



**Minutes of the General Council Meeting  
held on Tuesday, 11 March 2025 at 6.30 pm  
Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt**

**PRESENT**

His Worship the Mayor Kris Hanna  
Councillor Joseph Masika (from 6.32pm)  
Councillor Nathan Prior

Councillor Luke Naismith  
Councillor Jason Veliskou  
Councillor Sarah Luscombe

Councillor Jayne Hoffmann  
Councillor Matt Taylor  
Councillor Renuka Lama (from 6.38pm)  
Councillor Jana Mates  
Councillor Amar Singh  
Councillor Ian Crossland

**In Attendance**

Chief Executive Officer - Tony Harrison  
General Manager City Services - Angela Allison  
General Manager Corporate Services - Tony Lines  
General Manager City Development - Ben Keen  
Chief Financial Officer - Ray Barnwell  
Manager Office of the CEO - Sarah Vinall  
Governance Officer - Amey Johnson

**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 Council 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 declared.

## 5 Confirmation of Minutes

### 5.1 Confirmation of Minutes of the General Council Meeting held on 25 February 2025

Report Reference GC250311R5.1

#### Moved Councillor Mates

#### Seconded Councillor Singh

That the minutes of the General Council Meeting held on 25 February 2025 be taken as read and confirmed.

**Carried Unanimously**

6.32pm Councillor Masika entered the meeting

#### Order of the Agenda

The Mayor sought and was granted leave of the meeting to vary the order of the Agenda to consider item 6.1 Cover Report – Confidential Adjourned – Revocation of Community Land Process – Edwardstown after Questions with Notice

## 7 Deputations - Nil

## 8 Petitions - Nil

## 9 Committee Recommendations

#### Moved Councillor Prior

#### Seconded Councillor Singh

That the following items be moved en bloc:

- Confirmation of Minutes of the Finance Risk and Audit Committee meeting held on 18 February 2025
- 2<sup>nd</sup> Budget Review 2024/2025
- SRWRA Board Meeting 24 February 2025 – Constituent Council Information Report

**Carried Unanimously**

### 9.1 Confirmation of Minutes of the Finance, Risk and Audit Committee Meeting held on 18 February 2025

Report Reference GC250311R9.1

#### Moved Councillor Prior

#### Seconded Councillor Singh

That Council:

1. Receives and notes the minutes of the Finance, Risk and Audit Committee meeting held on 18 February 2025
2. Notes that separate reports will be brought to Council for consideration of any

recommendations from the Finance, Risk and Audit Committee.

**Carried Unanimously**

## **11 Corporate Reports for Decision**

### **11.1 2nd Budget Review 2024/25**

**Report Reference** GC250311R11.1

**Moved Councillor Prior**

**Seconded Councillor Singh**

That Council:

1. Adopts the revised budgeted statements including the Income Statement, Statement of Financial Position, Statement of Changes in Equity and Statement of Cash Flows.

**Carried Unanimously**

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

### **12.1 SRWRA Board Meeting 24 February 2025 - Constituent Council Information Report**

**Report Reference** GC250311R12.1

**Moved Councillor Prior**

**Seconded Councillor Singh**

That Council:

1. Notes the Constituent Council Information Report from SRWRA Board Meeting, 24<sup>th</sup> February 2025.

**Carried Unanimously**

## **13 Workshop / Presentation Items - Nil**

## **14 Motions With Notice - Nil**

## **15 Questions With Notice**

### **15.1 Lot 35 Minchinbury Terrace, Marion**

**Report Reference** GC250311Q15.1

**Council Member** Councillor – Matt Taylor

## **QUESTION**

### **1. Detailed Justification of Approval Grounds:**

- a. Provide a comprehensive explanation of the planning department's rationale for approving this subdivision.
- b. Specifically outline how the development aligns with the City of Marion's Development Plan, including relevant policy objectives and desired performance outcomes as per the Planning Act.

- c. Explain why this application did not flow through to CAP for independent approval.

**2. Compliance with Planning Codes and Performance Assessment:**

- a. Explicitly state whether the subdivision was approved based on strict compliance with prescriptive planning codes or through a performance-based assessment.
- b. If a performance-based assessment was conducted, provide a detailed breakdown of the assessment criteria, the evidence considered, and the justification for the conclusions reached.
- c. Provide all documentation relating to the assessment.

**3. Character Zoning Considerations:**

- a. Explain in detail how the character zoning of the Oaklands Estate was considered and addressed during the assessment process.
- b. Provide evidence demonstrating how the proposed subdivision maintains or enhances the existing character of the area.
- c. Address the community concerns that this subdivision is eroding the character zone.

**4. Frontage Requirements:**

- a. Address the community's concern regarding the potential non-compliance with the minimum 15-meter frontage requirement.
- b. Provide the specific frontage measurements for each proposed allotment.
- c. If the frontage is less than 15 meters, provide a clear explanation of the justification for deviating from the minimum requirement.

**5. Building Footprint to Block Size Ratio:**

- a. Provide the precise calculations for the building footprint to block size ratio for each proposed allotment.
- b. Address the community's concern regarding potential non-compliance with the 40% maximum ratio.
- c. Provide the definition of building footprint that was used during the assessment.
- d. If the ratio exceeds 40%, provide a detailed explanation of the justification for the approval.

## **SUPPORTING INFORMATION**

The approval of the subdivision of Lot 35 Minchinbury Terrace, Marion, into two allotments has generated significant and widespread community concern. Given the substantial public interest and the potential precedent this decision sets, I am requesting a comprehensive report addressing the following critical points:

**The community expresses serious apprehension regarding the perceived erosion of the Oaklands Estate's character zoning and the potential for similar subdivisions to proliferate.**

Therefore, it is imperative that we provide transparent and detailed justification for this approval.

**Urgency:**

Given the high level of community concern and the potential implications for future development within the Oaklands Estate, I request that this report be provided to all Elected Members at our next GC meeting.

This report is crucial for ensuring transparency and accountability in the planning process and for addressing the legitimate concerns of our community.

<b>Response Received From</b>	Unit Manager Planning and Development – Alex Wright
<b>Corporate Manager</b>	Manager Development and Regulatory Services – Gary Brinkworth
<b>General Manager</b>	General Manager City Development – Ben Keen

## STAFF COMMENTS

The following comments are provided in relation to the questions:

### 1. Processing of Application

#### Assessment Pathway

The subject site is located within the 'Established Neighbourhood Zone'. Within this Zone, 'Detached dwellings' are listed as a form of development which must be 'Performance Assessed'.

Detached dwellings within the Established Neighbourhood Zone must be assessed against the Performance Outcomes prescribed within '*Table 3 - Applicable Policies for Performance Assessed Development*'. This means the proposal must be assessed against, and only against, these assessment provisions.

#### Public Notification

Table 5 of each Zone outlines the class of development which are exempt from Public Notification.

Any form of Dwelling is exempt from Public Notification in this Zone unless it proposes (either or both) a boundary wall exceeding a length of 8 metres and/or a height of 3.2 metres or a building height more than 9 metres or two building levels.

The proposed dwellings did not incorporate any boundary walls or exceed 9 metres in height.

#### Relevant Authority

The Relevant Authority for any application which does not require Public Notification is the Council Assessment Manager. The Assessment Manager is considered to be a 'Relevant Authority' in its own right and planning staff are delegated to consider, assess and determine this form of development.

### 2. Compliance with Planning and Design Code

Development Applications are assessed against 'Performance Outcomes' which are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character etc.

Performance Outcomes are qualitative, not prescriptive quantitative, assessment policies. Performance Outcomes (PO) are generally accompanied by a 'designated performance feature' (DPF) which provides a more quantitative outcome. Whilst a DPF provides a guide as to what is generally considered to satisfy the corresponding Performance Outcome, it is considered to be just 'one way' of satisfying the PO and can be satisfied in another form.

As the application was a 'Performance Assessed' form of development it was assessed on its overall merits, against all applicable Performance Outcomes. Therefore, a balanced approach was taken considering site context, built form design and the pattern of development within the wider locality.

### **3. Character Zone Criteria**

The subject site is located within the Character Area Overlay which seeks development consider the existing valued character attributes such as a consistent rhythm of allotment patterns, building setting and spacing, landscaping and the scale, proportion and form of buildings and their key elements.

Generally, the Zone seeks a neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns and development which is considered to Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

The built form design of the dwellings incorporates:

- 7.5 metre front boundary setbacks
- Approximately 50m<sup>2</sup> and 78m<sup>2</sup> soft landscaping space within the front yard (including mandatory tree planting)
- 3-metre-high ceilings
- Pitched colorbond roof with broad gable-ended portico
- Generous front facing windows

The built form was considered to incorporate elements sought within the Character Area Overlay to ensure the pattern, layout and scale of development is consistent to what is already present (noting the dwelling to the north incorporates modern features and a garage sited well forward of the built form).

It is noted that under the Development Act 1993/Development Plan the subject site was located within the Residential Character Policy Area 17, which had an extensive Desired Character statement and considerable Objectives and Principles of Development Control which provided Council with greater opportunities to achieve higher design and built form outcomes.

It is well known that the Planning & Design Code diluted the individualisation of specific Council areas, with more broad/generalised assessment provisions.

Whilst this is not to say the proposal development would not have been supported under the previous legislation, the assessment provisions available to Council may have assisted in a different/improved outcome.

### **4. Frontage Assessment**

The proposed allotments achieve an internal boundary to boundary with of 12 metres. The Planning and Design Code seeks allotments for residential purposes be of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality. It is suggested that one way of satisfying this outcome is the provision of allotments achieving a frontage of 14 metres and site area of 420 square metres.

While the allotment pattern of the area within the wider locality includes site frontages between 14m and 20 metres, homes typically incorporate garages and carports facing the primary street (i.e. dwelling present to the street with associated garages or carports). The proposed

development achieves dwelling façades consistent with existing buildings; that is, of a similar width and proportion, given that the garages are provided to the rear laneway.

Having regard to vehicular access being achieved via the rear laneway, noting that the proposed allotments dimensions are not inconsistent to those present within the wider locality and the built form proposing appropriate street presentation, it was considered that allotment dimensions proposed did not impact on the built form's ability to provide a positive streetscape outcome (in this case two habitable rooms and a front door facing the street) and allotments compatible with the prevailing development pattern in the locality.

## 5. Building Footprint to Block Size

The Planning & Design Code seeks building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation. A maximum site coverage of 40% is considered to be quantitative way of satisfying the relevant Performance Outcome.

Site coverage is defined by the Planning and Design Code as the area '*calculated by adding the total roof area of all roofed buildings/structures on a site (excluding any eaves surrounding a habitable building) dividing this by the site area and then multiplying it by 100. Site coverage is expressed as a percentage.*'

Each dwelling proposed a building footprint of 253.1m<sup>2</sup>, which equated to approximately 55.8% and 54.1% of the allotment.

The proposed site coverage was considered acceptable as the buildings provide appropriate setbacks to front and side boundaries, in addition to generous areas of private open space, sufficient space was provided around the dwellings to limit both visual impact and overshadow and provide an attractive outlook and access to light and ventilation.

**Moved Councillor Masika**

**Seconded Councillor Prior**

That the Cover Reports for the following confidential items be moved en bloc:

- Cover Report – Confidential Adjourned – Revocation of Community Land Process – Edwardstown
- Cover Report – Nungamoora – Purchase update
- Cover Report – CoMBAS Unfunded Initiatives – Plympton Oval Options

**Carried Unanimously**

## 6 Adjourned Items

### 6.1 Cover Report - Confidential Adjourned - Revocation of Community Land Process – Edwardstown

Report Reference                      GC250311F6.1

**Moved Councillor Masika**

**Seconded Councillor Prior**

Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Council orders that the public be excluded from attendance at that part of this meeting relating to Agenda

Item GC250311F6.1 *Revocation of Community Land Process – Edwardstown*, except the following persons: Chief Executive Officer, Manager Office of CEO, General Manager City Development, General Manager City Services, General Manager Corporate Services, Chief Financial Officer, Manager City Property, Unit Manager Property and Facilities, Team Leader Property, Property Officer, Unit Manager Governance and Council Support, Governance Officer and Media and Engagement Adviser, to enable the Council to consider Item GC25031 1F6.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item GC25031 1F6.1 as its disclosure of information could reasonably be expected to prejudice the commercial position of the person who supplied the information.

Notes the disclosure of this information would, on balance, be contrary to the public interest because the details relate to commercial information of a confidential nature of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

Determines, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep consideration of the information or matter confidential.

**Carried Unanimously**

6.37pm the meeting went into confidence

6.37pm Councillor Taylor left the meeting

6.37pm Councillor Prior left the meeting

6.38pm Councillor Lama entered the meeting

6.42pm Councillor Taylor re-entered the meeting

6.42pm Councillor Prior re-entered the meeting

**Moved Councillor Masika**

**Seconded Councillor Hoffmann**

That Council:

1. Rescinds the decision from its meeting of 27 February 2024 that states:

*That Council:*

1. *Undertakes a select Expression of Interest (EOI) process seeking proposals for the sale or long-term commercial lease of 5 St Lawrence Avenue, Edwardstown.*
2. *Invites submissions for proposals to the EOI process from organisations including Abbeyfield Australia and Community Living Options.*
3. *Requires a further report be presented to a future General Council Meeting following the close of the EOI to consider the proposals received.*

**Carried Unanimously**

**Moved Councillor Masika****Seconded Councillor Hoffmann**

That Council:

1. Notes that the provision of supported accommodation and similar services is not envisaged by Council's Strategic Plan and the property at 5 St Lawrence Street Edwardstown is therefore surplus to the operational requirements of Council.
2. Subject to the completion of a community land revocation process, and subject to the Minister not exercising their option to purchase, resolves to sell 5 St Lawrence Avenue, Edwardstown via a select Expressions of Interest (EOI) process to a Disability focussed Community Housing Provider, noting that any EOIs to purchase the property by Community Housing Providers will be required to outline how they will prioritise the accommodation needs of existing residents of the property to remain in the property, and that this is an exception to Council's Disposal of Land and Asset Policy regarding disposal of land.
3. Endorses the Section 194(2)(a) 'Report for Consultation' (Attachment 5) and undertakes a period of community consultation in accordance with Council's Policy and the *Local Government Act 1999*.
4. Authorises the Chief Executive Officer to make minor administrative changes to the Section 194(2)(a) 'Report for Consultation' as may be required prior to the commencement of the community consultation process.
5. Notes that a further report will be presented to Council following the community engagement process for Council Members to consider the feedback received.
6. Notes that Abbeyfield Australia, Community Living Options, and representatives of the residents at 5 St Lawrence Avenue, Edwardstown will be advised of this decision of Council.
7. Pursuant to section 91(7) of the Local Government Act 1999, orders that the following document(s) relating to Agenda Item - GC250311F6.1 - Adjourned - Revocation of Community Land Process – Edwardstown shall be kept confidential, except when required to effect or comply with Council's resolution(s) regarding this matter, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3)(b) of the Act:
  - Attachment 1 – GC241210F6.1 6.1 Confidential Adjourned - Revocation of Community Land Process – Edwardstown
  - Attachment 2– 24 MDIS 0301 – Response from Minister Cook – Marion Mayor
  - Attachment 3 – Letter to Executive Director, Department of Human Services dated 15 November 2024.
  - Attachment 4 – Letter to Director Partnerships & Market Solutions, SA Housing Trust.

on the grounds that the document(s) relates to information the disclosure of which could reasonably be expected to prejudice the commercial position of Council.

8. Notes the disclosure of this information would, on balance, be contrary to the public interest because it could prejudice the commercial position of Council.
9. Determines this order shall operate until its revoked and will be reviewed every 12 months.
10. Pursuant to section 91(9)(c) of the Local Government Act 1999, delegates to the Chief Executive Officer the power to revoke this order in whole or part.

**Carried**

7.13pm the meeting came out of confidence

## **16 Motions Without Notice - Nil**

## **17 Questions Without Notice - Nil**

## **18 Confidential Items**

### **18.1 Cover Report - Nungamoora - Purchase update**

Report Reference GC250311F18.1

#### **Moved Councillor Masika**

#### **Seconded Councillor Prior**

Pursuant to Section 90(2) and (3)(a and b) of the Local Government Act 1999, the Council orders that the public be excluded from attendance at that part of this meeting relating to Agenda Item *GC250311F18.1 – Nungamoora Purchase Update* except the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager City Activation, Manager City Property, Manager Development and Regulatory Services, Unit Manager Planning & Development, Project Manager Infrastructure, Senior Urban Planner, Team Leader Property, Unit Manager Governance and Council Support, Governance Officer, Manager Enterprise PMO, Unit Manager Engagement, Media and Events and Media and Engagement Adviser, to enable the Council to consider the Item in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to the Item relates to private land valuation financial figures, consideration, or discussion of the information in public would, on the balance, be considered personal under privacy law, and the receipt, consideration or discussion of the information or matter in an information or briefing session open to the public would, on balance, be contrary to the public interest because it could impact the public's confidence in the Council's decision making process.

Section 90(2) and (3)(a, b and d) Notes the disclosure of this information would, on balance, be contrary to the public interest because it includes private land valuation financial figures, consideration, or discussion of the information in public would, on the balance, be considered personal under privacy law.

Determines, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep consideration of the information or matter confidential.

**Carried Unanimously**

7.13pm the meeting went into confidence

**Moved Councillor Crossland****Seconded Councillor Veliskou**

That formal meeting procedures be suspended to discuss the item

**Carried Unanimously**

7.36pm formal meeting procedures suspended

7.53pm Councillor Prior left the meeting and did not return

7.59pm Councillor Singh left the meeting

8.03pm Councillor Singh re-entered the meeting

8.07pm formal meeting procedures resumed

**Moved Councillor Crossland****Seconded Councillor Luscombe**

That Council:

1. Pursuant to section 91(7) of the Local Government Act 1999, orders that the following documents relating to Agenda Item *GC250311F18.1 – Nungamoora Purchase Update* shall be kept confidential, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3)(a, b and d) of the Act:
  - Report – GC250311F18.1 – Nungamoora Purchase Update
  - Attachment - At Graded Path concept design
  - Minutes - *GC250311F18.1– Nungamoora Purchase Update*on the grounds that document(s) relates to information concerning the personal information of personal addresses the disclosure of which could unreasonable being sensitive and are details of which are only known to those working on the project, the disclosure of which would be unreasonable, being information relating to the personal information of individuals and addresses and with whom the Council conducting business or would prejudice the commercial position of Council.
2. Sections 90(2) and 90(3)(a and b) of the Act notes the disclosure of this information would, on balance, be contrary to the public interest because it includes private land valuation financial figures, consideration, or discussion of the information in public would, on the balance, be considered personal under privacy law.
3. Determines this order shall operate for a period of 12 months and will be reviewed every 12 months if the confidentiality period is longer than 12 months in duration.
4. Pursuant to section 91(9)(c) of the Local Government Act 1999, delegates to the Chief Executive Officer the power to revoke this order in whole or part.

**Carried Unanimously**

8.22pm the meeting came out of confidence.

## Meeting Adjourned

The Mayor sought and was granted leave of the meeting to adjourn the meeting until 8.30pm to allow for a short break.

8.23pm the meeting was adjourned

8.31pm the meeting resumed

## 18.2 Cover Report - CoMBAS Unfunded Initiatives - Plympton Oval Options and Seaside Pool Options

Report Reference GC250311F18.2

### Moved Councillor Masika

### Seconded Councillor Prior

Pursuant to Section 90(2) and (3)(b and d) of the Local Government Act 1999, the Council orders that the public be excluded from attendance at that part of this meeting relating to Agenda Item GC250311F18.2 - CoMBAS Unfunded Initiatives - Plympton Oval Options and Seaside Pool Options, except the following persons: Chief Executive Officer, Chief Financial Officer, General Manager City Development, General Manager Civil Services, General Manager Corporate Services, Manager City Property, Manager City Activation, Unit Manager Property Strategy & Delivery, Senior Project Manager, Project Manager Infrastructure, Unit Manager Engagement, Manager Enterprise PMO, Media and Events and Governance Officer, to enable the Council to consider the Item in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to the Item:- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business and would prejudice the commercial position of the Council.

Notes the disclosure of this information would, on balance, be contrary to the public interest because the public interest is in the Council preserving its negotiating position with any future tenderer for one of the listed projects and obtaining best value for money for its community.

Determines, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep consideration of the information or matter confidential.

**Carried Unanimously**

8.31pm the meeting went into confidence

### Moved Councillor Crossland

### Seconded Councillor Luscombe

That formal meeting procedures be suspended

**Carried Unanimously**

8.32pm formal meeting procedures suspended

8.37pm Councillor Lama re-entered the meeting

8.51pm formal meeting procedures resumed

**Moved Councillor Luscombe**

**Seconded Councillor Masika**

That this item be adjourned to the General Council Meeting to be held on 25 March 2025 to allow for additional information.

**Carried Unanimously**

8.52pm the meeting came out of confidence

**19 Other Business - Nil**

**20 Meeting Closure**

The meeting was declared closed at 8.52pm.

CONFIRMED THIS 25 DAY OF MARCH 2025

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CHAIRPERSON