

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 14 JULY 2015**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland

Mullawirra Ward

Jerome Appleby
Jason Veliskou

Southern Hills

Janet Byram
Nick Westwood

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Raelene Telfer

Woodlands Ward

Nick Kerry
Tim Pfeiffer

In Attendance

Ms Kathy Jarrett
Ms Fiona Harvey
Ms Abby Dickson
Mr Craig Clarke
Ms Victoria Moritz

Director
Acting Director
Acting Director
Acting Manager Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 6.59pm.

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.

- Councillors Appleby, Westwood and Kerry declared a conflict of interest in the items relating to the Telecommunication Facilities at Kellett Reserve (GC140715D02, GC140715D03, GC140715D04 and GC140715R03).
- Councillor Kerry declared a conflict of interest in the item *Code of Conduct* GC140715R08.
- Councillor Pfeiffer declared a conflict of interest in the item *Murray Darling Association Membership* GC140715R04.

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Veliskou that the minutes of the General Council meeting held on 23 June 2015 be taken as read and confirmed.

Carried Unanimously

ADJOURNED ITEMS

Adjourned Item: Warriparinga Site

Report Reference: GC090615M02 (replaces GC140715R01)

Moved Councillor Veliskou, Seconded Councillor that this item be adjourned until after **the** Item: Telecommunications Facilities at Kellett Reserve (Report Reference: GC140715R03)

The Motion Lapsed for want of a Secunder

The motion as adjourned follows:

Moved Councillor Hull, Seconded Councillor Gard that Council:

Directs staff to advise DPTI that Council will not support or make any land available for any further encroachments into the Warriparinga Site.

The Chair sought and was granted leave of the meeting to vary the motion and to call for a new secunder in the absence of the original Secunder as follows:

Moved Councillor Hull, Seconded Councillor Telfer that:

1. Council directs staff to advise DPTI, the Minister for Transport, The Hon Stephen Mulligan MP and the Members for Elder and Mitchell that Council will not support or make any land available for any further encroachments into the Warriparinga site.

Carried

DEPUTATIONS

Deputation – Marion Bowling Club Report Reference: GC140715D01

Mr Jeff Allen, Vice President from the Marion Bowling Club gave a 5 minute deputation to Council in relation to the installation of a solar panel system on the roof of the Marion Bowling Club at the Marion Sports and Community Club Complex.

The Chair sought and was granted leave of the meeting to amend the order of business on the agenda to bring forward the item *Marion Bowling Club Inc. Landlord's approval for Solar Panel Installation, 262 Sturt Road, Marion, CT Volume 6063 Folio 665 Report Reference: GC140715R02*

Marion Bowling Club Inc. Landlord's approval for Solar Panel Installation, 262 Sturt Road, Marion, CT Volume 6063 Folio 665. Report Reference: GC140715R02

Moved Councillor Telfer, Seconded Councillor Crossland that:

1. Council Grant landlord's consent to the installation of a Solar Panel System at Marion Bowling Club, 262 Sturt Road Marion, Certificate of Title Volume 6063 Folio 665.
2. Council authorises the Acting CEO to approve any works required to facilitate the installation of a Solar Panel System on the roof of Marion Bowling Club at the Marion Sports and Community Club.
3. The Marion Sports and Community Club Management Committee be advised of Council's decision.

Carried Unanimously

Councillors Kerry, Westwood and Appleby declared an interest in the following deputations and report relating to the Telecommunications Tower at Kellett Reserve as they are members of the City of Marion Development Assessment Panel, and left the meeting.

7.21pm Councillors Kerry, Westwood and Appleby left the meeting

Deputation – Telstra Report Reference: GC140715D02

Mr Mark Baade, on behalf of Telstra, gave a 5 minute Deputation to Council in relation to the proposed Telecommunication Facilities at Kellett Reserve.

Deputation – Matthew Luker Report Reference: GC140715D03

Mr Matthew Luker gave a 5 minute Deputation to Council in relation to the proposed Telecommunication Facilities at Kellett Reserve and 142 Morphett Road.

Deputation – Shelly Roach
Report Reference: GC140715D04

Ms Shelly Roach gave a 5 minute Deputation to Council in relation to the proposed Telecommunication Facilities at Kellett Reserve.

Telecommunication Facilities at Kellett Reserve
Report Reference: GC140715R03

Moved Councillor Veliskou, Seconded Councillor Prior that Council:

1. Write to Telstra informing that Council at this point in time is not in a position to make a decision regarding entering into a commercial lease on Kellett Reserve. Rather, Council would prefer to undertake further community consultation to identify a location which has the least impact on the residential community.
2. Subject to Telstra's agreement, endorse that further community engagement be undertaken to identify a site with the least residential amenity impact including further engagement with the Morphettville Park Sports Club.
3. Should further community consultation occur, require a report be brought back to Council detailing the outcomes of the further consultation undertaken and assessment of alternative sites.

7.53pm Councillor Crossland left the meeting

7.55pm Councillor Crossland re-entered the meeting

Carried

Councillor Hull called for a Division

Those for: Councillors Pfeiffer, Telfer, Prior, Byram, Veliskou and Crossland

Those against: Councillor Hull

Carried

YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

PETITIONS

Nil

COMMITTEE RECOMMENDATIONS

Nil

WORKSHOP / PRESENTATION ITEM

Nil

CORPORATE REPORTS FOR DECISION

7.59pm Councillors Westwood, Kerry and Appleby re-entered the meeting

Murray Darling Association Membership Report Reference: GC140715R04

Councillor Pfeiffer declared a conflict of interest in the item *Murray Darling Association Membership* as he is employed by SA Water and left the meeting.

7.59pm Councillor Pfeiffer left the meeting

Moved Councillor Hull, Seconded Councillor Crossland that formal meeting procedures be suspended to discuss the Murray Darling Association Membership.

Carried Unanimously

8.00pm formal meeting procedures suspended

8.01pm formal meeting procedures resumed

8.02pm Councillor Byram left the meeting

Moved Councillor Hull, Seconded Councillor Veliskou that:

1. The City of Marion continues membership of the Murray Darling Association for the current term of Council and
 - a. allocates \$5,500 (ex GST) per annum plus the Annualised All Groups CPI for membership fees for 2015/16, 2016/17, 2017/18 and 2018/19 financial years, to be funded from the existing approved budget;

Councillor Hull with the consent from Councillor Veliskou sought, and was granted leave of the meeting to vary the motion as follows:

1. The City of Marion continues membership of the Murray Darling Association for the current term of Council with Mr Glynn Ricketts as the nominee of the Council and:
 - a. allocates \$5,500 (ex GST) per annum plus the Annualised All Groups CPI for membership fees for 2015/16, 2016/17, 2017/18 and 2018/19 financial years, to be funded from the existing approved budget;

8.08pm Councillor Byram re-entered the meeting

Lost

8.11pm Councillor Pfeiffer re-entered the meeting

Privately Funded Development Plan Amendments Policy
Report Reference: GC140715R05

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Endorses the 'Privately Funded Development Plan Amendments Policy'

Carried

Jervois Street Reserve – Final Concept Design
Report Reference: GC140715R06

Moved Councillor Pfeiffer, Seconded Councillor Hull that Council:

1. Provide endorsement of the final concept design for the Jervois Street Reserve development.
2. Provide endorsement to proceed to detailed design, development approval, procurement and construction.
3. Note the additional \$35,934 annual operating and maintenance costs to be incorporated into the Long Term Financial Plan from 2016/17.

Carried Unanimously

Oaklands Park/Marion 40 km/h Precinct Speed Limit
Reference No: GC140715R07

Moved Councillor Telfer, Seconded Councillor Crossland that:

1. The Report be noted.
2. Council does not proceed with a submission to the Department of Planning, Transport and Infrastructure to obtain approval for implementation of a 40 km/h precinct speed limit.
3. The petition organisers be advised accordingly.
4. The community be advised of the outcome of the survey.

Carried

Code of Conduct Complaint
Report Reference: GC140715R08

Councillor Kerry provided a personal explanation in relation to report 'Code of Conduct Complaint'

'On that Council day I received news that my divorce had been finalised. I had mixed emotions about the final breakup of my family after more than twelve years of marriage. As you can understand this is an extremely personal matter. I consumed a minimal amount of alcohol that was mixed with prescriptions before the Council meeting. This was an error of judgement and I think I should not drink alcohol while on these medications. I have already apologised for drinking alcohol prior to the Council Meeting and sincerely apologise to the community and Elected Members for my actions.'

Councillor Kerry declared a conflict of interest in the matter as the item related to him and left the meeting

8.34pm Councillor Kerry left the meeting

Moved Councillor Veliskou, Seconded Councillor Hull that:

1. Council determines the conduct of Councillor Nick Kerry in presenting himself at the Council meeting in an intoxicated state to be a breach of Part 2 of the Code of Conduct for Council Members in that his general behaviour was not consistent with the following provisions:
 - 2.1 show commitment and discharge duties conscientiously
 - 2.2 Act in a way that generates community trust and confidence in the Council
2. The Council censure Councillor Nick Kerry for presenting himself to the 23 June 2015 Council in an intoxicated state.

Carried Unanimously

8.40pm Councillor Kerry re-entered the meeting

CORPORATE REPORTS FOR INFORMATION NOTING

Nil

MATTERS RAISED BY MEMBERS

QUESTIONS WITH NOTICE

Emergency Services Levy Increases
Report Reference: GC140715Q01

QUESTION: (Councillor Telfer)

The voluntary groups as tenants in Marion Council community halls and other facilities have had the State Emergency Services Levy increases to pay from their fundraising. Please give us a list of all tenants and hirers that pay a portion of the Marion Council Emergency Services Levy, what they paid in 2014, what they paid in 2015 and the amount of increase as a percentage of the 2014 figures.

COMMENTS: (Mark Gibson, Team Leader Land & Property)

The following table provides a response to the above question:

Lessee	2013/14 - \$	2014/15 - \$	% Increase
Abbeyfield Society	57.40	124.95	118%
Active Elders Association	57.40	129.75	126%
Belair Turf Management	246.20	592.20	141%
Clovelly Park Memorial Community Centre Committee of Management	98.60	240.70	144%
Community Centres SA Inc.	0.00	77.81	
Cosgrove Hall Committee of Management	287.25	1,138.60	296%
Cove Sports and Community Club	531.00	2,257.05	325%
DECS	595.75	1,656.95	178%
Dover Square Tennis Club	206.00	765.80	272%
Edwardstown Soldiers Memorial Recreation Ground Committee	1,302.50	5,617.60	331%
Glandore Recreation Centre Board of Management	225.05	82.95	-63%
Independent Church of Australia	69.10	68.82	0%
Lions Club of Hallett Cove and District Inc.	0.00	5.73	
Marino Hall Committee of Management	44.65	89.15	100%
Marion Park Golf Club Inc.	78.85	184.20	134%
Marion RSL	527.75	2,242.10	325%
Marion Sports Club	1,980.50	9,024.20	356%
Morphettville Netball Club	178.70	640.50	258%
Morphettville Park Sports Club	514.75	2,182.45	324%
Parkholme Community Hall Committee of Management	96.15	261.75	172%
Plympton Sports and Recreation Club	553.75	2,421.05	337%
Positive Life South Australia (SA) Inc.	0.00	77.81	
RAOB GLE Grand Lodge of South Australia Inc.	0.00	51.11	
Rotary Club of Edwardstown	118.90	83.20	-30%
South Park Holme Tennis Club	232.00	885.10	282%
Southbank Tennis Club	168.00	696.05	314%
Stanley Street Tennis Club Inc.	287.25	596.30	108%
The Boatshed Café	407.25	583.94	43%
Warradale Park Tennis Club Inc.	362.00	740.80	105%
YMCA SA Inc.	100.75	246.65	145%
Total	9,327.50	33,765.27	262%

Notes:

For the Lessee's that are highlighted, applications were submitted to Revenue SA in December 2014, for an exemption from Emergency Services Levy pursuant to Section 4 (1) and (2) of the Recreation Grounds Rates and Taxes Exemption Act 1981. Revenue SA is still in process of considering Council's applications.

Some Lessees were not charged in 2013-14 or have experienced a decrease in the Levy for the following reasons

- The levy was an immaterial amount with no invoice being issued.
- The lessee was not in occupation of the building in 2013-14.
- The premises were only leased for a proportion of the year.
- Minor changes in lease arrangements

MOTIONS WITH NOTICE

Seacliff Park DPA Membership Report Reference: GC140715M01

Moved Councillor Crossland, Seconded Councillor Veliskou that:

The resolution passed by Council at the 12 May 2015 meeting in relation to Seacliff Park Residential and Centre Development Plan Amendment (DPA) - Community Consultation (reference GC120515R01) be amended by removing Councillor Tim Gard as one of the members of the joint Committee with the City of Holdfast Bay. Such amendment will result in the following resolution being passed:

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 3 Councillors, Raelene Telfer, Bruce Hull 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

Emergency Services Levy Increase on Community Facilities Report Reference: GC140715M02

Moved Councillor Telfer, Seconded Councillor Veliskou that Council:

1. Writes to Revenue SA seeking a response to our December 2014 application for an exemption from the Emergency Services Levy under the Recreation Grounds Rates and Taxes Exemption Act for the groups listed below. Further, that Council writes to the Treasurer, Local Government Minister and relevant state MPs indicating the Emergency Services Levy cost is burdening the following groups who are working hard to deliver programs for our community: Belair Turf Management, Cosgrove Hall Committee, Cove Sports and Community Club, Dove Square Tennis Club, Edwardstown Soldiers' Memorial Recreation Ground Committee, Marion Sports Club, Morphetville Netball Club, Morphetville Park Sports Club, Plympton Sports and Recreation Club, South Park Holme Tennis Club, Stanley St Tennis Club, Warradale Park Tennis Club.

Carried Unanimously

Illegally Dumped Rubbish
Report Reference: GC140715M03

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. Council changes its approach to waste management from a purely educational focus to include a focus on deterring and catching those illegally dumping rubbish within the city of Marion.
2. A workshop be held before the end of the year with elected members and waste management staff (in area of illegal dumping and hard rubbish collection) to discuss approaches and options to prevent dumped rubbish along with measures to deter and detect offenders.
3. A report is provided as a result of this workshop, for consideration by council before the end of the 2015 calendar year.

Carried Unanimously

CONFIDENTIAL ITEMS

Hallett Cove Library building
Report Reference: GC140715F01

Moved Councillor Prior, Seconded Councillor Veliskou that pursuant to Section 90(2) and (3)(b), (d) and (g) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Abby Dickson, Fiona Harvey, Kathy Jarrett, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the potential disposal of the existing Hallett Cove Library (and Youth Services) building, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party, is of a commercial nature and Council has an obligation, to maintain the confidentiality of its agreement with Etiria (the Makris Group).

Carried Unanimously

8.59pm the meeting went into confidence

Moved Councillor Crossland, Seconded Councillor Byram In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b), (d) and (g) of the Act shall, 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 2015

Carried Unanimously

8.59 pm the meeting came out of confidence

City Services Surplus land
Report Reference: GC140715F02

Moved Councillor Pfeiffer, Seconded Councillor Veliskou that pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Fiona Harvey, Abby Dickson, Kathy Jarrett, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to surplus land at City Services, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party and prejudice the commercial position of Council.

Carried

9.02pm the meeting went into confidence

Moved Councillor Crossland, Seconded Councillor Westwood that this item be left lying on the table to allow for the gathering of additional information including details of potential lease options

Carried

9.16pm the meeting came out of confidence

QUESTIONS WITHOUT NOTICE

Moved Councillor Veliskou, Seconded Councillor Prior that the questions asked by Councillors Hull and Prior and the answers to these are printed in the minutes.

Carried Unanimously

Question: Councillor Hull

When will punitive action be taken in relation to the telecommunications tower located at the corner of South and Cross Roads?

Comments:

Multiple communications have been forwarded to the owner and proponent seeking implementation of the agreed tower obstacle markings. This remains unresolved despite commitments to implement. Advice is now being sought on the next steps Council can take to effect the re-marking. This advice is expected to be provided in the week commencing 20 July. Following which the next steps will be considered. Elected Members will be kept informed as to progress.

Question: Councillor Prior

Could details of electricity consumption at buildings owned by Council be provided including the current rate paid per kilowatt hour?

Note that the answer to this question will be included on the agenda and minutes for the 28 July 2015 council meeting.

MOTIONS WITHOUT NOTICE

Nil

LATE ITEMS

Nil

CLOSURE - Meeting Declared Closed at 9.28pm.

CONFIRMED THIS 28 JULY 2015

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CHAIRPERSON