

**MINUTES OF THE SGC200729 – SPECIAL GENERAL COUNCIL MEETING**

**Wednesday, 29 July 2020 at 06:30 PM**

**Held in Virtual Meeting Room – Zoom and in the Council Chamber**



**Present:**

**Elected Members**

Mayor - Kris Hanna	
Councillor - Ian Crossland	Councillor - Tim Gard
Councillor - Bruce Hull	Councillor - Nathan Prior
Councillor - Maggie Duncan	Councillor - Matthew Shilling
Councillor - Kendra Clancy	Councillor - Jason Veliskou (electronically)
Councillor - Raelene Telfer	Councillor - Luke Hutchinson (electronically from 6.59pm)
Councillor - Joseph Masika (electronically)	Councillor - Sasha Mason

**In Attendance:**

Chief Executive Officer – Adrian Skull  
General Manager City Development – Iliia Houridis  
General Manager Corporate Services – Sorana Dinmore  
General Manager City Services – Tony Lines  
Manager Corporate Governance – Kate McKenzie  
Governance Officer – Victoria Moritz

**OPEN MEETING**

The Mayor opened the meeting at 06:31pm

**KAURNA ACKNOWLEDGEMENT**

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

**DISCLOSURE**

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

**ELECTED MEMBER'S DECLARATION OF INTEREST (if any)**

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

The following interests were disclosed:

- Councillor Shilling declared a perceived conflict of interest in the item *Local Government Association Annual General Meeting 2020* (Report Reference: SGC200729R06) and a material conflict of interest the item *X Convenience Service Station Development Application* (Report Reference: SGC200729M03).

- Councillor Crossland declared a perceived conflict of interest in the item *Rescission Motion - Removal of Lower Field River Pines (Aleppo Pines)* (Report Reference: SGC200729M02).
- Councillor Hull declared a perceived conflict of interest in the item *Local Government Association Annual General Meeting 2020* (Report Reference: SGC200729R06).
- Councillor Telfer declared a perceived conflict of interest in the item *Local Government Association Annual General Meeting 2020* (Report Reference: SGC200729R06) and the item *X Convenience Service Station Development Application* (Report Reference: SGC200729M03).
- The Mayor declared a perceived conflict of interest in the item *X Convenience Service Station Development Application* (Report Reference: SGC200729M03).

## **ORDER OF AGENDA**

The Mayor sought and was granted leave of the meeting to vary the order of agenda items and consider the Adjourned Items at 9.10pm this evening unless all other items are completed before this time.

## **DEPUTATIONS**

### **Deputation - Aleppo Pines Rescission Motion**

**Report Reference:** SGC200729D01

Councillor Crossland declared a perceived conflict of interest in the item *Rescission Motion - Removal of Lower Field River Pines (Aleppo Pines)* (Report Reference: SGC200729M02) due to the close proximity of his residential address. Councillor Crossland advised he will remain present for the deputation but will leave the meeting for the debate on the Rescission Motion.

Mr Morriss gave a five-minute deputation to Council supporting the rescission of the resolution passed on 26 May 2020 in relation to the Aleppo Pines (GC200526P01).

6.40pm Councillor Veliskou left the meeting

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the item *Rescission Motion – Removal of Lower Field River Pines (Aleppo Pines)* next on the agenda.

6.50pm Councillor Crossland left the meeting

**Rescission Motion - Removal of Lower Field River Pines (Aleppo Pines)**

**Report Reference:** SGC200729M02

6.48pm Councillor Veliskou re-entered the meeting

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Rescind motion GC200526P01
  1. *Council notes the petition.*
  2. *The group of approximately 30 Aleppo Pine trees in the Cormorant Drive Reserve, Hallett Cove, be removed in stages over the period of the next three years whilst a revegetation program takes affect during that period.*
  3. *The Petitioners be advised of the decision*
2. Council notes the petition of 31 signatures, discussed at General Council on 26 May 2020;
3. A report be brought to Council by 27th October 2020 regarding the Aleppo Pines which provides Council with the following information:
  - a. An external expert opinion on what impacts the removal of the trees will have on:
    - i. Fauna;
    - ii. Flora;
    - iii. Field River environment, in particular the immediate area around the trees;
  - b. A plan for a staged approach to remove the 30 Aleppo Pines;
  - c. Information on what natives can be used to revegetate the site.
4. That the Petitioners be advised of the amended motion.

6.59pm Councillor Hutchinson joined the meeting

7.03pm Councillor Veliskou left the meeting

7.04pm Councillor Veliskou re-entered the meeting

**Carried**

**CORPORATE REPORTS FOR DECISION**

**Marino Hall Redevelopment - Feasibility options**

**Report Reference:** SGC200729R01

7.07pm Councillor Crossland re-entered the meeting

**Moved Councillor – Tim Gard**

**Seconded Councillor – Ian Crossland**

That Council:

1. Notes the feasibility report completed by Studio Nine.
2. Endorses Option 2 for a full redevelopment of Marino Hall and commits \$2.5 million (50%) to the project for inclusion in Council's Long-Term Financial Plan subject to receiving a matching external funding commitment.
3. Endorses to proceed to further refine the endorsed proposal and undertake stakeholder consultation, with consultancy fees capped at \$18,000.
4. Note that if required, a separate report as required under Section 48 of the Local Government Act, will be brought to Council for consideration.

**Carried Unanimously**

**Marion Historic Village Museum - Final Report**

**Report Reference:** SGC200729R02

**Moved Councillor – Raelene Telfer**

**Seconded Councillor - Maggie Duncan**

1. That formal meeting procedures be suspended to discuss the item

**Carried Unanimously**

7.16pm formal meeting procedures suspended

7.34pm formal meeting procedures resumed

**Moved Councillor – Raelene Telfer**

**Seconded Councillor – Sasha Mason**

1. Notes the report
2. Endorses the preferred option for the City of Marion Museum to be broadly Options 3 and 4 in the report.

This will be a custom museum space at Marion Heritage Research Centre of a gallery, as a collecting facility and depository. Other local, niche, significant sites at Marion Historic Village Museum, Glandore, Glenthorne, Perry Barr Farm, Worthing Mine, Hallett Geographical Area, Oaklands Reserve, and others will be interpreted in situ. The Coach House, Warriparinga, would be restored and fitted for curation workshops, and storage.

3. Allocates \$30,000 to undertake preliminary scoping and costing of the above proposal.
4. Receives a report of the preliminary scoping, costing, and possible timelines of stages by December 2020.
5. Notes that staff will update the 2011 Cultural Heritage Plan to align with the above decisions.

**Moved Councillor - Bruce Hull**

**Seconded Councillor – Ian Crossland**

1. That this item be deferred until the General Council Meeting on 27 October 2020.

**Lost**

The motion was **Carried**

**Councillor Crossland called a Division:**

The Mayor declared the vote set aside

**Those for:** Councillors: Masika, Veliskou, Hutchinson, Mason, Telfer, Duncan and Gard

**Those Against:** Councillors Clancy, Prior, Hull, Shilling and Crossland

**Carried**

7.52pm Councillor Clancy left the meeting

**Moved Councillor – Matthew Shilling**

**Seconded Councillor - Maggie Duncan**

1. That the motion *X Convenience Service Station Development Application* (Report Reference: SGC200729M03) be brought forward and considered next on the agenda.

**Carried Unanimously**

**X Convenience Service Station Development Application**

**Report Reference:** SGC200729M03

Councillor Telfer declared a perceived conflict of interest in the item as she is unable to participate in this Council Assessment Panel hearing as an independent member appointed by Council and stated:

- a. I have given advice to respondents in my Ward on this matter
- b. I have attended 3 public meetings by respondents
- c. I have publicly expressed my opinion on the application

Councillor Telfer advised she would remain in the Chamber for the item.

Councillor Shilling declared a material conflict of interest in the item as he is a Member on the Council Assessment Panel and intends to sit on the panel for the assessment decision. Councillor Shilling advised he will leave the Chamber for the item.

The Mayor declared a perceived conflict of interest in the item as he was involved in drafting the appeal (Pro bono) on behalf of the residents and will remain in the Chamber for the item.

7.55pm Councillor Clancy re-entered the meeting

7.55pm Councillor Shilling left the meeting

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Ian Crossland**

With regard to the pending ERD Court Category review – 2020\_0568 X Convenience Service Station Development – 373 Diagonal Road, Sturt, that Council:

1. Requests that the Council will remain neutral, by advising the Court that it will abide the decision of the Court. Council will leave it to the ERD Court to hear from the resident/s and to make its own assessment about the correctness or incorrectness of the Categorisation Decision.
2. Does not actively defend its position but does participate to the extent of explaining the decision and its basis.

#### **AMENDMENT**

**Moved Councillor – Raelene Telfer**

**Seconded Councillor - Jason Veliskou**

With regard to the pending ERD Court Category review – 2020\_0568 X Convenience Service Station Development – 373 Diagonal Road, Sturt, that Council:

1. Requests that the Council will remain neutral, by advising the Court that it will abide the decision of the Court. Council will leave it to the ERD Court to hear from the resident/s and to make its own assessment about the correctness or incorrectness of the Categorisation Decision.
2. Participates to the extent of explaining the decision and its basis.

The amendment to become the motion was **Lost**  
Councillor Telfer voted in Favour

The original motion was **Carried**  
Councillor Telfer voted in Favour

**Public Art Guidelines Community Consultation**

**Report Reference:** SGC200729R03

8.20pm Councillor Shilling re-entered the meeting

8.20pm Councillor Clancy left the meeting

8.21pm Councillor Clancy re-entered the meeting

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Tim Gard**

That Council:

1. Endorse the Public Art Guidelines 2020-2028 for community consultation.
2. Note that a further report will be brought to General Council meeting on 27 October 2020, reporting on community feedback and seeking final endorsement of the Public Art Guidelines.

**Carried Unanimously**

**Carbon Neutral Plan**

**Report Reference:** SGC200729R04

8.26pm Councillor Hutchinson left the meeting

**Moved Councillor – Nathan Prior**

**Seconded Councillor – Ian Crossland**

1. That formal meeting procedures be suspended to discuss the item

**Carried Unanimously**

8.27pm formal meeting procedures suspended

8.27pm Councillor Mason left the meeting

8.30pm Councillor Mason re-entered the meeting

8.30pm Councillor Hutchinson re-entered the meeting

8.32pm formal meeting procedures resumed



**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Notes the report.
2. A revised report will be brought back for consideration at the General Council meeting in October 2020.

**Carried Unanimously**

**Representation Review Options Paper**

**Report Reference:** SGC200729R05

9.01pm Councillor Prior left the meeting

9.05pm Councillor Prior re-entered the meeting

**Moved Councillor - Bruce Hull**

1. That the item be deferred until February 2021

**Lapsed for want of a Seconder**

**Moved Councillor – Joseph Masika,**

**Seconded Councillor – Luke Hutchinson**

That:

1. Council adopts the Representation Review Options Paper included as Attachment 2 to this report.
2. The Manager Corporate Governance be authorised to amend the wording (without changing the meaning or purpose of the Representation Review Options Paper) if required.
3. The community consultation and engagement process commences on Thursday, 30 July 2020 and concludes at 5 pm, Monday, 14 September 2020.
4. The outcomes of the community consultation be presented to Council at its meeting on Tuesday, 13 October 2020.

**Carried**

**ADJOURNED - CONFIDENTIAL ITEMS (9.10pm)**

The Mayor sought and was granted leave of the meeting to consider all the cover reports for each of the confidential items next on the agenda before going into confidential discussions for the items.

**Marion Sports and Community Club – Landlord Consent - Adjourned Item**

**Reference:** SGC200729F01

**Moved Councillor – Nathan Prior**

**Seconded Councillor – Sasha Mason**

1. That pursuant to Section 90(2) 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: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Thuyen Vi-Alternetti, Jaimie Thwaites, Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Marion Sports and Community Club - Landlord Consent, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business.

**Carried**

**Edwardstown Creative Industries Co-Working Hub Tender report - Adjourned Item**

**Report Reference:** SGC200729F02

**Moved Councillor – Raelene Telfer**

**Seconded Councillor – Sasha Mason**

1. That pursuant to Section 90(2) and (3)(k) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Jaimie Thwaites, Marg Edgecombe, Greg Salmon, Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Edwardstown Creative Industries Co-working Hub Tender 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 tenders for the supply of goods, the provision of services or the carrying out of works.

**Carried Unanimously**

9.11pm the meeting went into confidence

**Marion Sports and Community Club – Landlord Consent - Adjourned Item**

**Reference:** SGC200729F01

9.13pm Councillor Hutchinson left the meeting

9.14pm Councillor Hutchinson re-entered the meeting

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Matthew Shilling**

1. That the meeting be extended until the conclusion of this item and the following two time critical items:
  - *Local Government Association Annual General Meeting 2020 (Report Reference: SGC200729R06)* and
  - *Statutes Amendment (Local Government Review) Bill 2020 (Report Reference: SGC200729R07).*

**Carried**

**Moved Councillor – Ian Crossland**

**Seconded Councillor Raelene Telfer**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Marion Sports and Community Club - Landlord Consent, the associated appendices and any minutes arising from this report 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 2020.

**Carried**

9.30pm the meeting came out of confidence

9.31pm The Mayor left the meeting and did not return.

In the absence of the Mayor, Deputy Mayor Shilling resumed the Chair.

**Local Government Association Annual General Meeting 2020**

**Report Reference:** SGC200729R06

Councillor Shilling declared a perceived conflict of interest in the item as he is a Justice of the Peace and will remain in the Chamber for the item.

Councillor Hull declared a perceived conflict of interest in the item as he is a Justice of the Peace and will remain in the Chamber for the item.

Councillor Telfer declared a perceived conflict of interest in the item as she is a Justice of the Peace and will remain in the Chamber for the item.

9.32pm Councillor Duncan left the meeting

9.34pm Councillor Duncan re-entered the meeting

**Moved Councillor – Sasha Mason**

**Seconded Councillor – Ian Crossland**

That:

1. The nominated Council Voting Delegate for the 2020 Local Government Association Annual General Meeting is the Mayor and that the Proxy Delegate for this meeting is Deputy Mayor Shilling.
2. Council submits the following Notices of Motion to the Local Government Association by 17 August 2020 for consideration at the 2020 Local Government Association Annual General Meeting:
  - 2.1. That the Annual General Meeting requests the LGA to partner with the Royal Association of Justices of South Australia to lobby the Attorney General's Department to take up public liability and personal accident insurances on behalf of Justices of the Peace (JPs).
  - 2.2. That the Annual General Meeting requests that the LGA moves to seek greater intervention and control by higher authorities in respect to local government data breach notification procedures, to avoid inconsistent and/or inappropriate interpretations of proper procedure, especially when a large number of affected persons is involved and/or the detection of such breaches is a substantial period of time after the fact.
  - 2.3. That the LGA publish as part of LGA Annual Report, all appointments or recommendations which lead to an appointment by the LGA Board of Directors. The list to include relevant information such as:
    - the position
    - name of the person appointed
    - term of the position
    - any remuneration applicable to the position.

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

**Carried**

Councillor Hull voted in Favour  
Councillor Telfer voted in Favour

**Statutes Amendment (Local Government Review) Bill 2020**

**Report Reference: SGC200729R07**

**Moved Councillor – Sasha Mason**

**Seconded Councillor – Nathan Prior**

That Council:

1. Adopts the submission to the Local Government Association (LGA) provided in Attachment 3 to this report regarding the *Statues Amendment (Local Government Review) Bill 2020*.
2. Provides the correspondence provided in Attachment 4 to this report regarding the *Statues Amendment (Local Government Review) Bill 2020* to the Minister for Transport, Infrastructure and Local Government and Shadow Minister for Planning and Local Government.

**Carried**

**Councillor Hull called a Division:**

The Chair declared the vote set aside

**Those for:** Councillors Mason, Clancy, Prior, Telfer, Duncan, Gard, Crosland, Masika, Hutchinson and Veliskou

**Those Against:** Councillor Hull

**Carried**

**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.

Meeting Declared Closed at 9.36pm

**CONFIRMED THIS 11TH DAY OF AUGUST 2020**

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**CHAIRPERSON**

**THE FOLOWING ITEMS WERE NOT CONSIDERED:**

- Edwardstown Creative Industries Co-Working Hub Tender report - Adjourned Item
- Naming of Woodend Path
- Leases and Licences Update
- Work Health and Safety – Monthly Performance Report – June 2020
- Questions Taken on Notice Register
- Council Verges – Reported Use of Plastic Grass
- Westfield Marion Area – Residential Parking Scheme Exemptions
- Elected Members Code of Conduct During Elections
- Spinnaker Crescent Reserve
- Genetically Modified (GM) Crops – Consultation