

BY EMAIL: [attorneygeneral@sa.gov.au](mailto:attorneygeneral@sa.gov.au)

4 March 2021

The Honourable Vickie Chapman MP  
Minister for Planning and Local Government  
GPO Box 464  
ADELAIDE SA 5001

Attention: Mr J Cattonar, Manager Development Assessment, Planning  
& Land Use Services ([Jason.Cattonar@sa.gov.au](mailto:Jason.Cattonar@sa.gov.au))

Dear Minister

**Request for declaration of SCAP as relevant authority  
Proposed service station development at 373 Diagonal Road, Sturt**

1. I refer to the email from Mr Jason Cattonar dated 23 February 2021, enclosing two letters submitted to you from Mr Tom Game from Botten Levinson Lawyers on behalf of Andrash Management Pty Ltd (**Andrash**).
2. Thank you for the opportunity to provide a response to those letters. Of course, it is unsurprising that Andrash would seek to apply a particular gloss which best aligns with its commercial objectives. Equally, it is important that the Council is given an opportunity to put its perspective so as to ensure any decision is balanced and in the public interest.
3. The following is the Council's response, as endorsed by the elected members at a general council meeting held on 9 March 2021.

**Summary of Andrash's position**

4. Distilled to its essence, the following rationale is advanced by Andrash's solicitors as the basis for its request that you appoint SCAP as the relevant authority.
  - 4.1 In an attempt to address the reasons for refusal of its development application (and thereby avoid the cost and inconvenience associated with the appeal), Andrash proposes to put forward an amended scheme for consideration.

- 4.2 On 22 September 2020, the elected members resolved to ‘call in’ any decision on a compromise proposal (described in the correspondence as an “extraordinary decision to take control of a planning appeal”).
- 4.3 Andrash has no confidence that the compromise proposal will receive a fair and impartial consideration by the elected members.
- 4.4 The reason for Andrash’s lack of confidence arises from:
  - 4.4.1 actions and statements of the Mayor, Councillor Telfer and Councillor Hull, which actions and statements are said to demonstrate actual or potential conflicts of interest on the part of those individuals;
  - 4.4.2 the elected members collectively having expressed a publicly stated position on the proposed development through its resolutions and a flyer sent to residents on or about 25 January 2021.
5. Implicit in Andrash’s request is that it intends to lodge a fresh development application rather than pursuing this through the ERD Court conciliation conference process.

#### **Complete answer to Andrash’s contentions**

6. Given Andrash’s stated intention to lodge a fresh development application, the simple answer is that the Council (that is, the elected members) will have no part in the assessment or determination of that application.
7. As you are aware, section 34(23) of the *Development Act, 1993* mandates that the Council must delegate its powers and functions as a relevant planning authority to the independent Council Assessment Panel (CAP), or a member of its staff. In this case, the Council has delegated to the CAP any applications where representations have been received opposing the development.
8. By force of law, the Council simply cannot have any part in the assessment of a new application. Indeed, the system has been so designed by the Parliament to ensure that assessment decisions are insulated from any kind of political interference; even if the Council was hopelessly conflicted (which is not admitted), this would not matter in the slightest given the terms of section 34(23). It is also pertinent to recall many previous occasions where requests to appoint SCAP have been declined on account of section 34(23) and the fact that as a matter of law, the Council cannot usurp the role of the independent CAP.
9. The simple answer to the entirety of Andrash’s submission is that if it wishes to avoid scrutiny of the elected members, it can (and should) submit a fresh development application to be assessed by the independent CAP.
10. Indeed, it might be said that the CAP is in the best position to assess a fresh application given its understanding of the previous proposal.
11. Alternatively, should Andrash wait until after 19 March 2021 to lodge a fresh application, the Council will no longer be the relevant planning authority. Rather, the relevant authority will be either the Council’s assessment manager or the CAP.<sup>1</sup>
12. Once this is properly understood, it becomes apparent that Andrash’s request to appoint SCAP is an over-reaction and is entirely unnecessary.

---

<sup>1</sup> Assuming the proposal is not deemed-to-satisfy under the Planning and Design Code.

### Response to particular contentions

13. While the above is a complete answer to Andrash's contentions, for the sake of completeness, the following points are made in response to particular contentions advanced by Andrash's solicitors:
- 13.1 The terms of the Council's resolution on 29 July 2020 are immaterial. That resolution related to a previous set of proceedings commenced by third parties who sought to review of the Council's handling of the application. Those proceedings were discontinued and the application was then heard and determined by the CAP without further ado.
- 13.2 The events described as having occurred at the CAP Meeting on 2 September 2020 appear unextraordinary. There is nothing inappropriate or unlawful about Cr Hull advocating on behalf of a representor. The Mayor's comment to the effect "see you in court" were made in the expectation that Andrash would appeal against the CAP's decision, which is exactly what happened.
- 13.3 Comments attributed to the Mayor on or about 4 September were his own, and did not represent (or purport to represent) those of other elected members on the Council.
- 13.4 As to the 22 September 2020 Council meeting:
- 13.4.1 To the extent that individual members did not declare an actual or perceived conflict of interest was a matter for them individually. In any case, it would only be if any of them had a material conflict of interest that they would have had to absent themselves. There is no suggestion that any elected member had an actual or perceived conflict that would meet the threshold of being a material conflict as that term is understood in the *Local Government Act, 1999*.
- 13.4.2 In any case, the actions of the Mayor and 2 ordinary councillors did not mean that the rest of the elected members were conflicted or unable to bring a fair and unbiased mind to the matter.
- 13.4.3 But above all, there is nothing extraordinary about the Council resolving to "take control of a planning appeal". The Council was the named respondent, and it is entitled to conduct the appeal as it sees fit. Any party to litigation – even where the 'model litigant' considerations may apply – is perfectly entitled to defend its position; there was nothing inappropriate about the Council wanting to be in control of the appeal, including the expenditure of public funds in the conduct of the appeal.
- 13.5 As to the flyer of 25 January 2021:
- 13.5.1 A body corporate cannot be defamed.
- 13.5.2 The flyer simply doesn't express any position in relation to the development itself. Rather, it is directed at the process by which the development is ultimately assessed and determined.
- 13.5.3 Even if the flyer did express a public statement about the development (which is not conceded), this would have no bearing on the independent CAP's ability to consider a new application afresh – which is the principal point above.

14. Andrash's primary grievance appears to be that the Council has decided to take a proactive position in relation to the appeal. This is entirely misplaced. Andrash cannot instigate litigation against the Council and then expect it will take no interest in the conduct or outcome of that litigation. With respect, Andrash's position seems to confuse the Council's powers and functions as a relevant authority under the Act (which must be delegated under section 34(23) of the Act to ensure the assessment is relatively free of political interference), and its role as a respondent to a developer's appeal, which is subject to very different factors and considerations.
15. Further, and most importantly, if Andrash wishes to avoid scrutiny by the elected members – it has a simple and well-understood mechanism for doing so, namely, to submit a fresh application for assessment by the Council's independent CAP. There is simply no basis for SCAP to be appointed as the relevant authority. Indeed, should you decide to accede to Andrash's request, other developers may have a similar expectation of being able to seek refuge in the SCAP at the first sign of any genuine debate about the planning merits of a proposal.
16. For these reasons, the Council urges you to decline Andrash's request, and to allow the system to function properly as intended by the Parliament.

Yours faithfully  
Norman Waterhouse

**Peter Psaltis**  
Principal

T 08 8210 1297  
ppsaltis@normans.com.au

Our ref: THG/220193

8 December 2020

Hon. Minister Vickie Chapman, MP  
Minister for Planning  
C/- Planning and Land Use Services  
Attorney-General's Department  
GPO Box 1815  
ADELAIDE SA 5001

**By email:** attorneygeneral@sa.gov.au

Dear Minister

**Request for declaration of SCAP as relevant authority – proposed X Convenience service station complex - 373 Diagonal Road, Sturt**

We act for Andrash Management Pty Ltd (**Andrash**) in relation to its proposal to establish a service station complex at 373 Diagonal Road, Sturt (**the proposal**).

We write to request that you exercise your power pursuant to s34(1)(b)(vi)(A) of the *Development Act 1993* (**Act**) to declare the State Commission Assessment Panel (**SCAP**) to be the relevant authority for the proposal.

**Background**

The proposal was the subject of DA 100/2020/568 (**the Application**) and is now the subject of an appeal to the Environment, Resources and Development Court (**ERDC Appeal**).

The Application was lodged with the City of Marion (**Council**) on 17 April 2020 and was considered by the Council Assessment Panel on 2 September 2020. The description of the proposed development the subject of the Application was for a –

*change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, and landscaping.*

The land is located on an arterial road and wholly within the Neighbourhood Centre Zone.

Notwithstanding the recommendation of the Council's planning staff that the Application be granted Development Plan consent the CAP resolved to refuse the Application.

Andrash has appealed to the Environment, Resources and Development Court against the CAP's decision to refuse the Application. With a view to settling the appeal, Andrash is preparing a compromise proposal (**Compromise Proposal**) which it believes addresses the concerns held by the CAP about the Application.

The ERDC Appeal has been adjourned until February 2021 while Andrash considers amendments to the proposal and considers its position generally, given the extraordinary approach being taken by the Council towards the appeal.

In particular, the Full Council of the City of Marion has taken the extraordinary step of revoking its delegation to the CAP to consider the Compromise Proposal and will instead perform that function as an elected body.

Andrash has no confidence that it will receive a fair and impartial consideration of the Compromise Proposal by the Council.

It is our client's position that due to a publicly stated position that the Council will –

- (a) "vigorously defend" the ERDC Appeal; and
- (b) revoke the ordinary powers of the CAP to consider and determine any compromise proposal,

the Council has demonstrated a potential conflict of interest ahead of assessing the Compromise Proposal. It is, of course, essential that a non-biased planning authority determine the Compromise Proposal.

Accordingly, Andrash intends to lodge what would be the Compromise Proposal as a further development application (**Proposed Application**) and requests that you exercise your power pursuant to s34(1)(b)(vi)(A) of the Act to declare SCAP to be the relevant authority for the Proposed Application in substitution for the Council.

### **Council's public statements**

At the General Council Meeting held Tuesday 22 September 2020, the following motion without notice was brought by Mayor Kris Hanna and moved by Councillor Raelene Telfer (Seconded by Councillor Bruce Hall) –

1. That Council vigorously defend any Appeal against the CAP refusal of the integrated service station development proposed for the corner of Diagonal Road and Miller Street, Sturt, DA 100/2020/568 in the Environment Resources and Development Court; and
2. That no compromise development of DA 100/2020/568 be granted under delegation to staff without approval by the City of Marion in a General Council Meeting.

(my underlining)

The motion was carried.

In addition, the Mayor has been attributed in the media as describing the decision of the CAP to refuse the Application as a huge win for the community.<sup>1</sup>

### **Section 34(1)(b)(vi)(A) of the Act**

Section 34(1)(b)(vi)(A) of the Act provides that the Minister may declare SCAP to be the relevant authority in relation to a proposed development if:

*in the Minister's opinion the council, or a council for an area in relation to which the regional development assessment panel has been constituted (as the case may be), has demonstrated a potential conflict of interest in the assessment of the development because of a publicly stated position on the particular development*

The test under s34(1)(b)(vi)(A) has two limbs –

- (a) first, there has to be a potential conflict of interest; and
- (b) second, the potential conflict has to arise because of a publicly stated position on the development.

### **Potential conflict of interest (first limb)**

A relevant authority should be able to assess a development application on its merits without being put in a position that is fundamentally incompatible with a publicly stated position made by the authority in respect of the development.

Under s34(1)(b)(vi)(A) the Minister must form the opinion that there is a “potential conflict of interest”. An actual conflict or bias is not required to enliven the Minister’s discretion.

The test in section 34(1)(b)(vi)(A) was enacted to avoid situations where a relevant planning authority creates a perception or apprehension that it may not determine a development application impartially, because of some prior publicly stated position.

In our opinion, the notion of a “potential conflict of interest in the assessment of the development” is akin to the administrative law principle known as the apprehension of bias principle.

Indeed, the common law rules of procedural fairness require that a decision-maker should decide the relevant issues impartially and free from any actual or perceived bias or pre-judgment. If an administrative decision-maker such as a relevant planning authority is actually biased then they are disqualified from determining the matter for that reason.<sup>2</sup>

Equally, a decision-maker who has the appearance or perception of bias is disqualified from acting as the decision-maker.

<sup>1</sup> <https://acapmag.com.au/2020/09/x-conveniences-loses-right-to-build-petrol-station-on-diagonal-road-sturt-after-council-unanimously-rejects-plans/>

<sup>2</sup> *Minister for Immigration and Multicultural Affairs v Jia* [2001] HCA 17.  
thg:p220193\_027.docx

The High Court of Australia in *Ebner v Official Trustee in Bankruptcy*<sup>3</sup> reaffirmed that the test for apparent bias which would form grounds for the disqualification of a decision maker is –

*...if a fair-minded lay observer might reasonably apprehend that the [decision maker] might not bring an impartial mind to the resolution of the question the [decision maker] is required to decide. That principle gives effect to the requirement that justice should both be done and be seen to be done, a requirement which reflects the fundamental importance of the principle that the tribunal be independent and impartial. It is convenient to refer to it as the apprehension of bias principle.*

Similarly, His Honour Justice DeBelle of the South Australian Supreme Court in *Sidney Harrison Pty Ltd & Anon. v City of Tea Tree Gully*<sup>4</sup> put the apprehension of bias test in the following terms –

*The test ... is whether a fair-minded, lay observer might reasonably apprehend that the decision-maker might not bring an impartial and unprejudiced mind to the resolution of the question which must be decided...*<sup>5</sup>

The legal test in section 34(1)(b)(vi)(A) should therefore be interpreted and applied with the above common law principles in mind.

The decision of the elected membership of the Council to “vigorously defend” an appeal demonstrates an overt reluctance on behalf of the Council to consider, on its merits, a compromise proposal put forward by Andrash.

The decision to revoke the delegation to the CAP to consider any compromise proposal demonstrates that the Council is motivated by a particular outcome and will not approach the assessment impartially. Put simply, the only reason for revoking the delegated authority of the Council Assessment Panel is to avoid the risk that the CAP accepts the Compromise Proposal.

By way of contrast, earlier this year, when a local resident challenged the Council’s decision to process the Application as a Category 2 development, the elected members resolved to remain neutral and not actively defend the decision by its staff on categorisation<sup>6</sup>.

### **Publicly stated position on a particular development (second limb)**

The second limb of the test is that the relevant authority has made a "publicly stated position on a particular development."

The minutes of the Council Meeting held Tuesday 22 September 2020, which includes the above motion, is a public document made available by the Council via their website.

---

<sup>3</sup> 205 CLR 337.

<sup>4</sup> (2001) 112 LGERA 320.

<sup>5</sup> *Ibid.*, at p.325.

<sup>6</sup> Special General Meeting of Council, 29 July 2020.



This amounts to a clear and unequivocal public statement made in respect of the Application and ERDC Appeal and would be a "publicly stated position" for the purposes of the test in s34(1)(b)(vi)(A).

In our opinion, a publicly-stated position also includes any statement published in the media, noting that the Mayor has been attributed as making various public comments against the development.

#### **Declaration of relevant authority**

In the circumstances, it is contended that if the Council is not in fact actually biased against the Proposed Application, there is at the very least a reasonable apprehension of bias. As things presently stand, the elected members of the Council will be making the final decision whether or not to approve any Compromise Proposal, the decision-making power having been taken away from the CAP.

The general concerns regarding the ability of elected councillors to impartially and expertly assess development proposals are well known. The planning system in this state has, for this reason, been steadily moving away from planning decisions being made by elected members.

Section 34(23) of the Act requires every council to delegate its' powers and functions as a planning authority to its Panel or to staff. On 26 November 2006 the Act was amended to require Development Assessment Panels to comprise a majority of independent members, including an independent chair person.

On 1 August 2017, by operation of the PDI Act it was mandated that Council Assessment Panels comprise not more than one elected member. The legislative scheme clearly seeks to exclude elected members from the assessment of development applications.

We respectfully submit that in the present circumstances any fair-minded, independent observer would reasonably apprehend that the Council may not bring an impartial and unprejudiced mind to an assessment of the merits of any Compromise Proposal (and therefore the Proposed Application). The Council has demonstrated a potential conflict of interest in the assessment of any Compromise Proposal because of its publicly stated position on the Development.

Andrash therefore urges you to declare SCAP to be the relevant authority for the Proposed Application which Andrash intends to lodge forthwith.

Should you require any further information or clarification I encourage your office to contact me.

Yours faithfully



**Tom Game**  
**BOTTEN LEVINSON**  
Mob: 0419 809 361  
Email: thg@bllawyers.com.au

Encl Council Minutes 22 September 2020

**MINUTES OF THE GC200922 - GENERAL COUNCIL MEETING**

**Tuesday, 22 September 2020 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



## **PRESENT**

### **Elected Members**

Mayor – Kris Hanna

Councillor – Ian Crossland

Councillor – Maggie Duncan

Councillor – Matthew Shilling

Councillor – Luke Hutchinson (Electronically)

Councillor – Raelene Telfer

Councillor – Bruce Hull

Councillor – Nathan Prior

Councillor – Kendra Clancy

Councillor – Jason Veliskou (Electronically)

Councillor – Joseph Masika

Councillor – Sasha Mason

### **In Attendance:**

General Manager City Development - Ilia Houridis

General Manager Corporate Services – Sorana Dinmore

Unit Manager Governance and Council Support – Jaimie Thwaites

Governance Officer – Victoria Moritz

## **OPEN MEETING**

The Mayor opened the meeting at 06:30 PM

## **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.

including sector briefings with the Premier, Minister and senior Police and Health officials, and over 40 operational briefings attended by more than 3,000 council staff.

- Emergency management planning support to all 68 councils through the Council Ready program, with more than 650 people involved in over 80 workshops.
- Provided training to 1,412 council staff and elected members.
- Issued 522 circulars and latest news items, providing information on state government policies, standardised templates, pressing issues and updates to councils.
- Logged over 7,000 issue reports from members of the public through the My Local Services App including graffiti, wandering pets and parking issues.
- Saved councils more than \$14 million through LGA Procurement's new electricity contract.

5. The invoice for 2020/21 is less than a 1 percent increase from the previous year. Prior to this the membership fee had decreased over several years as noted in the table below:

Year	Membership fee (ex GST)	Reduction / Increase (approx.)
2016/17	\$94,382	
2017/18	\$90,017	- 4.6%
2018/19	\$84,888	- 5.6%
2019/20	\$79,482	- 6%
2020/21	\$80,128	+ 0.8%

The LGA has continued to provide multiple services and cost savings to the sector throughout the Covid-19 situation. The increase for 2020/21 is minimal and considered reasonable even in the current climate.

## MOTIONS WITHOUT NOTICE

### **Council involvement in ERD Court Appeal - Petrol Station at 373 Diagonal Road, Sturt (Development Application No: 100/2020/0568)**

Councillor Shilling declared an actual conflict of interest in the item as he is a Member on the Council Assessment Panel and was part of the decision making process and left the meeting.

7.41pm Councillor Shilling left the meeting.

Councillor Telfer declared a perceived conflict of interest in the item as she is a Member for the Council Assessment Panel, however, did not attend the hearing of this matter and will remain for the item.

**Moved Councillor - Raelene Telfer, Seconded Councillor – Bruce Hull**

1. That Council vigorously defend any Appeal against the CAP refusal of the integrated service station development proposed for the corner of Diagonal Road and Miller Street, Sturt, DA 100/2020/568 in the Environment Resources and Development Court; and
2. That no compromise development approval of DA 100/2020/568 be granted under delegation to staff without approval by the City of Marion in a General Council Meeting.

**Regulation 29**

The Chair invoked Regulation 29 of the Local Government (Procedures at Meetings) Regulations 2000, on the basis that Councillor Hull was interrupting the meeting and requested that Councillor Hull provide a personal explanation to the meeting.

Councillor Hull provided a personal explanation to the meeting regarding the claim he was interrupting the meeting and commented:

- He was agreeing with staff
- It was quite acceptable in a modern democratic process to agree with something that has been said.

7:56pm Councillor Hull left the meeting.

**Moved Councillor – Luke Hutchinson, Seconded Councillor – Kendra Clancy**

That Councillor Hull be suspended for the remainder of the meeting for his behaviour and that Councillor Hull be requested to refrain from interrupting the meeting for any future meetings of Council.

**Carried**

7.58pm Councillor Hull re-entered the meeting

7.59pm Councillor Hull left the meeting and did not return

**Council involvement in ERD Court Appeal - Petrol Station at 373 Diagonal Road, Sturt  
(Development Application No: 100/2020/0568)**

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

**QUESTIONS WITHOUT NOTICE**

Nil

**OTHER BUSINESS**

**Leave of Absence - Councillor Gard**

**Moved Councillor - Ian Crossland, Seconded Councillor - Maggie Duncan**

That Councillor Gard be granted a leave of absence from 16 September 2020 – 31 October 2020

**Carried**

Our ref: THG/220193

2 February 2021

Hon. Minister Vickie Chapman, MP  
Minister for Planning  
C/- Planning and Land Use Services  
Attorney-General's Department  
GPO Box 1815  
ADELAIDE SA 5001

**By email:** [attorneygeneral@sa.gov.au](mailto:attorneygeneral@sa.gov.au)

Dear Minister

**Request for declaration of SCAP as relevant authority - proposed X Convenience service station complex - 373 Diagonal Road, Sturt**

We act for Andrash Management Pty Ltd (**Andrash**) in relation to its proposal to establish a service station complex at 373 Diagonal Road, Sturt (**the proposed development**).

On 8 December 2020 we requested that you exercise your power pursuant to s34(1)(b)(vi)(A) of the *Development Act 1993* (**Act**) to declare the State Commission Assessment Panel (**SCAP**) to be the relevant authority for the assessment of a new application for the proposed development.

We understand that the City of Marion (**Council**) has, by its lawyers, since made submissions to your office opposing our request, but have not yet seen that letter.

The purpose of this letter is to provide further submissions in relation to our request that you declare SCAP to be the relevant authority due to the Council's publicly demonstrated actual or potential conflict of interest regarding the proposed development. This letter should of course be read in conjunction with our letter of 8 December 2020.

Please find enclosed the following background documents for reference:

1. Minutes of General Council meeting 9 June 2020;
2. Minutes of General Council meeting 28 July 2020;
3. Minutes of Special General Council meeting 29 July 2020;
4. Minutes of Council Assessment Panel meeting 2 September 2020;
5. Minutes of General Council Meeting 22 September 2020;
6. City of Marion Flyer "Update on proposed service station" dated 25 January 2020.

Level 1 Darling Building  
28 Franklin Street, Adelaide  
GPO Box 1042, Adelaide SA 5001  
t. 08 8212 9777  
f. 08 8212 8099  
e. [info@bllawyers.com.au](mailto:info@bllawyers.com.au)  
[www.bllawyers.com.au](http://www.bllawyers.com.au)

The chronology set out below highlights the serious concerns with the Council's ability to make decisions regarding the proposed development fairly and impartially.

### **Timeline of Development Application and Council's public statements**

#### 29 July 2020

1. The proposed development was discussed by Council members at a Special General Council Meeting on 29 July 2020. The following elected members declared the following conflicts of interest:

- 1.1 Councillor Shilling declared a material conflict of interest and left the Chamber;

- 1.2 Councillor Telfer declared a perceived conflict of interest stating:

- (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*

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

- 1.4 Mayor Hanna declared a perceived conflict of interest as he was involved in drafting the "appeal" (pro bono) on behalf of the residents. Mayor Hanna remained in the Chamber.

2. Councillor Hull brought the following motion in respect of legal proceedings (drafted by the Mayor) filed by a local resident with the ERD Court challenging the Council's decision to process the application as a Category 2 development:

*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*

3. The motion was carried.

#### CAP meeting 2 September 2020

4. The application was considered by the Council Assessment Panel on 2 September 2020. I attended the meeting on behalf of Andrash, together with Mark Kwiatkowski (Adelaide Planning and Development Solutions), Melissa Mellen (MFY traffic engineers) and Jason Turner (Sonus acoustic engineers).

- 
5. Notwithstanding the recommendation of the Council's planning staff that the application be granted Development Plan consent the CAP resolved to refuse the application.
  6. Notably, Councillor Hull appeared on behalf of a representor, Florence Speziale, and spoke passionately against the proposed development. Councillor Hull was highly critical of Council staff in their handling of the application.
  7. Immediately following the CAP meeting, Mayor Hanna approached me and the consultant team and said words to the effect of "see you in Court".

4 September 2020

8. Mayor Hanna is quoted by media outlets as describing the decision of the CAP to refuse the application as a huge win for the community.

22 September 2020

9. At a General Council Meeting held Tuesday 22 September 2020, the following motion without notice was brought (and carried) by Mayor Hanna and moved by Councillor Raelene Telfer (Seconded by Councillor Bruce Hull) –

*That Council vigorously defend any Appeal against the CAP refusal of the integrated service station development proposed for the corner of Diagonal Road and Miller Street, Sturt, DA 100/2020/568 in the Environment Resources and Development Court; and  
That no compromise development of DA 100/2020/568 be granted under delegation to staff without approval by the City of Marion in a General Council Meeting.*  
(my underlining)

10. Notably:
  - 10.1 Mayor Hanna (who brought the notice) failed to declare a conflict of interest notwithstanding he was involved in drafting the appeal on behalf of the residents and his statements to the media;
  - 10.2 Councillor Telfer (who moved the notice) declared a perceived conflict of interest however remained in the meeting and voted in favour of the motion; and
  - 10.3 Councillor Hull (who seconded the notice) failed to declare a conflict of interest notwithstanding he appeared at the CAP meeting on 2 September 2020 on behalf of a representor;



---

Flyer to residents 25 January 2021

11. On 25 January 2021 the Council distributed a flyer entitled “Update on proposed service station” to the residents of Sturt and Seacombe Gardens. The flyer stated that:
  - 11.1 the developers were “attempting to thwart community opposition” by approaching the Planning Minister;
  - 11.2 the Council was “extremely concerned that Andrash is now attempting to use a legal loophole to stymie local opposition and build the service station”; and
  - 11.3 “Local residents have vigorously opposed the service station and will be angered when they learn of the company’s manoeuvring”;
12. The flyer asserted that the developer was “by-passing Marion’s independent Council Assessment Panel (CAP)” without acknowledging that the elected members had, by their own actions, resolved to do just that.
13. The flyer failed to make any mention of the recommendation by the Council’s planning staff that the proposed development be granted Development Plan consent.

**Conflict of Interest**

The Mayor, Councillor Telfer and Councillor Hull have all acknowledged actual or potential conflicts of interest and yet all three of them have moved motions and voted to ensure that:

- The Council vigorously defend the appeal by Andrash; and
- The ordinary delegation to the CAP to consider a compromise proposal be revoked and that authority returned to the elected members;

It is clear that the “perceived” conflicts of interest declared by the elected members are in reality actual conflicts of interest.

The failure by Mayor Hanna to declare a conflict of interest in respect of his 22 September 2020 motion is astounding. It is nonsensical to think that the conflict the Mayor declared in July 2020 had somehow disappeared by 22 September 2020, noting that the Mayor had also by that stage made comments in the media about the development.

The conduct of at least the Mayor and the two councillors will be the subject of complaints to the Ombudsman and/or the Office for Public Integrity (OPI). It is clear that there have been serious breaches of the Code of Conduct for Council Members.

Further, the comments of Councillor Hull towards Council staff at the September 2020 CAP meeting were disparaging and bordering on abusive.

The elected members have expressed a publicly stated position on the proposed development both individually and collectively.

In addition to the plain terms of the Council's resolutions and its extraordinary decision to take control of a planning appeal, the recent flyer sent to all residents leaves no uncertainty about the Council's position on the proposed development.

The flyer is inaccurate, misleading and designed to incite opposition to our client's request that SCAP be appointed as the relevant authority.

The flyer is potentially defamatory in its treatment of Andrash, describing the request to the Minister as a "legal loophole" and stating that residents "will be angered when they learn of the company's manoeuvring".

There is nothing improper whatsoever about Andrash's request. It is a request that you as Minister exercise your power under section 34 of the Act to appoint SCAP as the relevant authority. It is not a legal loophole in any way.

The power under section 34(1)(b)(vi)(A) of the Act may be exercised where you as Minister form the opinion that the Council has demonstrated a potential conflict of interest. In our respectful submission you should have no hesitation in determining that the Council has demonstrated a potential conflict of interest in this matter.

## Summary

In the circumstances, it is contended that if the Council is not in fact actually biased against the proposed development, there is at the very least a reasonable apprehension of bias. As things presently stand, the elected members of the Council will be making the decision whether or not to accept the amended proposal, that decision-making power having been taken away from the CAP. Andrash has no confidence that it will receive a fair and impartial consideration of the Compromise Proposal by the Council in light of the above.

Andrash therefore urges you to declare SCAP to be the relevant authority for a new application for the proposed development. If a decision is made to declare SCAP as the authority for a new application the present appeal to the ERD Court will be withdrawn.

Should you require any further information or clarification I encourage your office to contact me.

Yours faithfully



**Tom Game**  
**BOTTEN LEVINSON**  
Mob: 0419 809 361  
Email: thg@bllawyers.com.au

cc: Anita Allen  
Jason Cattonar



## **MINUTES OF THE GC200609 - GENERAL COUNCIL MEETING**

**Tuesday, 09 June 2020 at 6:30 PM**

**Held in Virtual Meeting Room - Zoom**



**Present (via electronic means):  
Elected Members**

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

**In Attendance (via electronic means):**

Chief Executive Officer – Adrian Skull  
General Manager City Development – Ilia Houridis  
General Manager Corporate Services – Sorana Dinmore  
General Manager City Services – Tony Lines  
Manager Corporate Governance – Kate McKenzie  
Unit Manager Governance and Council Support – Jaimie Thwaites

**OPEN MEETING**

The Mayor opened the meeting at 6:32pm

**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.

Nil declarations were made.

**CONFIRMATION OF MINUTES**

**Confirmation of the minutes for the General Council Meeting held on 26 May 2020 Report**

**Reference:** GC200609R01

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

That

1. The minutes of the General Council Meeting held on 26 May 2020 be taken as read and confirmed.

**Carried Unanimously**

## **ADJOURNED ITEMS - Nil**

## **DEPUTATIONS**

### **Deputation Request - Abraham Palakat (Request Denied)**

**Report Reference:** GC200609D01

Council noted that Mr Abraham Palakat requested to make a deputation to Council in relation to the Development Application for the proposed Petrol Station at 373 Diagonal Road, Oaklands Park. The request was denied on the grounds Council is not the decision-making body in relation to the development application.

## **PETITIONS**

### **Petition - Petrol Station at 373 Diagonal Road, Sturt (Development Application No: 200/2020/0568)**

**Report Reference:** GC200609P01

**Councillor - Matthew Shilling** declared a perceived conflict of interest in the matter as he is the deputy member for the Council Assessment Panel. He declared that he would remain in the meeting for the item.

### **Moved Councillor – Raelene Telfer, Seconded Councillor – Bruce Hull**

That:

1. Council Notes the petition and comments provided by Administration.
2. The head petitioner be advised that Council has noted the petition and that the development application, pursuant to Council's Development Delegations Policy, will be delegated to the Council Assessment Panel (CAP) for consideration and decision, and, all valid representors will be invited to attend the Panel at the relevant meeting.
3. If any additional petitions are received relating to the matter (Development Application No: 200/2020/0568), then the relevant head petitioner will be advised that the application will be considered by the CAP and all valid representors will be invited to attend the relevant Panel meeting.

**Amendment:**

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

That:

1. Council Notes the petition and comments provided by Administration.
2. The head petitioner be advised that Council has noted the petition and that the development application, pursuant to Council's Development Delegations Policy, will be delegated to the Council Assessment Panel (CAP) for consideration and decision, and, all valid representors will be invited to attend the Panel at the relevant meeting.
3. If any additional petitions are received relating to the matter (Development Application No: 200/2020/0568), then the relevant head petitioner will be advised that the application will be considered by the CAP and all valid representors will be invited to attend the relevant Panel meeting.
4. Council communicate to the residents of Sturt and Seacombe Gardens the appropriate process for development applications (including category 2 and category 3 explanations for the Development Application No: 200/2020/0568).

The amendment to become the motion was **Carried**  
(Councillor – Matthew Shilling voted in favour)

The motion as amended was **Carried**  
(Councillor – Matthew Shilling voted in favour)

**COMMITTEE RECOMMENDATIONS**

**Confirmation of Minutes of the Finance and Audit Committee Meeting held on 19 May 2020**

**Report Reference:** GC200609R02

**Moved Councillor – Matthew Shilling, Seconded Councillor – Ian Crossland**

That Council:

1. Receives and notes the minutes of the Finance and Audit Committee meeting held on 19 May 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

**Carried Unanimously**

**Confirmation of Minutes of the Infrastructure & Strategy Committee Meeting held on 2 June 2020**

**Report Reference:** GC200609R03

**Moved Councillor – Matthew Shilling, Seconded Councillor – Sasha Mason**

That Council:

1. Receives and notes the minutes of the Infrastructure & Strategy Committee meeting held on 2 June 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure & Strategy Committee.

**Carried Unanimously**

**CORPORATE REPORTS FOR DECISION**

**Draft Annual Business Plan 2020/21 and Draft Long Term Financial Plan Report**

**Reference:** GC200609R04

**Moved Councillor – Jason Veliskou, Seconded Councillor – Raelene Telfer** that formal meeting proceedings be suspended to enable discussion on the item.

7.13pm formal meeting proceedings were suspended

7.21pm Councillor – Nathan Prior left the meeting

7.22pm Councillor – Nathan Prior re-entered the meeting

7.37pm formal meeting proceeding were resumed

**Moved Councillor – Bruce Hull, Seconded Councillor – Maggie Duncan**

That:

1. The Draft Annual Business Plan 2020-21 and Draft Long Term Financial Plan (Attachment 1) be prepared for final consideration at the 23 June 2020 General Council Meeting with variations as approved by Council on the basis of:
  - Average Rate increase of 0%
  - Minimum Rate of \$1,059
  - Capping set at 12% with a \$20 minimum and \$200 maximum
  - Differential Rate by land use:
    - Commercial 85%
    - Industrial 70%
    - Vacant Land 100%

2. The Draft Fees & Charges Schedule for 2020-21 (Attachment 2) be endorsed by Council, subject to the Fees & Charges policy being finalised in light of the final decisions to be made by Council as part of the ABP process.
3. The Grants Program for 2020-21 (Attachment 3) be endorsed by Council.
4. Council notes the feedback received from the Public consultation period held from 30 April to 20 May 2020. Any variations to the plan made by Council as a result of public consultation feedback will be referred to the 23 June 2020 General Council meeting for final adoption in the plan.
5. Council notes the inclusion of the corporate Key Performance Indicator (KPI) around Carbon Neutrality and other general amendments made to the plan as outlined in the report.

**AMENDMENT:**

**Moved Councillor – Raelene Telfer, Seconded Councillor – Jason Veliskou**

That:

1. The Draft Annual Business Plan 2020-21 and Draft Long Term Financial Plan (Attachment 1) be prepared for final consideration at the 23 June 2020 General Council Meeting with variations as approved by Council on the basis of:
  - Average Rate increase of 0% in quarter 1, 0% in quarter 2, 1.6% in quarter 3 and 1.6% in quarter 4
  - Minimum Rate of \$1,059
  - Capping set at 12% with a \$20 minimum and \$200 maximum
  - Differential Rate by land use:
    - Commercial 85%
    - Industrial 70%
    - Vacant Land 100%
2. The Draft Fees & Charges Schedule for 2020-21 (Attachment 2) be endorsed by Council, subject to the Fees & Charges policy being finalised in light of the final decisions to be made by Council as part of the ABP process.
3. The Grants Program for 2020-21 (Attachment 3) be endorsed by Council.
4. Council notes the feedback received from the Public consultation period held from 30 April to 20 May 2020. Any variations to the plan made by Council as a result of public consultation feedback will be referred to the 23 June 2020 General Council meeting for final adoption in the plan.
5. Council notes the inclusion of the corporate Key Performance Indicator (KPI) around Carbon Neutrality and other general amendments made to the plan as outlined in the report.



The amendment to become the motion was **Lost**  
The original motion was **Carried**

**Councillor - Matthew Shilling called for a division**

The Mayor declared the vote set aside

**Those For:** Councillors – Luke Hutchinson, Ian Crossland, Tim Gard, Matthew Shilling, Nathan Prior, Maggie Duncan, Raelene Telfer, Bruce Hull, Kendra Clancy, Sasha Mason, Jason Veliskou and Joseph Masika

**Those Against:** none

**Carried Unanimously**

**Final Privacy Policy**

**Report Reference:** GC200609R05

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

That Council:

1. Defers the item until the July 2020 General Council meeting to enable the procedure to be presented with the item.

**Carried Unanimously**

**Proposed Biennial Service Review Program 20/21 and 21/22 Report**

**Reference:** GC200609R06

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

That Council:

1. Endorses the proposed Biennial Service Review Program and draft Service Review Program (FY2020/21) as provided in appendix 1.

**Carried Unanimously**

**Living Kurna Cultural Centre Management Model - Status Update**

**Report Reference:** GC200609R07

7.56pm Councillor – Sasha Mason left the meeting

8.01pm Councillor – Sasha Mason re-entered the meeting

8.01pm Councillor – Luke Hutchinson left the meeting

8.03pm Councillor – Luke Hutchinson re-entered the meeting

**Moved Councillor – Raelene Telfer, Seconded Councillor – Jason Veliskou**

That:

1. Council Notes the report.
2. A rescission motion be tabled at the 23 June 2020 General Council meeting to rescind the following resolution of 28 January 2020 (GC200128R07):

*If no proposal is received by the due date Council will automatically commence an EOI. KYAC will be also be able to submit an expression of interest whether or not they make a submission to Council before the due date.*

And makes a recommendation that:

1. Council extends the due date for Kaurna's submission of a proposal for management of the LKCC by 3 months to 31 August 2020, as requested in KYAC's letter of 29 May 2020.
2. Suspends further development of a Kaurna management model, including Warriparinga Development Group meetings, until such a proposal is received.
3. If no proposal is received by the due date Council will automatically commence an EOI. KYAC will be also be able to submit an expression of interest whether or not they make a submission to Council before the due date.
4. Notes that any successful EOI must include an ongoing partnership with the Kaurna people at the LKCC.

**Carried**

**Councillor - Ian Crossland called for a division**

The Mayor declared the vote set aside

**Those For:** Councillors – Luke Hutchinson, Ian Crossland, Tim Gard, Matthew Shilling, Nathan Prior, Maggie Duncan, Raelene Telfer, Kendra Clancy, Sasha Mason, Jason Veliskou and Joseph Masika

**Those Against:** Councillor – Bruce Hull

**Carried**

**Revitalisation of the Edwardstown Employment Precinct - Update and Next Steps Report**

**Reference:** GC200609R08

8.22pm Councillor – Matthew Shilling left the meeting

**Moved Councillor – Jason Veliskou, Seconded Councillor – Sasha Mason**

That Council:

1. Notes the achievements and recommendations of the 2019/20 Action Plan (Attachment 1).
2. Notes the Urban Design Framework and Economic Activation recommendations by independent consultants (Attachments 2 and 3).
3. Endorses the following actions and resources:
  - Resource a Level 6 Project Coordinator at 0.8 FTE for 4 months costing up to \$27,000 to maintain existing renewal program including business engagement, greening project, grant submissions.
4. Refers the item to a Woodlands Ward Briefing and the Urban Planning Committee for further discussion.

**Carried Unanimously**

8.31pm Councillor – Matthew Shilling re-entered the meeting

### **Rescission Motion - De Laine Avenue, Edwardstown - Driveway Link Report**

**Reference:** GC200609R09

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

That Council:

1. Rescinds the following decision from its meeting on 26 November 2019:
  1. *The Driveway Link in Delaine Avenue, Edwardstown be removed as per the request of residents.*
  2. *The work to be undertaken (as soon as possible) within the 2020/21 financial year as part of the Capital Works Program.*
  3. *That \$47,000 be allocated with the 2020/21 Annual Business Plan (Transport).*

That Council:

1. Retains the Driveway Link in De Laine Avenue, Edwardstown.
2. Endorses the following Driveway Link improvements:
  - a. Remove existing trees within the Link as they are considered non-frangible.
  - b. Increase the length of the Driveway Link.
  - c. Replace the existing pavers through the Link with contrasting coloured bitumen.
  - d. Increase landscaping areas to further define the Link.
  - e. Install appropriate signage to delineate the Link.

3. Reduces the 2020/21 budget allocation for the De Laine Avenue, Edwardstown Driveway Link from \$47,000 (cost of removal) to \$25,000 (cost of compliance improvements and replacement of pavers with coloured bitumen).

**Carried**

**Councillor - Bruce Hull called for a division**

The Mayor declared the vote set aside

**Those For:** Councillors - Tim Gard, Matthew Shilling, Nathan Prior, Maggie Duncan, Raelene Telfer, Kendra Clancy, Sasha Mason, Jason Veliskou and Joseph Masika

**Those Against:** Councillors – Bruce Hull, Luke Hutchinson and Ian Crossland

**Carried**

**CORPORATE REPORTS FOR INFORMATION/NOTING**

**Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan** that the following items be moved en bloc:

- Corporate Risk Quarterly Report (Report Reference: GC200609R10)
- Questions Taken on Notice Register (Report Reference: GC200609R12)

**Carried Unanimously**

**Corporate Risk Quarterly Report**

**Report Reference:** GC200609R10

**Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan**

That Council:

1. Notes the report including the mitigation strategies for high rated risks.

**Carried Unanimously**

**Questions Taken on Notice Register**

**Report Reference:** GC200609R12

**Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan**

That Council:

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

**Carried Unanimously**

## **Ceasing Southern Adelaide Economic Development Board**

**Report Reference:** GC200609R11

8.45pm Councillor – Maggie Duncan left the meeting  
8.45pm Councillor – Ian Crossland left the meeting  
8.46pm Councillor – Ian Crossland re-entered the meeting  
8.46pm Councillor – Maggie Duncan re-entered the meeting

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

That Council:

1. Notes the report 'Ceasing Southern Adelaide Economic Development Board'.

**Carried Unanimously**

## **WORKSHOP / PRESENTATION ITEMS - Nil**

## **MOTIONS WITH NOTICE - Nil**

## **QUESTIONS WITH NOTICE**

### **Hardship Policy Applications**

**Elected Member:** Councillor Jason Veliskou

**Report Reference:** GC200609Q01

### **Questions:**

1. How many residential ratepayers have applied for and received hardship extensions/deferrals under our hardship policy, and what percentage are they of the total number of residential ratepayers?
2. How many non-residential ratepayers have applied for and received hardship extensions/deferrals under our hardship policy, and what percentage are they of the total number of non-residential ratepayers?

### **Supporting Information:**

Nil.

### **Response Received From:**

Manager Finance - Ray Barnwell

**Staff Comments:**

**How many residential ratepayers have applied for and received hardship extensions/deferrals under our hardship policy, and what percentage are they of the total number of residential ratepayers?**

As at 4 June 2020 - 200 out of 41,298 residential ratepayers have applied for and been supported with rate extensions under our hardship policy.

This represents 0.48% of our total residential ratepayers.

**How many non-residential ratepayers have applied for and received hardship extensions/deferrals under our hardship policy, and what percentage are they of the total number of non-residential ratepayers?**

As at 4 June 2020 - 212 out of 2,656 non-residential ratepayers have applied for and been supported with rate extensions under our hardship policy.

This represents 7.98% of our total non-residential ratepayers.

It should be noted that of the 212 non-residential ratepayers noted above, 150 of these relate to two individual applicants who have multiple tenancies. These have been granted a 30 day extension and have agreed they will be in a position to pay in full by the end of this financial year.

**MOTIONS WITHOUT NOTICE - Nil**

**QUESTIONS WITHOUT NOTICE - Nil**

**CONFIDENTIAL ITEMS**

**Cats (Confinement) Variation By-law Legislative Review Committee**

**Report Reference:** GC200609F01

**Moved Councillor - Shilling, Seconded Councillor - Veliskou**

That:

1. Pursuant to Section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Jaimie Thwaites, Warwick Deller-Coombs, Luke Manuel, Sharon Perin and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the *Cats (Confinement) Variation By-law Legislative Review Committee*, upon the basis that the Council is satisfied

*Minutes of the General Council Meeting held on 9 June 2020*

---

that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice.

**Carried Unanimously**

8.48pm meeting went into confidence

8.48pm Councillor – Luke Hutchinson left the meeting and did not return

8.55pm Councillor – Joseph Masika left the meeting

9.02pm Councillor – Joseph Masika re-entered the meeting

**Moved Councillor – Raelene Telfer, Seconded Councillor – Bruce Hull**

That Council:

1. Receives and notes this report, including the attached legal advice.
2. Endorses Administration to write to the Legislative Review Committee reaffirming Council's position that the By-law should be progressed in its current form.

**Carried**

**Councillor - Matthew Shilling called for a division**

The Mayor declared the vote set aside

**Those For:** Councillors – Raelene Telfer, Ian Crossland, Sasha Mason, Kendra Clancy, Nathan Prior, Bruce Hull, Joseph Masika, Jason Veliskou and Tim Gard

**Those Against:** Councillors – Matthew Shilling and Maggie Duncan

**Carried**

**Moved Councillor – Ian Crossland, Seconded Councillor – Raelene Telfer**

That Council:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *Cats (Confinement) Variation By-law Legislative Review Committee*, and any associated appendices arising from this report having been considered in confidence under Section 90(2) and (3)(h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2020.

**Carried Unanimously**

9.12pm meeting came out of confidence

## City Wide Attraction - Glenthorne National Park

**Report Reference:** GC200609F02

**Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan**

That

1. 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: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Jaimie Thwaites, Rebecca Deans, Greg Salmon, Renee Pitcher and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the *City Wide Attraction - Glenthorne National Park*, 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 of a confidential nature and the disclosure of which would be contrary to the public interest.

**Carried**

9.24pm meeting went into confidence

## MEETING EXTENSION

**Moved Councillor – Matthew Shilling, Seconded Councillor - Nathan Prior** that the meeting be extended until the conclusion of the item '*City Wide Attraction - Glenthorne National Park*' (Report Reference: GC200609F02).

**Carried Unanimously**

9.30pm meeting extended

**Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan**

That Council:

1. Endorses a partnership with State Government to construct a City Wide Attraction playground at Glenthorne National Park.
2. Endorses investment via grant of \$2.0 million towards the construction of the City Wide Attraction, subject to a funding deed being approved by Council and the Minister for Environment and Water which sets out responsibilities for design, tender, build and maintenance.
3. Notes a commitment from the State Government towards the Nature Play Area (Glenthorne Hub) and immediate surrounding facilities.

**Carried Unanimously**



**Moved Councillor – Ian Crossland, Seconded Councillor – Maggie Duncan**

That Council:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *City Wide Attraction - Glenthorne Park*, and any associated appendices arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential until permission is granted by the Minister for Environment and Water to release. This confidentiality order will be reviewed at the General Council Meeting in December 2020.
2. Notwithstanding the confidentiality order of the Council, as resolved with this report, the Council authorises the Mayor and/or CEO to provide information and/or make statements in the public realm where they consider it necessary.

**Carried**

9.41pm meeting came out of confidence

**OTHER BUSINESS - Nil**

**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 CLOSURE** - Meeting Declared Closed at 9.41pm

**CONFIRMED THIS 23RD DAY OF JULY 2020**

.....  
**CHAIRPERSON**



**MINUTES OF THE GC200728 - GENERAL COUNCIL MEETING 28 July 2020**  
**Tuesday, 28 July 2020 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt and in Virtual Meeting Room - Zoom**



**PRESENT:**

**Elected Members**

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

**In Attendance:**

Chief Executive Officer - Adrian Skull  
General Manager City Services - Tony Lines  
General Manager City Development - Ilia Houridis  
Manager Corporate Governance - Kate McKenzie  
Governance Officer - Victoria Moritz

**OPEN MEETING**

The Mayor opened the meeting at 06:31 PM

**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.

- Nil interests were disclosed

## CONFIRMATION OF MINUTES

### Confirmation of the minutes for the General Council Meeting held on 23 June 2020

Report Reference: GC200728R01

Moved Councillor – Joseph Masika

Seconded Councillor – Raelene Telfer

1. That the minutes of the General Council Meeting held on 23 June 2020 be taken as read and confirmed.

Carried Unanimously

## COMMUNICATIONS

### PROCEDURAL MOTION

Moved Councillor – Bruce Hull

Seconded Councillor – Nathan Prior

1. That the Communication Reports be moved en bloc.

Carried Unanimously

### Mayoral Communication Report

Name of Elected Member: Mayor - Kris Hanna

Report Reference: GC200728R02

Date	Event	Comments
23 June	Meeting with 5049 Coastal Community Group	
24 June	Morphettville Park Club Building Opening	
25 June	COASTFM Radio segment	
4 July	Citizenship Ceremony (x3)	
6 July	Marion Mallwalkers First day Back	
7 July	Oaklands Precinct Upgrade: soil- turning at Dwyer Road Reserve	
8 July	'South Aussie With Cosi' interview at Hallett Cove Shopping Centre	

9 July	Friends of Upper Field River Planting Day	
9 July	AGIG Hydrogen Park Electrolyser tour at Tonsley	
14 July	Meeting with Housing Renewal Australia re Oaklands Park development	
18 July	Ascot Park Bowling Club AGM	
19 July	Meeting with Marion Historic Village Museum	
19 July	Meeting with residents group regarding proposed petrol station at 373 Diagonal Road	

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Nathan Prior**

1. That the Mayoral Communication Report be received.

**Carried Unanimously**

#### **Deputy Mayor Communication Report**

**Name of Elected Member:** Councillor - Matthew Shilling

**Report Reference:** GC200728R03

<b>Date</b>	<b>Event</b>	<b>Comments</b>
22 June 2020	Meeting with Tony Lines	
24 June 2020	CAP Training	Attended as required due to being Deputy Member
25 June 2020	YCC Interview Panel	Member of Panel with Jacqui Clark, Shannon Swart, Julie Higgins
29 June 2020	Meeting with Ilia Houridis	
29 June 2020	Meeting with CCFC	Met at City Services with Ilia Houridis and Thuyen Vi-Alternetti and CCFC President and Secretary

29 June 2020	YCC Interview Panel	Member of Panel with Jacqui Clark, Shannon Swart, Julie Higgins
9 July 2020	Zoom Meeting about Southern Hills concerns	Participated with Cr Duncan and Mayor Hanna
13 July 2020	Onsite meeting at Spinnaker Reserve East	Attended with Cr Duncan, Ilia Houridis and resident
13 July 2020	Coffee meeting with Crs Dunan and Gard	
14 July 2020	Southern Hills Ward Briefing	Attended in person
20 July 2020	Cove Community Centre Briefing	Attended with Crs Duncan, Gard and Crossland, Ilia Houridis, Andy Sakkas and two other staff
23 July 2020	Speaker at YCC Meeting	Asked by the group to speak as was on Interview Panel
27 July 2020	Meeting with Sorana Dinmore	

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Nathan Prior**

1. That the Deputy Mayoral Communication Report be received.

**Carried Unanimously**

**CEO and Executive Communications Report**  
**Report Reference GC200728R04**

Date	Activity	Attended By
24 June 2020	Meeting   Adrian Skull, David Melhuish and Grant Mayer re Open Space	Adrian Skull
24 June 2020	Morphettville Park Sports Club Redevelopment Opening	Adrian Skull Tony Lines
25 June 2020	Meeting   Adrian Skull and Jayne Stinson MP	Adrian Skull
25 June 2020	Round table with Minister Knoll to discuss planning post COVID-19	Adrian Skull Ilia Houridis

	recovery	
25 June 2020	Meeting with Gartner re IT solutions	Sorana Dinmore
25 June 2020	Meeting   CEO's from Port Adelaide Enfield, City of Marion and City of Charles Sturt re Cross Council Initiatives	Adrian Skull
26 June 2020	LG Professionals Leadership Awards via Zoom	Tony Lines Adrian Skull
26 June 2020	Meeting   CEO's from Holdfast Bay, City of Marion and City of Onkaparinga	Adrian Skull
29 June 2020	Meeting   Adrian Skull, Scott Ashby, Nikki Govan and Angela Leske SAEDB Final report and Handover	Adrian Skull
29 June 2020	Meeting   CEO Council reference group	Adrian Skull
29 June 2020	Meeting   Ilia Houridis, Thuyen Vi- Alternetti, Cr Shilling, Tony Kernahan	Ilia Houridis
1 July 2020	Meeting   Events SA, City of Onkaparinga, City of Marion re Sam Willoughby International BMX Facility	Ilia Houridis
2 July 2020	Meeting   Ilia Houridis and Paul Stevenson (RSPCA)	Ilia Houridis
3 July 2020	Meeting, GM Corporate Services City of Charles Sturt, Cross- council collaboration	Sorana Dinmore
4 July 2020	MC   Three Citizenship Ceremonies	Tony Lines
6 July 2020	LGFSG Operational Briefing	Ilia Houridis
7 July 2020	Meeting   KPMG COVID 19 - Risk Assessment and Business Continuity scoping	Adrian Skull Sorana Dinmore
7 July 2020	Meeting, Empired, IT solutions	Sorana Dinmore

7 July 2020	Ground Breaking Ceremony   Oaklands Precinct Upgrade	Ilia Houridis Tony Lines Sorana Dinmore
8 July 2020	Meeting, GMs Corporate Services, City of Charles Sturt & Port Adelaide Enfield, Cross- council collaboration	Sorana Dinmore
8 July 2020	Meeting   Council Ready Governance Group	Tony Lines
8 July 2020	Meeting   Adrian Skull and John Schutz (DEW)	Adrian Skull
9 July 2020	Presented   Flinders University Leadership Summit	Adrian Skull
9 July 2020	Meeting   Jayne Stinson MP, City of Marion and Edwardstown Bowls and Football Clubs	Adrian Skull Ilia Houridis
9 July 2020	Meeting   SAALC Governance Board	Ilia Houridis
9 July 2020	HyP SA Site Tour at Tonsely   Hon Dan van Holst Pellekaan MP and AGIG	Tony Lines
13 July 2020	Meeting   Adrian Skull and Fraser Bell re Waste	Adrian Skull
13 July 2020	Oaklands Park Renewal Ministerial DPA   Reference Group	Ilia Houridis Tony Lines
13 July 2020	Meeting   Marino Residents Association	Ilia Houridis
14 July 2020	Briefing Session   Local Government Reform Bill	Tony Lines
14 July 2020	Meeting   Mayor Hanna, Adrian Skull, Geoff Smith and Matt Clemow re Oaklands Park Development	Adrian Skull
15 July 2020	Webinar, Telstra, Managing Cyber Risk	Sorana Dinmore
15 July 2020	Meeting   LGA CEO Advisory Group	Adrian Skull
16 July 2020	Meeting   Peter Stretton re Marion Historic Village Museum	Tony Lines



17 July 2020	Meeting, GMS Corporate Services, City of Charles Sturt & Port Adelaide Enfield, Cross- council collaboration	Sorana Dinmore
22 July 2020	Meeting   Green Adelaide Board	Adrian Skull
22 July 2020	Presentation, Bee Squared, ITT ProgramManagement	Sorana Dinmore
23 July 2020	Meeting   Adrian Skull (City of Marion) and Adam Faulkner (NAWMA) re MRF	Adrian Skull
23 July 2020	Attended   National Tree Day - Seaview Downs Planting Event	Adrian Skull
23 July 2020	Meeting   Adrian Skull and Nicolle Rantanen (Public Trustee)	Adrian Skull
23 July 2020	Meeting   SRWRA Board meeting	Adrian Skull Sorana Dinmore
23 July 2020	Meeting   Ilia Houridis and Aaron Lake (DHW Collaborations)	Ilia Houridis
23 July 2020	Meeting   Jayne Stinson MP, City of Marion and Edwardstown Bowls and Football Clubs	Ilia Houridis
24 July 2020	Meeting   Adrian Skull, Mat Allen, Ann Gibbons, Allison Byrne, Minister David Speirs and Ken Ross re green waste/food waste	Adrian Skull
28 July 2020	Meeting   KPMG re Assurance Mapping Internal Audit	Tony Lines

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Nathan Prior**

2. That the CEO and Executive Communication Report be received.

**Carried Unanimously**

## Elected Member Communication Report

**Name of Elected Member:** Councillor – Raelene Telfer

Date	Event	Comment
24 June 2020	Morphettville Park Sports and Community	Opening of upgraded building
24 June 2020	Council Assessment Panel	Training
1 July 2020	Council Assessment Panel	Member of Panel
2 July 2020	Mitchell Park Football Club	Planning
4 July 2020	Mitchell Park Football Teams	Opening games attended
7 July 2020	Greening Marion	Evaluation with Rebecca Neumann
7 July 2020	Oaklands Precinct Reserve	Launch of works
7 July 2020	MPSCC upgrade	Stakeholder meeting
14	Warriparinga Ward	Briefing via Zoom
14/7/20	Urban Planning Committee	Attendee
16/7/20	HyP SA site tour Tonsley	hydrogen production and distribution with electrolyser

## ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the adjourned item *Final Privacy Policy - Adjourned Item Report Reference: GC200728R05* after the conclusion of the Committee Recommendations.

## DEPUTATIONS

### Deputation Request - Dr Stephen Carthew (request denied)

**Report Reference:** GC200728D01

Dr Stephen Carthew requested to make a deputation to Council in relation to the 5G roll out. The request was denied on the grounds that Council is not the decision-making body in relation to this issue.

The refusal of the deputation is reported to Council in accordance with the Local Government (Procedures at Meetings) Regulations 2013, Section 11 (5):

If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

The Mayor sought and was granted leave of the meeting to bring forward the Late Report *Deputation - Andrew Jessup Report Reference: GC200728D02* to be considered next on the agenda.

**Deputation – Andrew Jessup**  
**Report Reference: GC200728D02**

Mr Andrew Jessup gave a 5 minute deputation regarding the minimum block sizes in Warradale and the Planning and Design Code.

**PETITIONS**

**Petition - Planning and Design Code**  
**Report Reference: GC200728P01**

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Nathan Prior**

That Council:

1. Notes the petition and comments provided by Administration
2. A report be brought to the Urban Planning Committee on the matters raised by Mr Jessup at the General Council Meeting (i.e. potential character Zone)
3. Distribute an A4 flyer to the area bounded by Morphett Road, Oaklands Road, Diagonal Road and Prunus Street referring to the petition and explaining Council's efforts to limit urban infill as described in this report and informing residents of Council's resolutions.

**Carried Unanimously**

**Petition - No Stopping Zone - Franklin Court and Edison Court, Sheidow Park**  
**Report Reference: GC200728P02**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Notes the Petition.
2. Retains the No Stopping Zone as per resident survey preference.
3. Advises the Head Petitioner of the outcomes of the Petition to Council.

**Carried**

## **COMMITTEE RECOMMENDATIONS**

### **PROCEDURAL MOTION**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That the following Committee Reports be moved en bloc:

- Confirmation of Minutes of the Urban Planning Committee meeting held on 14 July 2020 (Report Reference: GC200728R06)
- Confirmation of Minutes of the Special Finance and Audit Committee Meeting held on 10 July 2020 (Report Reference: GC200728R07)

**Carried Unanimously**

**Confirmation of Minutes of the Urban Planning Committee meeting held on 14 July 2020**

**Report Reference: GC200728R06**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the minutes of the Urban Planning Committee meeting held on 14 July 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

**Carried Unanimously**

**Confirmation of Minutes of the Special Finance and Audit Committee Meeting held on 10 July 2020**

**Report Reference: GC200728R07**

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the minutes of the Special Finance and Audit Committee meeting held on 10 July 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

**Carried Unanimously**

**Final Privacy Policy - Adjourned Item**

**Report Reference:** GC200728R05

**Moved Councillor – Raelene Telfer**

**Seconded Councillor – Joseph Masika**

That Council:

1. Notes the Procedure – ‘*Investigating and Reporting a Privacy Breach*’ (Attachment 2)
2. Adopts the ‘*Final Privacy Policy*’ (Attachment 3) with the following amendments:
  - The deletion of the second sentence in 4.7 *Eligible Data Breach*

**Carried**

**Councillor Gard called a Division**

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

**Those Against:** Councillors Hull and Gard

**Carried**

**CORPORATE REPORTS FOR DECISION**

**Cats (Confinement) Variation By-law Update**

**Report Reference:** GC200728R08

**Moved Councillor – Bruce Hull**

**Seconded Councillor – Ian Crossland**

That Council:

1. Request a further report be brought to General Council, once a response has been received from the Minister for Environment and Water in relation to the State Government's proposed 'model Cat By-law' with options for Council to consider further action.
2. That this matter be brought back to Council in 12months if a response had not been received from the Minister.

**Carried**

## **Revitalisation of the Edwardstown Employment Precinct**

**Report Reference:** GC200728R09

**Moved Councillor – Joseph Masika**

**Seconded Councillor – Sasha Mason**

That Council:

1. Endorse the 12 Month Action Plan (Attachment 1).
2. Endorse the budget of up to \$145,000 to deliver to 2020/21 Action Plan.

**Carried Unanimously**

## **CONFIDENTIAL ITEMS**

7.31pm Councillor Crossland left the meeting

7.33pm Councillor Crossland re-entered the meeting

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.

## **Cover Report - Confirmation of Confidential Minutes of the Urban Planning Committee meeting held on 14 July 2020**

**Report Reference:** GC200728F01

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Nathan Prior**

1. That pursuant to Section 90(2) 3(b) (i) and (ii) 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: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Donna Griffiths, Warwick Deller-Coombs, Jaimie Thwaites, Victoria Moritz and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the Confirmation of Confidential Minutes of the Urban Planning Committee Meeting held on 14 July 2020, 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, or to prejudice the commercial position of the council or to confer a commercial advantage on a third party.

**Carried Unanimously**

**Cover Report - Cove Cobras Football Club Tenancy**

**Report Reference:** GC200728F02

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Maggie Duncan**

1. That pursuant to Section 90(2) and (3)(a), (b)(i) and (ii), d(i) and (ii) and (g) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Jaimie Thwaites, Thuyen Vi Alternetti, Kane Harrison, Andy Sakkas, Victoria Moritz, Tony Kernahan and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Cove Cobras Football Club Tenancy, 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 personal affairs of any person (living or dead), and 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, or to prejudice the commercial position of the council or to confer a commercial advantage on a third party, and is a matter currently under a confidential order.

**Carried Unanimously**

**Cover Report - Marion Sports and Community Club – Landlord Consent**

**Report Reference:** GC200728F03

**Moved Councillor – Tim Gard**

**Seconded Councillor – Raelene Telfer**

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, Ilia 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 Unanimously**

**Cover Report - Edwardstown Creative Industries Co-working Hub Tender report**

**Report Reference:** GC200728F04

**Moved Councillor – Sasha Mason**

**Seconded Councillor – Joseph Masika**

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, Ilia 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**

**Cover Report - Revitalisation of the Edwardstown Employment Precinct**

**Report Reference:** GC200728F05

**Moved Councillor – Joseph Masika**

**Seconded Councillor – Sasha Mason**

1. That pursuant to Section 90(2) 3(b) (i) and (ii) 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: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Donna Griffiths, Warwick Deller-Coombs, Jaimie Thwaites, Victoria Moritz and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the Revitalisation of the Edwardstown Employment Precinct, 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, or to prejudice the commercial position of the council or to confer a commercial advantage on a third party.

**Carried Unanimously**

7.32pm the Meeting went into Confidence



The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the item *Cove Cobras Football Club Tenancy (Report Reference: GC200728F02)* next on the agenda.

**Cove Cobras Football Club Tenancy**  
**Report Reference: GC200728F02**

Mr Tony Kernahan gave a five-minute presentation to Council regarding the Cove Cobras Football Club Tenancy

7.58pm Mr Tony Kernahan left the meeting

**Moved Councillor – Matthew Shilling,**

**Seconded Councillor – Ian Crossland**

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

**Carried Unanimously**

7.59pm formal meeting procedures suspended

8.12pm Councillor Hutchinson left the meeting

8.13pm Councillor Hutchinson re-entered the meeting

8.36pm formal meeting procedures resumed

**Moved Councillor – Matthew Shilling**

**Seconded Councillor – Ian Crossland**

That Council:

1. Notes the deputation from the Cove Cobras Football Club President.
2. In line with the other licences at the venue, endorse a 5-year licence commencing 1 October 2020 subject to all conditions being met with an annual review in July each year commencing July 2021.
3. That the licence offered to the club include the following conditions:
  - That the Council Liaison officer be invited to all executive meetings of the club
  - The club maintains a minimum Level 2 Good Sports accreditation or above
  - Any behavioral issues are reported to Council's Chief Executive Officer within 48 hours
4. An update report will be provided to Council in August 2021.

**Carried Unanimously**

**Moved Councillor – Maggie Duncan**

**Seconded Councillor – Ian Crossland**

5. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Cove Cobras Football Club Tenancy and* associated appendices arising from this report having been considered in confidence under Section 90(2) and (3)(a), (b)(i) and (ii), (d) (i) and (ii), and (g) 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 Unanimously**

8.49pm Councillor Shilling left the meeting

**Confirmation of Confidential Minutes of the Urban Planning Committee meeting held on 14 July 2020**

**Report Reference:** GC200728F01

**Moved Councillor – Ian Crossland**

**Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the confidential minutes of the Urban Planning Committee meeting held on 14 July 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

**Carried Unanimously**

**Moved Councillor – Ian Crossland**

**Seconded Councillor – Nathan Prior**

3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendix to the report 'Confirmation of Confidential Minutes of the Urban Planning Committee meeting held on 14 July 2020' having been considered in confidence under Section 90(2) and (3) (b) and (d) 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 Unanimously**

**Cover Report - Marion Sports and Community Club – Landlord Consent**

**Report Reference:** GC200728F03

8.57pm Councillor Shilling re-entered the meeting

8.57pm Councillor Duncan left the meeting

9.00pm Councillor Duncan re-entered the meeting

**PROCEDURAL MOTION**

**Moved Councillor – Joseph Masika**

**Seconded Councillor - Nathan Prior**

1. That this item be deferred to the Special Council Meeting to be held on 29 July to allow additional financial information to be distributed to Council Members

**Carried Unanimously**

**Cover Report - Edwardstown Creative Industries Co-working Hub Tender report**

**Report Reference:** GC200728F04

**Moved Councillor – Joseph Masika**

**Seconded Councillor – Sash Mason**

1. That this item be deferred to the Special Council Meeting to be held on 29 July 2020

**Carried**

9.28pm Councillor – Luke Hutchinson left the meeting

**Cover Report - Revitalisation of the Edwardstown Employment Precinct**

**Report Reference:** GC200728F05

**MEETING EXTENSION**

**Moved Councillor – Ian Crossland,**

**Seconded Councillor – Sasha Mason**

1. That the meeting be extended until the conclusion of this item.

**Carried Unanimously**

9.29pm meeting extended

9.32pm Councillor Hutchinson re-entered the meeting

**Moved Councillor – Nathan Prior**

**Seconded Councillor – Ian Crossland**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Revitalisation of the Edwardstown Employment Precinct, the associated appendices and any minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) and (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**

**CORPORATE REPORTS FOR INFORMATION/NOTING - Nil**

**WORKSHOP / PRESENTATION ITEMS - Nil**

**MOTIONS WITH NOTICE - Nil**

**QUESTIONS WITH NOTICE – Nil**

**MOTIONS WITHOUT NOTICE - Nil**

**QUESTIONS WITHOUT NOTICE - Nil**

**OTHER BUSINESS - Nil**

**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 CLOSURE** - Meeting Declared Closed at 09:46 PM

**CONFIRMED THIS 11<sup>th</sup> DAY OF AUGUST 2020**

.....  
**CHAIRPERSON**



**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, Ilia 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, Ilia 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 *Statutes Amendment (Local Government Review) Bill 2020*.
2. Provides the correspondence provided in Attachment 4 to this report regarding the *Statutes 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**

.....  
**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

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR MEETING HELD ON  
WEDNESDAY 02 SEPTEMBER 2020**



**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERTIONS**

**3. APPLICATIONS**

**3.1 373 DIAGONAL ROAD, STURT & 45 MILLER STREET, STURT**

Change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, and landscaping

Report Reference: CAP020920 - 3.1.....2

**4. APPEALS UPDATE.....4**

**4.1 APPEALS AGAINST PANEL DECISIONS**

**4.2 APPEALS AGAINST DELEGATED APPLICAITONS**

**5. POLICY OBSERVATIONS.....4**

**6. OTHER BUSINESS**

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL  
MEETING HELD ON SECOND DAY OF SEPTEMBER 2020**

**8. MEETING CLOSURE**

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR THE MEETING HELD ON  
WEDNESDAY 02 SEPTEMBER 2020**

---



**1.1 OPEN MEETING**

The Meeting commenced at 6.30pm

**1.2 PRESENT**

Terry Mosel – Presiding Member  
Yvonne Svensson – Independent Member  
Michael Davis – Independent Member  
Bryn Adams – Independent Member  
Matthew Shilling – Council Member (Deputy Council Member)

**1.3 APOLOGIES**

Raelene Telfer – Council Member

**1.4 IN ATTENDANCE**

Alex Wright – CAP Assessment Manager; Team Leader - Planning  
Adrian Skull – Chief Executive Officer  
Ilia Houridis – General Manager - City Development  
Warwick Deller-Coombs – Manager - Development & Regulatory Services  
Craig Clarke – Unit Manager Communications  
Andrew Houlihan – Senior Development Officer - Planning  
Kai Wardle – Development Officer - Planning  
Nicholas Timotheou – Development Officer - Planning  
Mitchell Mavrinac – Development Officer - Planning Assistant

**2. GENERAL OPERATIONS**

Given the public interest in Item 3.1, and considering the COVID-SAFE restrictions on the maximum number of patrons permitted within the Council Administration Centre, the Panel RESOLVES to permit the meeting to be webcast via Zoom.

**CAP020920**

**3. HEARING OF APPLICATIONS**

**3.1 Report Reference: CAP020920 - 3.1**

**Application No: 100/2020/568**

**Site Location: 373 Diagonal Road, Sturt & 45 Miller Street, Sturt**

- Abraham Palakat (Representor) represented by Marko Separovic addressed the Panel
- Mark Linn (Representor) addressed the Panel
- Florence Speziale (Representor) represented by Councillor Bruce Hull addressed the Panel
- Adelaide Earmoulds (SA) Pty Ltd (Representor) represented by Bill Close and Simon Close addressed the Panel
- Christina Sampson (Representor) represented by Geoff Bridgland addressed the Panel
- George Watling (Representor) represented by Jeff Betts addressed the Panel
- Maria Lefteriotou (Representor) represented by Rob Lang addressed the Panel
- Henry Shafik (Representor) addressed the Panel
- Robert Lee (Representor) represented by Gary Hazel addressed the Panel
- Debra Ryan (Representor) represented by Janice Bowes addressed the Panel
- Paul Mathe (Representor) represented by Jerry Vallance addressed the Panel
- Sarah Clarke (Representor) represented by Abraham Palakat addressed the Panel
- Andrash Management Pty Ltd (Applicant) represented by Mark Kwiatkowski – APDS, Melissa Mellen – MFY Traffic, Jason Turner – Sonus and Tom Game (Botten Levinson Lawyers) addressed and answered questions of the Panel

The Council Assessment Panel resolved that;

**Having considered all relevant planning matters in relation to the subject development application:**

- (a) The Panel notes this report;**
- (b) The Panel concurs that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for a change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, Development Application No: 100/2020/568 at 373 Diagonal Road, Sturt & 45 Miller Street, Sturt be REFUSED for the following reasons:**

**REASONS FOR REFUSAL**

- 1. The development is inconsistent with Objectives 1, 3 and 4, and Principles of Development Control 4 and 8 of the Neighbourhood Centre Zone.**

**CAP020920**

- 2. The development is inconsistent with the Desired Character statement of the Neighbourhood Centre Zone, by failing to meet the envisaged built form, street activation, setbacks, built form edge, demonstrating inconsistency with the desire for a pedestrian-friendly environment.**
- 3. The development fails to meet the guidelines in the Desired Character which expressly require densely planted landscaping along the boundary between the Neighbourhood Centre Zone and the Residential Zone.**
- 4. The development is inconsistent with Design and Appearance Principles of Development Control 1, 13, and 15.**

09:01 PM The Panel paused for a short intermission.

09:09 PM The Panel resumed.

**4. APPEALS UPDATE**

**4.1 APPEALS AGAINST PANEL DECISIONS**

**4.2 APPEALS AGAINST DELEGATED APPLICATIONS**

Team Leader - Planning provided the Panel with an update on active appeals.

**5. POLICY OBSERVATIONS**

Nil

**6. OTHER BUSINESS**

Nil

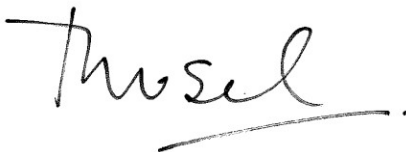
**7. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 2 September 2020 taken as read and confirmed this second day of September 2020

**8. MEETING CLOSURE**

- |   |                     |
|---|---------------------|
| - Length of Meeting:                                    | 2 hours, 34 minutes |
| - Number of applicants who appeared before the Panel:   | 1 Applicant         |
| - Number of representors who appeared before the Panel: | 12 Representors     |
| - Summary of Decisions                                  | 1 Refusal           |

**MEETING DECLARED CLOSED AT 09.15PM**

A handwritten signature in black ink, appearing to read 'Terry Mosel', with a horizontal line underneath.

***Terry Mosel***  
***Presiding Member***

**MINUTES OF THE GC200922 - GENERAL COUNCIL MEETING**

**Tuesday, 22 September 2020 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**





## **PRESENT**

### **Elected Members**

Mayor – Kris Hanna

Councillor – Ian Crossland

Councillor – Maggie Duncan

Councillor – Matthew Shilling

Councillor – Luke Hutchinson (Electronically)

Councillor – Raelene Telfer

Councillor – Bruce Hull

Councillor – Nathan Prior

Councillor – Kendra Clancy

Councillor – Jason Veliskou (Electronically)

Councillor – Joseph Masika

Councillor – Sasha Mason

### **In Attendance:**

General Manager City Development - Ilia Houridis

General Manager Corporate Services – Sorana Dinmore

Unit Manager Governance and Council Support – Jaimie Thwaites

Governance Officer – Victoria Moritz

## **OPEN MEETING**

The Mayor opened the meeting at 06:30 PM

## **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 an actual conflict of interest in the Foreshadowed Motion without Notice *Council involvement in ERD Court Appeal - Petrol Station at 373 Diagonal Road, Sturt (Development Application No: 100/2020/0568)* Report Reference: GC200922M01
- Councillor Telfer declared a perceived conflict of interest in the Foreshadowed Motion without Notice *Council involvement in ERD Court Appeal - Petrol Station at 373 Diagonal Road, Sturt (Development Application No: 100/2020/0568)* Report Reference: GC200922M01
- Councillor Telfer declared an actual conflict of interest in the item *Westminster Reserve* Report Reference: GC200922F03.

### **CONFIRMATION OF MINUTES**

**Confirmation of the minutes for the General Council Meeting held on 25 August 2020**

**Report Reference:** GC200922R01

**Moved Councillor – Raelene Telfer, Seconded Councillor – Maggie Duncan**

That the minutes of the General Council Meeting held on 25 August 2020 be taken as read and confirmed.

**Carried Unanimously**

## COMMUNICATIONS

### Mayoral Communication Report

**Name of Elected Member:** Mayor - Kris Hanna

**Report Reference:** GC200922R02

Date	Event	Comments
26 August 2020	Online meeting with LGA and cross-bench Legislative Councillors	
27 August 2020	CoastFM Interview	
30 August 2020	Marion RSL Annual General Meeting	
30 August 2020	Marion City Lions Inaugural Lunch	Toasted the club, made a donation
2 September 2020	CAP meeting regarding proposed Service Station at Diagonal Road	
5 September 2020	Woodend Path Name Unveiling and Planting Event	Gave speech
5 September 2020	Glengowrie Uniting Netball Club Presentations	
10 September 2020	Marion Sports and Community Club Committee Meeting	
12 September 2020	Hamilton Reserve Official Opening	Unveiled plaque
12 September 2020	Marion RSL Bowling Club Opening and Trophy Day	Gave speech, first bowl of the season
13 September 2020	Cove Tigers Netball Club Presentations	
15 September 2020	Launch of Women's Suffragists Tiled Photo Board Project	
16 September 2020	City of Marion Gap Year Program Presentation at Hamilton Secondary College	

**Moved Councillor – Joseph Masika, Seconded Councillor – Maggie Duncan**

That:

1. The Mayoral Communication Report be received.

**Carried Unanimously**

## Deputy Mayor Communication Report

**Date of Council Meeting:** 22 September 2020

**Name of Elected Member:** Councillor - Matthew Shilling

**Report Reference:** GC200922R03

Date	Event	Comments
2 September 2020	CAP Meeting	Part of meeting as Deputy Council Member
3 September 2020	Planting along Woodend Way path	Represented the Mayor and planted a tree with David Speirs MP, spoke to the group.
8 September 2020	Cove Cobras FC Committee Meeting	Attended as Council Liaison
21 September 2020	Meeting with Amanda Rishworth MP to discuss local issues	Cr Duncan also attended

## Moved Councillor – Joseph Masika, Seconded Councillor – Maggie Duncan

That:

1. The Deputy Mayor Communications Report be received.

**Carried Unanimously**

## CEO and Executive Communications Report

**Date of Council Meeting:** 22 September 2020

**Report Reference:** GC200922R04

Date	Activity	Attended By
26 August 2020	Meeting   Donna Fenton (Dell) - CoM IT	Sorana Dinmore
27 August 2020	Meeting   Friends of Sturt River Landcare Group	Tony Lines
27 August 2020	Committee Meeting   Southern Recycling Centre Joint Venture	Sorana Dinmore
28 August 2020	Online Seminar   Her Tech Path - Getting	Sorana Dinmore

	ahead in the tech sector	
1 September 2020	Meeting   KPMG re Internal Audit Stores Management	Tony Lines
1 September 2020	Meeting   Adrian Skull and Wendy Campana	Adrian Skull
2 September 2020	Meeting   Adrian Skull and Shanti Ditter	Adrian Skull
2 September 2020	Meeting   Adrian Skull and David Speirs MP	Adrian Skull
2 September 2020	Meeting   Adrian Skull and Susan Neuhaus	Adrian Skull
3 September 2020	Meeting   Adrian Skull, Mark Withers (PaE) and Paul Sutton (CCS)	Adrian Skull
3 September 2020	Event   Minister Speirs and Woodend Primary School - tree planting at Woodend Way, Sheidow Park	Tony Lines
3 September 2020	Meeting   Peter Harmer (Harmer Consulting), Warwick Deller-Coombs, Stephen Zillante & Ilia Houridis re PDI Impacts	Ilia Houridis
4 September 2020	Cross Council Meeting   PAE, CCS - ICT Program	Sorana Dinmore
4 September 2020	Meeting   Western Adelaide Consultative Group (WACG)	Adrian Skull
5 September 2020	Community Event   Mayor Hanna and Minister Speirs - tree planting and naming of Woodend Way, Sheidow Park	Tony Lines
7 September 2020	Meeting   Housing Renewal Australia re Oaklands Green	Tony Lines
8 September 2020	Meeting   Corey Turner (SCI) and Jeffrey Newchurch re LKCC Management	Tony Lines
9 September 2020	Meeting   Cities of Port Adelaide Enfield, Charles Sturt and Marion with Erika Comrie re Cross Council Civil Service	Tony Lines

	Review	
9 September 2020	Meeting   Alex KerrGrant (CAMMS) - Project management software	Sorana Dinmore
11 September 2020	Presented   LGA Council CEO Forum	Adrian Skull
12 September 2020	Hamilton Reserve official opening	Adrian Skull
14 September 2020	Meeting   Adrian Skull and Dianne Vaneck	Adrian Skull
15 September 2020	Greening Edwardstown tour with Minister Speirs	Adrian Skull
15 September 2020	Meeting   Adrian Skull, Tony Lines, James Holyman and Mayor Alison Nunan (District Council of Robe)	Adrian Skull Tony Lines
16 September 2020	Meeting   Dustin Feneley (FieldForce4) - Productivity software presentation	Sorana Dinmore
16 September 2020	Meeting   Christopher White (Director, Corporate, City of Onk) - Introduction and collab opportunities	Sorana Dinmore
16 September 2020	Network Forum   LG Professionals SA - Innovating the Future	Sorana Dinmore
16 September 2020	Meeting   Philipp Dautel (Renewal SA) & Ilia Houridis re Tonsley	Ilia Houridis
17 September 2020	Meeting   Wade Reynolds (GM Corporate Services, Mitcham) - introduction and collab opportunities	Sorana Dinmore
17 September 2020	Meeting   KPMG - Internal Audit, COVID response and business continuity	Sorana Dinmore
18 September 2020	Meeting   Cross Council Initiatives – CEO Update with City of Marion, City of Charles Sturt and City of Port Adelaide Enfield	Adrian Skull
21 September 2020	AGM & Board Meeting   SRWRA	Sorana Dinmore

21 September 2020	Meeting   Kylie Taylor, Anthea Shem & David Nash (Office of Recreation Sport & Racing), Ilia Houridis, Greg Salmon & Brett Grimm re Marion Regional Centre and Warracowie Way	Ilia Houridis
-------------------	---	---------------

**Moved Councillor – Joseph Masika, Seconded Councillor – Maggie Duncan**

That:

1. The CEO and Executive Communications Report be received.

**Carried Unanimously**

**Council Member Communications Report**

**Date of Council Meeting:** 22 September 2020

**Council Member:** Raelene Telfer

Date	Event	Comment
29 August 2020	Cosgrove Hall AGM	Chaired elections
8 September 2020	Warriparinga Ward	Briefing with staff via zoom
9 September 2020	Mitchell Park S C Centre	Met Land and Property staff re Management model
15 September 2020	Women's Suffragist photo tile board	Official Launch
17 September 2020	Reconciliation Action Plan	Working Group Meeting
17 September 2020	Mitchell Park Writer's Project	Staff discussions re contacting community

**ADJOURNED ITEMS - Nil**

## PETITIONS

### **Petition - Reserve Upgrade - Ludgate Avenue and Phyllis Court Trott Park**

**Report Reference:** GC200922P01

### **Moved Councillor Duncan, Seconded Councillor Shilling**

That Council:

1. Notes the petition and comments provided by Administration.
2. The head petitioner be advised that Council has noted the petition.

**Carried Unanimously**

## DEPUTATIONS - Nil

## COMMITTEE RECOMMENDATIONS

**Moved Councillor – Matthew Shilling, Seconded Councillor - Ian Crossland** that the following items listed under Committee Recommendations be moved en bloc:

- *Confirmation of the minutes for the Urban Planning Committee Meeting held on 1 September 2020* Report Reference: GC200922R05
- *Confirmation of the Minutes for the Special Review and Selection Committee Meeting held on 15 September 2020* Report Reference: GC200922R06

**Carried Unanimously**

### **Confirmation of the minutes for the Urban Planning Committee Meeting held on 1 September 2020**

**Report Reference:** GC200922R05

### **Moved Councillor – Matthew Shilling, Seconded Councillor - Ian Crossland**

That Council:

1. Receives and notes the minutes of the Urban Planning Committee meeting held on 1 September 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

**Carried Unanimously**



**Confirmation of the Minutes for the Special Review and Selection Committee Meeting held on 15 September 2020**

**Report Reference:** GC200922R06

**Moved Councillor – Matthew Shilling, Seconded Councillor – Ian Crossland**

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting held on 15 September 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

**Carried Unanimously**

**ORDER OF AGENDA ITEMS**

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and move the confidential items to be considered at the end of the agenda.

**CORPORATE REPORTS FOR DECISION**

**Grant For Food Waste Recycling Program**

**Report Reference:** GC200922R07

**Moved Councillor – Kendra Clancy, Seconded Councillor – Bruce Hull**

That Council:

1. Notes that the Kitchen Caddy business case, which outlines an additional Council expenditure of \$192,500 in 2020/21 will repay itself by 2022/23, and thereafter result in waste disposal savings of approximately \$200,000 per annum.
2. Endorses an area-wide roll-out to 40,500 households of ventilated kitchen caddy and compostable liners by 30 June 2021 with the aim of reducing food waste sent to landfill (subject to a successful grant application).
3. Applies for \$382,725 in the next round of the Green Industries SA Kerbside Performance Plus Food Organics Incentive Program 2020/21 to support the area-wide food waste recycling program.
4. Endorses an allocation of an additional \$192,500 for the implementation of a Council-wide distribution of kitchen caddies, to be funded in 2020/21 from identified cash savings following the completion of the 2019/20 audited financial statements.

5. Undertakes a review of the performance of the food waste recycling system within 12 months of service commencement to meet the requirements of the funding agreement.
6. Endorses the allocation of budget in 2021/22 onwards for the ongoing purchase of compostable bags to maintain household participation rates, noting the savings on landfill disposal costs (detailed in Attachment 2).

**Carried Unanimously**

### **Expansion of Sports in Reserves**

**Report Reference:** GC200922R08

### **Moved Councillor – Ian Crossland, Seconded Councillor – Kendra Clancy**

That Council:

1. Endorses additional funding of \$15,000 to be funded from savings in the first budget review in 2020/21, and \$15,000 as part of the Annual Business Plan and Budget in 2021/22 to support the expansion of Sports in Reserves pilot program.
2. Endorses Administration to implement the Sports in Reserves program for a 12-month period from January to December 2021.
3. Receives a report about the Sports in Reserves program in January 2022.

**Carried Unanimously**

6.40pm Councillor Veliskou left the meeting

### **Neighbourhood Centres - Extended hours**

**Report Reference:** GC200922R09

6.42pm Councillor Veliskou re-entered the meeting

### **Moved Councillor - Ian Crossland, Seconded Councillor - Kendra Clancy**

That the item *Neighbourhood Centres - Extended hours* be deferred until the General Council Meeting on 10 December 2020.

**Carried**

**Councillor Hull called a Division:**

**Those for** Councillors Hutchinson, Masika, Mason, Clancy, Prior, Telfer and Crossland  
**Those against:** Councillors Hull, Shilling, Veliskou and Duncan

**Carried**

**Draft City of Marion Art, Culture and Heritage Asset Management Plan for Community Consultation**

**Report Reference:** GC200922R10

**Moved Councillor Telfer, Seconded Councillor Mason**

That Council:

1. Endorses stakeholder and community engagement for the draft City of Marion Artworks, Culture and Heritage Asset Management Plan.

**Carried Unanimously**

**Draft Disability Action and Inclusion Plan 2020-2024**

**Report Reference:** GC200922R11

**Moved Councillor Clancy, Seconded Councillor Masika**

That Council:

1. Endorses the Draft Disability Access and Inclusion Plan 2020-2024 for public consultation (Appendix 1)
2. Notes the DAIP Making Marion Project Report - Stage 1 (Appendix 2)

**Carried Unanimously**

**Travers Street Reserve - Revocation of Community Land Classification**

**Report Reference:** GC200922R12

**Moved Councillor Telfer, Seconded Councillor Hutchinson**

That Council:

1. Acknowledges the Ministerial approval to revoke the community land classification dated 31 August 2020 for Travers Street Reserve, 37-41 Travers Street Sturt being the whole of the land in Certificate of Title Volume 6158 Folio 572.
2. Revokes the community land classification in respect of Travers Street Reserve to enable the creation of one residential allotment of 679 square metres (the Land), noting that upon creation of the Land, the balance of the reserve will automatically be reinstated as a reserve and as community land.
3. 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.

4. Authorises the disposal of the Land in accordance with Council's Disposal of Land and Assets Policy.
5. Authorises the revenue from the sale net of all associated land division and disposal costs of the Land be transferred to the Open Space Reserve Fund for the development of open space facilities as approved by Council.
6. 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 sale and settlement of the Land.

**Carried**

### **Councillor Hull called a Division**

**Those For:** Councillors Hutchinson, Masika, Clancy, Prior, Telfer, Shilling, Duncan, Crossland and Veliskou

**Those Against:** Councillors Mason and Hull

**Carried**

### **Dog By-Law - Fee Review**

**Report Reference:** GC200922R13

### **Moved Councillor – Jason Veliskou, Seconded Councillor - Sasha Mason**

That Council:

1. Refund 240 residents the fee for an 'Application to keep more than prescribed number of dogs (or cats)' starting from 1 July 2018 to 22 September 2020 (total of \$8,521).
2. Remove the \$36.00 fee for the 'Application to keep more than prescribed number of dogs (or cats)' from Council's 2020/2021 Fees and Charges Schedule.
3. Write to affected dog and cat owners (in a form approved by the Mayor and Chief Executive).
4. Note that the Dog By-law No. 4 of 2014 (and all current By-laws) expire on 1 January 2022 and are scheduled for a legislated review, and the review will include investigating options for amending the By-law where needed.

### **Amendment**

### **Moved Councillor Crossland Seconded Councillor Prior**

That Council:

1. Refund 48 residents the \$36 fee for an 'Application to keep more than prescribed number of

dogs (or cats) in the 2020/2021 Financial Year (total of \$1,740) starting from 1 July 2020

2. Remove the \$36.00 fee for the 'Application to keep more than prescribed number of dogs (or cats)' from Council's 2020/2021 Fees and Charges Schedule.
3. Write to affected dog and cat owners (in a form approved by the Mayor and Chief Executive).
4. Note that the Dog By-law No. 4 of 2014 (and all current By-laws) expire on 1 January 2022 and are scheduled for a legislated review, and the review will include investigating options for amending the By-law where needed.

**The amendment to become the motion was Carried  
The amended motion was Carried Unanimously**

### **Planning Reform Action from Urban Planning Committee**

**Report Reference:** GC200922R14

#### **Moved Councillor Prior, Seconded Councillor Telfer**

That Council:

1. Write to the Minister for Planning and Local Government detailing the City of Marion's support for a collaborative approach to finalising the Planning and Design Code taking into account Council's practical suggestions for improvement.
2. Undertake a short-term media campaign seeking to influence the State Government to accept Council's position in relation to residential development in the Council area.
3. Allocates up to \$25,000 for communications and postage costs, sourced from 2019/20 carry overs or savings identified in this year's first budget review.

**Carried**

#### **Councillor Veliskou called a Division:**

**Those For:** Councillors Veliskou, Masika, Mason, Clancy, Prior, Hull, Telfer, Duncan and Crossland

**Those Against:** Councillors Hutchinson and Shilling

**Carried**

**Shopping Trolley Variation By-law**  
**Report Reference: GC200922R15**

**Moved Councillor – Jason Veliskou**

That formal meeting procedures be suspended to discuss the item.

**The motion Lapsed for want of a seconder**

**Moved Councillor – Jason Veliskou, Seconded Councillor – Joseph Masika**

That Council:

1. Endorses the revised commencement of the operative provisions of the Shopping Trolley Amenity By-law (paragraphs 4-8) to 1 March 2021 and further endorses an educational period of the By-law from 1 March 2021 to 30 June 2021 whereby preference is given to the use of cautions as opposed to expiation or prosecution.
2. Endorses the draft Shopping Trolley Amenity (Commencement) Variation By-law 2020 for public consultation under Section 249(1) of the Local Government Act 1999 (Attachment 3) as amended by recommendation 1 to include the date of 1 March 2020 to paragraphs 2.2 and 5.3.
3. Instructs the Chief Executive Officer to undertake the consultation requirements of Section 249(1) of the Local Government Act 1999 and present a further report to Council following the completion of that process.
4. Notes the Chief Executive Officer will respond to the Legislative Review Committee on the information requested.

**AMENDMENT**

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

That Council:

1. Endorses the revised commencement of the operative provisions of the Shopping Trolley Amenity By-law (paragraphs 4-8) to 1 February 2021.
2. Endorses the draft Shopping Trolley Amenity (Commencement) Variation By-law 2020 for public consultation under Section 249(1) of the Local Government Act 1999 (Attachment 3).
3. Instructs the Chief Executive Officer to undertake the consultation requirements of Section 249(1) of the Local Government Act 1999 and present a further report to Council following the completion of that process.
4. Notes the Chief Executive Officer will respond to the Legislative Review Committee on the information requested.

**The amendment to become the motion was Carried**  
**The amended motion was Carried Unanimously**

## **PROCEDURAL MOTION**

**Moved Councillor – Raelene Telfer, Seconded Councillor Jason Veliskou** that the following six items be moved en bloc:

- City of Marion Public Health Planning – Progress Report 1 July 2018 – 30 June 2020
- Streetscape Update
- Potential Publicly Initiated Council Boundary Change Proposal at Hallett Cove / Lonsdale
- Work Health & Safety – Monthly Performance Report – August 2020
- Finance Report – August 2020
- Questions Taken on Notice Register

**Carried Unanimously**

**City of Marion Public Health Planning - Progress Report 1 July 2018 - 30 June 2020**  
**Report Reference: GC200922R16**

**Moved Councillor – Raelene Telfer, Seconded Councillor - Jason Veliskou**

That Council:

1. Endorses the 1 July 2018- 30 June 2020 City of Marion Progress Report on Public Health Planning for submission to the Chief Public Health Officer (Appendix 1) with the following amendment:
  - Highlighting the infant mortality rate in specific suburbs within the City of Marion

**Carried Unanimously**

## **CORPORATE REPORTS FOR INFORMATION/NOTING**

**Streetscape Update**  
**Report Reference: GC200922R17**

**Moved Councillor – Raelene Telfer, Seconded Councillor - Jason Veliskou**

That Council:

1. Notes the report.

**Carried Unanimously**

**Potential publicly initiated council boundary change proposal at Hallett Cove/ Lonsdale**  
**Report Reference:** GC200922R18

**Moved Councillor – Raelene Telfer, Seconded Councillor - Jason Veliskou**

1. That Council note the report.

**Carried Unanimously**

**Work Health & Safety - Monthly Performance Report - August 2020**  
**Report Reference:** GC200922R19

**Moved Councillor – Raelene Telfer, Seconded Councillor - Jason Veliskou**

That Council:

1. Notes the report and statistical data contained therein.

**Carried Unanimously**

**Finance Report - August 2020**  
**Report Reference:** GC200922R20

**Moved Councillor – Raelene Telfer, Seconded Councillor - Jason Veliskou**

That Council:

1. Receives the report “Finance Report – August 2020”

**Carried Unanimously**

**Questions Taken on Notice Register**  
**Report Reference:** GC200922R21

**Moved Councillor – Raelene Telfer, Seconded Councillor - Jason Veliskou**

That Council:

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

**Carried Unanimously**



## **WORKSHOP / PRESENTATION ITEMS - Nil**

## **MOTIONS WITH NOTICE - Nil**

## **QUESTIONS WITH NOTICE**

### **LGA Membership**

**Elected Member:** Councillor Matthew Shilling

**Report Reference:** GC200922Q01

#### **Question:**

- 1. How much was the 2019/20 LGA Membership?**
- 2. How much is our 2020/21 LGA Membership?**
- 3. When is our membership due?**
- 4. How much did we receive in return last year?**
- 5. Can we ask for a reduced membership amount this year due to the current climate?**

#### **Supporting Information:**

Nil

#### **Response Received From:**

Unit Manager Governance and Council Support - Jaimie Thwaites

#### **Staff Comments:**

1. The 2019/20 membership subscription was \$79,482 (excluding GST)
2. The 2020/21 membership subscription is \$80,128 (excluding GST)
3. The membership subscription payment is due on 18 September 2020.
4. The LGA provided a document outlining the Value of Membership with the invoice for the 2020/21 membership subscription. This is included as Attachment 1.

Some of the achievements and services provided to members in 2019/20 include:

- Successfully recovered more than \$13 million in paybacks to councils and State Government from SA Power Networks for 2010-15 public lighting tariffs, with the City of Marion receiving a refund of \$541,721.
- Secured and administered grants to councils worth \$14 million.
- Providing leadership, coordination and resources to assist councils respond to COVID-19,

including sector briefings with the Premier, Minister and senior Police and Health officials, and over 40 operational briefings attended by more than 3,000 council staff.

- Emergency management planning support to all 68 councils through the Council Ready program, with more than 650 people involved in over 80 workshops.
- Provided training to 1,412 council staff and elected members.
- Issued 522 circulars and latest news items, providing information on state government policies, standardised templates, pressing issues and updates to councils.
- Logged over 7,000 issue reports from members of the public through the My Local Services App including graffiti, wandering pets and parking issues.
- Saved councils more than \$14 million through LGA Procurement's new electricity contract.

5. The invoice for 2020/21 is less than a 1 percent increase from the previous year. Prior to this the membership fee had decreased over several years as noted in the table below:

Year	Membership fee (ex GST)	Reduction / Increase (approx.)
2016/17	\$94,382	
2017/18	\$90,017	- 4.6%
2018/19	\$84,888	- 5.6%
2019/20	\$79,482	- 6%
2020/21	\$80,128	+ 0.8%

The LGA has continued to provide multiple services and cost savings to the sector throughout the Covid-19 situation. The increase for 2020/21 is minimal and considered reasonable even in the current climate.

## MOTIONS WITHOUT NOTICE

### **Council involvement in ERD Court Appeal - Petrol Station at 373 Diagonal Road, Sturt (Development Application No: 100/2020/0568)**

Councillor Shilling declared an actual conflict of interest in the item as he is a Member on the Council Assessment Panel and was part of the decision making process and left the meeting.

7.41pm Councillor Shilling left the meeting.

Councillor Telfer declared a perceived conflict of interest in the item as she is a Member for the Council Assessment Panel, however, did not attend the hearing of this matter and will remain for the item.

**Moved Councillor - Raelene Telfer, Seconded Councillor – Bruce Hull**

1. That Council vigorously defend any Appeal against the CAP refusal of the integrated service station development proposed for the corner of Diagonal Road and Miller Street, Sturt, DA 100/2020/568 in the Environment Resources and Development Court; and
2. That no compromise development approval of DA 100/2020/568 be granted under delegation to staff without approval by the City of Marion in a General Council Meeting.

**Regulation 29**

The Chair invoked Regulation 29 of the Local Government (Procedures at Meetings) Regulations 2000, on the basis that Councillor Hull was interrupting the meeting and requested that Councillor Hull provide a personal explanation to the meeting.

Councillor Hull provided a personal explanation to the meeting regarding the claim he was interrupting the meeting and commented:

- He was agreeing with staff
- It was quite acceptable in a modern democratic process to agree with something that has been said.

7:56pm Councillor Hull left the meeting.

**Moved Councillor – Luke Hutchinson, Seconded Councillor – Kendra Clancy**

That Councillor Hull be suspended for the remainder of the meeting for his behaviour and that Councillor Hull be requested to refrain from interrupting the meeting for any future meetings of Council.

**Carried**

7.58pm Councillor Hull re-entered the meeting

7.59pm Councillor Hull left the meeting and did not return

**Council involvement in ERD Court Appeal - Petrol Station at 373 Diagonal Road, Sturt  
(Development Application No: 100/2020/0568)**

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

**QUESTIONS WITHOUT NOTICE**

Nil

**OTHER BUSINESS**

**Leave of Absence - Councillor Gard**

**Moved Councillor - Ian Crossland, Seconded Councillor - Maggie Duncan**

That Councillor Gard be granted a leave of absence from 16 September 2020 – 31 October 2020

**Carried**

## CONFIDENTIAL ITEMS

8:09pm Councillor Shilling re-entered the meeting

**Moved Councillor – Sasha Mason, Seconded Councillor – Nathan Prior** that all of the Confidential Motions to move into confidence be considered next on the agenda.

**Carried Unanimously**

### **Cover Report - Revitalisation of the Edwardstown Employment Precinct - Creative Coworking Space**

**Report Reference:** GC200922F01

**Moved Councillor – Sasha Mason, Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2) 3(b) (i) and (ii) 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: Adrian Skull, Tony Lines, Ilia Houridis, Sorana Dinmore, Richard Watson, Warwick Deller-Combs, Donna Griffiths, Greg Salmon , Jaimie Thwaites and Victoria Moritz, be excluded from the meeting as the Council receives and considers commercial information relating to the Revitalisation of the Edwardstown Employment Precinct, 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, 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 and would on balance be contrary to the public interest.

**Carried Unanimously**

8.10pm Councillor Prior left the meeting

8.11pm the meeting went into confidence

8.13pm Councillor Prior re-entered the meeting

**Moved Councillor – Sasha Mason, Seconded Councillor – Ian Crossland**

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report *Revitalisation of the Edwardstown Employment Precinct - Creative Coworking Space*, any appendices to the report and minutes arising from this report, having been considered in confidence under Section 90(2) 3(b) (i) and (ii) 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 Unanimously**

8.22pm the meeting came out of confidence

**Cover Report - Mitchell Park Redevelopment - Pre-tender estimate**

**Report Reference:** GC200922F02

**Moved Councillor – Sasha Mason, Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2), 90(3)(b) (i) and (ii) 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, Ilia Houridis, Tony Lines, Sorana Dinmore, Greg Salmon, Birgit Stroeher, Richard Watson, Jaimie Thwaites and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to the Mitchell Park Redevelopment - Pre-tender Estimate, 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 pre-tender estimate for the carrying out of works and disclosure of the information 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.

**Carried Unanimously**

8.23pm the meeting went into confidence

**Moved Councillor – Luke Hutchinson, Seconded Councillor - Sasha Mason**

In accordance with Section 91(7) and (9) of the local Government Act 1999 the Council orders that this report, Mitchell Park Sports and Community Centre – Pretender estimate and approval to call for construction tenders including the minutes arising from this report having been considered in confidence under section 90(3)(b) (i) and (ii) and 90(3)(k) 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 Unanimously**

8.30pm the meeting came out of confidence

**Cover Report - Westminster Reserve**

**Report Reference:** GC200922F03

**Moved Councillor – Sasha Mason, Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2) 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: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Thuyen Vi-Alternetti, Geoff Norris, Richard Watson, Jaimie Thwaites and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to the report Westminster Reserve, 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, or prejudice the commercial position of the Council.

**Carried Unanimously**

8.30pm the meeting went into confidence

Councillor Telfer declared an actual conflict of interest in the item *Westminster Reserve* as she resides in close proximity to the reserve and left the meeting.

8.31pm Councillor Telfer left the meeting

**Moved Councillor – Nathan Prior, Seconded Councillor - Joseph Masika** this item be deferred to the end of the meeting

**Carried Unanimously**

**Cover Report - Edwardstown Soldiers Memorial Recreation Ground Management Request for Proposals**

**Report Reference:** GC200922F04

**Moved Councillor – Sasha Mason, Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2) 3(b) (i) and (ii) 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: Adrian Skull, Tony Lines, Iliia Houridis, Sorana Dinmore, Richard Watson, Thuyen Vi-Alternetti, Mark Hubbard, Jaimie Thwaites and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Soldiers Memorial Recreation Ground Management Request for Proposals, 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, 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 and would on balance be contrary to the public interest.

**Carried Unanimously**

8.47pm the meeting went into confidence

8.47pm Councillor Telfer re-entered the meeting

**Moved Councillor – Sasha Mason, Seconded Councillor – Matthew Shilling**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report *Edwardstown Soldiers Memorial Recreation Ground Management Request for Proposals* and minutes arising from this report, having been considered in confidence under Section 90(2) 3(b) (i) and (ii) 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 Unanimously**

8.58pm the meeting came out of confidence

**Cover Report - Confirmation of Confidential Minutes of the Special Review and Selection Committee meeting held on 15 September 2020**

**Report Reference:** GC200922F05

**Moved Councillor – Sasha Mason, Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, Council orders that all persons present with the exception of the following persons: Adrian Skull, Ilia Houridis, Sorana Dinmore, Tony Lines, Richard Watson, Jaimie Thwaites and Victoria Moritz, be excluded from the meeting as Council receives and considers information relating to the Confidential Minutes of the Special Review and Selection Committee Meetings held on 15 September 2020 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 personal affairs of any persons.

**Carried Unanimously**

8.58pm the meeting went into confidence

**Moved Councillor - Kendra Clancy, Seconded Councillor – Matthew Shilling**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Confirmation of Confidential Minutes of the Special Review and Selection Committee Meeting held on 15 September 2020*, any appendices and minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a), 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 Unanimously**

9.00pm the meeting came out of confidence

**Westminster Reserve**

**Report Reference:** GC200922F03

9.00pm Councillor Telfer left the meeting and did not return.

9.00pm item resumed

**Moved Councillor - Ian Crossland, Seconded Councillor – Matthew Shilling**

That Council;

(Option 1 – Sale of Reserve)

1. Declares that the Reserve *described as Allotment 107 in File Plan 11413 in Certificate Title Volume 3776/21* is surplus to requirements and approves administration to commence with the revocation of the Reserve in accordance with Section 194 of the Local Government Act.
2. Accepts Westminster School's proposal to purchase the Reserve for a value of [redacted]

subject to a public consultation process and the revocation of community land classification of the Reserve, Westminster to pay for all associated costs with the revocation, sale and transfer of land.

3. A further report be presented to Council following the consultation period to consider any submissions received and to decide whether to proceed with the sale.

**Carried**

**Moved Councillor - Sasha Mason, Seconded Councillor – Matthew Shilling**

4. In accordance with Section 90(2) 3(b) (i) and (ii) of the Local Government Act 1999, orders that this report, the attachments and the financial figure in the minutes arising from this report, having been considered in confidence under Section 90(2) 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 2020.

**Carried**

9.20pm the meeting came out of confidence

## **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 CLOSURE** - Meeting Declared Closed at 09:20 PM

**CONFIRMED THIS 13TH DAY OF OCTOBER 2020**

.....

**CHAIRPERSON**



# IMPORTANT UPDATE FROM THE CITY OF MARION



## Update on proposed service station

25 January 2021

**Developers of a proposed petrol station in Sturt are attempting to thwart community opposition by going direct to the Planning Minister. Marion Council has been advised that Andrash Management Pty Ltd intends to lodge a new Development Application for the service station on Diagonal Road.**

The company has written to the Minister requesting she appoint the State Commission Assessment Panel (SCAP) to decide the application, by-passing Marion's Independent Council Assessment Panel (CAP).

In September last year, the CAP unanimously refused the original proposal because the development failed to meet the desired character of the zone and was not pedestrian friendly. Andrash has appealed the CAP's decision to the Environment Resources and Development Court, with a conciliation conference listed for 4 February.

Council is extremely concerned that Andrash is now attempting to use a legal loophole to stymie local opposition and build the service station.

Local residents have vigorously opposed the service station and will be angered when they learn of the company's manoeuvring.

Council has written to the Minister to put our views about Andrash's request.

The Minister needs to hear both views before she makes a decision.

Andrash originally applied to Council to build a \$2.8 million, 12 pump petrol station, car wash, shop and drive-through restaurant at 373 Diagonal Road.

For more information: [www.marion.sa.gov.au](http://www.marion.sa.gov.au) or 8375 6600