

**Minutes of the General Council Meeting  
held on Tuesday, 12 April 2022 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 Luke Hutchinson  
Councillor Nathan Prior  
Councillor Jason Veliskou  
Councillor Joseph Masika

**In Attendance**

Chief Executive Officer - Tony Harrison  
Acting General Manager City Services - Mathew Allen  
General Manager Corporate Services - Sorana Dinmore  
Acting General Manager City Development - Tony Lines  
Manager Office of the CEO - Kate McKenzie  
Unit Manager Governance and Council Support - Victoria Moritz

**1 Open Meeting**

The Mayor opened the meeting at 6.31pm.

**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

Nil interests were disclosed.

## 5 Confirmation of Minutes

### 5.1 Confirmation of Minutes of the General Council Meeting held on 22 March 2022

Report Reference GC220412R5.1

**Moved Councillor Gard**

**Seconded Councillor Telfer**

That the minutes of the General Council Meeting held on 22 March 2022 be taken as read and confirmed.

**Carried Unanimously**

## 6 Adjourned Items

### 6.1 Confidential Cover Report - Adjourned Item - South Adelaide Basketball Redevelopment - Feasibility and Business Case

Report Reference GC220412F6.1

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the confidential adjourned item *South Adelaide Basketball Redevelopment – Feasibility and Business Case* at the end of the meeting with the other confidential items listed.

## 7 Deputations - Nil

## 8 Petitions - Nil

## 9 Committee Recommendations

### 9.1 Confirmation of Minutes of the Special Review and Selection Committee Meeting held on 6 April 2022

Report Reference GC220412R9.1

**Moved Councillor Duncan**

**Seconded Councillor Gard**

That Council:

1. Receives and notes the minutes of the Special Review and Selection Committee meeting held on 6 April 2022.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

**Carried Unanimously**

6.34pm Councillor Prior entered the meeting

6.38pm Councillor Masika entered the meeting

## 10 Corporate Reports for Decision

### 10.1 Marion Cultural Centre Plaza

Report Reference GC220412R10.1

6.39pm Councillor Hull left the meeting

6.40pm The Mayor left the meeting and the Deputy Mayor took the Chair

6.41pm The Mayor re-entered the meeting and resumed the Chair

6.41pm Councillor Clancy entered the meeting

6.43pm Councillor Hull re-entered the meeting

#### Moved Councillor Prior

#### Seconded Councillor Crossland

That Council:

1. Notes the community consultation findings report as presented to General Council on 26 October 2021 (GC211026R10.7) and included in Attachment 1.
2. Endorses engaging professional services to develop detailed design, tender documentation, and cost estimates for Marion Cultural Centre Plaza and Warracowie Way for Option One – One-way Warracowie Way traffic management solution.
3. Does not resolve to integrate a Pedestrian Actuated Crossing and seeks to negotiate with the Department for Infrastructure and Transport to reallocate \$190,000 State Bicycle grant funding towards Maxwell Terrace to Frederick Street shared path 2022/23.
4. Endorses the draft communications plan (Attachment 2).
5. Endorses construction of the MCC Plaza works following detail design, subject to the successful tender being within the allocated budget.
6. Notes the proposed works program with capital works scheduled to extend to 2023/24.
7. Notes that discussions with adjacent landowners (Scentre Group and Office for Recreation Sport and Racing) will continue to ensure coordination of future works programs.

#### Amendment

#### Moved Councillor Hull

#### Seconded Councillor Telfer

That Council:

1. Notes the community consultation findings report as presented to General Council on 26 October 2021 (GC211026R10.7) and included in Attachment 1.
2. Endorses engaging professional services to develop detailed design, tender documentation, and cost estimates for Marion Cultural Centre Plaza and Warracowie Way for Option One – One-way Warracowie Way traffic management solution.
3. Does not resolve to integrate a Pedestrian Actuated Crossing and seeks to negotiate with the Department for Infrastructure and Transport to reallocate \$190,000 State Bicycle grant funding

towards Maxwell Terrace to Frederick Street shared path 2022/23. That Council expedite formal discussions with DIT and Sarah Andrews MP Member for Gibson, to explore possibilities for an integrated signalised pedestrian/cycle/vehicular traffic lights at the intersection of Diagonal Road and Trott Grove Oaklands Park.

4. Endorses the draft communications plan (Attachment 2).
5. Endorses construction of the MCC Plaza works following detail design, subject to the successful tender being within the allocated budget.
6. Notes the proposed works program with capital works scheduled to extend to 2023/24.
7. Notes that discussions with adjacent landowners (Scentre Group and Office for Recreation Sport and Racing) will continue to ensure coordination of future works programs.

**The amendment to become the motion was Carried**  
**The motion as amended was Carried**

## **10.2 Revitalisation of the Edwardstown Employment Precinct - 2022/23 Action Plan**

**Report Reference** GC22041210.2

**Moved Councillor Masika**

**Seconded Councillor Mason**

That Council:

1. Endorses the 2022/23 Action Plan as the program of work (Attachment 4) to continue the revitalisation of the Edwardstown Employment Precinct
2. Endorses a budget of \$170,000 to deliver the outcomes of the Action Plan, to be included in the 2022/23 budget process.
3. Notes that Administration will identify and progress any grant opportunities to deliver the program of works.

**Carried Unanimously**

## **10.3 Open Space Plan Additional Funding**

**Report Reference** GC220412R10.3

**Moved Councillor Crossland**

**Seconded Councillor Prior**

That Council:

1. Endorses the inclusion of reserve car parks and reserve fencing into the Open Space Plan.
2. Allocates \$1,088,415 in 2028/29 to meet the additional Open Space Plan funding needs, thereby extending the current Open Space Plan delivery timeframe by one year, noting the revised schedule presented (as per Attachment 2).

**Carried Unanimously**

**10.4 Crossover Funding Initiative**  
**Report Reference** GC220412R10.4**Moved Councillor Hutchinson****Seconded Councillor Hull**

That Council:

1. Continue provision of the driveway incentive fund in perpetuity, including the following:
  - a. Council funds 75% of the crossover replacement cost when a property owner requests a new crossover as part of the scheduled/budgeted footpath replacement program, subject to landowners paying the other 25% of the crossover cost prior to works on their street commencing and providing Council has given at least 2 months' notification of the incentive opportunity.
  - b. Council funds 100% of driveway crossover replacements in scheduled/budgeted footpath programs where Council deems a replacement is required as part of the construction program.
  - c. Council notes that the funding of these crossover replacements will be managed within existing annual capital works program budgets.

**Carried Unanimously****10.5 Community Bus - Additional Vehicle**  
**Report Reference** GC220412R10.5

7.21pm Councillor Mason left the meeting

7.28pm Councillor Mason re-entered the meeting

**Moved Councillor Crossland****Seconded Councillor Masika**

That Council:

1. Notes the continued impact of COVID-19 on the Community Bus Program.
2. Implements the following Option in relation to the Community Bus Program:
  - a. Cease the trial of the third community bus as of 30 June 2022 and investigate separate vehicle options for frozen meal delivery service, with \$1000 to undertake required removal of modifications included in the 2022-23 Annual Budget.
  - b. A report be presented back to Council in May 2022 outlining the frozen meal delivery options.
  - c. Notes Council is required to fund the cost of the delivery of the frozen meals under existing grant agreement.
  - d. Notes staff will monitor the demand for the Community Bus Service and report to Council if in the future demand increases significantly from the current data.

**Carried****Councillor Hull called a Division****Those for:** Councillors Crossland, Gard, Telfer, Hutchinson, Prior, Masika, Clancy and Mason**Those against:** Councillors Duncan, Veliskou and Hull**Carried**

**10.6 Draft Annual Business Plan 2022-2023 and Long Term Financial Plan for Public Consultation****Report Reference**

GC220412R10.6

**Procedural Motion****Moved Councillor Prior****Seconded Councillor Crossland**

That Council suspend formal meeting procedures to discuss the item.

**Carried Unanimously**

7.29pm formal meeting procedure suspended

7.44pm formal meeting procedures resumed

**Moved Councillor Telfer****Seconded Councillor Crossland**

That Council:

1. Endorses the Framework and Key Assumptions noted in this report which have formed the basis for the development of the Draft 2022-2023 Annual Business Plan and Draft Long Term Financial Plan.
2. Endorses for inclusion in the Draft Annual Business Plan 2022-2023 and Draft Long Term Financial Plan for public consultation the 2022-2023 the 5 prioritised new initiatives report noted in this report.
3. Endorses the release the \$2m funds currently set aside in the Asset Sustainability Reserve (ASR) for Major Infrastructure Failure to the General ASR so the funds can be made available to support the delivery of prioritised unfunded initiatives in 2022-23 and beyond.
4. Endorse the cessation of the annual funding allocation to the ASR for Walking and Cycling (\$200k) and CFPP (\$100k) going forward and consider projects on their own merit for inclusion in future ABP's and LTFP's.
5. Endorses the use of available Cash Reserves of \$2.432m in the ASR to support the delivery of the Draft 2022-2023 ABP.
6. Endorses Option 1 (2% average rate increase for each year of the ten year financial plan) as the proposed rating option for the Draft 2022-2023 ABP for public consultation.
7. Endorses the City of Marion Draft Annual Business Plan 2022-2023 and Draft Long Term Financial Plan (Attachment 1) to proceed for public consultation, subject to any changes proposed at this meeting.

**Amendment****Moved Councillor Hull**

That Council:

1. Endorses the Framework and Key Assumptions noted in this report which have formed the basis for the development of the Draft 2022-2023 Annual Business Plan and Draft Long Term Financial Plan.

2. Endorses for inclusion in the Draft Annual Business Plan 2022-2023 and Draft Long Term Financial Plan for public consultation the 2022-2023 the 5 prioritised new initiatives report noted in this report.
3. That the Major Infrastructure Failure monies held within the ASR Fund, be set aside as a financial contingency for any major project cost blowouts
4. Endorse the cessation of the annual funding allocation to the ASR for Walking and Cycling (\$200k) and CFPP (\$100k) going forward and consider projects on their own merit for inclusion in future ABP's and LTFP's.
5. Endorses Option 1 (2% average rate increase for each year of the ten-year financial plan) as the proposed rating option for the Draft 2022-2023 ABP for public consultation.
6. Endorses the City of Marion Draft Annual Business Plan 2022-2023 and Draft Long Term Financial Plan (Attachment 1) to proceed for public consultation, subject to any changes proposed at this meeting.

**The amendment to become the motion Lapsed for want of a Second  
The original motion was Carried**

**Councillor Hull called a Division**

**Those for:** Councillors Crossland, Gard, Telfer, Hutchinson, Prior, Masika, Clancy and Duncan

**Those against:** Councillors Hull, Veliskou and Mason

**Carried**

**10.7 Section 270 Internal Review of Decision - Spinnaker Circuit Reserve  
Report Reference GC220412R10.7**

8.08pm Councillor Crossland left the meeting

8.08pm Councillor Hutchinson left the meeting

8.10pm Councillor Crossland re-entered the meeting

8.11pm Councillor Hutchinson re-entered the meeting

**Moved Councillor Duncan**

**Seconded Councillor Hull**

That Council:

1. Appoints an independent investigator to undertake the Review of Decision regarding Spinnaker Circuit and the decision made by the Council on the 14th December 2021.

**Carried**



**10.8 Addressing the Digital Divide Guidelines**  
**Report Reference** GC220412R10.8**Moved Councillor Veliskou****Seconded Councillor Duncan**

That Council:

1. Endorse the attached “Addressing the Digital Divide” Guidelines

**Carried Unanimously****10.9 Call for Nominations for Members of GAROC - Casual Vacancies**  
**Report Reference** GC220412R10.9

Councillor Hutchinson provided a summary of why he wishes to be nominated and an overview of his skills and experience relevant to the role. Councillor Hutchinson declared a perceived conflict of interest in the item as he has been nominated as a representative and will leave the meeting for the item.

Councillor Hull provided a summary of why he wishes to be nominated and an overview of his skills and experience relevant to the role. Councillor Hull declared a perceived conflict of interest in the item as he has been nominated as a representative and will leave the meeting for the item.

8.22pm Councillor Hull left the meeting

8.22pm Councillor Hutchinson left meeting

8.39pm Councillor Hutchinson re-entered the meeting

**Moved Councillor Duncan****Seconded Councillor Mason**

That Council:

1. Nominates Councillor Hull as the City of Marion representative for the position of a member to the Local Government Association's South Regional Grouping of the Greater Adelaide Regional Organisation.
2. Notes that the above information will be forwarded to the LGA, City of Onkaparinga and City of Mitcham.

**Carried Unanimously**

## 11 Corporate Reports for Information/Noting

### 11.1 Cove Sports and Community Club - Stage 1 Community Consultation Report Reference GC220412R11.1

**Moved Councillor Duncan**

**Seconded Councillor Crossland**

That Council:

1. Notes the Community Consultation report for the Stage 1 Cove Sports and Community Club redevelopment.
2. Notes that a Section 48 report will be provided to the Finance, Risk and Audit Committee on 17 May 2022.

**Carried**

8.43pm Councillor Hull re-entered the meeting

### 11.2 Community Engagement Strategy for the Development of the 4 Year Business Plan 2023-2027 Report Reference GC220412R11.2

**Moved Councillor Duncan**

**Seconded Councillor Telfer**

That Council:

1. Notes the report and Community Engagement Plan at Attachment 1

**Carried**

## 12 Workshop / Presentation Items - Nil

## 13 Motions With Notice - Nil

## 14 Motions Without Notice - Nil

## 15 Questions With Notice

### 15.1 Council Facebook Posts Report Reference GC220412Q15.1 Council Member Councillor - Hull

## QUESTION

1. With any Facebook postings in the last 2 years by our community that mention the Marion Council, has Council ever reported posts that are critical of Council to Facebook for action?
2. If so, on what grounds were such posts reported to Facebook?
3. Were any of the posts reported by Council removed by Facebook on the mere suggestion by Council that the posts are defamatory, if so who makes this decision?

4. Is the Council aware of any Facebook accounts that may have been suspended because of critical posts relating to Council, as a consequence of complaints made by Council to Facebook?
5. If Council is reporting Facebook posts that are critical of Council, has Council considered that the community could deduce that Council is seeking to moderate or silence freedom of speech by our community on social media?

## SUPPORTING INFORMATION

Nil

### Response Received From Corporate Manager General Manager

Manager Customer Experience - Megan Bradman  
Manager Customer Experience - Megan Bradman  
General Manager Corporate Services - Sorana Dinmore

## STAFF COMMENTS

The following responses are provided to the five questions above.

### Responses

1. No record exists of any report by the City of Marion (CoM) to Facebook (FB) in the last two years, relating to any posts by our community (on any FB accounts) that might be critical of Council. Any such report is required to be made through the CoM Social Media Platform. Data extracted from FB confirms that there have been "0 reports" by Council.
2. N/A
3. N/A
4. CoM is not aware of any FB accounts that may have been suspended because of critical posts relating to Council.
5. CoM will only report posts to FB that are in contravention of [Facebook Community Standards](#). These standards are underpinned by a commitment to expression that is limited only in certain circumstances. Some of the categories for reporting include violence, harassment, false information, spam, hate speech, nudity, suicide or self-injury.

### Additional information

Recently, CoM Administration has reported two posts to the Group Administrator of a FB account as being in possible breach of that account's own respectful behaviour policy. On one of those occasions the post was removed. The removal of posts on a FB account remains at the discretion of the Group Administrator of that account.

## 16 Confidential Items

### Adjourned Items

#### 6.1 Adjourned Item - South Adelaide Basketball Redevelopment - Feasibility and Business Case

Report Reference GC220412F6.1

### Moved Councillor Telfer

### Seconded Councillor Hutchinson

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 Corporate Services, General Manager City Services, Manager Office of the Chief Executive, Manager City Activation, Manager City Property, Chief Financial Officer, City Activation Project Design advisor, Unit Manager Sport & Recreation Facilities, Executive Officer to the General Manager City Development, Communications Advisor,

Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to the South Adelaide Basketball Club redevelopment Feasibility and Business Case, 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 information with reference to a current confidential item within the same precinct.

**Carried Unanimously**

8.52pm the meeting went into confidence.

**Moved Councillor Telfer**

**Seconded Councillor Veliskou**

That Council:

1. Notes the report 'South Adelaide Basketball Redevelopment – Feasibility and Business Case' presented to the General Council meeting on 8 February 2022 and the subsequent motion on notice resolved by Council at the General Council 22 February 2022 (GC220222M15.1).
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the attachment contained within the 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 2022.

**Carried Unanimously**

9.11 the meeting came out of confidence.

**Procedural Motion**

**Moved Councillor Crossland**

**Seconded Councillor Prior**

That the following cover report to move into confidence be moved en bloc:

- Cover Report - Confirmation of Confidential Minutes of the Special Review and Selection Committee held on 6 April 2022
- Cover Report - Appointment of Deputy Independent Member - Council Assessment Panel
- Cove Report - BMX Pump Track Procurement

**Carried unanimously**

**Moved Councillor Duncan**

**Seconded Councillor Masika**

That the following confidential items be moved en bloc:

- Confirmation of Confidential Minutes of the Special Review and Selection Committee held on 6 April 2022
- Appointment of Deputy Independent Member - Council Assessment Panel

**Carried unanimously**

**17.1 Cover Report - Confirmation of Confidential Minutes of the Special Review and Selection Committee held on 6 April 2022**  
Report Reference GC220412F17.1**Moved Councillor Crossland****Seconded Councillor 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: Chief Executive Officer, General Manager City Services, General Manager Corporate Services, General Manager City Development, Manager Office of the CEO, Unit Manager Governance and Council Support, Manager People and Culture, Team Leader Planning, Manager Development and Regulatory Services, be excluded from the meeting as the Council receives and considers information relating to Appointment of Deputy Member of the CAP, 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.

**Carried Unanimously**

8.52pm the meeting went into confidence.

**Moved Councillor Duncan****Seconded Councillor 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 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 until the candidate has been notified. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried Unanimously**

9.14pm the meeting came out of confidence.

**17.2 Cover Report - Appointment of Deputy Independent Member - Council Assessment Panel**  
Report Reference GC220412F17.2**Moved Councillor Crossland****Seconded Councillor Prior**

That pursuant to Section 90(2) and 90(3)(a) 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 of the Office of the CEO, Manager People and Culture, Manager Development and Regulatory Services, Team Leader Planning and Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to the Independent Council Assessment Panel Members 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 the personal affairs of any persons.

**Carried Unanimously**

8.52 the meeting went into confidence.

**Moved Councillor Duncan****Seconded Councillor Masika**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Appointment of Independent Deputy CAP Member, 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 until the candidate has been notified. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried Unanimously**

9.14 the meeting came out of confidence.

**17.3 Cover Report – BMX Pump Track Procurement**

Report Reference GC220412F17.3

**Moved Councillor Crossland****Seconded Councillor Prior**

That pursuant to Section 90(2) and (3)(k) 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 of the Office of the CEO, Chief Financial Officer, Manager City Activation, Senior Advisor City Activation, Unit Manager Governance and Council Support and Executive Officer to the CEO, be excluded from the meeting as the Council receives and considers information relating to BMX Pump Track Procurement, 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 current procurement process.

**Carried Unanimously**

9.14pm the meeting went into confidence.

**Moved Councillor Duncan****Seconded Councillor Crossland**

That Council:

1. Resolves to address the shortfall in funding to develop a UCI accredited pump track through:
  - Not allocating or seeking additional funds to deliver a UCI accredited pump track and foreshadows a rescission motion be brought to a subsequent General Council Meeting by a report from the Chief Executive Officer pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations, to then allow Council to consider alternative options to deliver a pump track.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Attachment 2 and Attachment 3 to this report, BMX Pump Track Procurement, and the financial information within the report, Attachment 1 and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(k) 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 2022.

**Carried Unanimously**

9.25pm the meeting came out of confidence

**17. Questions without Notice****Development Matter Regarding Tree Platform – Verbal Update****Moved Councillor Crossland****Seconded Councillor Prior**

That pursuant to Section 90(2) and (3)(i) 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 Services, General Manager City Development, General Manager Corporate Services, Manager Development & Regulatory Services, Media & Engagement Advisor, Unit Manager Media & Engagement, be excluded from the meeting as the Council receives and considers information relating to the Development matter regarding the tree platform, 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 potential litigation that may take place involving the Council.

A question was asked during the confidential session. The CEO provided a verbal update and summary in relation to the Development matter regarding the tree platform.

**18 Other Business - Nil****19 Meeting Closure**

The meeting was declared closed at 9.31pm

CONFIRMED THIS 10 DAY OF MAY 2022

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CHAIRPERSON