

**MINUTES OF THE GENERAL COUNCIL MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 12 MAY 2015**

---



**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland  
Tim Gard

**Mullawirra Ward**

Jerome Appleby  
Jason Veliskou

**Southern Hills**

Janet Byram  
Nick Westwood

**Warracowie Ward**

Bruce Hull  
Nathan Prior

**Warriparinga Ward**

Luke Hutchinson  
Raelene Telfer

**Woodlands Ward**

Nick Kerry  
Tim Pfeiffer

**In Attendance**

Mr Geoff Whitbread (from 9.45pm)  
Ms Kathy Jarrett  
Mr Vincent Mifsud  
Ms Heather Montgomerie  
Ms Kate McKenzie  
Ms Victoria Moritz

Acting CEO  
Director  
Director  
Director  
Manager Governance  
Governance Officer

**COMMENCEMENT**

The meeting commenced at 7.00pm.

**KAURNA ACKNOWLEDGEMENT**

*We acknowledge the Kurna 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.

## **MEMBERS DECLARATION OF INTEREST**

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

- Councillor Crossland declared a conflict of interest in the item *Residential (General) Development Plan Amendment (DPA) – Final Draft for Ministerial Approval: Report*  
Reference: GC120515R02

## **CONFIRMATION OF MINUTES**

**Moved Councillor Telfer, Seconded Councillor Prior** that the minutes of the General Council meeting held on 28 April be taken as read and confirmed.

**Carried Unanimously**

## **DEPUTATIONS**

Nil

## **PETITIONS**

Nil

## **ADJOURNED ITEMS**

**Audit Committee Confirmation of Minutes of Meeting held on 14 April 2014**  
**Report Reference: GC280415R02**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that Council:

1. Receive and note the minutes of the Audit Committee meeting of 14 April 2015 (Appendix 1).
2. Note that a separate report will be brought to Council for consideration regarding minor changes to Council's Asset Management Policy and the adoption of a new 'Disposal of Land and Assets Policy', replacing the 'Acquisition and Disposal of Land Assets Policy' and 'Disposal of Assets Other Than Land Policy'.
3. Notes that the Funding to the Community Service Review item related to a review of Council's Policies and that prior to any further work on these policies, that a workshop will be held with Elected Members seeking further input. It is further noted that the feedback provided by Council's internal auditor on these policies will be reviewed as part of this process.

**Carried Unanimously**

## **COMMITTEE RECOMMENDATIONS**

Nil

## **WORKSHOP / PRESENTATION ITEM**

Nil

## **CORPORATE REPORTS FOR DECISION**

### **Seacliff Park Residential and Centre Development Plan Amendment (DPA) – Community Consultation**

**Report Reference: GC120515R01**

**Moved Councillor Gard, Seconded Councillor Crossland** that Council:

1. Endorse the Draft Seacliff Park Residential and Centre Development Plan Amendment as being suitable for public consultation.
2. Seek the Minister's approval for the Draft Seacliff Park Residential and Centre Development Plan Amendment to be placed on public consultation.
3. Proceed to public consultation upon receipt of approval to do so from the Minister.
4. Appoint 4 Councillors Raelene Telfer, Bruce Hull, Tim Gard and Ian Crossland to be part of a joint Committee, with the City of Holdfast Bay, to hear submitters at a public hearing following the conclusion of the public consultation.

**Carried Unanimously**

### **Residential (General) Development Plan Amendment (DPA) – Final Draft for Ministerial Approval**

**Report Reference: GC120515R02**

**Councillor Crossland declared a conflict of interest in the matter as he lives in close proximity to the zone being created as part of the Residential (General) DPA and left the meeting.**

7.13pm Councillor Crossland left the meeting.

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that Council:

1. Endorse the amendments made to the Residential (General) Development Plan Amendment as a result of submissions received during the public consultation period.
2. Advise the Minister that the Residential (General) Development Plan Amendment is at a stage suitable for the Minister's consideration for authorisation.

**Carried**

7.16pm Councillor Crossland re-entered the meeting

**Darlington Upgrade Project - City of Marion Response**  
**Report Reference: GC120515R03**

**Moved Councillor Hull, Seconded Councillor Telfer** that Council:

1. Notes the Report.
2. Endorses the Connecting Communities and proposed Council response papers.
3. DPTI be advised of Council's position and these papers be included in reply to the request for comment on the alternative scheme.
4. Undertake further consultation with DPTI and other key stakeholders to achieve the desired community objectives in the forthcoming stages of this project's design and construction.

**Amendment:**

**Moved Councillor Prior, Seconded Councillor Pfeiffer** that Council:

1. Notes the Report.
2. Endorses the Connecting Communities and proposed Council response papers subject to the inclusion of a third dot point under the heading of public transport that the city of marion supports a design which allows for a light rail down the centre of the motorway in the future.
3. DPTI be advised of Council's position and these papers be included in reply to the request for comment on the alternative scheme.
4. Undertake further consultation with DPTI and other key stakeholders to achieve the desired community objectives in the forthcoming stages of this project's design and construction.

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

**Boatshed Cafe Variation of Lease**  
**Report Reference: GC120515R04**

**Moved Councillor Crossland, Seconded Councillor Gard** that Council:

1. Grants Approval to the variation of the lease over the portion of land comprised in Certificate of Title Register Book Volume 5553 Folio 375 which expands the land area being leased for Boatshed Café operations to the extent shown in Appendix 1 subject to community consultation
2. Provide landlord's approval to the following capital works of the Boatshed Café to be undertaken at full cost to the lessee:
  - Construction of a deck to the northern side of the building
  - Installation of disabled access to the first floor of the building via a lift and ramp
  - Provision of disabled amenities on the first floor of the building

- Construction of an additional access door on the southern side of the building providing additional emergency egress from the building
- 3. Delegate Authority to the CEO to vary the existing Boatshed Cafe lease changing the description of the Stage 2 and Stage 3 Works to be the capital works approved by Recommendation 2
- 4. Delegate Authority to the CEO to vary the existing Boatshed Café lease changing the date that the tenant will pay market rent from 1 December 2021 to 1 December 2024 provided that the capital works approved by Recommendation 3 are substantially commenced by 30 November 2015 and wholly completed by 1 December 2017.

**Carried**

**Draft 'South Australia's Waste Strategy 2015 – 2020'**  
**Report Reference: GC120515R05**

**Moved Councillor Hull, Seconded Councillor Telfer** that Council:

1. Endorse the City of Marion's submission on the Draft 'South Australia's Waste Strategy 2015 – 2015' (subject to the inclusion of any additional comments at the meeting).

**Carried**

**Metropolitan Seaside Councils' Committee**  
**Report Reference: GC120515R06**

**Moved Councillor Crossland, Seconded Councillor Gard** that:

1. Councillors Ian Crossland and Tim Gard (proxy) and the Manager Environmental Sustainability be appointed to act as Council's representatives on the Metropolitan Seaside Councils Committee for the duration of the current term of Council.

**Carried**

**Contribution to the regional Resilient South Program Coordinator**  
**Report Reference: GC120515R07**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that Council:

1. Refer the once-off amount of \$23,555.50 (ex GST) to support the continued employment of the regional Resilient South Program Coordinator in 2015/16, to the 2015/16 Annual Business Plan and Budget process for further consideration and prioritisation.

**Carried**

**Councillor Appleby called for a division**

**Those For:** Councillors Pfeiffer, Telfer, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

**Those Against:** Councillors Kerry, Hutchinson and Appleby

**Carried**

**Financial Assistance Grants to Local Government**  
**Report Reference: GC120515R08**

**Moved Councillor Veliskou, Seconded Councillor Gard** that Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;
2. Acknowledges that the City of Marion have received \$2,736,897 in 2014-15.
3. Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.
4. Write to Dr Andrew Southcott MP, Mr Matt Williams MP and Amanda Rishworth MP highlighting specific implications of the FAGs indexation freeze.

**Carried**

**CORPORATE REPORTS FOR INFORMATION NOTING**

Nil

**MATTERS RAISED BY MEMBERS**

**QUESTIONS WITH NOTICE**

**Equitable Services Across Council**  
**Report Reference: GC120515Q01**

**QUESTIONS:**

As Council moves towards providing equitable services across the city please could you confirm the number of residents living south of Sturt Road when compared with the number of residents living north of Sturt Road.

Using Sturt Road as the divide between north and south how many community halls are provided in each area. If there is inequity what does Council propose to redress this balance.

Using the same parameters how many Council subsidised Kindergartens are available in the north and south. If there is a clear inequity what does council propose to redress this inequity.

## **COMMENTS: Fiona Harvey, Manager Strategy**

As at 2011 (ABS Census) there were 46,032 residents north of Sturt Road (or 55.5% of the total population of the City of Marion) and 36,959 south of Sturt Road (or 44.5% of the total population). This is a difference of 9,073 residents or 10.9% of the total population of the City of Marion.

The numbers of community halls and kindergartens north and south of Sturt Road are as follows:

- Community Centres/Halls – 19 north of Sturt Road, 11 south of Sturt Road
- Kindergartens – 6 north of Sturt Road, 1 south of Sturt Road.

Council owns and manages assets to provide services to the community, and therefore it is important to assess equity across the City in terms of service provision. In order to assess service equity a range of criteria may be considered including current demographics, community needs and aspirations, regional service provision and benchmarks for services.

Fit-for-purpose assets to support service provision may then be considered in terms of scale, size, functionality, utilisation, strategic alignment, ownership and management model options, upfront and whole of life costs and whether non-asset service solutions are available.

Consideration of these types of criteria may support Council to consider service and asset provision at a strategic level rather than an individual level, eg although Toc H Hall and the new Cove Civic Centre are both represented as one community facility north and south of Sturt Road respectively, they provide significantly different amenity and opportunity for service provision.

In relation to the consideration of a process to consider the provision of community halls, there are a range of opportunities and tools Council may wish to consider as part of the process. This may include bringing an item to the Strategic Directions Committee to consider equitable service provision across the City of Marion at the strategic level. There are also a number of policy tools that may assist Council in a process including the Asset Management Policy, the Asset Management Plans, consideration of asset acquisition, disposal or upgrades, and service reviews.

There are seven kindergarten services situated on City of Marion council land and on 9 September 2014 Council resolved to entered into lease agreements with the Minister for Education and Child Development at each of these sites (GC090914R06). The Minister for Education and Child Development operates the kindergarten services and is responsible for the operation, maintenance and upgrade costs as set out in the Council Report. As part of its resolution on 9 September 2014 Council also resolved to conduct a *'review at the expiration of the first year of the term over the following seven properties (with each of the kindergartens listed)'*. The review will commence an assessment of options from 1 June 2015, including potential ownership models and leasing fees for Council's consideration.

## **Renewable Infrastructure Report Reference: GC120515Q02**

### **QUESTION:**

1. How much solar power infrastructure does the CoM own? Where is it?
2. If we have any, do we have any figures showing performance over the time we have owned it?
3. Do we have any other renewable infrastructure? Wind power, etc?
4. Do we have any infrastructure which we have planned in for new buildings, eg the new Depot or the Cove Civic Centre?

## **COMMENTS: Ann Gibbons (Manager Environmental Sustainability)**

### Questions 1 and 2

The City of Marion has two small photovoltaic systems on Council-owned and/or operated properties:

- Marion Cultural Centre – 10 x 200 watt photovoltaic panels (2kW system); installed in 2009; generation capacity estimated to be 8.8kW per day; systems to monitor performance over time have not been set up for this array.
- Cooina – 10 x 190 watt photovoltaic panels (1.9kW system); installed in 2011; generation capacity estimated to be 6kW per day; performance data can be accessed via a password protected online system. Information relating to performance will be placed on the Elected Members' Extranet in the coming weeks.

### Question 3

The City of Marion does not own any other renewable energy infrastructure such as wind power generators, etc.

Solar systems have been installed by leaseholders on the following Council-owned leased facilities: Active Elders, Ascot Park (40 x 250 watt panels; 10kW system); Marion RSL (120 x 250 watt panels; 30kW system), and Park Holme Community Hall (30 x 200 watt panels; 6kW system).

### Question 4

Small photovoltaic arrays are planned for both City Services (9.36kW system) and Cove Civic Centre (5kW system). A number of passive treatments (e.g. daylighting, efficient lighting systems) have been incorporated into the design of both the City Services redevelopment and Cove Civic Centre to reduce energy demand.

## **MOTIONS WITH NOTICE**

### **Community Safety Vehicles** **Report Reference: GC120515M01**

**Moved Councillor Crossland, Seconded Councillor Veliskou** that:

1. Five Community Safety Vehicles are professionally sign written with Marion Council logo and wording across the side of the vehicle (including any appropriate graphic) to provide recognition and re-assurance to the community.
2. One of the Community Safety Vehicles is fitted with a flashing light bar.
3. Vehicles currently within 12 months of being replaced will be exempt from this motion.
4. Any cost associated with this motion will be funded from existing budgets.

**Carried**

### **Councillor Appleby called a division**

**Those For:** Councillors Pfeiffer, Telfer, Hutchinson, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

**Those Against:** Councillors Kerry and Appleby

**Carried**



**Telecommunications Facility, South Road, Edwardstown**  
**Report Reference: GC120515M02**

8.15pm Councillor Veliskou left the meeting

8.17pm Councillor Veliskou re-entered the meeting

**Moved Councillor Hull, Seconded Councillor Hutchinson** that:

1. Council take punitive action against Crown Castle in relation to the [804-820 South Road](#), Edwardstown - Telecommunications Facility by 28 June 2015 should they fail to return that portion of the tower that does not intrude into prescribed airspace to its original 'light grey hue' (as pictured) as specified in the 'Variation of Decision' notice issued by the Commonwealth Department of Infrastructure and Regional Development on 22 April 2015.

**Carried**

**Expiation or Prosecution of Food Outlets in the City of Marion**  
**Report Reference: GC120515M03**

**Moved Councillor Hull, Seconded Councillor Crossland** that:

1. The City of Marion release all information to our community relating to any expiation or prosecutions of food outlets in the City of Marion and that an accessible list of breached food outlets be placed on the City of Marion website

**Amendment:**

**Moved Councillor Appleby, Seconded Councillor Gard** that:

1. The City of Marion release all information to our community relating to any prosecutions of food outlets in the City of Marion and that an accessible list of breached food outlets be placed on the City of Marion website

**That the Amendment become the motion was Carried**  
**The motion was Carried Unanimously**

**Community Facilities Partnership Program**  
**Report Reference: GC120515M04**

**Moved Councillor Veliskou, Seconded Councillor Crossland** that:

1. The Community facilities funding partnership program eligibility be extended to include funding for the renewal, upgrade and purchase of council assets as decided by council.
2. The current goal of encouraging organisations leasing council facilities to seek partnership funding for required renewal and upgrades continue.

3. This CFPP funding become a cash reserve starting for all allocations in future budgets within the long term financial plan.

8.47pm Councillor Hutchinson left the meeting

8.49pm Councillor Hutchinson re-entered the meeting

8.50pm Councillor Prior left the meeting

8.52pm Councillor Prior re-entered the meeting

**Carried**

**Dogs By-Law Amendment**  
**Report Reference: GC120515M05**

**Moved Councillor Hutchinson, Seconded Councillor Gard** that Council:

1. Acknowledges its commitment to:
  - a. public safety and an environment in which community members can traverse streets and use public places free of canine nuisance;
  - b. alleviating the escalating public concern of canines being a danger to others; and
  - c. responsible animal ownership and its inherent link to living harmoniously in the City of Marion.
2. Requests that administration identify a list of “Dog Exercise Areas” as described through the “Dogs By-Law”, with a list to be approved by council at 28 July 2015 General Council Meeting and subsequently published to the community.
3. Amends section 5 “Dogs on Leash Areas” of the City of Marion “Dogs By-Law” to simply state:  
*“A person must not allow a dog that is under their control or ownership to be present in any public place unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.”*
4. Asks administration to take a zero tolerance approach to animal management enforcement, particularly where dogs are found in a public place without a leash. (Wandering at large).
5. Doubles the financial penalty for person’s breaching the “Dog on Leach Areas” and where an owner fails to register a dog.
6. Undertakes an educative campaign, to be included in the next edition of City Limits.
7. Continues its program to educate and encourage owners to microchip canines via discounted registration fees.

**Moved Councillor Westwood, Seconded Councillor Kerry** that this item be adjourned until the General Council Meeting to be held on 28 July 2015.

**Carried**

**Water Management and Flood Mitigation Measures and Needs**  
**Report Reference: GC120515M06**

9.07pm Councillor Pfeiffer left the meeting

**Moved Councillor Gard, Seconded Councillor Telfer** that:

1. Council be briefed in full concerning the current disposition of the City in regard to water management and flood mitigation measures and needs.
2. Recommendations be made within the next six months concerning the short, medium and long term initiatives required, including coordination with other municipalities, to ensure the future safety of residents and their properties and businesses within and beyond the City of Marion's boundaries.

**Carried**

**Nursery Operations**  
**Report Reference: GC120515M07**

9.11pm Councillor Pfeiffer re-entered the meeting

**Moved Councillor Crossland, Seconded Councillor Appleby** that:

Council ceases its Nursery Operations by the 1st September 2015.

**Carried**

**Replacing Wooden Power Poles**  
**Report Reference: GC120515M08**

9.34pm Councillor Kerry left the meeting

**Moved Councillor Veliskou, Seconded Councillor Prior** that Council:

1. Approach SA power networks in order to get all wooden beams on power poles replaced with metal in Plympton Park as an urgent safety issue.
2. Seek the immediate replacement of all potentially faulty wooden beams with metal, followed by the replacement of all wooden beams on high capacity poles in short term and eventual replacement of all other wooden beams in the medium term.
3. Work with local MPs to further this issue and the approach trialled in Plympton Park is then rolled out throughout the council area on a needs basis.

**Carried Unanimously**

**Moved Councillor Veliskou, Seconded Councillor Gard** that the meeting be adjourned for a period of five minutes.

**Carried Unanimously**

9.37pm meeting adjourned

9.45pm meeting resumed

9.45pm Councillor Kerry re-entered the meeting

## **QUESTIONS WITHOUT NOTICE**

Nil

## **MOTIONS WITHOUT NOTICE**

Nil

## **CONFIDENTIAL ITEMS**

9.45pm Geoff Whitbread entered the meeting

**Marion Leisure & Fitness Centre**  
**Report Reference: GC120515F01**

**Councillor Telfer declared a conflict of interest in the matter as she holds an expired membership for CASA and left the room**

9.46pm Councillor Telfer left the meeting

**Moved Councillor Appleby, Seconded Councillor Westwood** that pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Geoff Whitbread, Kathy Jarrett, Abby Dickson, Kate McKenzie Craig Clarke and Sam Ciccarello be excluded from the meeting as the Council receives and considers information relating to the Marion Leisure Fitness Centre Lease to CASA Leisure Pty Ltd, 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 commercial nature the disclosure of which (i) could reasonably confer a commercial advantage on a third party or prejudice the position of the Council; could relate to potential litigation between Council and a third party; and could impact on a proposed tender for the supply of goods or services and, (ii) would, on balance, be contrary to the public interest.

**Carried Unanimously**

9.46 pm the meeting went into confidence

**Moved Councillor Hutchinson Seconded Councillor Kerry** that in accordance with Section 91 (7) and (9) of the Local Government Act 1999 the Council orders that the minutes arising from this item be kept confidential on the basis that it deals with information of a commercial nature the disclosure of which (i) could reasonably confer a commercial advantage on a third party or prejudice the position of the Council; could relate to potential litigation between Council and a third party; and could impact on a proposed tender for the supply of goods or services and, (ii) would, on balance, be contrary to the public interest. This order will be reviewed at the General Council meeting in December 2015.

**Moved Councillor Hull, Seconded Councillor Crossland** that:

That the meeting be extended until 10.30pm to allow the conduct of further business.

**Carried Unanimously**

10.00pm meeting was extended

**The motion was put and was Carried**

10.16pm the meeting came out of confidence

**Chief Executive Officer Recruitment  
Report Reference: GC120515F02**

**Moved Councillor Gard, Seconded Councillor Hutchinson** that pursuant 901 (2) and 3(a) of the Local Government Act, 1999 the Council orders that all persons present, be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the council will receive and considered a verbal report relating to the CEO recruitment.

10.16 pm the meeting went into confidence

**Moved Councillor Pfeiffer, Seconded Councillor Hull** that:

That the meeting be extended until 10.40pm to allow further discussion.

**Carried**

10.20pm the meeting was extended

10.40pm the meeting came out of confidence

**LATE ITEMS**

Nil

**CLOSURE** - Meeting Declared Closed at 10.40 pm.

**CONFIRMED THIS 26 May 2015**

.....  
**CHAIRPERSON**