



**Minutes of the General Council Meeting
held on Tuesday, 23 November 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 Matthew Shilling

Councillor Luke Hutchinson

Councillor Nathan Prior

Councillor Jason Veliskou

Councillor Joseph Masika

In Attendance

Chief Executive Officer - Tony Harrison

General Manager City Services - Tony Lines

General Manager Corporate Services - Sorana Dinmore

Manager Office of the CEO - Kate McKenzie

Unit Manager Governance and Council Support - Victoria Moritz

1 Open Meeting

The Mayor opened the meeting 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 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

The following interests were disclosed:

- Councillor Shilling declared a material of interest in the item *Rescission Motion – LED Street Lighting (GC211123R11.3)*
- Councillor Veliskou declared an actual conflict of interest in the item *Artificial Turn on Council Verges (GC211112R11.11)*

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 26 October 2021

Report Reference GC211123R5.1

Moved Councillor Telfer

Seconded Councillor Hutchinson

That the minutes of the General Council Meeting held on 26 October 2021 be taken as read and confirmed.

Carried Unanimously

Procedural Motion

Moved Councillor Shilling

Seconded Councillor Mason

That the following Communication Items be moved en bloc:

- Mayoral Communication Report
- Deputy Mayor Communication Report
- Elected Member Communication Report
- CEO and Executive Communication Report

Carried Unanimously

6 Communications

6.1 Mayoral Communication Report

Report Reference GC211123R6.1

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
24 October 2021	South Adelaide Basketball Club NBL Team Presentations	
25 October 2021	Oaklands Estate Residents' Association AGM	Gave speech
5 November 2021	Lord Mayor's Civic Ceremony to celebrate the lifetime achievements of Uncle Lewis Yerloburka O'Brien AO	
6 November 2021	Hindu Society Deepavali celebrations	Gave speech
8 November 2021	Southern Materials Recycling Facility launch event	Gave speech
10 November 2021	Sunrise School tour of Council Chambers	Hosted tour
11 November 2021	Marion RSL Remembrance Day Service	Laid wreath
15 November 2021	Seaview High Year 12 Graduation Evening	Presented Mayor's award
16 November 2021	Future Energy Summit at Tonsley	Welcomed conference attendees

16 November 2021	Meeting with Warradale Park Tennis Club	
17 November 2021	Future Energy Summit at Tosnley-Resilient South Breakfast Event	Welcomed conference attendees
17 November 2021	Council Assessment Panel meeting regarding X Convenience service station on Diagonal Road	
The Mayor also met with other Mayors and MPs. The Mayor functioned at limited capacity during this period due to a cycling accident.		

Moved Councillor Shilling

Seconded Councillor Mason

That the Mayoral Communication report be received and noted.

Carried Unanimously

6.2 Deputy Mayor Communication Report

Report Reference GC211123R6.2

Name of Council Member Deputy Mayor – Nathan Prior

Date	Event	Comments
23 October 2021	Football Star Academy Launch at Warradale Primary School	
29 October 2021	Threatened fish recovery project event at Oaklands Wetlands	
8 November 2021	Southern Materials Recycling Facility (SMRF) launch event	
14 November 2021	Repatriation General Hospital guided tour with Stephen Patterson MP	

Moved Councillor Shilling

Seconded Councillor Mason

That the Deputy Mayor Communication report be received and noted.

Carried Unanimously

6.4 Elected Member Communication Report

Report Reference GC211123R6.4

Name of Council Member Councillor Raelene Telfer

Date	Event	Comments
3 November 2021	Council Assessment Panel	Member
9 November 2021	Warriparinga Ward	Briefing by staff
17 November 2021	CAP application Andrash Fuel outlet at Sturt	Viewed by webinar
19 November 2021	Mitchell Park Sports & Community Club	Chaired Election
22 November 2021	Mitchell Park S&C Centre	Advisory Committee attendance

6.3 CEO and Executive Communication Report

Report Reference GC211123R6.3

Date	Activity	Attended By
27 October 2021	LGA CEO Forum	Tony Harrison
27 October 2021	Meeting Donny Walford (Behind Closed Doors)	Sorana Dinmore
27 October 2021	Meeting Todd Elliott (Satalyst) and Sorana Dinmore	Sorana Dinmore
27 October 2021	Oaklands Green Monthly PCG meeting	Tony Lines
29 October 2021	Meeting SWBMX Key Stakeholders Working Group with CoM, ORSR, SATC & DEW	Ilia Houridis
29 October 2021	LGA CEO AGM event	Tony Harrison
29 October 2021	LGA AGM event	Tony Harrison
29 October 2021	Event Fish Release at Oaklands Wetland with Minister Speirs MP	Tony Lines
29 October 2021	Meeting PEET and City of Marion re Central Reserve and Greenway	Tony Lines
1 November 2021	Meeting Clean Peak Energy	Tony Lines
3 November 2021	Meeting Teamgage Product Feedback – Madison O'Brien and Janet Langley (Teamgage)	Sorana Dinmore
3 November 2021	Meeting Judith Sellick (Judith Sellick Consulting)	Sorana Dinmore
4 November 2021	LGA CEO Briefing re CVOID Vaccinations	Tony Harrison
4 November 2021	LGA CEO Advisory Group meeting	Tony Harrison
5 November 2021	Meeting Tony Harrison and David Speirs MP	Tony Harrison
5 November 2021	Meeting SA Water and City of Marion re Cove Road	Tony Lines
5 November 2021	LG Professionals Women's Network Conference	Sorana Dinmore
8 November 2021	Launch Event Southern Materials Recycling Facility (SMRF)	Tony Harrison Ilia Houridis Sorana Dinmore Tony Lines
9 November 2021	Meeting Local Government Infrastructure Partnership Program (LGIPP) Funding Exemptions Information Gathering	Ilia Houridis
9 November 2021	SMRF JV Advisory Committee Meeting	Sorana Dinmore
9 November 2021	Event 2021 Resilient Australia Awards and launch of Stronger Together	Tony Lines
10 November 2021	Meeting Morphettville Infield	Tony Harrison

	Development Update	Ilia Houridis
10 November 2021	Meeting SAALC Governance Board	Ilia Houridis
10 November 2021	Meeting Donna Dunbar (City of Charles Sturt) Sorana Dinmore	Sorana Dinmore
11 November 2021	Meeting Tony Harrison and Geoff Strempe (State Library SA)	Tony Harrison
11 November 2021	Meeting AWS and City of Marion	Sorana Dinmore
12 November 2021	Meeting T2D Project Discussion with City of Marion & Department for Infrastructure & Transport	Ilia Houridis
12 November 2021	Meeting Gartner Australia and City of Marion	Sorana Dinmore
12 November 2021	Meeting KPMG Internal Audit Kick-Off Meeting	Tony Lines Ilia Houridis
15 November 2021	Payroll PIR Meeting Adam Villani (Beesquared)	Sorana Dinmore
16 November 2021	Meeting Google and City of Marion	Sorana Dinmore
17 November 2021	Event Future Energy Summit - Resilient South	Ilia Houridis Tony Lines
17 November 2021	Meeting Tony Harrison (City of Marion) and Jayne Stinson (Member for Badcoe)	Tony Harrison
18 November 2021	Meeting Clean Peak Energy	Tony Lines
18 November 2021	Meeting SA Power Network re trees under powerlines	Tony Lines
23 November 2021	Meeting Tony Harrison, Matthew Pears, Terry Buss and Peter Tsokas re Torrens to Darlington Southern Tunnel	Tony Harrison

Moved Councillor Shilling

Seconded Councillor Mason

That the CEO and Executive Communication report be received and noted.

Carried Unanimously

7 Adjourned Items - Nil

8 Deputations

8.1 Deputation - Request from Alistair Gass (Denied)

Report Reference GC211123D8.1

Mr Gass has requested to make a deputation to Council regarding a tree in front of his house and verge maintenance.

The request was declined on the basis that:

- The preferable avenue for this complaint would be through the internal review process in accordance with Council's Complaints and Grievances Policy instead of deputation to Council.

9 Petitions - Nil

10 Committee Recommendations

10.1 Confirmation of the minutes for the Asset and Sustainability Committee meeting held on 2 November 2021

Report Reference GC211123R10.1

Moved Councillor Shilling

Seconded Councillor Prior

That Council

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

Carried Unanimously

11 Corporate Reports for Decision

11.1 Community Grants Report Round 1 2021-22

Report Reference GC211123R11.1

Moved Councillor Veliskou

Seconded Councillor Clancy

That Council:

1. Notes that the Hindu Society of SA Inc. (as the highest scoring application for \$10,000) is recommended to receive the single grant amount of up to \$10,000.
2. Endorses the following projects for the Community Grants Program Round One funding in 2021-2022:
 - Hindu Society of SA Inc – Verge beautification project at Hindu Society Community Cultural Centre and Shri Ganesh Temple (\$10,000)
 - Bangladesh Club Australia – Asian Multicultural Night 2021 (\$4,000)
 - Portlife Seaview – Build Portlife Seaview Community Playground and Café (\$5,000)
 - Warradale Community Children's Centre – Aboriginal mural artwork (\$4,114)
 - Park Holme Community Hall and Committee of Management Incorporated – purchase of AED (\$2,835)
 - Pan Iaconian Society of South Australia – purchase of projector (\$2,649)
 - Lions Club of Hallett Cove & Districts Inc – purchase of audio-visual equipment (\$3,317)
 - Sheidow Park Cricket Club Inc – Girls 4 Cricket (\$2,629)
 - Friends of Sturt River Landcare Group – purchase of trailer for biodiversity work by volunteers (\$4,694)
 - Royal Life Saving Society Aust South Australia Branch Inc – Water Safety Education for CALD communities (\$5,000)
 - Adelaide Cricket Club – purpose fit equipment for the newly established female cricket program (\$5,000)

Carried Unanimously

11.2 Youth Development Grants 2021-2022

Report Reference GC211123R11.2

Moved Councillor Veliskou

Seconded Councillor Clancy

That Council:

1. Endorses the following projects for the Youth Development Grants funding in 2021-2022:

- Headspace - Adelaide Northern Division of General Practice (trading as Sonder) - Native Australian planting and bush tucker workshops (\$10,000)
- Headspace -Adelaide Northern Division of General Practice (trading as Sonder) - A LGBTIQ+ social support youth group (\$10,000)
- Whitelion Youth Agency - Invest in Us - A trauma informed educational group program (\$10,000)
- YMCA Youth and Family Services - Youth Fridays at the Y - A Friday night youth drop-in group (\$9,900)
- YMCA Youth and Family Services - Y-Connect - School holiday activity days (\$9,900)
- On The Flip Side - Skate Daze - A youth music, food and skate event (\$10,000)
- MarionLIFE Community Services - A mobile outreach youth service (\$10,000)
- Reclink Australia - Explore SA - An 8-week adventure, wellbeing and resilience program (\$10,000)
- Reclink Australia - Reclink Youth - a sport, arts and recreation program with links to employment pathways (\$10,000)
- Flinders University, New Venture Institute - Be Your Own Boss - a design thinking and entrepreneurial program (\$8,975)
- Junction - Dungeons & Dragons, an online group (\$6,500)
- YMCA Youth and Family Services - DRUMBEAT - a therapeutic drumming program (\$6,000)
- Islamic Society of South Australia - A photography project and exhibition (\$8,000)

Carried Unanimously

11.3 Rescission Motion - LED Street Lighting

Report Reference GC211123R11.3

Councillor Shilling declared a material conflict of interest in the item *Rescission Motion – LED Street Lighting (GC211123R11.3)* due to the location of where he resides.

6.40 pm Councillor Shilling left the meeting

Moved Councillor Duncan

Seconded Councillor Mason

That Council:

1. Rescinds point 2 from the resolution of Council made on 9 February 2021 (GC210209M01) regarding Street Lighting – Dover Gardens
 - a. No further action be taken in regard to the removal of the heritage post top fittings across the City of Marion.

And that Council resolves the following:

That Council:

1. Endorses the street lighting post top upgrades within each Ward as follows (further detail of the scope is included in Attachment 1):
 - Coastal – change over 7 old post top lights to an outreach and LED fitting, notifying residents directly impacted.
 - Mullawirra – change over 20 outreach LED fittings to Kensington post top LED fittings, notifying residents in each of the streets where streetlights are changed over.
 - Southern Hills – change over 15 old post top lights to an outreach and LED fitting at Paul Court, O'Halloran Hill; Craig Avenue, O'Halloran Hill and Bayley Circuit, Trott Park, notifying residents directly impacted. Consult residents to either retain or change over the existing lights from heritage post top light to the outreach and LED fitting at Hallett Cove Heights, Trott Park (Lucy Court) and Sheidow Park, and implement the feedback of the majority.
 - Warracowie – retain existing heritage fittings, noting that when they fail, SAPN will replace the old fitting with a new Kensington LED fitting at SAPN's cost.
 - Warriparinga – change over 30 old post top lights to an outreach and LED fitting in Mitchell Park and Clovelly Park, notifying residents directly impacted. Consult with impacted residents in Darlington to either retain the existing lights or change over the old post top fittings to new outreach LED fittings, and implement the feedback of the majority.
 - Woodlands – no outstanding post top streetlights remain.
2. Notes that the above streetlight upgrade will address all remaining streetlights under Council's original LED streetlight conversion business case.
3. Approves funding of up to \$46k for installation of the above street lighting strategy to be allocated from 'Other Infrastructure' 2022-23 capital works budget.

Carried Unanimously

6.43pm Councillor Shilling re-entered the meeting

11.4 Community Safety Inspectors - Hours and Service Levels

Report Reference GC211123R11.4

Moved Councillor Clancy

Seconded Councillor Veliskou

That Council:

1. Notes this report.
2. Expands the after-hours community safety service to include attendance and investigation of local nuisance and illegal parking matters.
3. Allocates \$20,000 (on a pro-rata basis) for the remainder of 2021/22 to the after-hours CSI service as part of Council's 2nd Budget Review Process, and fund \$20,000 per year on-going (indexed) thereafter.

6.45pm Councillor Crossland left the meeting

6.45pm Councillor Masika left the meeting

Carried Unanimously

11.5 Marion Cultural Centre - 21 Year Celebration
Report Reference GC211123R11.5**Moved Councillor Hull****Seconded Councillor Prior**

That Council:

1. Endorses option A at a maximum cost of \$21,000 to celebrate the 21st Birthday of the Marion Cultural Centre for consideration as part of the annual business planning process for 2022-23.

Amendment**Moved Councillor Veliskou**

That Council:

1. Endorse the following activities to celebrate the 21st Birthday of the Marion Cultural Centre for consideration as part of the annual business planning process for 2022-23:
 - Marketing and promotion \$2,000
 - Visual activities \$2,500
 - Literary activities \$4,000
 - Performing artists \$2,000\

The amendment to become the motion lapsed for want of a Second
The Motion was Carried

Procedural Motion**Moved Councillor Shilling****Seconded Councillor Telfer**

That the following items be moved en bloc:

- MAB Circuit Tonsley - Partial Road Closure
- Policy Review - Purchase Card Policy and Procurement and Contract Management Policy
- Local Government Reform - Round 2 Regulations - Feedback sought
- Review of Terms of Reference - Finance and Audit Committee and Review and Selection Committee

Carried Unanimously

11.6 MAB Circuit Tonsley - Partial Road Closure

Report Reference GC21112311.6

Moved Councillor Shilling

Seconded Councillor Telfer

That Council:

1. Authorises the commencement of the Roads (Opening and Closing) Act process to close approximately 107 square metres of MAB Circuit Tonsley adjacent Q625 in D127146 which requires:
 - Preparation of a preliminary plan.
 - Preparation of a statement of affected parties and
 - Undertaking of public consultation.
2. Notes that the closed road will be merged with the adjacent land at Q625 in D127146 being portion of the land in Certificate of Title Volume 6255 Folio 330.
3. Authorises the preparation and execution of a Preliminary Agreement with the current owners of Q625 in D127146 for the transfer of land subject to:
 - The outcome and Council resolution as a result of the public consultation process; and
 - Successful completion of the road closure process.
4. Notes that a report will be brought to Council for consideration of the outcome of the consultation under the Roads (Opening and Closing) Act 1991.
5. Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to enter into and execute all documentation necessary to commence the road closure process.
6. The transfer of land to the owners of Q625 in D127146 is to be:
 - Exempt from the Disposal of Land and Assets Policy in all respects;
 - For no monetary consideration; and
 - Council will not seek valuations from a Licenced Valuer.

Carried Unanimously

11.7 Policy Review - Purchase Card Policy and Procurement and Contract Management Policy

Report Reference GC211123R11.7

Moved Councillor Shilling

Seconded Councillor Telfer

That Council:

1. Rescind the Purchase Card Policy as attached to this report, noting that it has been replaced with a Corporate Policy.
2. Endorse the revised Procurement and Contract Management Policy.

Carried Unanimously

11.8 Local Government Reform - Round 2 Regulations - Feedback Sought

Report Reference GC211123R11.8

Moved Councillor Shilling**Seconded Councillor Telfer**

That Council:

1. Endorse the submission and feedback to the Local Government Association on the *Local Government Reform Round 2 Regulations Summary Paper*.

Carried Unanimously**11.9 Review of Terms of Reference - Finance and Audit Committee and Review and Selection Committee**

Report Reference GC211123R11.9

Moved Councillor Shilling**Seconded Councillor Telfer**

That Council:

1. Adopts the Terms of Reference for the Finance, Risk and Audit Committee provided in Attachment 1, in accordance with Section 41 and 126 of the *Local Government Act 1999*.
2. Adopts the Terms of Reference for the Review and Selection Committee provided in Attachment 2, in accordance with Section 41 of the *Local Government Act 1999*.

Carried Unanimously**11.10 Adelaide Now Subscription**

Report Reference GC211123R11.10

6.51pm Councillor Crossland re-entered the meeting

6.51pm Councillor Masika re-entered the meeting

Moved Councillor Veliskou**Seconded Councillor Mason**

That Council:

1. Amends the Council Members' Allowances and Benefits Policy to include the provision of an online Adelaide Now Subscription through the addition of the following:

2.8.16 Council Members will be offered an annual online Adelaide Now Subscription through a corporate account for up to \$200 per Council Member, per year.

Carried

11.11 Artificial Turf on Council Verges
Report Reference GC211123R11.11

Councillor Veliskou declared an actual conflict of interest in the item as he has an interest in one of the affected properties (strata units).

7.13pm Councillor Veliskou left the meeting

Moved Councillor Shilling

Seconded Councillor Duncan

That Council:

1. Implements Option 2 – Direct the removal of artificial turf installed after May 2019, but allow turf installed before that date. That Council:
 - a. Directs removal of all artificial turf installed after May 2019 when Council amended the Verge Development Guidelines to disallow artificial turf (GC190312M07),
 - b. Requests owners without a Section 221 permit to remove any artificial turf installed before May 2019 when Council amended the Verge Development Guidelines to disallow artificial turf and,
 - c. Note that if the owner declines Council's request to remove artificial turf installed before May 2019 then a Section 221 permit will be used to retrospectively assess existing artificial turf treatments for consideration as an "exemption" to Council's Verge Development Guidelines. Section 221 permits will include the following conditions:
 - i. That the resident accepts responsibility to maintain the verge development in a safe and serviceable condition at all times.
 - ii. The property owner accepts liability for injury, damage or loss resulting from anything done under an authorised verge development.
 - iii. That all costs involved with the verge development or alteration of a verge (including authorised alteration of any Council infrastructure) are to be borne by the property owner. Further, works associated with the relocation/ alteration of non-Council (e.g. SAPN, SA Water) services or other constraints must be arranged by the property owner through those relevant authorities and may result in separate costs, payable to those authorities or associated with reinstatement.
 - iv. That Council reserves the right to instruct the owner to repair or remove at the owner's cost, if the serviceable condition or safety of the verge treatment is compromised.
 - d. Notes that where staff become aware of any future artificial turf installations, property owners will be instructed to remove the artificial turf in accordance with the compliance process set out in Attachment 1.
 - e. Notes that an additional short-term staff resource will be needed to assess and implement this resolution, and costs for this will be covered under existing budgets or if necessary, through quarterly budget reviews.
 - f. Notes that there will be cost to Council for removal of artificial turf that was installed by a previous property owner, and the costs for this will be covered under existing budgets or included in future Annual Business Plans.

- g. Notes that a wider community education and awareness campaign is currently being developed to inform residents of the implications associated with the use of artificial turf.

Carried

Councillor Hull called a Division:

Those For: Councillors Masika, Crossland, Mason, Clancy, Telfer, Shilling and Duncan

Those Against: Councillors Prior, Hull and Hutchinson

Carried

7.20pm Councillor Duncan left the meeting

Procedural Motion

Moved Councillor Shilling

Seconded Councillor Telfer

That the following Corporate Reports for Information / Noting be moved en bloc:

- WHS Monthly Performance Report - October 2021
- Corporate Risk Review Report Q1 2021/22
- Strategic Risk Report
- Economic Development Six Monthly Update

Carried Unanimously

12 Corporate Reports for Information/Noting

12.1 WHS Monthly Performance Report October 2021

Report Reference GC211123R12.1

Moved Councillor Shilling

Seconded Councillor Telfer

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

12.2 Corporate Risk Review Report Q1 2021/22

Report Reference GC211123R12.2

Moved Councillor Shilling

Seconded Councillor Telfer

1. That Council notes the report.

Carried Unanimously

12.3 Strategic Risk Report**Report Reference** GC211123R12.3**Moved Councillor Shilling****Seconded Councillor Telfer**

1. That the Council notes the strategic risks and current risks ratings outlined within the report.

Carried Unanimously**12.4 Economic Development Six Monthly Update****Report Reference** GC211123R12.4**Moved Councillor Shilling****Seconded Councillor Telfer**

That Council:

1. Notes the Economic Development function report.
2. Notes the report will be provided via email in the future.

Carried Unanimously**12.5 Cooida Neighbourhood Centre - Extended Hours (Winter Months)****Report Reference** GC211123R12.5**Moved Councillor Telfer****Seconded Councillor Shilling**

That Council:

1. Notes the report.

Carried Unanimously**Procedural Motion****Moved Councillor Hutchinson****Seconded Councillor Telfer**

That the following items be moved en bloc:

- Minutes of the LGA Annual General Meeting held on 29 October 2021
- Finance Report - October 2021
- Questions Taken on Notice Register

Carried Unanimously

12.6 Minutes of the LGA Annual General Meeting held 29 October 2021**Report Reference** GC211123R12.6**Moved Councillor Hutchinson****Seconded Councillor Telfer**

That Council:

1. Notes the minutes of the LGA AGM held 29 October 2021.

Carried Unanimously**12.7 Finance Report - October 2021****Report Reference** GC211123R12.7**Moved Councillor Hutchinson****Seconded Councillor Telfer**

That Council:

1. Receives the report "Finance Report – October 2021"

Carried Unanimously**12.8 Questions Taken on Notice Register****Report Reference** GC211123F12.8**Moved Councillor Hutchinson****Seconded Councillor Telfer**

That Council:

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

Carried Unanimously**13 Workshop / Presentation Items - Nil****14 Motions With Notice****14.1 Addressing the Digital Divide****Report Reference** GC211123M14.1**Moved Councillor Veliskou****Seconded Councillor Shilling**

1. That council provide a report and draft policy on how council will operate so it does not disadvantage or exclude residents who cannot access or utilise digital contact or engagement options.

Carried Unanimously

Procedural Motion**Moved Councillor Masika****Seconded Councillor Crossland**

That the following items be moved en bloc:

- Cover Report - The Boatshed Cafe - Leasing Arrangements
- Cover Report - Unsolicited Proposal - 262 Sturt Road, Marion
- Leave of Absence - Councillor Tim Gard

Carried Unanimously**15 Questions With Notice - Nil****16 Confidential Items****16.1 Cover Report - The Boatshed Cafe - Leasing Arrangements**

Report Reference GC211123F16.1

Moved Councillor Masika**Seconded Councillor Crossland**

That pursuant to Section 90(2) and (3) (b)(i)(ii) and (d)(i)(ii) 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 City Services, General Manager Corporate Services, Chief Financial Officer, Manager Office of the Chief Executive, Manager City Property, Unit Manager Land and Property, Senior Property Officer, Communications Advisor, Unit Manager Sport and Recreation, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to The Boatshed Café Leasing Arrangements, 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 items that are commercial in confidence.

Carried Unanimously

7.28pm the meeting went into confidence.

Meeting Suspension**Moved Councillor Veliskou****Seconded Councillor Masika**

That formal meeting procedures be suspended to discuss the item

Carried Unanimously

8.14pm formal meeting procedures suspended

8.18pm formal meeting procedures resumed

Moved Councillor Hull**Seconded Councillor Veliskou**

That Council:

(Alternative - Option 2):

1. Notes that the lessees of The Boatshed have not undertaken all of the Stage 3 works as detailed in the lease agreement to its reasonable satisfaction within the specified timeframe.
2. Agrees to undertake at its cost the remaining Stage 3 works to The Boatshed, Hallett Cove, including installation of disabled access to the first floor of the building via a lift and ramp, disabled access to the deck, and any required fire safety compliance works.
3. Will make financial provision for these works, following detailed cost estimates being obtained by Council administration, in its 2021/2022 Capital works budget
4. Resolves to obtain a market rent valuation for The Boatshed, Hallett Cove, as at 20 December 2019, from an independent valuer, and that this rent be applied retrospectively back dated to 20 December 2019, and increased in line with CPI on 20 December 2020 and 20 December 2021.
5. Obtain a market rental valuation from an independent valuer following completion of the Stage 3 works by Council, taking into account the works undertaken, and that this rent be applied from 1 December 2022 with the rent reviewed annually in accordance with CPI on 20 December each year of the remaining term.
6. agrees to grant the right of renewal for the further term of seven (7) years provided the lessee pays the outstanding rent amount in full, or enters into a payment plan acceptable to Council by 30 January 2022, and is not otherwise in breach of any terms of the lease.
7. In the event that the lessee declines to accept the renewed lease on the terms outlined above, authorises the issuing of one month notice of termination of the lease in accordance with the holding over provisions, and the appointment of a commercial real estate agent to seek expressions of interest for the lease of the premises.

Carried Unanimously**Moved Councillor Hull****Seconded Councillor Prior**

8. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, The Boatshed Café Leasing Arrangements, any appendices arising from this report having been considered in confidence under Section 90(2) and (3)(b)&(d) 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

8.27pm Councillor Mason left the meeting

8.28pm Councillor Mason re-entered the meeting

Moved Councillor Hutchinson**Seconded Councillor Duncan**

2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the motion requiring a report in January 2022 (relating to *The Boatshed Cafe*) having been considered in confidence under Section 90(2) and (3)(b) 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

8.36pm the meeting came out of confidence.

16.2 Cover Report - Unsolicited Proposal - 262 Sturt Road, Marion

Report Reference GC211123F16.2

Moved Councillor Masika**Seconded Councillor Crossland**

That pursuant to Section 90(2) and (3)(d)(i) and (ii) 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 City Services, General Manager Corporate Services, Manager Office of the Chief Executive, Manager City Activation, Manager Finance, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Unsolicited Proposal – 262 Sturt Road, Marion, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a proposal from a third party.

Carried Unanimously

8.37pm the meeting went into confidence.

8.37pm Councillor Crossland left the meeting and did not return

Moved Councillor Telfer**Seconded Councillor Hutchinson**

That In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Unsolicited Proposal – 262 Sturt Road, Marion, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) 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

Councillor Shilling called a Division:

Those For: Councillors Masika, Mason, Veliskou, Clancy, Prior, Hull, Telfer and Hutchinson

Those Against: Councillors Shilling and Duncan

Carried

8.51pm the meeting came out of confidence.

17 Motions Without Notice - Nil

18 Questions Without Notice - Nil

19 Other Business

19.1 Leave of Absence - Councillor Tim Gard

19.1 - Leave of Absence – Councillor Tim Gard
Report Reference GC211123R19.1

Moved Councillor Masika

Seconded Crossland

That Council:

1. Councillor Tim Gard is granted a leave of absence from 25 October 2021 until 31 December 2021.

Carried Unanimously

20 Meeting Closure

The meeting was declared closed at 8.52pm.

CONFIRMED THIS 14TH DAY OF DECEMBER 2021

CHAIRPERSON