

**Minutes of the General Council Meeting  
held on Tuesday, 12 October 2021 at 6.30 pm  
Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt**

**PRESENT**

His Worship the Mayor Kris Hanna

Councillor Ian Crossland

Councillor Maggie Duncan

Councillor Raelene Telfer

Councillor Bruce Hull

Councillor Kendra Clancy

Councillor Sasha Mason

Councillor Tim Gard

Councillor Matthew Shilling

Councillor Luke Hutchinson (electronically)

Councillor Nathan Prior

Councillor Jason Veliskou (electronically) - from 6.35pm

Councillor Joseph Masika

**In Attendance**

Chief Executive Officer - Tony Harrison

General Manager City Services - Tony Lines

General Manager Corporate Services - Sorana Dinmore

General Manager City Development - Ilia Houridis

Acting Manager Office of the CEO - Sherie Walczak (electronically)

Unit Manager Governance and Council Support - Victoria Moritz

Governance Officer - Angela Porter

**1 Open Meeting**

The Mayor opened the meeting at 6.30pm.

**2 Kaurua Acknowledgement**

We acknowledge the Kaurua 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 Declaration of Interest (if any)**

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

Nil interests were disclosed.

## 5 Confirmation of Minutes

### 5.1 Confirmation of Minutes of the General Council Meeting held on 14 September 2021 and Special General Council Meeting held on 28 September 2021

Report Reference GC211012R5.1

**Moved Councillor Tim Gard**

**Seconded Councillor Raelene Telfer**

That the minutes of the General Council Meeting held on 14 September 2021 and Special General Council Meeting held on 28 September 2021 be taken as read and confirmed.

**Carried Unanimously**

## 6 Communications - Nil

### Order of Agenda Items

The Mayor sought and was granted leave of the meeting to consider the Adjourned Item - Code of Conduct (GC211012R7.1) following the Motion with Notice - Rescission Motion - Code of Conduct (GC211012M14.1).

## 8 Deputations

### 8.1 Section 270 Review – De Laine Avenue - Deputation from Andrew Stasinowsky

Report Reference GC211012R.1

6.35pm Councillor Veliskou entered the meeting

Mr Stasinowsky gave a five-minute deputation regarding the Section 270 Review - De Laine Avenue.

### Order of Agenda Items

The Mayor sought and was granted leave of the meeting to discuss the item *Section 270 Review - De Laine Avenue* (GC211012R11.2) next on the agenda.

### 11.2 Section 270 Review - De Laine Avenue

Report Reference GC211012R11.2

**Moved Councillor Joseph Masika**

**Seconded Councillor Sasha Mason**

7.18pm Councillor Shilling left the meeting

That Council:

1. Notes the recommendations of the report.
2. Formally advises the complainant of the outcome of the section 270 review

3. Acknowledges that the identified decisions and processes could have been managed better, and in the future, attention should be given to appropriate rectification of these deficiencies.
4. Considers further noise testing and determines what avenues and options are available to assist the Complainant (if possible).

**Carried**

7.19pm Councillor Shilling re-entered the meeting

## **9 Petitions**

### **9.1 Vehicle Parking and Access - Mitchell Street, Glengowrie**

**Report Reference** GC211012P9.1

**Moved Councillor Jason Veliskou**

**Seconded Councillor Kendra Clancy**

That Council:

1. Notes the petition from Kerry Saul.
2. Provides a report on Mitchell Street West that:
  - Investigates options for maximizing on-street and off-street parking
  - Looks at how to reduce access issues identified by local residents
  - Provides information on the powers council has to adjust, limit or overturn development to mitigate the on street parking concerns outlined
  - Provides information on options for street widening or allowing cars to partially park on the current or adjusted verge.
3. Advises the head petitioner/s of the resolutions of Council.

**Carried**

## **10 Committee Recommendations**

### **10.1 Confirmation of the minutes for the Asset and Sustainability Committee meeting held on 7 September 2021**

**Report Reference** GC211012R10.1

**Moved Councillor Matthew Shilling**

**Seconded Councillor Nathan Prior**

That the following Committee Recommendations be moved en bloc:

- Confirmation of the minutes for the Asset and Sustainability Committee meeting held on 7 September 2021
- Confirmation of the minutes for the Special Review and Selection Committee meeting held on 21 September 2021

**Carried Unanimously**

**Moved Councillor Matthew Shilling****Seconded Councillor Nathan Prior**

That Council:

1. Receives and notes the minutes of the Asset and Sustainability Committee meeting held on 7 September 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Asset and Sustainability Committee.

**Carried Unanimously****10.2 Confirmation of the minutes for the Special Review and Selection Committee meeting held on 21 September 2021****Report Reference** GC211012R10.2**Moved Councillor Matthew Shilling****Seconded Councillor Nathan Prior**

That Council:

1. Receives and notes the minutes of the Special Review and Selection Committee meeting held on 21 September 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

**Carried Unanimously****11 Corporate Reports for Decision****11.1 Rainwater Tank Funding Opportunity, Frederick Street Catchment****Report Reference** GC211012R11.1**Moved Councillor Bruce Hull****Seconded Councillor Kendra Clancy**

That Council:

1. Supports the aspirations of the State Government and the Stormwater Management Authority to reduce rainwater runoff to the Gulf St Vincent.
2. Notes that the recently implemented Planning & Design Code does not require rainwater tanks in all new residential developments over 4 dwellings.
3. Notes the in-principle funding offer from Department of Environment and Water of up to \$130,000 for the Rainwater Tank Pilot Project.
4. Endorses expenditure of up to \$65,000 in City of Marion funding, secured during quarterly budget review process during year 1 and the annual budget and business plan process in year 2.

5. Notes that the project and \$65,000 in funding is already supported with a City of Holdfast Bay funding commitment.
6. Notes that the City of Marion will be the lead agency in this tripartite arrangement.
7. Notes that a Report on the project outcomes will be presented to Council on completion of the pilot project (March 2024).

**Carried**

### 11.3 Water Truck Purchase Cost Increase

**Report Reference** GC211012R11.3

**Moved Councillor Matthew Shilling**

**Seconded Councillor Tim Gard**

7.44pm Councillor Prior left the meeting

That Council:

1. Approves additional funding of up to \$60,000 for the purchase of two water trucks. The additional funding will be incorporated into the 2022/23 Annual Business Plan.

**Carried Unanimously**

### 11.4 Cove Management Model

**Report Reference** GC211012R11.4

7.45pm Councillor Prior re-entered the meeting

7.45pm Councillor Hutchinson left the meeting

**Moved Councillor Matthew Shilling**

**Seconded Councillor Maggie Duncan**

That Council:

1. Endorse the proposed future management and operational model for the Cove Sports and Community Club (CSCC) in which:
  - The Cove Football Club and Cove Cricket Club are provided a licence to manage and operate area/s of the facility for periods of use in line with Councils Leasing and Licensing Policy.
  - Council will transition out of management of the facility once Cove FC and Cove BMX have moved to the Southern Soccer and SWBMX facilities respectively, and the Cove Cricket Club and Cove Football Club have entered into new license agreements.

2. Endorse administration to progress negotiations with the Cove Football Club and Cove Cricket Club to enter license agreements to operate areas of the facility for periods of use in line with Councils Leasing and Licensing Policy.
3. Require the three operating requirements within the current Cove Football Club license agreement ending 30 September 2025 to be included in the new license agreement being negotiated with the Cove Football Club, namely:
  - o The Licensee must meet the following requirements:
    - o The Council's Club Liaison Officer must be invited to all executive meetings of the Licensee:
    - o The Licensee must maintain a minimum of Level 2 Good Sports Accreditation at all times:
    - o Any behavioural issues must be reported to the Councils Chief Executive Officer in writing within 48 hours of their occurrence.
4. Notes the current license agreements with the Cove Tigers Netball Club and Hallett Cove Lightning Netball Club for use of the netball facility and courts will continue.
5. Notes the license agreements for the Cove FC and Cove BMX for the facilities at the CSCC site will cease after moving to the new Southern Soccer and SWBMX facilities.

**Carried Unanimously**

## 11.5 Draft Transport Plan

**Report Reference** GC211012R11.5

**Moved Councillor Matthew Shilling**

**Seconded Councillor Tim Gard**

That Council:

1. Notes the Community Engagement Feedback Report (Attachment 1).
2. Endorses the City of Marion Draft Transport Plan 2021-26 (Attachment 3).

**Carried Unanimously**

## 11.6 Sam Willoughby BMX Track and the Southern Soccer Opening Events

**Report Reference** GC211012R11.6

**Moved Councillor Ian Crossland**

**Seconded Councillor Maggie Duncan**

That Council:

1. Notes this report.
2. Agrees to re-allocate the \$59,000 Concert at the Cove budget set aside as part of 2021/2022 annual business plan to support staging of opening activations at the Sam Willoughby BMX stadium

3. Notes that at the General Council meeting on 26 October 2021, Council will receive a full budget and run sheet for a proposed opening event for the Sam Willoughby BMX Track.
4. Endorses a Council led major opening event at the Southern Soccer facility in March 2022.
5. Notes that at the General Council meeting on 14 December 2021, Council will receive a report detailing a full budget and a run sheet for a proposed March 2022 Southern Soccer complex opening.

**Carried Unanimously**

## **11.7 Local Government Reform - Section 90A Information or Briefing Sessions**

**Report Reference** GC211012R11.7

7.48pm Councillor Hutchinson re-entered the meeting

**Moved Councillor Raelene Telfer**

**Seconded Councillor Nathan Prior**

7.50pm Councillor Hutchinson re-entered the meeting

That Council:

1. Rescinds the *Informal Gatherings Policy* (Attachment 1)
2. Notes the addition of Section 90A – Information or briefings sessions in the *Statutes Amendment (Local Government Review) Act 2021*

**Carried Unanimously**

## **12 Corporate Reports for Information/Noting**

### **12.1 Community Event Fund 2020/21**

**Report Reference** GC211012R12.1

**Moved Councillor Raelene Telfer**

**Seconded Councillor Ian Crossland**

Councillor Hull declared a perceived conflict of interest in the item as his family are directly involved in the Corner Family Uniting Church and will leave the meeting for the item.

7.57pm Councillor Hull left the meeting



That Council:

1. Notes the report.

**Carried Unanimously**

7.58pm Councillor Hull re-entered the meeting

## 12.2 Questions Taken on Notice Register

**Report Reference** GC211012R12.2

**Moved Councillor Nathan Prior**

**Seconded Councillor Matthew Shilling**

That Council:

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

**Carried Unanimously**

## 13 Workshop / Presentation Items - Nil

## 14 Motions With Notice

### 14.1 Rescission Motion - Code of Conduct

**Report Reference** GC211012R14.1

#### Personal Explanation

Councillor Bruce Hull sought and was granted leave of the meeting to provide a personal explanation. Councillor Hull made the following comments:

- The reports relating to this complaint has mentioned the importance of Natural Justice. But has Natural Justice been afforded to him, given the vagueness and lack of detail in the complaint against him pursuant to the Code of Conduct? What is it that was reported by Colin James that is so objectionable, was it something he was quoted as saying or was it simply the headline attributed to the articles in the Advertiser?
- The lack of an accurate Time Line of Events or acknowledgement of how Elected Members first became aware of the ICAC investigation from the representative from the Edwardstown Bowling Club and how Elected Members ultimately became aware of the ICAC findings after his Question on Notice that was lodged as a consequence of a question from Mr Colin James from the Adelaide Advertiser.
- Despite Councillor Hull's attempts to prompt Administration to formally brief Council about the ICAC findings and ample notice given that he intended to lodge a Question on Notice, Administration had not responded in compliance with the Fraud and Corruption Policy. The public interest in this matter is significant given the reports written by the former Unit Manger in relation to sporting facilities and clubs in our city, one of which is where his offending occurred.

- Instead there has been a portrayal of an Elected Member unreasonably meddling in a Council HR matter relating to a former employee.
- During the Council meeting that dealt with that Question on Notice, you would recall the Mayor's attempt to interrogate Councillor Hull. To accuse him of contacting the media and bringing the Council in to disrepute.
- Council has appeared to ignore the advice of the Advertiser journalist Colin James who has repeatedly stated that he contacted Councillor Hull and that he did not contact him. Curiously Mr James's correspondence to Council that was tabled as part of Councillor Hull's last personal explanation does not get a mention in the minutes or this agenda? He is sure Council is assessing the details only relevant to this particular complaint?
- In this report tonight it talks about the potential for an investigation. Councillor Hull draws your attention to the fact that with the absence of any investigation, Council has already deemed that he has breached the Council's Code of Conduct, censured him and requested an apology.

Councillor Hull declared an actual conflict of interest in the item *Code of Conduct* as he is the subject of the Code of Conduct complaint and will leave the meeting for the item.

8.03pm Councillor Clancy left the meeting

8.03pm Councillor Hull left the meeting

8.06pm Councillor Clancy re-entered the meeting

**Moved Councillor Ian Crossland**

**Seconded Councillor Tim Gard**

Rescinds the following resolution of Council relating to the Code of Conduct brought against Councillor Hull made on 14<sup>th</sup> September 2021:

That Council:

1. Notes that Administration informed council of the prosecution of the former employee contrary to recent public statements and that administration are not obliged to inform elected members of the prosecution outcome (pursuant to the Local Government Act 1999) of the terminated employee (which was publicly available knowledge).
2. Resolves that Councillor Hull in his behaviour and commentary to the media has breached the Code of Conduct, under Part 2:
3. Section 2.2, Act in a way that generates community trust and confidence in the Council
4. Censures Councillor Hull in relation to this incident and requests a written public apology from Councillor Hull.

**Lost**

**Division** was called by Councillor Crossland

**Those For:** Councillors Crossland, Gard and Shilling

**Those Against:** Councillors Veliskou, Hutchinson, Masika, Mason, Clancy, Prior, Telfer and Duncan

**Lost**

## 7 Adjourned Items

### 7.1 Code of Conduct

Report Reference GC211012R7.1

8.24pm Councillor Duncan left the meeting

8.26pm Councillor Duncan re-entered the meeting

**Moved Councillor Luke Hutchinson**

**Seconded Councillor Raelene Telfer**

That Council:

1. Notes that Councillor Hull has not enacted the Council resolution of 14 September 2021 and had indicated that he is not apologising.
2. Requests that Councillor Hull enact the Council resolution by 5pm Friday, 15 October 2021.
3. If Councillor Hull does not enact the resolution during this period, the matter is referred to the Ombudsman in accordance with the requirements of the Code of Conduct and section 263 of the Local Government Act 1999.

**Carried**

**Division** was called by Councillor Crossland

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

**Those Against:** Councillors Gard and Crossland

**Carried**

8.31pm Councillor Hull re-entered the meeting

**15 Questions With Notice - Nil**

**16 Confidential Items**

**Moved Councillor Raelene Telfer**

**Seconded Councillor Nathan Prior**

That the Confidential Cover Reports be moved en bloc.

**Carried Unanimously**

### 16.1 Cover Report - Public Lighting - Claim for Consultancy Fee by Trans-Tasman Energy Group

Report Reference GC211012F16.1

**Moved Councillor Raelene Telfer**

**Seconded Councillor Nathan Prior**

That pursuant to Section 90(2) and (3) (h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer,

General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the Chief Executive, Chief Financial Officer, Unit Manager Governance and Council Support and Governance Officer be excluded from the meeting as the Council receives and considers information relating to *Public Lighting Claim for consultancy fee by Trans Tasman Energy Group*, 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 legal advice.

**Carried Unanimously**

8.34pm the meeting went into confidence

**Moved Councillor Matthew Shilling**

**Seconded Councillor Maggie Duncan**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Public Lighting Claim for Consultancy Fee by Tran Tasman Energy Group, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

**Carried Unanimously**

8.40pm the meeting came out of confidence

### **16.2 Cover Report - Confirmation of Confidential Minutes of the Special Review and Selection Committee Meeting held on 21 September 2021**

Report Reference                      GC211012F16.2

**Moved Councillor Raelene Telfer**

**Seconded Councillor Nathan Prior**

That 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 persons: Manager People and Culture, be excluded from the meeting as the Council receives and considers information relating to Confirmation of Confidential Minutes of the Special Review and Selection Committee meeting held on 21 September 2021, 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 personal affairs of the Chief Executive Officer.

**Carried Unanimously**

8.40pm the meeting went into confidence

**Moved Councillor Matthew Shilling****Seconded Councillor Joseph Masika**

In accordance with Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that this report, Confirmation of Confidential Minutes of the Special Review and Selection Committee meeting held on 21 September 2021, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

**Carried Unanimously**

**16.3 Cover Report - Chief Executive Officer Probationary Review**

Report Reference                      GC211012F16.3

**Moved Councillor Raelene Telfer****Seconded Councillor Nathan Prior**

That 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 persons: Manager People and Culture, be excluded from the meeting as the Council receives and considers information relating to *Chief Executive Officer Probationary Review*, 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 personal affairs of the Chief Executive Officer.

**Carried Unanimously**

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

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *Chief Executive Officer Probationary Review*, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

**Carried Unanimously**

8.53pm meeting came out of confidence

**17 Motions Without Notice - Nil****18 Questions Without Notice - Nil****19 Other Business - Nil**

**20 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.

The meeting was declared closed at 8.53pm.

**CONFIRMED THIS 26 DAY OF OCTOBER 2021**

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**CHAIRPERSON**