

**MINUTES OF THE GENERAL COUNCIL MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 10 JULY 2018**

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**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland  
Tim Gard

**Mullawirra Ward**

Jason Veliskou  
Jerome Appleby

**Southern Hills**

Janet Byram  
Nick Westwood

**Warracowie Ward**

Nathan Prior

**Warriparinga Ward**

Luke Hutchinson

**Woodlands Ward**

Tim Pfeiffer

**In Attendance**

Mr Adrian Skull  
Ms Abby Dickson  
Mr Tony Lines  
Ms Kate McKenzie  
Ms Jaimie Thwaites  
Ms Deborah Horton

Chief Executive Officer  
General Manager City Development  
General Manager City Services  
Acting General Manager Corporate Services  
Unit Manager Governance and Records  
Quality Governance Coordinator

**1. COMMENCEMENT**

The meeting commenced at 6:30pm

**2. KAURNA ACKNOWLEDGEMENT**

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

**3. 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.

**4. ELECTED MEMBER'S 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

## **5. CONFIRMATION OF MINUTES**

**Moved Councillor Hutchinson, Seconded Councillor Byram** the minutes of the General Council meeting held on 26 June 2018 be taken as read and confirmed.

**Carried Unanimously**

## **6. COMMUNICATIONS**

Nil

## **7. ADJOURNED ITEMS**

Nil

## **8. DEPUTATIONS**

Nil

## **9. PETITIONS**

**6:32pm Petition - Phillis Court, Warradale Development**  
**Report Reference: GC180710P01**

**Moved Councillor Velskiou, Seconded Councillor Westwood** that:

1. The petition is noted.

**Carried**

## **10. COMMITTEE RECOMMENDATIONS**

Nil

## **ORDER OF AGENDA**

The Chair sought and was granted leave to vary the agenda.

## **11. CORPORATE REPORTS FOR DECISION**

**6:34pm Organisational Policy Review 2018**  
**Report Reference: GC180710R01**

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

1. Approves the Policy Framework (Attachment 1) which includes a policy review process and four year policy review cycle for all Council policies that do not have a legislatively determined review time-frame.

2. Approves the proposed Council Policy Review Schedule (Attachment 2) and all policies created forthwith to follow a term of council review date (unless otherwise directed).
3. Reviews the proposed list of policies suggested to be rescinded (Attachment 3) and formally rescinds the following;
  - a. Borrowings Policy (Attachment 3a)
  - b. City Landscapes (Attachment 3b)
  - c. Community Transport Service (Attachment 3d)
  - d. Contamination (Attachment 3e)
  - e. Customer Service (Attachment 3f)
  - f. Footpath (Attachment 3g)
  - g. Healthy Cities (Attachment 3h)
  - h. Landscape Irrigation (Attachment 3i)
  - i. Memorial (Attachment 3j)
  - j. Replacement and removal of trees/shrubs (Attachment 3k)
  - k. Tree Management (Attachment 3l)
  - l. Undergrounding Overhead Services (Attachment 3m)
  - m. Youth Policy/Plan (Attachment 3n)
  - n. Investment (Attachment 3o)
  - o. Information Management - Provision use of Equipment (Attachment 3p)
4. Endorses the Asset Management Policy (Attachment 4).

**Carried**

**6:42pm Community Facilities Policy**  
**Report Reference: GC100718R02**

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

1. Endorses the Community Facilities Policy attached as Appendix 1 to this report for community consultation.
2. Requests Administration report back on the consultation outcomes for Council's consideration on 28 August 2018.

**Carried Unanimously**

**6:43pm Open Space Policy - Updated**  
**Report Reference: GC180710R03**

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

1. Endorses the changes to the Open Space Policy and adopts the policy as provided as Appendix 1, subject to the following amendments to this report;
  - Refer to page 163 of the agenda and remove "Shade" from the description of local level open space after 'park bench'.

**Carried**

**6:50pm Energy Efficiency and Renewable Energy - A Plan for the City of Marion**  
**Report Reference: GC180710R04**

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

1. Endorse the draft Energy Efficiency and Renewable Energy Plan (Appendix 1)

**Carried**

**6:53pm Funding Agreement for Facility Manager at Cove Sports & Community Club**  
**Report Reference: GC180710R05**

**Moved Councillor Bryam, Seconded Councillor Westwood** that Council:

1. Endorses the funding agreement for the employment of a part time facility manager at Cove Sports & Community Club attached as appendix 1 to this report subject to the following amendments;
  - That the agreement reflect payment will be made up to \$60k per annum (CPI indexed).
2. Authorises administration to commence recruitment for the position in July 2018.
3. Requests Administration bring a report back to Council in August 2019 with a review of the governance, financial performance and utilisation of Cove Sports and Community Club.
4. Authorises the Manager City Property to finalise and execute the funding agreement between Council and the Cove Sports and Community Club.

**Carried**

**6:59pm Variation of Easement - Young Street Trott Park**  
**Report Reference: GC180710R06**

**Moved Councillor Bryam, Seconded Councillor Westwood** That Council:

1. Notes the report and that the previous resolution of Council will not be implemented and will be closed out.

**Carried Unanimously**

**7:00pm Oaklands Rail Crossing - Stage 2- New Railway Station and Associated Infrastructure**  
**Report Reference: GC180710R07**

**Moved Councillor Prior, Seconded Councillor Veliskou** that formal meeting procedures be suspended.

**Carried**

**7:06pm** formal meeting procedures suspended.

**7:30pm** Councillor Pfeiffer left the meeting.

**7:33pm** formal meeting procedures resumed.

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

1. Advises the State Commission Assessment Panel (SCAP) that Council supports, in principle, Development Application 100/V068/18 – Oaklands Crossing – Stage 2 – New Railway Station and Associated Infrastructure.
2. Writes to the Minister for Transport seeking Council ownership of a verge including regulated trees adjacent to Murray Terrace.
3. Advises the State Commission Assessment Panel (SCAP) that Council concurs with the comments submitted by the Administration on 25 June 2018 (Appendix 5) subject to the following amendments to the correspondence in (Appendix 4);

- The inclusion of:

“To supplement the comments from the Administration submitted pursuant to Section 49(5) of the Act, the Elected Members of Council have also considered the proposal and wish to provide the following comments to the State Commission Assessment Panel;

1. The existing regulated trees which are identified to be retained, should be retained long-term and maintained in good health and vigour to the reasonable satisfaction of Council. Development should not be permitted which would impair the health of these trees.
2. Parking for the current Oaklands Station has been inadequate. In the Monday to Friday period, there are hundreds of commuter cars parked in nearby residential streets. This causes loss of amenity for nearby residents. The applicant states that the development will bring approximately an extra 50 carparks. Council is concerned this is illusory because the carparks designated for the northern side of the railway line are on land which the applicant expects to be developed with built form.
4. The approximate 50 car parking spaces identified on the northern side of the rail line, and within the area marked for “future development” shall be maintained at all times, or in the event that the area is developed with built form, at least the same number of car parking spaces shall be provided in an alternative location to ensure convenient parking is provided for rail commuters, and to minimise disturbance caused by on-street parking to nearby residents.”

**Carried**

7:34pm Councillor Pfeiffer re-entered the meeting.

**7:35pm LGA Request - Seeking Funding Support to Adelaide City Council's Legal Costs to Defend allegations of Legal Defects in the Fines Enforcement Process**  
**Report Reference: GC180710R08**

Councillor Hutchinson – declared a perceived conflict of interest as he is an employee of one of the parties to the court case and advised he would leave the meeting for the item.

7:34pm Councillor Hutchinson left the meeting.

**Moved Councillor Appleby, Seconded Councillor Veliskou** that the Council:

1. Declines the LGA's request to support the Adelaide City Council's legal defence and authorises that a letter be sent to the LGA advising them of the decision.

**Carried**

7:41pm Councillor Hutchinson re-entered the meeting.

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

**7:42pm Councillor Byram Attendance at the Australian Local Government Association National General Assembly 2018**  
**Report Reference: GC180710R09**

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

1. Notes the report.

**Carried Unanimously**

**7:43pm Questions Taken on Notice Register**  
**Report Reference: GC180710R10**

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

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

**Carried Unanimously**

## **13. WORKSHOP / PRESENTATION ITEMS**

Nil

## **14. MATTERS RAISED BY MEMBERS**

### **Motions with Notice**

**7:43pm Hire Charges of Council Operated Facilities**  
**Report Reference: GC180710M01**

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

1. Council request Administration undertake a review of the fees and charges for the hire of halls, meeting rooms and performance spaces of Council operated facilities with options that can make charges more accessible for community groups, maximise the use of council facilities and are sustainable.
2. A report and recommendations be brought back to Council for consideration by September 2018.

**Carried Unanimously**

**7:47pm Telecommunications Infrastructure**  
**Report Reference: GC180710M02**

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

1. Writes to the relevant Federal Minister and Shadow Minister seeking that connection to telecommunication infrastructure is mandated in the relevant legislation.
2. Attached to the minutes is the additional correspondence from residents evidencing the situation.

**Carried**

**7:51pm Debt Incurrence Versus Deployment of Reserves**  
**Report Reference: GC180710M03**

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

1. Researches and reports on regulation and policy related to acquisition of debt and debt management strategy in local government in Australia
2. Reports the relevant current financial ratios, particularly the Financial Liabilities Ratio, and the corresponding budgets, of other municipalities in the Adelaide metropolitan area
3. Reports the graph of 'rates collection versus Council reserves' for the last 10 years
4. Having regard for the findings in points 1 to 3, develops a proposal for the incurrence of debt, versus the drawdown on reserves for future capital expenditure.

**Carried**

**7:56pm Proposed By-law for Cat Curfew**  
**Report Reference: GC180710M04**

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

1. Receives a report from Administration in August 2018:
  - a) proposing a by-law for a cat curfew in the City of Marion; and
  - b) advising on appropriate enforcement measures and the estimated cost of enforcement.

**Carried**

**15. CONFIDENTIAL ITEMS**

**8.07pm Code of Conduct Complaint**  
**Report Reference: GC180710F01**

**Moved Councillor Crossland, Seconded Councillor Westwood** 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 the following Adrian Skull, Chief Executive Officer; Kate McKenzie, Acting General Manager Corporate Services and Jaimie Thwaites, Unit Manager Governance and Records, be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conduct upon the basis it 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 on the grounds that the report contains information relating to personnel matters.

**Carried Unanimously**

**8.07pm the meeting went into confidence**

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

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2018.

**Carried Unanimously**

**Move Councillor Hutchinson, Seconded Westwood** that Council determines:

1. Councillor Hull breached the behavioural section of the Code of Conduct regarding his conduct on the interview on ABC radio on 13 June 2018.
2. To take no further action.
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, any attachment to this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2018.

**Carried**

**9.01pm the meeting came out of confidence**

**16. MEETING CLOSURE**

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**MEETING CLOSURE - Meeting Declared Closed at 9.01pm**

**CONFIRMED THIS 24 JULY 2018**

.....  
**CHAIRPERSON**



**Appendix 1**  
**Telecommunications Infrastructure**  
**Report Reference: GC180710M02**

Late March 2018

After a couple more months I've heard back from the TIO and there is nothing that can do further with this complaint as Telstra have fulfilled their obligation? and they cannot give legal advice. So they cannot specifically tell me if the developer is actually legally responsible in court compared to what he claims and what the federal policy states. So if I do take him to court etc potentially I risk incurring even more costs...

Mid feb 2018

There has been no progress. I cant believe this can happen. This is causing me a huge amount of stress for many months having to deal with all these entities trying to explain the same thing and getting no where. Having to .....to call people or take calls multiple days every week because its the only time telstra etc are available ... and hours upon hours every week of personal time spent researching. Of course thats life but to do it for months on end with no progress...i feel this is a huge injustice and theres nothing i can even do. I hate this

13 Jan 2018

i still need internet to my house and feel this is totally unfair what is happening to me. Ive spent over half a year now dealing with telstra and all different entities including the government to try resolve this and still i am refused a connection.

Telstra had sent me a formal letter saying they are closing the case as well as the AFR since the developer isnt willing to pay. So i can be refused a connection by a multibillion dollar company due to a process that has nothing to do with me. Great processes and laws we have...

The developer is claiming they are not required to raise or pay this from what they were told by their company they went through to subdivied and said they are willing to stand up in court on their behalf  
Meanwhile telstra is telling me that they need to do this or i cant get anything!?

Meanwhile no one can tell me what the actual laws or requirements are, not even my council, government or legal services commission. Hardly anyone i speak to even knows what an AFR is.

I've contacted the TIO again but it takes another 4 weeks to even be assigned a case manager and the person on the phone didnt even know what an AFR was, and if telstra are refusing you, ..... office what chance do i stand?

I would love for you to raise that on my behalf and i would love to know what the current requirements for the developer are and how this is possible. Is there any update on making sure this doesn't happen to anyone ever?

Jan 2 2018

It has almost been another month now and I still don't have a resolution from Telstra. Since the MP office contacted Telstra I got moved to "Executive Complaints Team" which is my 5th case manager within Telstra. It seems I just keep getting bumped around to people with new titles giving this fake sense of "progress" but not getting anywhere...I felt like with this one I even went backwards.

I was advised to create an AFR myself with the limited details I had (as I am not the developer) and now they have sent me an IPA agreement to the cost of \$3000 which is intended for a developer the properties (1-into-2 subdivision) and I do not see it fair that I (the end user / home owner) have to pay for this because I have slipped through the cracks in the SA Law/processes, as stated in my initial email.

To make matters worse NBN was available in my area as HFC (Hybrid Fibre Coaxial) but there is a hold on any further / new developments in this due to issues. So I am forced to go through Telstra. This is completely unreasonable and unfair that this process is "apparently required" by Telstra it is not picked up by the council during subdivision and is not a law in south Australia for the developer to lodge this AFR (Application for Reticulation). I should be able to receive internet at my home as a basic right! it's not like i'm living out in the country or anything either, I'm less than 20 mins from the CBD! and everyone else in the suburb has internet and/or NBN, including the neighbour who purchased the other house from the subdivision.

It's been 6 months now since we moved in and still have not got internet. I cannot believe it. This is so unfair and unreasonable! I need my internet for my work in ICT and I want the laws to be changed so that this NEVER happens to anyone again and developers are held accountable for things that supposedly Telstra can enforce but the council and government cant!?

Mid November 2017

I am writing to you as the owner of a new property partner and I purchased our first piece of land in March 2016 from a developer who subdivided their original block o into 2 lots. (mine). We have recently moved in after a long process of completing our first home build and have found that we have no telecommunications available to us. The builder has fulfilled their end of the contract, wiring the house and providing trenching, cable and conduit to the curb/stoby pole. Telstra refuses to service us because we don't exist to them, because the original developer (who subdivided) did not submit an AFR (Application for Reticulation). This is a Federal policy which is required by the developer (someone subdividing 1 into 2 lots) and not for a home owner (myself). When i called the council, they were not even aware of what the AFR is and any requirement to submit one, yet this is a Federal Policy and I cannot get any phone line, or internet service activated to my address because this did not happen! Apparently it is not a requirement in the South Australian Land Division Act to actually notify Telstra or submit this AFR (Even though it is in a federal policy, and in the Act in other states), yet Telstra won't provide me with any service until this is done, which has to be done by the developer for a fee, which they will not do because its not in the Act.

So basically now I'm in a position where I cant even lodge an AFR myself because i don't meet the requirements of a developer, I'm not subdividing 1 into 2 or building 2 or more properties. I don't think I should be responsible for paying the developer fees as I'm just a home owner not a developer. Telstra wont do anything until they have the AFR and in South Australia the developer is not required to submit the AFR? So I'm stuck in the deadlock and cant get any services at my address. Which i thought would be a requirement for every house to be serviceable? and how did this subdivision get council approval if it doesn't even meet federal policy. If somehow an AFR is lodged it can be a 6 month process before anything is available...

I'm really unsure of what my options are and don't understand how something like this is even allowed to happen. How is this not a law requirement or enforced by councils.

Could you please get back to me on as early as possible as we have been passed around for weeks now as no one is taking responsibility and that leaves our address unserviceable to any phone or internet.