2023	Maldon Reserve toilet opening	Attended
10 October 2023	Warriparinga Ward briefing	Participated
10 October 2023	Planning and Development	Attended
10 October 2023	Review and Selection	Attended

Moved Councillor Prior

Seconded Councillor Mates

That the Deputy Mayor Communication report be received and noted.

Carried Unanimously

6.4 CEO and Executive Communication Report

Report Reference GC231024R6.4

Date	Activity	Attended By
23 August 2023	Weekly Onsite Meeting Blubuilt, North Projects, Aspects Studios, Innovis, CMW Geosciences SA, and City of Marion re Coastal Walkway Bridges	Tony Lines
23 August 2023	Meeting CoM, Renewal SA, MAB Park Pty Ltd and Wilson Parking re multi deck car park	Tony Lines
24 August 2023	Meeting Housing Renewal Australia and Blu Chp re Edwardstown	Tony Lines

25 August 2023	Meeting Cross Council Fleet Collaboration - Fiona Harvey (PAE) & Adrian Ralph (CCS)	Angela Allison
28 August 2023	Meeting Sarah Andrews (MP) General catch up	Tony Harrison
30 August 2023	Sydney Sea pool tour with James Carley (Principal Coastal Engineer at The University of New South Wales) and Nicole Larkin (Architect)	Tony Harrison
1 September 2023	Onsite Meeting Future Urban and City of Marion re Lot 501 Marion Road, Bedford Park	Tony Lines
5 September 2023	Meeting City of Marion and Patriitti Wines re irrigation	Tony Harrison
5 September 2023	Meeting Metro CEO Future Governance for Integrated Water Management in Greater Adelaide	Tony Harrison
6 September 2023	Weekly Onsite Meeting Blubuilt, North Projects, Aspects Studios, Innovis, CMW Geosciences SA, and City of Marion re Coastal Walkway Bridges	Tony Lines
6 September 2023	Meeting Paul Sutton (CEO CCS) and Mark Withers (CEO PaE)	Tony Harrison
6 September 2023	Pelligra Sports Industry & Government Event	Tony Harrison
8 September 2023	Meeting Hays Recruitment – Tom Hankey & Milly Vorrasi	Angela Allison
8 September 2023	Meeting Blubuilt, North Projects, Aspects Studios, Innovis and City of Marion re Coastal Walkway Nungamoora	Tony Lines
11 September 2023	Meeting Pelligra	Tony Lines
11 September 2023	Site Tour of SAALC Facility Adam Luscombe	Tony Lines
15 September 2023	Meeting The Big Middle - Andrew McAdams	Angela Allison
15 September 2023	Interview Water Trust Australia re Interview – Integrated Water Management (IWM) Governance for Greater Adelaide	Ben Keen
18 September 2023	Sod Turning ceremony Marino Community Hall	Tony Harrison
18 September 2023	Site visit City of Onkaparinga IT Systems	Angela Allison Ben Keen
19 September 2023	Meeting Cook Building and City of Marion meet and greet	Tony Lines
19 September 2023	Meeting Jodi Walton and Justin Hanney (Davidson) re CEO Panel event	Tony Harrison
19 September 2023	Meeting Mayor Kris Hanna, Kate McKenzie and Stephen Yarwood re City of Marion Member Strategy Forum	Tony Harrison
20 September 2023	LGA Davidson CEO Breakfast Launch of the 3 rd Edition of the 2023 National LG CEO Index	Tony Harrison (Panel member) Tony Lines

22 September 2023	Forum Resilient Water Futures Future Governance Engagement	Ben Keen
22 September 2023	Meeting Sam Johnson CEO District Council of Mount Remarkable	Tony Harrison
25 September 2023	Meeting SRWRA Board meeting	Angela Allison
25 September 2023	Meeting Pelligra	Tony Harrison Tony Lines
27 September 2023	Meeting SA Power Networks re Water Pipeline Extension Project	Ben Keen
27 September 2023	Weekly Onsite Meeting Blubuilt, North Projects, Aspects Studios, Innovis, CMW Geosciences SA, and City of Marion re Coastal Walkway Bridges	Tony Lines
29 September 2023	Meeting Villawood, Future Urban and City of Marion re Morphettville Racecourse	Tony Lines
4 October 2023	Meeting Marteine Edwards and Lachie Monfries (Scentre Group) re MCC Plaza	Tony Harrison Tony Lines
4 October 2023	Meeting Ausco Modular re Education Centre at Oaklands Wetland	Ben Keen
4 October 2023	Weekly Onsite Meeting Blubuilt, North Projects, Aspects Studios, Innovis, CMW Geosciences SA, and City of Marion re Coastal Walkway Bridges	Tony Lines
11 October 2023	Meeting Cross Council Fleet Collaboration - Fiona Harvey (PAE) & Adrian Ralph (CCS)	Angela Allison
11 October 2023	Meeting SWBMX Club and City of Marion re SWBMX Project	Tony Lines
13 October 2023	LG Professionals SA General Managers and Directors Working Group Meeting	Ben Keen
16 October 2023	Attended Club Marion Board meeting	Tony Harrison
17 October 2023	Panel Member LGA CEO Roundtable hosted by Amazon Web Services	Tony Harrison
20 October 2023	Meeting Water Management with City of Salisbury	Ben Keen
24 October 2023	Meeting John Noonan and Schumann Rafizadeh (One World)	Tony Harrison

Moved Councillor Prior

Seconded Councillor Mates

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

Carried Unanimously

7 Adjourned Items - Nil

8 Deputations - Nil

9 Petitions - Nil

10 Committee Recommendations

Moved Councillor Prior

Seconded Councillor Telfer

That the following Committee Recommendations reports be moved en bloc:

- Confirmation of Minutes of the Infrastructure Committee Meeting held on 5 September 2023
- Confirmation of Minutes of the Environment Committee Meeting held on 5 September 2023
- Confirmation of Minutes of the Planning and Development Committee Meeting held on 10 October 2023
- Confirmation of Minutes of the Review and Selection Committee Meeting held on 10 October 2023

Carried Unanimously

10.1 Confirmation of Minutes of the Infrastructure Committee Meeting held on 5 September 2023

Report Reference GC231024R10.1

Moved Councillor Prior

Seconded Councillor Telfer

That Council:

1. Receives and notes the minutes of the Infrastructure Committee meeting held on 5 September 2023.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure Committee.

Carried Unanimously

10.2 Confirmation of Minutes of the Environment Committee Meeting held on 5 September 2023

Report Reference GC231024R10.2

Moved Councillor Prior

Seconded Councillor Telfer

That Council:

1. Receives and notes the minutes of the Environment Committee meeting held on 5 September 2023.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Environment Committee.

Carried Unanimously

10.3 Confirmation of Minutes of the Planning and Development Committee Meeting held on 10 October 2023
Report Reference GC231024R10.3**Moved Councillor Prior****Seconded Councillor Telfer**

That Council:

1. Receives and notes the minutes of the Planning and Development Committee meeting held on 10 October 2023.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Planning and Development Committee.

Carried Unanimously**10.4 Confirmation of Minutes of the Review and Selection Committee Meeting held on 10 October 2023**
Report Reference GC231024R10.4**Moved Councillor Prior****Seconded Councillor Telfer**

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting held on 10 October 2023.
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**

The Mayor sought and was granted leave of the meeting to vary the order of the Agenda and bring forward the item *Plympton Sports and Recreation Club Master Plan* to be considered after the item *Park Terrace Road Closure Investigation*.

11.1 Park Terrace Road Closure Investigation
Report Reference GC231024R11.1**Moved Councillor Veliskou****Seconded Councillor Masika**

That Council:

1. Notes the report

Carried Unanimously

11.8 Plympton Sports and Recreation Club Master Plan
Report Reference GC231024R11.8**Moved Councillor Veliskou****Seconded Councillor Masika**

That Council:

1. Council notes the Plympton Oval Master Plan Report.

Carried Unanimously**11.2 Mitchell Park Sports and Community Management Model**
Report Reference GC231024R11.2**Moved Councillor Telfer****Seconded Councillor Crossland**

That Council:

1. Endorses the continuation of the current in-house management model of MPSCC for a further 5 years, concluding 30 June 2029.
2. Notes that a further report will be presented to Council in August 2027 providing a mid-term operations overview.

Carried Unanimously**11.3 Draft Parking Management Guidelines**
Report Reference GC231024R11.3**Moved Councillor Crossland****Seconded Councillor Masika**

That Council:

1. Notes the Community Engagement Feedback Report (Attachment 1).
2. Endorses the City of Marion Parking Management Guidelines (Attachment 2).
3. Notes a further report will be presented to Council in October 2024 with an overview of the implementation of the Parking Management Guidelines.

Carried Unanimously

11.4 Tunnel Protection Overlay Code Amendment
Report Reference GC231024R11.4**Moved Councillor Telfer****Seconded Councillor Prior**

That Council:

1. Notes the draft Tunnel Protection Overlay Code Amendment.
2. Makes a submission to the Department for Infrastructure and Transport (as per the draft in Attachment 11.4.1 of GC231024R11.4) advising that Council has no objection to the Code Amendment subject to:
 - a) activities by Councils, utility providers or state agencies associated with:
 - o excavation or intrusion of the ground exceeding 2.5 metres below ground level, including underground drains, pipes, conduits, tunnels, underground passageway, or adit; or
 - o temporary stockpiling over an area exceeding 100 square metres; are listed as activities that are exempt from public notification against the relevant affected Zones covered by the Overlay; and
 - b) the tunnels (and extent of the Tunnel Protection Overlay area) are registered against Dial Before You Dig service to ensure awareness and notification of triggers for development approval to any interested parties.

Carried Unanimously**11.5 Appointment of Deputy Mayor**
Report Reference GC231024R11.5

Councillor Crossland nominated for the position of Deputy Mayor and declared a material conflict of interest due to the additional allowance payable. Councillor Crossland will leave the meeting for the item.

Councillor Veliskou nominated for the position of Deputy Mayor and declared a material conflict of interest due to the additional allowance payable. Councillor Veliskou will leave the meeting for the item.

6.59pm Councillor Crossland left the meeting

6.59pm Councillor Veliskou left the meeting

Council took part in preferential voting to determine Councillor Crossland as the successful candidate in the voting process.

7.02pm Councillor Veliskou re-entered the meeting

Moved Councillor Masika**Seconded Councillor Taylor**

That Council:

1. Appoints Councillor Crossland as the Deputy Mayor from 29 November 2023 until 29 November 2024.

Carried Unanimously

7.03pm Councillor Crossland re-entered the meeting

**11.6 Committee Structure and Council Member Representatives for various positions
2023-2024**

Report Reference GC231024R11.6

Moved Councillor Prior

Seconded Councillor Crossland

That formal meeting procedures be suspended to discuss the item

Carried Unanimously

7.04pm formal meeting procedures suspended

7.15pm formal meeting procedures resumed

Councillor Luscombe declared a material conflict of interest as she was nominated for one of the Presiding Member positions (February - July) on the Environment and Infrastructure Committee and will leave the meeting for the item.

Councillor Hoffmann declared a material conflict of interest as she was nominated for one of the Presiding Member (August - November) positions on the Environment and Infrastructure Committee and will leave the meeting for the item.

7.16pm Councillor Luscombe left the meeting

7.16pm Councillor Hoffmann left the meeting

Moved Councillor Prior

Seconded Councillor Crossland

That Council:

1. Appoints the following Councillors to the Finance, Risk and Audit Committee for a term commencing on 30 November 2023 and concluding on 30 November 2024:
 - Councillor Veliskou
2. Appoints the following Councillors to the Review and Selection Committee for a term commencing on 30 November 2023 and concluding on 30 November 2024:
 - Councillor Taylor
 - Councillor Hoffmann
3. Appoints the following Councillors to the Reconciliation Action Plan Working Group for a term commencing on 30 November 2023 and concluding on 30 November 2024.
 - Masika
 - Luscombe
 - Telfer
4. Disbands the Environment Committee, Infrastructure Committee and the Planning and Development Committee effective from 30 November 2023.
5. Adopt the Terms of Reference for the Infrastructure and Environment Committee as provided in Attachment 2, in accordance with Section 41 of the Local Government Act 1999
6. Appoints Councillor Luscombe as the Presiding Member of the Infrastructure and Environment Committee for the Committee Meetings scheduled in February, April, June and July 2024.

7. Appoints Councillor Hoffmann as the Presiding Member of the Infrastructure and Environment Committee for the Committee Meetings scheduled in August, September, October and November 2024.

Carried Unanimously

7.17pm Councillor Hoffmann re-entered the meeting

7.17pm Councillor Luscombe re-entered the meeting

11.7 Appointment of Date, Time and Place of Council Meetings for 2024

Report Reference GC231024R11.7

Moved Councillor Telfer

Seconded Councillor Luscombe

That Council:

1. Adopts the following meeting cycle to facilitate open, responsive and accountable government as well as the timely conduct of Council's business:
 - General Council Meetings to be held on the fourth Tuesday of the month in January, February, March, April, May, June, July, August, September, October and November.
 - General Council Meetings to be held on the second Tuesday of the month in March, May and December.
2. Adopts the Infrastructure and Environment Committee meets on the second Tuesday of the month in February, April, June, July, September, October and November and the first Tuesday of the month in August.
3. Adopts the schedule of meeting dates for 2024 as provided at Appendix 1 to the report.
4. Notes the proposed dates for Council Member Forums (information sessions) provided in Attachment 1 to the report.
5. Notes the tentative dates for the Finance, Risk and Audit Committee and the Review and Selection Committee, subject to adoption at the respective Committees.
6. Publishes the Schedule of Meetings for 2024 on the City of Marion Website

Carried Unanimously

11.9 Environment Policy

Report Reference GC231024R11.9

Moved Councillor Luscombe

Seconded Councillor Telfer

That Council:

1. Endorses the updated City of Marion Environment Policy (Attachment 2).

Carried Unanimously

11.10 Community Gardens Policy
Report Reference GC231024R11.10

Councillor Luscombe declared a material conflict of interest in the item *Community Gardens Policy* as she is the Chair of the Cove Community Gardens Committee and will leave the meeting for the item.

7.19pm Councillor Luscombe left the meeting

Moved Councillor Crossland

Seconded Councillor Mates

That Council:

1. Adopts the revised Community Gardens Policy (Attachment 2).

Carried Unanimously

7.20pm Councillor Luscombe re-entered the meeting

12 Corporate Reports for Information/Noting

Moved Councillor Crossland

Seconded Councillor Prior

That the following Committee Recommendations reports be moved en bloc:

- Questions Taken on Notice Register
- SRWRA Board Meeting 25 September 2023 - Constituent Council Information Report
- Work Health and Safety Report

Carried Unanimously

12.1 Questions Taken on Notice Register
Report Reference GC231024R12.1

Moved Councillor Crossland

Seconded Councillor Prior

That Council:

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

Carried Unanimously

12.2 SRWRA Board Meeting 25 September 2023 - Constituent Council Information Report
Report Reference GC231024R12.2

Moved Councillor Crossland

Seconded Councillor Prior

That Council:

1. Notes the Constituent Council Information Report from SRWRA Board Meeting, 25th September 2023.

Carried Unanimously

12.3 Work Health and Safety Report
Report Reference GC23102412.3**Moved Councillor Crossland****Seconded Councillor Prior**

That Council:

1. Receive this report

Carried Unanimously**12.4 Council and CEO KPI Report Quarter Four 2022/23 - Final Results**
Report Reference GC231024R12.4**Moved Councillor Hoffmann****Seconded Councillor Luscombe**

That Council:

1. Notes this information and information contained within the attachments for Quarter four 2022/23 – final results.

Carried Unanimously**12.5 Coastal Walkway Nungamoora Design**
Report Reference GC231024R12.5**Moved Councillor Crossland****Seconded Councillor Luscombe**

That this item be adjourned to the General Council Meeting to be held on 28 November 2023 to allow for additional information.

Carried Unanimously**12.6 Finance Report – September 2023**
Report Reference GC230822R12.6**Moved Councillor Prior****Seconded Councillor Telfer**

That Council:

1. Receives the report “Finance Report – September 2023”

Carried Unanimously**13 Workshop / Presentation Items - Nil**

14 Motions With Notice

14.1 Cooinda Neighbourhood Centre - request for acoustic improvements

Report Reference GC231024M14.1

Moved Councillor Telfer

Seconded Councillor Veliskou

That a report come to General Council meeting of 28th February 2024 regarding Cooinda Neighbourhood Centre acoustic improvements to the hall. This report is to give an indication whether acoustic improvements to Cooinda Hall merit budgetary priority in the larger review of Neighbourhood Centre maintenance requirements for 2024/25.

Carried Unanimously

14.2 Leave of Absence - Cr Lama

Report Reference GC231024M14.2

Moved Councillor Masika

Seconded Councillor Luscombe

That Councillor Lama be granted leave of absence for the General Council Meeting to be held on 24 October 2023.

Carried Unanimously

15 Questions With Notice

15.1 1700 South Road O'Halloran Hill

Report Reference GC231024Q15.1

Council Member Mayor Hanna

QUESTIONS

1. What were the terms of the condition that to the driveway reconstructed prior to commencement of construction of houses, in relation to the development at 1700 South Road?
2. Why was the condition added?
3. When was the condition changed, how was it changed and why was the original condition removed?
4. Did the letters written by Mayor Hanna to Thompson MP in June and July 2023 give full disclosure of facts relevant to her queries?
5. Was it accurate for the Mayor to say publicly on X September 2023, "what developer can build different elements of the development in the order, they wish" ?
6. When was the Mayor first advised of the abovementioned condition of planning approval i.e. regarding the completion deadline for the driveway?
7. After the condition of planning approval was changed to allow construction of the driveway within 24 months of approval, why was this new deadline not enforced? Provide details of communications to the developer or builder insisting on completion of the driveway.
8. Please attach correspondence relevant to the request and granting of the abovementioned change of condition.
9. Did Council development staff meet with any representative of the developer or builder

in February-March (inclusive) 2023? If so, please attach notes of the meeting.

SUPPORTING INFORMATION

Nil

Response Received From	Manager Development & Regulatory Services – Warwick Deller-Coombs
Corporate Manager	N/A
General Manager	General Manager City Development – Tony Lines

STAFF COMMENTS

1. What were the terms of the condition that to the driveway reconstructed prior to commencement of construction of houses, in relation to the development at 1700 South Road?
 - Development application 2013_1385 was initially approved on 23/7/2015 with a condition of approval that required the driveway to be completed prior to the land titles being issued (pursuant to Section 51 of the Development Act 1993). Specifically Condition 3 stated:

"(3) Construction of the front fence, common driveway, retaining walls and landscaping (of common land - trees and ground covers adjacent common driveway and front fence) shall be constructed, installed and completed prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act."
2. Why was the condition added?
 - Following an initial refusal of the Planning Consent by Council and subsequent ERD Court process, the condition was added in 2015 to alleviate concerns that future residents could be left with an incomplete driveway.
3. When was the condition changed, how was it changed and why was the original condition removed?
 - In 2016/17 the developer initiated discussions with Council staff to alter the condition to allow clearance for the titles on the proviso that the driveway would be completed within a specified timeframe.
 - Specifically, the negotiated condition stated:

"(5) Construction of the front fence, common driveway over land marked C/D and D, retaining walls and landscaping (of common land - trees and ground covers adjacent common driveway and front fence) shall be constructed, installed and completed within 24 months from the date of approval."
 - The request was made by the developer for two reasons:
 1. To avoid damage to driveway infrastructure during construction of the dwellings.
 2. The developer also informed Council that while nine dwellings were under contract (at the time), customers would be unable to secure home loans from financial institutions without the titles being released (i.e. Section 51 Clearance). Releasing the titles would allow cashflow to contribute to the continuation of the project.

- Following delays by the developer, the condition was changed in January 2020.
 - Before accepting the changed condition, Council ensured that the driveway was trafficable and stormwater pipes and kerbing had been installed. This gave Council confidence that the dwellings could be completed on schedule.
4. Did the letters written by Mayor Hanna to Thompson MP in June and July 2023 give full disclosure of facts relevant to her queries?
- The responses drafted by staff and subsequently provided by the Mayor to MP Erin Thompson were relevant and accurate responses to all of the questions MP Erin Thompson asked.
5. Was it accurate for the Mayor to say publicly on X September 2023, “what developer can build different elements of the development in the order, they wish”?
- Staff have not been able to find the above statement in audio and written transcripts of what was said publicly by the Mayor.
 - If the question is referring a comment made by the Mayor on 5 September 2023 (as per transcript on 5AA radio): “It’s up to the builder to actually do the job and finish it”, this is an accurate and appropriate statement.
6. When was the Mayor first advised of the abovementioned condition of planning approval i.e. regarding the completion deadline for the driveway?
- The focus of the initial investigations in February/March 2023 was on the status of the homes and future residents as well as providing assistance to Consumer and Business Services who were leading the investigation into the developer.
 - Specific details of the historical change in driveway development condition were provided in September 2023.
 - It should be noted that:
 - the completion (or otherwise) of the driveway was not the fundamental issue with the project failure.
 - The driveway was serviceable, and homes were still able to be worked on, up until March/April 2023. The developer subsequently entered Administration in May 2023.
7. After the condition of planning approval was changed to allow construction of the driveway within 24 months of approval, why was this new deadline not enforced? Provide details of communications to the developer or builder insisting on completion of the driveway.
- Approval was granted on 31 January 2020, with the driveway conditioned to be completed within 24-months or by 31 January 2022. Whilst the driveway remained incomplete after 24-months (i.e. was yet to have final surface applied), at the time there was no sign to Council that builder was in financial trouble or any indication that enforcement was required.
 - During the Covid-19 Pandemic, well-documented interruptions to work, building supplies and building contractors were experienced resulting in delays to many building projects.
 - In early 2023, when Council was made aware of potential issues with the development, staff investigated enforcement options.

- On 14 February 2023 Council wrote to the developer to advise we had become aware of the incomplete development and requested they complete the works (i.e. driveway) within 28 days or seek an extension of time by providing “... *written testimony as to why the development has not been completed, and sets out a commitment to complete development ...*”
 - On 22 February 2023, Council followed up with another email providing further specific advice on which applications had lapsed (i.e. land division application including driveway and childcare centre application) and which were still in time (dwelling applications). Staff again requested a response including “... *legitimate reasons as to why Felmeri have failed to meet the timeframes and include commitments around completing the various outstanding stages of development ...*”.
 - Council met with developers on 9 March 2023 and subsequently wrote again on 14 March 2023 further outlining Council’s concerns and indicating that while an extension of time of 12 months may be requested, that Council would only support a further 6-month extension.
 - During this time, Council had legal advice that recommended condition 5 (as above) was ultra-vires and unenforceable, and furthermore given the substantial completion of works – that any enforcement action would be pursued against the community title owners (i.e. future residents).
 - Following the investigation, Council documented the failings of the Development Act, Community Titles Act and Building Indemnity Insurance processes.
 - To date, Council’s advocacy has led to an announcements by the State Government that:
 - a. *The Building Indemnity Insurance process will be reviewed.*
 - b. *Amendments to be made to Practice Direction 12 giving relevant authorities the authority to impose conditions such as completion of driveways before allowing clearance of titles.*
8. Please attach correspondence relevant to the request and granting of the abovementioned change of condition.
- In summary, historical correspondence between MasterPlan (on behalf of the developer), the contracted surveyor, DPTI and Council staff outlined the process for a minor variation application which included a reduction in allotments from 23 to 20, changes to the above mentioned condition to enable practical completion of the dwelling prior to clearance, and to also organise the refund of the open space fund due to the reduction in the number of allotments being proposed in the variation application that was approved on 31 January 2020.
 - Correspondence is part of an operational working file and should not be released into the public realm.
 - This information can be confidentially shared with Council Members separately.
9. Did Council development staff meet with any representative of the developer or builder in February-March (inclusive) 2023? If so, please attach notes of the meeting.
- As described in Question 7, Council wrote to the developer advising of the incomplete work on 14 and 22 February 2023. Council met the developer on 9 March 2023 and subsequently wrote again on 14 March 2023 to discuss lapsed applications DA 2013_1385 & DA 2017_1481 and the possibility of legal action if the development was not completed.

- Further to this, Council Building Inspectors inspected the site in March and April 2023 and wrote to the developer on 28 March 2023 highlighting non-compliances with the approved plans. This was followed up by Council on 14 April 2023 and 15 May 2023 with no response from the developer (these matters remain outstanding).
- As above, correspondence is part of an operational working file and should not be released into the public realm. This information can be confidentially shared with Council Members separately.

15.2 Living Kurna Cultural Centre

Report Reference GC231024Q15.2
Council Member Mayor Hanna

QUESTION

All other things being equal, what would have been the additional financial return to the City of Marion if the organisation leasing the Living Kurna Cultural Centre had not paid for staff to travel to New York and Europe?

SUPPORTING INFORMATION

Nil

Response Received From General Manager City Development – Tony Lines
Corporate Manager N/A
General Manager General Manager City Development – Tony Lines

STAFF COMMENTS

Under the above scenario, and assuming that the money wasn't allocated elsewhere, then the additional financial return to the City of Marion would have been \$2,891.80.

16 Motions Without Notice

16.1 Leave of Absence - Cr Singh

Reference GC231024M16.2

Moved Councillor Veliskou

Seconded Councillor Taylor

That Councillor Singh be granted leave of absence for the General Council Meeting to be held on 24 October 2023.

Carried Unanimously

17 Questions Without Notice

18 Confidential Items**Moved Councillor Veliskou****Seconded Councillor Prior**

That the following Cover Reports to move into confidence be moved en bloc:

- Cover Report - Unsolicited Proposal - Purchase of Council Property - Edwardstown
- Cover Report - Code of Conduct Report - Recommendation to release
- Cover Report - Confirmation of Minutes of the Confidential Review and Selection Committee Meeting held on 10 October 2023
- Cover Report - Cover Report - CEO Performance and Remuneration Review
- Cover Report - CEO Contract Review

Carried Unanimously**18.1 Cover Report - Unsolicited Proposal - Purchase of Council Property - Edwardstown**
Report Reference GC231024F18.1**Moved Councillor Veliskou****Seconded Councillor Prior**

That pursuant to Section 90(2) and (3)(b) 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 City Services, General Manager Corporate Services, Chief Financial Officer, Manager Office of the CEO, Manager City Activation, Manager City Property, Unit Manager Land & Property, Unit Manager Sport & Recreational Community Facilities, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Purchase of Council Property - Edwardstown, 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 commercial information of a confidential nature of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

Carried Unanimously

7.43pm the meeting went into confidence

Moved Councillor Crossland**Seconded Councillor Taylor**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, 'Unsolicited Proposal – Purchase of Council Property, Edwardstown,' any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) 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 2023.

Carried Unanimously

8.12pm the meeting came out of confidence.

18.2 Cover Report - Code of Conduct Report - Recommendation to release

Report Reference GC231024F18.2

Moved Councillor Veliskou**Seconded Councillor Prior**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, Manager 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 the release of a Code of Conduct report, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a complaint concerning a previous member of Council.

Carried Unanimously

8.12pm the meeting went into confidence.

8.23pm Councillor Taylor left the meeting

8.24pm Councillor Taylor re-entered the meeting

Moved Councillor Prior**Seconded Councillor Crossland**

That the item be adjourned to the next General Council meeting to be held on 28 November 2023 to allow additional information to be received.

Carried Unanimously

8.25pm the meeting came out of confidence.

18.3 Cover Report - Confirmation of Minutes of the Confidential Review and Selection Committee Meeting held on 10 October 2023

Report Reference GC231024F18.3

Moved Councillor Veliskou**Seconded Councillor Prior**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Chief Financial Officer, Manager Office of the CEO, Manager City Activation, 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 Minutes of the Confidential Review and Selection Committee Meeting held on 10 October 2023, 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 information of City of Marion staff.

Carried Unanimously

8.25pm the meeting went into confidence

Moved Councillor Hoffmann**Seconded Councillor Telfer**

That Council:

1. Receives and notes the confidential minutes of the Review and Selection Committee meeting held on 10 October 2023.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.
3. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Confirmation of Minutes of the Confidential Review and Selection Committee Meeting held on 10 October 2023 and any appendices 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 2023.

Carried Unanimously

8.26pm the meeting came out of confidence

18.4 Cover Report - CEO Performance and Remuneration Review

Report Reference GC231024F18.4

Moved Councillor Veliskou

Seconded Councillor Prior

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Manager People and Culture and Chief Executive Officer, be excluded from the meeting as the Council receives and considers information relating to CEO Performance and Remuneration 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

8.26pm the meeting went into confidence

8.49pm Manager People and Culture left the meeting and did not return.

9.10pm Chief Executive Officer left the meeting and did not return.

Moved Councillor Hoffmann

Seconded Councillor Prior

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, CEO Performance and Remuneration 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 2023.

Carried

9.29pm the meeting came out of confidence

18.5 Cover Report - CEO Contract Review
Report Reference GC231024F18.5**Moved Councillor Veliskou****Seconded Councillor Prior**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, be excluded from the meeting as the Council receives and considers information relating to CEO Contract 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

9.29pm the meeting went into confidence

Meeting extension**Moved Councillor Hoffmann****Seconded Councillor Prior**

That the meeting be extended until the conclusion of all items listed on the agenda.

9.29pm Meeting extended

Moved Councillor Hoffmann**Seconded Councillor Prior**

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, CEO Contract 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 2023

Carried Unanimously

10.09pm the meeting came out of confidence

19 Other Business**20 Meeting Closure**

The meeting was declared closed at 10.09pm.

CONFIRMED THIS 28 DAY OF NOVEMBER 2023

CHAIRPERSON