

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 24 MAY 2016**



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

Raelene Telfer
Luke Hutchinson

Woodlands Ward

Tim Pfeiffer

In Attendance

Mr Adrian Skull
Mr Vincent Mifsud
Ms Abby Dickson
Mr Tony Lines
Ms Kate McKenzie
Ms Yvette Zaric

CEO
General Manager Corporate Services
General Manager City Development
General Manager Operations
Manager Corporate Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 6.30pm.

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.

Nil

CONFIRMATION OF MINUTES

6.32pm Moved Councillor Telfer, Seconded Councillor Hull that the minutes of the General Council Meeting held on 26 April 2016 be taken as read and confirmed.

Carried Unanimously

6.33pm Moved Councillor Prior, Seconded Councillor Byram that the minutes of the Special General Council Meeting held on 10 May 2016 be taken as read and confirmed.

Carried

COMMUNICATION – HIS WORSHIP THE MAYOR

Report on Mayoral Activities for April to May 2016

Date	Event	Comment
20/4/16	Lions Club – Hallett Cove	ANZAC day preparations
20/4/16	Marion Historic Society - AGM	Attended
21/4/16	ANZAC Memorial Service – Men's Shed, Alwyndor Aged Care Facility	Attended
21/4/16	Marion Church of Christ met with Bill Tyrie followed by Community Meal	Attended
21/04/16	NSRF Decision Planning Meeting	Attended
22/04/16	Lindwood Quarry briefing from EPA and Department of State Development	Attended
24/04/16	ANZAC Day Eve Youth Vigil	Attended, gave speech
25/04/16	ANZAC Day dawn service – Hallett Cove	Master of Ceremonies
25/04/16	Edwardstown Bowling Club ANZAC breakfast	Attended
27/04/16	Met with Jane Bange, Greens Candidate for Boothby re Oaklands Crossing Campaign	Attended
27/04/16	Met with Mark Ward, Boothby Candidate for Labour re Oaklands Crossing Campaign	Attended

27/4/16	Marino Residents Association – History Night	Attended
28/4/16	Met with The Hon. Tom Koutsantonis	Attended
28/04/16	Marino Community Garden committee meeting	Attended
29/4/16	Meeting with CEO Onkaparinga & Michael Carter, Football Federation of SA	Attended
29/4/16	Hallett Cove Lions 30 th Anniversary dinner	Attended
30/4/16	Citizenship Ceremonies, Marion Cultural Centre	Conducted two ceremonies
1/5/16	Marion Bowling Club Award/Presentation night	Guest speaker
2/5/16	Met with Nicole Flint, Liberal Candidate for Boothby re Oaklands Crossing	Attended
2/5/16	Youth Grants program Launch	Attended, gave speech
3/5/16	Biggest Morning Tea at Cooida	Attended
4/5/16	Beyond Belief – book launch, Hugh Mackay, Marion Cultural Centre	Attended
6/5/16	Friends of Glenthorne Executive	Attended
9/5/16	Met with Xenophon Candidate for Boothby, Karen Hockley and Hindmarsh Candidate Daniel Kirk re Oaklands Crossing Campaign.	Attended
9/5/16	Welcome Dinner for Dr Vera Baboun, Mayor of Bethlehem	Attended
10/5/16	Met with Greg Pattinson, Chief Executive of Food Bank.	Attended
11/5/16	Met with Amanda Rishworth MP Kingston re Oaklands Crossing	Attended
11/5/16	Rajah Reserve Community Group, 10 Year Celebrations	Guest Speaker
12/5/16	Oaklands Crossing Display – Westfield Marion	Attended
13/5/16	Meeting with Mr Rob Amery – Kaurna Language	Attended
13/5/16	Vietnam Veterans Federation SA Branch – Coral & Balmoral Commemoration	Attended
13/5/16	Reconciliation – A Journey through Art – Gallery M	Launched Exhibition
15/5/16	Reynella Neighbourhood Centre afternoon tea.	Guest Speaker

17/5/16	Met with Matt Williams Federal Member for Hindmarsh re Oaklands Crossing	Attended
18/5/16	Warradale Lutheran Church – Fellowship Group	Guest Speaker
18/5/16	Met with Steven Marshall MP, David Pisoni MP, David Speir MP, Duncan McFetridge MP & Corey Wingard MP – re Oaklands Crossing	Attended at Parliament House
In addition, the Mayor has met with residents, MP's, Political candidates and also with the CEO and Council staff regarding various issues.		

Moved Councillor Westwood, Seconded Councillor Pfeiffer that the report by the Mayor be received.

Carried Unanimously

COMMUNICATION – DEPUTY MAYOR

Report on Deputy Mayoral Activities for April to May 2016 File No: 9.33.3.17

Date	Event	Comment
27 April 2016	Meeting Rubbish management and discuss options on preventing illegal dumping.	Attended along with Councillor Crossland.
25 April 2016	Anzac Day Dawn Service Marion RSL	Attended and laid wreath at memorial on behalf of The City Of Marion
25 April 2016	Marion RSL Gunfire Breakfast.	Delivered Gunfire breakfast speech along with MP representatives.
30 April 2016	Citizenship Ceremony (Afternoon)	Attended
2 May 2016	Youth Grants launch	Attended
3 May 2016	Infrastructure Committee	Attended Session on BMX Master plan
9 May 2016	Community Leadership Program Graduation Event.	Attended on behalf of the Mayor and presented speech.
13 May 2016	Gallery M Art Exhibition opening - Red House Members "Drawn in".	Attended
13 May 2016	Gallery M Art Exhibition Opening - City of Marion "Reconciliation, a journey through art".	Attended

15 May 2016	Park Holme Community Capacity Building event. Music in the Park.	Attended
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In addition, the Deputy Mayor has met with residents, various groups and Council staff regarding various issues.

Moved Councillor Westwood, Seconded Councillor Pfeiffer that the report by the Mayor be received.

Carried Unanimously

COMMUNICATION – ELECTED MEMBERS

Councillor Raelene Telfer for April to May 2016
File No: 9.33.3.33

Date	Events Attended and Active Participation	Comment
26/4/16	Heritage Centre Meeting to produce Edwardstown History pamphlet	
28/4/16	Coast FM interview	
28/4/16	Marion Historic Village Project Liaison	
28/4/16	Darlington upgrade	
29/4/16	Trinity Bay Church lease meeting Pastor John Warner and Mark Gibbons	
2/5/16	Youth Grants	
3/5/16	Edwardstown History Walk tour guide and Maid of Auckland management discussion	
3/5/16	Warriparinga Ward briefing	
3/5/16	People and Culture Meeting as Presiding Member	
6/5/16	Organisational Key Performance Indicators and Performance Measurement Meeting	
12/5/16	Oaklands Crossing Campaign	
13/5/16	Weighted Key Performance Indicators Meeting with staff	
15/5/16	Dover Gardens Obedience & Kennel Club hosted State Trials and as Patron gave Awards	
17/5/16	Edwardstown History Guided Walk Tour Guide	
17/5/16	CEO draft KPIs for next year planned with Mayor Hanna	
18/5/16	Mitchell Park SCC briefing of John Gumley with Mark Ward (Boothby candidate), Annabel Digance, John Valentine and myself	
18/5/16	Phillips innovation lighting presentation and exhibition	
23/5/16	Cosgrove Hall Management	

Moved Councillor Westwood, Seconded Councillor Pfeiffer that the report by the Mayor be received.

Carried Unanimously

COMMUNICATION – CEO AND EXECUTIVE REPORTS

Report on CEO and Executive Activities for April to May2016

Date	Activity	Attended by	Comments
22/04/16	Chris Tilbrook, Community Consultant	Adrian Skull	
22/04/16	CEO Holdfast Bay	Adrian Skull	
22/04/16	Linwood Quarry	Tony Lines	
27/04/16	CEO West Torrens	Adrian Skull	
27/04/16	Council Solutions – Regional Forward Procurement Plan Steering Committee (RFPP)	Vincent Mifsud	
28/04/16	Meeting with FFSA & CEO Onkaparinga	Adrian Skull & Mayor Hanna	
29/04/16	LGA Procurement meeting	Adrian Skull	
29/04/16	Council Solutions Directorate Meeting	Vincent Mifsud	
30/04/16	Citizenship Ceremony, Marion Cultural Centre	Adrian Skull Tony Lines	
02/05/16	Council Solutions Board of Management Meeting	Adrian Skull	
02/05/16	Tonsley Reclaimed Water	Tony Lines	
02/05/16	Youth Grants Program launch	Tony Lines	
02/05/16	SRWRA Board Meeting	Vincent Mifsud	
03/05/16	Biggest Morning Tea – Cooina	Adrian Skull	
04/05/16	Renewal SA re Living Lab at Tonsley	Adrian Skull	
05/05/16	Smart Communities Workshop	Tony Lines	
09/05/16	Trott Park Neighbourhood Centre Biggest Morning Tea	Adrian Skull	
09/05/16	Community Leadership Program Graduation	Adrian Skull	

10/05/16	Food Bank - Mr Greg Pattinson	Adrian Skull & Mayor Hanna	
11/05/16	Meeting with Chair, Islamic College	Adrian Skull	
11/05/16	Metropolitan Local Government Group Meeting	Adrian Skull	
11/05/16	Meeting with the Southern CEOs and Sport and Recreation Officers	Abby Dickson	
11/05/16	Council Solutions – Regional Forward Procurement Plan Steering Committee (RFPP)	Vincent Mifsud	
11/05/16	Rajah – 10 Year celebration	Tony Lines	
12/05/16	Kilparrin School	Tony Lines	
18/05/16	SAEDB Planning Meeting	Adrian Skull	

Moved Councillor Westwood, Seconded Councillor Pfeiffer that the report by the Mayor be received.

Carried Unanimously

DEPUTATIONS

Nil

PETITIONS

Nil

WORKSHOP / PRESENTATION ITEMS / PUBLIC SUBMISSIONS

6.37pm Public Submissions on the Draft Annual Business Plan 2016/17
Report Reference: GC240516R01

Public Submissions were heard from the following people:

- Mr Ron Pannell - Submission

COMMITTEE RECOMMENDATIONS

6.54pm Confirmation of the Minutes for the People and Culture Committee Meeting held on 3 May 2016

Report Reference:GC240516R02

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. Receive and note the minutes of the People and Culture Committee meeting of 3 May 2016 (Appendix 1).
2. Note that separate reports will be brought to Council for consideration of any recommendations from the People and Culture Committee.

6.59pm Cr Veliskou left the meeting.

7.02pm Cr Veliskou entered the meeting.

Carried Unanimously

6.54pm Infrastructure Committee - Confirmation of Draft Minutes of Meeting held on 3 May 2016

Report Reference:GC240516R03

Moved Councillor Telfer, Seconded Councillor Byram that Council:

1. Receive and note the minutes of the Infrastructure Committee meeting of 3 May 2016 (Appendix 1).

Carried Unanimously

PERSONAL EXPLANATION

7.07pm Councillor Gard sought and was granted leave of the meeting to provide a personal explanation.

In relation to the Plaza at the Marion Cultural Centre, Cr Gard's intention was to adjourn the item to enable the conduct of market research prior to setting the means by which the overall facility should be marketed, before setting course with how it is presented externally, including its' signage. He distinctly remember saying that, *"We should not be putting the cart before the horse"*.

ADJOURNED ITEMS

Nil

CORPORATE REPORTS FOR INFORMATION/NOTING

7.17pm Moved Councillor Crossland, Seconded Councillor Hutchinson that Reports GC240516 R04, R05, R07, R08, R10, R12 and R13 are moved enbloc as printed in the reports.

Carried

Finance Report – March 2016 Report Reference:GC240516R04

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Receive the report “Finance Report – March 2016”.

Carried

Finance Report – April 2016 Report Reference:GC240516R05

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Receive the report “Finance Report – April 2016”.

Carried

CORPORATE REPORTS FOR DECISION

Nominations sought for the State Bushfire Coordinating Committee Report Reference:GC240516R07

Moved Councillor Crossland, Seconded Councillor Hutchinson that:

1. Council notes the report ‘Nominations sought for the State Bushfire Coordinating Committee’.
2. Council nominates Councillor Hull as a Member to the Local Government Association for the State Bushfire Coordinating Committee.
3. Administration forwards the above nominations to the Local Government Association by close of business on Thursday 9 June 2016.

Carried

Fraud and Corruption Management Policy Report Reference:GC240516R08

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Endorse and adopt the Fraud and Corruption Management Policy.

Carried

3rd Quarter Corporate Performance Review
Report Reference:GC240516R10

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Note the Corporate Performance Report – 3rd Quarter 2015-16: January to March 2016, as provided in Appendix 1.

Carried

Community Grants Round 2015/2016
Report Reference:GC240516R12

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Approves the Community Grant applications, totalling \$75,000 as recommended in Appendix 1.
2. Notes the grants will generate community projects to the value of \$214,364 (consisting of Council's \$75,000 contribution plus \$139,364 of community contribution).
3. Notes that with this round of funding and since 2005, the City of Marion's Community Grants Program will have:
 - supported 498 projects
 - assisted generating community projects to the value of \$2,523,259

Carried

Organisational Culture and Values
Report Reference:GC240516R13

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Notes the report regarding organisational culture and values.
2. Endorses the organisational values:
Respect, Integrity, Achievement and Innovation.

Carried

7.18pm Reconciliation Action Plan
Report Reference:GC240516R06

Moved Councillor Hull, Seconded Councillor Crossland that Council:

1. Notes the report and the current status of the project.
2. Notes that a further report will be brought for Council's consideration with the draft Reconciliation Action Plan 2016- 2019 to the General Council Meeting on 28 June 2016.

3. That the Council invite a member of the Recognise team to discuss with the Mayor and Elected Members the benefits of supporting the Recognise campaign – acknowledging Aboriginal people in the Australian constitution.

Carried

**7.27pm Review of Confidential Orders
Report Reference:GC240516R09**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. Council notes the report, *‘Review of Confidential Orders - Overview’*.

7.33pm Cr Crossland left the meeting.

7.35pm Cr Crossland entered the meeting.

Carried

**Review of Confidential Order for the Item:
Cove Sports and Community Club, SGC010205F01
Ref No. GC240516R09 - (1)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to Appendix 2 of the report *“Cove Sports and Community Club, SGC010205F01”* be revoked and the item be released with the confidential personal information redacted.

Carried

**Review of Confidential Order for the Item:
Cove Sports and Community Club, CC140605R07
Ref No. GC240516R09 (2)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to Appendix 2 of the report *“Cove Sports and Community Club, CC140605R07”* be revoked and the item be released with the confidential commercially sensitive information redacted.

Carried

**Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provisions, AC020610F01
Ref No. GC240516R09 (3)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to the report "*Program Evaluation and Business Improvement Service Provisions, AC020610F01*", appendices and associated minutes be revoked and the item be released with the confidential commercially sensitive information redacted.

Carried

**Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provisions, AC100810F01
Ref No. GC240516R09 (4)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to the report "*Program Evaluation and Business Improvement Service Provisions, AC100810F01*" and minutes be revoked and the item be released with the confidential commercially sensitive information redacted.
2. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 4 of the report, "*Program Evaluation and Business Improvement Service Provisions, AC100810F01*" be kept confidential on the basis that they contain 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 (Section 90(3)(d) of the *Local Government Act 1999*)

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

3. This confidential order be reviewed at the Dec 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Program Evaluation and Business Improvement Service Provision, GC240810F02
Ref No. GC240516R09 (5)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to the report "*Program Evaluation and Business Improvement Service Provision, GC240810F02*", appendices and associated minutes be revoked and the item be released with the confidential commercially sensitive information redacted.

Carried

**Review of Confidential Order for Item: Code of Conduct, GC270514F02
Ref No. GC240516R09 (6)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to the report “*Code of Conduct, GC270514F02*”, *appendices and minutes* be revoked and the item be released with the confidential personal information redacted.

Carried

**Review of Confidentiality Order: Council Briefing – Nursery Operations, GC250815F06
Ref No. GC240516R09 (7)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. The confidentiality order pertaining to the report *Council Briefing – Nursery operations, GC250815F06*, together with the minutes arising from the report, be revoked.

Carried

**Review of Confidential Order for the Item: Commercial Arrangements, GC240112F01
Ref No. GC240516R09 (8)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240112F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried

**Review of Confidential Order for the Item: Commercial Arrangements, GC240712F01
Ref No. GC240516R09 (9)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240712F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2016.

Carried

**Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC250105F02
Ref No. GC240516R09 (10)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Living Kurna Cultural Centre, GC250105F02*' together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the *Local Government Act 1999*.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order be reviewed at the December 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Living Kurna Cultural Centre, GC220305F01
Ref No. GC240516R09 (11)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Living Kurna Cultural Centre, GC250105F02*' together with the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of persons (Section 90(3)(a)), and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the *Local Government Act 1999*.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item:
Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01
Ref No. GC240516R09 (12)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 1 to the report, '*Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01*' be kept confidential and not available for public inspection on the basis that the report contains 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 (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Cove Civic Centre – Cost and Programme Management, GC240215F01
Ref No.GC240516R09 (15)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, 'Cove Civic Centre – Cost and Programme Management, GC240215F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains 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 (Section 90(3)(b) of the Local Government Act 1999) and would breach a duty of confidence (Section 90(3)(g)).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

**Review of Confidential Order for the Item: Cove Civic Centre, GC220915F01
Ref No. GC240516R09 (16)**

Moved Councillor Telfer, Seconded Councillor Westwood that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, 'Cove Civic Centre, GC220915F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains commercial information of a confidential nature and would, on balance, be contrary to the public interest (Section 90(3)(d)) and would breach a duty of confidence (Section 90(3)(g)).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2016 meeting of Council.

Carried

**7.39pm 3rd Quarter Budget Review
Report Reference:GC240516R11**

Moved Councillor Hutchinson, Seconded Councillor Prior that Council:

1. Adjourn the matter to 14 June 2016 General Council Meeting.

Carried

2016/17 Budget Related Items

7.41pm Energy Efficient Council Buildings Project Report Reference:GC240516R14

Moved Councillor Prior, Seconded Councillor Veliskou that Council:

1. Notes the staged implementation plan to deliver energy efficiency options with a payback of less than 5.2 years at the Marion Cultural Centre, Park Holme Library and Administration Centre during 2016/17.
2. Allocates an additional once off \$35,922 in the 2016/17 budget to enable all identified projects to be implemented noting the forecast annual operational savings of approximately \$60,000.
3. Notes the estimated annual savings of approximately \$60,000 if all priority energy efficiency options are implemented.

Carried

7.41pm Ceasing Participation in GreenFleet Program Report Reference:GC240516R15

Moved Councillor Prior, Seconded Councillor Veliskou that Council:

1. Ceases the City of Marion's subscription to the Greenfleet carbon offset program;
2. Redirects the achieved savings (estimated at \$5,500 per annum) to support ongoing energy efficiency measures.

Carried

7.52pm ANZAC Centenary Marion Veterans' Documentary Project Report Reference:GC240516R16

Moved Councillor Byram, Seconded Councillor Veliskou that:

1. Council endorses the contribution of \$12,675 from existing approved budgeted funds.
2. Should the ANZAC Day Commemoration Fund grant be unsuccessful, endorses the contribution of up to \$25,000 from funds in the 2016/2017 Annual Budget.
3. Staff:
 - a) source 2 quotes for the provision of film making services.
 - b) engage the expertise of the RSL Virtual War Memorial staff for guidance on capturing the Veterans information.

- c) consult with Councillor Byram, Council Co-Liaison for the Returned and Services Leagues (RSLs) in the City of Marion, about the selection of veterans and the project objectives.

7.54pm Cr Hutchinson and Cr Prior left the meeting.

7.56pm Cr Prior entered the meeting.

7.57pm Cr Hutchinson entered the meeting.

Carried

7.59pm Streetscape Project – funding of ‘Design Guide’ in 2016/17
Report Reference:GC240516R17

Moved Councillor Telfer, Seconded Councillor Gard that Council:

1. Endorse the allocation of up to \$50,000 in the 2016/17 budget to engage a consultant with relevant expertise and experience to develop a ‘design guide’ to enable effective implementation of a Streetscape Program due to be developed by December 2016.
2. Endorse the allocation of up to \$500,000 per year in the 2016-17 Annual Budget and Long Term Financial Plan to commence the delivery of streetscape works.
3. Notes that a report will be brought to Council detailing the potential sites, process, timelines and resource requirements for progressing a demonstration streetscape project(s) for further consideration.

Carried

8.03pm Public Submissions on the Draft Annual Business Plan 2016/17
Report Reference: GC240516R01

Moved Councillor Hull, Seconded Councillor Crossland that Council:

1. Note the feedback provided by the community on the Draft Annual Business Plan 2016/17.

Carried Unanimously

Reports requiring discussion

8.09pm Appointment of Development Assessment Panel (DAP) Members
Report Reference:GC240516R18

Councillor Veliskou declared a perceived conflict of interest for the item Appointment of Development Assessment Panel (DAP) Members (GC240516R18) regarding a relationship with one of the shortlisted candidates.

8.10pm Councillor Veliskou left the meeting.

Councillor Pfeiffer declared a perceived conflict of interest for the item Appointment of Development Assessment Panel (DAP) Members (GC240516R18) in knowing one of the shortlisted candidates as part of his normal role as Ward Councillor and remained in the Chamber and participated in the vote.

Moved Councillor Hull, Seconded Councillor Westwood that Council:

1. Both shortlisted candidates were interviewed. Council appoints Nathan Sim and Charmaine Thredgold as Independent Members of the City of Marion Development Assessment Panel for a two (2) year term commencing on 28 May 2016.
2. Council agrees that the above persons are eligible for membership of Council's Development Assessment Panel without the need to attend DAP training given their extensive experience in the planning industry.
3. A notification be placed in the "Messenger" newspaper advising of the appointment of the Independent Members.

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

1. Both shortlisted candidates were interviewed. Council appoints Nathan Sim and Charmaine Thredgold as Independent Members of the City of Marion Development Assessment Panel for a two (2) year term commencing on 28 May 2016.
2. Council agrees that the above persons are eligible for membership of Council's Development Assessment Panel without the need to attend DAP training given their extensive experience in the planning industry.
3. A notification be placed in the "Messenger" newspaper advising of the appointment of the Independent Members.
4. Each other unsuccessful applicant be thanked for applying for a position on City of Marion Development Assessment Panel. We welcome the skill and experience demonstrated in each application, and thank each applicant for applying.
5. The minutes of this meeting note the amendment to delete 'on 12 April 2016' on page 229 from this Agenda.

Carried
Councillor Pfeiffer voted for the item
The majority of the meeting voted for the item

7.17pm Councillor Veliskou entered the meeting.

8.18pm Morphettville Racecourse Development
Report Reference:GC240516R19

Moved Councillor Prior, Seconded Councillor Hull that Council:

1. Supports a Ministerial DPA as the preferred approach for facilitating the proposed development of land at the northern end of the Morphettville Racecourse site on the proviso that:
 - the two Councils play an integral part in the DPA process to ensure the development is appropriately coordinated and that local issues and aspirations are appropriately considered in the master-planning and policy creation process.
2. Write a letter to the City of West Torrens seeking agreement that a Ministerial DPA is the most appropriate means of facilitating the proposed development of land at the northern end of the Morphettville Racecourse site.
3. Write a letter to the Minister of Planning, seeking his approval for a Ministerial DPA facilitating the proposed development of land at the northern end of the Morphettville Racecourse site.

Carried Unanimously

8.26pm Castle Plaza – Contamination – Legal Advice on Council Liability
Report Reference:GC240516R20

No motion was put forward on this item.

8.33pm Defibrillators for the Community
Report Reference:GC240516R21

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Notes that the Marion Outdoor Pool, City Services, Marion Cultural Centre and Cove Civic Centre will have AED's installed by 30 June 2016.
2. Also install Defibrillators at Park Holme Library, Glandore Community Centre and Trott Park Neighbourhood Centre and the Administration Building and that the necessary funding for these sites amounting to approximately \$16,000 be incorporated in the 2016/17 Budget.
3. Promotes and encourages lessees/licensees to apply to the City of Marion grants program to seek funding for the provision of Automated External Defibrillators (AEDs).
4. Provide information on the City of Marion website to assist City of Marion sporting and community venues to source and purchase Automated External Defibrillators (AEDs).

Carried Unanimously

8.42pm CEO Annual Performance Review - Approach and Timeline
Report Reference:GC240516R22

8.42pm Councillor Pfeiffer left the meeting.

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Endorses the proposed approach and timeline for the CEO's performance and remuneration review as outlined in Appendix 1.
2. Endorses a proposal be sought from the external consultants listed in Appendix 3, to develop and facilitate the 360-degree performance feedback.

8.46pm Councillor Pfeiffer entered the meeting.

Carried Unanimously

8.51pm Cove Sports & Community Club - Netball Court Resurfacing
Report Reference:GC240516R23

Moved Councillor Crossland, Seconded Councillor Byram that Council:

1. Notes the Cove Tigers Netball Club and Hallett Cove Netball Club will contribute \$25,000 to the resurfacing of the netball courts.
2. Notes that an application has been submitted to the Office for Recreation and Sport for \$25,000 grant funding towards the court resurfacing.
3. Endorses the allocation of up to \$65,000 from the Asset Sustainability Reserve - Community Facilities Partnership Program (CFPP) towards the resurfacing of the netball courts at the Cove Sports and Community Club subject to the Club securing \$25,000 from the Office for Recreation and Sport grant funding program.
4. Provides Landlord's consent to allow the club to resurface the netball courts at the Cove Sports & Community Club subject to the club being successful in their application to the Office of Recreation and Sport.
5. Advises the Cove Tigers Netball Club and the Hallett Cove Netball Club that they will be responsible for any project related cost overruns and will be responsible for all future maintenance, repairs and renewal of the courts.

8.51pm Councillor Appleby left the meeting.

8.53pm Councillor Appleby entered the meeting.

Amendment to Motion

Moved Councillor Westwood that Council:

1. Notes the Cove Tigers Netball Club and Hallett Cove Netball Club will contribute \$25,000 to the resurfacing of the netball courts.
2. Notes that an application has been submitted to the Office for Recreation and Sport for \$25,000 grant funding towards the court resurfacing.
3. Endorses the allocation of up to \$65,000 from the Asset Sustainability Reserve - Community Facilities Partnership Program (CFPP) towards the resurfacing of the netball courts at the Cove Sports and Community Club subject to the Club securing \$25,000 from the Office for Recreation and Sport grant funding program.
4. Provides Landlord's consent to allow the club to resurface the netball courts at the Cove Sports & Community Club subject to the club being successful in their application to the Office of Recreation and Sport.

Amendment lapsed for want of a seconder

Debate continued on the original motion.

The original motion was **Carried Unanimously**

MATTERS RAISED BY MEMBERS

Questions with Notice

Lorenzin Site
Ref No:GC240516Q01

QUESTION:

Would the administration please advise the precise level of control that it has in the matter of the Seacliff Park development site's security and presentation.

Note: The site is not just a terrible eyesore, but it presents grave dangers to neighbours and their families who live in the vicinity; many hundreds of residents are in this category.

Are there any by-laws whatsoever being breached and are there any means by which the matter can be placed at the feet of State Government authorities and/or an ombudsman for action?

COMMENTS:

Steve Hooper, Manager Development & Regulatory Services

This matter is complicated due to the site lying partly within the City of Marion and partly within the City of Holdfast Bay. Accordingly, any action available to the City of Marion will not address that part of the site adjacent Schofield Road and located within the City of Holdfast Bay.

There are limited options available to either Council. Within the City of Marion, there are no by-laws that would be applicable in addressing the community concerns.

It is the understanding of staff that this matter does not rest with the State Government or Ombudsman.

The potential options available to the City of Marion are:

- Section 254 Of the Local Government Act relating to “unsightly” land, or;
- Section 69 of the Development Act, relating to rectifying an unsafe site.

Section 254

Section 254 of the Local Government Act relates to the “unsightly condition of the land.”

This section of the Local Government Act is most commonly applied where land is deemed unsightly due to the storage of waste, rubble, car bodies or the like. Where applied, Council would issue a Section 254 Order seeking to have the appearance of the site rectified.

It is considered that Section 254 of the Local Government Act may therefore not be the appropriate option to deal with the circumstances of this site.

Although the buildings on the site are undoubtedly in a dilapidated condition, previous investigations into this matter have determined that this section of the Local Government Act is not the appropriate mechanism, nor is it likely that it could compel the owner to demolish the buildings on the site.

Section 69

An alternative approach would be to issue a Section 69 Order under the Development Act. This would be dependent upon a prescribed officer forming a view that buildings are dilapidated, unsecured and potentially hazardous. This section of the Act is applied where the condition of the building is such as to be deemed an “emergency”. Given that the buildings have been in situ for many years, it might be problematic to demonstrate that the current circumstances demonstrate the need for an “emergency order”.

Even if this position is formed, such an order would not compel the owner to demolish the buildings. Instead the owner might determine that an appropriate response would be to “board up” the buildings or secure the fencing to restrict access to the site. It is noted that previous attempts to secure the site have resulted in a temporary solution as the extent of fencing around the property is such that trespassers soon find alternative access points into the property, resulting in damage to fencing. As noted previously, some of the fencing is located within Holdfast Bay, and accordingly, any action would be more effective if undertaken jointly by both Councils.

I note that placing a Section 69 Order on the property would be one means to compel the owner to render the dilapidated buildings safe, but it would not necessarily result in their demolition, nor address the concerns with the visual appearance of the site.

Election Signs
Ref No:GC240516Q02

QUESTION:

Approximately how many staff hours were required to manage the election posters issue within the City of Marion and approximately how many of these were senior management?

Who is responsible for providing permission for, and able to restrict (ban), election posters (on stobbie poles) for:

- Federal Elections
- State Elections
- Local Government Elections

COMMENTS: Kate McKenzie – Manager Corporate Governance

SA Power Networks (SAPN) and the Department of Planning, Transport and Infrastructure (DPTI) (the Relevant Authorities) own the relevant infrastructure installed on roads (ie light poles, stobie poles). This means that the permission of the Relevant Authorities is required to display a moveable sign on their infrastructure.

The Relevant Authorities have, by way of adopting Instruments of General Approval, determined to grant their permission for moveable signs to be affixed to their infrastructure subject to various conditions. The Relevant Authorities have authorised SA Councils to regulate the display of moveable signs on their infrastructure (including by way of enforcing compliance with these conditions).

Council's legal position in relation to Election Signs is covered by the following legislation:

- Local Government Act 1999
- Local Government (Elections) Act 1999 (applicable to Local Government elections only)
- Development Act 1993
- Development Regulations 2008
- Electoral Act 1985 (State)
- Commonwealth Electoral Act 1918
- Criminal Law Consolidation Act 1935
- Road Traffic Act 1961
- Summary Offences Act 1953

From Monday 9 May 2016 until Friday 13 May 2016 various staff were involved in dealing with the issue of Election signs that had been erected prior to the issuing of the writs.

Staff time was spent dealing with complaints, liaising with neighbouring Councils, contacting candidates and removing signs that remained erected at the conclusion of the grace period.

The following staff were involved in the dealing with the election sign concerns:

- Unit Manager Governance and Records – 25 hours
- Field Services (2 staff) – 2.5 days

Motions with Notice

8.56pm Rates Fairness and Equity Report Reference:GC240516M01

Moved Councillor Gard, Seconded Councillor Westwood:

1. That the Mayor write to the LGA and Valuer General Office highlighting concerns of the Council that valuation discrepancies are in question.
2. That in his letter the Mayor recommend there be an independent audit of the system for valuations and that subsequent urgent steps be taken to rectify valuations that are well below the target of 92% of market value.

Amendment

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that the item be adjourned to the General Council Meeting on 26 July 2016.

The amendment was **Lost**
The original motion was **Carried**

Councillor Hull called for a Division:

Those For:Councillors Appleby, Byram, Crossland, Gard, Westwood, Hutchinson, Prior, Telfer and Veliskou.

Those Against: Councillor Hull

Carried

Meeting Extension

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that the meeting be extended to address the three confidential items only.

Carried

9.29pm Meeting extended.

Meeting Adjournment

Moved Councillor Veliskou, Seconded Councillor Byram that the meeting be adjourned for a period of 5 minutes

Carried

9.31pm Meeting adjourned.

9.36pm Meeting resumed.

Questions without Notice

Nil

Motions without Notice

Nil

CONFIDENTIAL ITEMS

9.36pm Soccer Facilities in Southern Marion Report Reference: GC240516F02

Moved Councillor Byram, Seconded Councillor Pfeiffer that:

1. 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: Adrian Skull, Chief Executive Officer; Abby Dickson, General Manager City Development; Kate McKenzie, Manager Corporate Governance; Yvette Zaric, Governance Officer; Craig Clarke, Unit Manager Communications, be excluded from the meeting as the Council receives and considers information 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 the disclosure of which(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest.

Carried Unanimously

9.36pm The meeting went into confidence.

Moved Councillor Byram , Seconded Councillor Crossland that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Soccer Facilities in Southern Marion and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act 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 2016.

Carried

9.50pm The meeting came out of confidence.

9.51pm CEO Interim Performance Review
Report Reference:GC240516F03

Moved Councillor Telfer, Seconded Councillor Crossland that:

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act, 1999 the Council orders that all persons present, with the exception of Steph Roberts, Manager Human Resources 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 consider a report dealing with the interim performance of the Chief Executive Officer.

Carried Unanimously

9.51pm The meeting went into confidence.

Moved Councillor Veliskou, Seconded Councillor Byram that standing orders are suspended until further notice.

Carried Unanimously

9.55pm Standing orders were suspended.

9.56pm Manager Corporate Governance left the meeting.

10.25pm Councillor Westwood left the meeting.

10.35pm Councillor Hull left the meeting and did not return.

10.37pm Councillor Westwood returned to the meeting.

10.45 pm Manager Corporate Governance returned to the meeting

Moved Gard, Seconded Crossland that standing orders be resumed.

Carried Unanimously

10.48pm Standing orders resumed

Moved Councillor Gard , Seconded Councillor Hutchinson that:

1. 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 be kept confidential and not available for the public inspection for the period that the Chief Executive Officer remains in gainful employment on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council. This order will be reviewed at the General Council meeting in December 2016.

Carried Unanimously

10.50pm The meeting came out of confidence.

**10.50pm Marion Leisure & Fitness Centre
Report Reference:GC240516F01**

Moved Councillor Veliskou, Seconded Councillor Byram, that:

1. That pursuant to Section 90 (3)(b) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Abby Dickson, General Manager City Development; Kate McKenzie, Manager Corporate Governance; Carol Hampton, Manager City Property; Yvette Zaric, Governance Officer; Craig Clarke, Unit Manager Communications, be excluded from the meeting as the Council receives and considers information relating to Marion Leisure & Fitness Centre 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 operations of a confidential nature the disclosure of which could reasonably be expected to prejudice the commercial position of Council.

Carried

10.50pm The meeting went into confidence.

10.57pm Cr Gard left the meeting.

10.59pm Cr Gard entered the meeting.

Moved Councillor Hutchinson, Seconded Councillor Crossland that Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Marion Leisure and Fitness Centre Tender outcomes and the minutes arising from this report having been considered in confidence under Section 90(2) and (3) (b) 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 until 7 days after the execution of the lease for the Marion Leisure and Fitness Centre stadium areas and wellness program area.

Carried

11.15 pm The meeting came out of confidence.

The following items listed on the agenda were not considered at the meeting:

- Proposed AdeLINK Light Rail Network – GC240516M02
- Marion Outdoor Pool – GC240516M03

CLOSURE - Meeting Declared Closed at 11.15pm.

CONFIRMED THIS 14 JUNE 2016

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CHAIRPERSON