

**MINUTES OF THE GENERAL COUNCIL MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 28 JULY 2015**



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**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland

**Mullawirra Ward**

Jason Veliskou

**Southern Hills**

Nick Westwood

**Warracowie Ward**

Bruce Hull  
Nathan Prior

**Warriparinga Ward**

Luke Hutchinson  
Raelene Telfer

**Woodlands Ward**

Nick Kerry  
Tim Pfeiffer

**In Attendance**

Mr Geoff Whitbread  
Ms Kathy Jarrett  
Ms Abby Dickson  
Ms Kate McKenzie  
Ms Jaimie Thwaites

Acting CEO  
Director  
Acting Director  
Manager Governance  
Unit Manager Council Support

**COMMENCEMENT**

The meeting commenced at 7.01pm.

**KAURNA ACKNOWLEDGEMENT**

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

**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.

## MEMBERS DECLARATION OF INTEREST

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting and the following declaration was made:

- Councillor Pfeiffer declared a conflict of interest in the item *Contamination Lead Agency* (GC280715M01)

## CONFIRMATION OF MINUTES

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that the minutes of the General Council meeting held on 14 July be taken as read and confirmed.

**Carried**

## ADJOURNED ITEMS

**Adjourned Item, Dogs By-Law Amendment**  
**Report Reference: GC280715R01**

**Moved Councillor Prior, Seconded Councillor Telfer** that the item be adjourned until following the Grants Commission presentation.

**Carried**

**Contamination Lead Agency**  
**Report Reference: GC280715M01**

Councillor Pfeiffer declared a conflict of interest in the matter as he has a professional relationship with one of the presenters and left the meeting.

7.05pm Councillor Pfeiffer left the meeting

Mr Tim Saul (Manager Stakeholder Engagement) and Professor Andrew Pruszinski (Manager Site Contamination) from the EPA gave a presentation to Council on the Environmental Assessment work at Clovelly Park and Mitchell Park.

**Moved Councillor Hull, Seconded Councillor Kerry** that Council formally lodge an urgent objection in writing to the Premier in relation to the appointment of Renewal SA as the lead agency responsible for investigations, testing and defining the nature/extent of contamination to the north and west of the Tonsley site. That Council advises the Premier that we believe that the EPA is the most appropriate statutory authority to be the lead agency to undertake this important environmental responsibility and NOT the developer of the site being Renewal SA.

**Lost**

**Councillor Hull called for a division**  
**For:** Councillors Kerry, Hull and Crossland  
**Against:** Councillors Telfer, Hutchinson, Prior, Westwood and Veliskou

**Lost**

7.37pm Councillor Veliskou left the meeting  
7.38pm Councillor Pfeiffer re-entered the meeting  
7.38pm Councillor Veliskou re-entered the meeting

## **WORKSHOP / PRESENTATION ITEMS**

### **South Australian Grants Commission Report Reference: GC280715R02**

Ms Mary Patetsos (Chair), Ms Jane Gascoigne (Commissioner) and Peter Ilee (Executive Officer) from the South Australian Grants Commission gave a presentation to the Council about the Grants Commission.

8.06pm Councillor Hutchinson left the meeting

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

1. Note the presentation and report.

**Carried Unanimously**

8.08pm Councillor Hutchinson re-entered this meeting

## **COMMUNICATION - HIS WORSHIP THE MAYOR**

### **Report on Mayoral Activities for June and July 2015**

<b>Date</b>	<b>Event</b>	<b>Comment</b>
2 July 15	City of Marion Youth Forum	Attend and Opened the Event
3 July 15	Australian Refugee Association Exhibition Opening	Attended
4 July 15	Ramadan Dinner (Muslim Women's Association)	Attended
8 July 15	Metropolitan Local Government Group (MLGG) Meeting	Attended
9 July 15	Channel 9 Renovation Rescue Reveal	Attended and Welcomed the Family
10 July 15	Gallery M Exhibition Opening	Attended
10 July 15	Sturt Pistol Club Committee Dinner	Attended after meal
15 July 15	Siemens Tonsley Service Centre Opening	Attended
15 July 15	Marion Historical Society Meeting	Attended
15 July 15	Rajah Street Project Parks & Leisure Award Celebration	Attended and gave speech

15 July 15	Marino Residents Association Public Community Meeting "Meet your Mayors"	Attended, gave a speech and participated in question time
20 July 15	Mayors Multicultural Forum	Attended
21 July 15	Meeting with Joanne Cys Edmonds to discuss EU Centre Funding for "Welcome to Australia" studies	Attended
21 July 15	Meeting with Mondona Rafizadeh re One World LED	Attended
22 July 15	Christmas in July with Active Elders (Lunch)	Attended
22 July 15	Elected Members Tour of Cove Civic Centre	Attended
22 July 15	Glandore Laneways On-site Meeting	Attended
23 July 15	Unsung Heroes Award Presentation Night	Attended
In addition the Mayor has met with residents and also with the CEO and Council staff regarding various issues.		

**Moved Councillor Pfeiffer, Seconded Councillor Hutchinson** that the report by the Mayor be received.

**Carried Unanimously**

## **COMMUNICATION – DEPUTY MAYOR**

### **Report on Deputy Mayoral Activities for June and July 2015**

<b>Date</b>	<b>Event</b>	<b>Comment</b>
26 June 15	Community Grants Cheque Presentation Ceremony	Attended

**Moved Councillor Pfeiffer, Seconded Councillor Hutchinson** that the report by the Deputy Mayor be received.

**Carried Unanimously**

## **COMMUNICATION – ELECTED MEMBERS**

**Councillor Ian Crossland**  
**File No. 9.33.3.30**

Nil

**Councillor Tim Gard**  
**File No. 9.33.3.31**

Nil

**Councillor Jerome Appleby**  
**File No. 9.33.3.20**

Nil

**Councillor Jason Veliskou**  
**File No. 9.33.3.17**

Nil

**Councillor Janet Byram**  
**File No. 9.33.3.34**

Nil

**Councillor Nick Westwood**  
**File No. 9.33.3.35**

Nil

**Councillor Bruce Hull**  
**File No. 9.33.3.27**

Nil

**Councillor Nathan Prior**  
**File No. 9.33.3.29**

Nil

**Councillor Luke Hutchinson**  
**File No. 9.33.3.24**

Nil

**Councillor Raelene Telfer**  
**File No. 9.33.3.33**

Date	Event	Comment
29 June 15	Community grants cheque presentation	Awarded winners
7 July 15	Warriparinga Ward briefing	Attended
21 July 15	Customer Event System	Training
22 July 15	Cove Civic Tour	Training
23 July 15	MHV Project Group	Liaison
23 July 15	Darlington Expressway Community Advocacy	
23 July 15	Unsung Heroes Awards	Met recipients
24 July 15	RSL Marion Christmas in July	Participant
25 July 15	Citizenship Ceremony	Attended Session 1 and 3
26 July 15	Friends of Sturt River Landcare	Planted

**Councillor Nick Kerry**  
**File No. 9.33.3.32**

Nil

**Councillor Tim Pfeiffer**  
**File No. 9.33.3.22**

Nil

**Moved Councillor Pfeiffer, Seconded Councillor Hutchinson** that the Elected Member Communication Reports be received.

**Carried Unanimously**

## **COMMUNICATION – CEO AND EXECUTIVE REPORTS**

### **Report on CEO and Executive Activities for June and July 2015**

<b>Date</b>	<b>Activity</b>	<b>Attended by</b>	<b>Comments</b>
25 June	Meeting with Mark Booth; Chair Southern Region Waste Resource Authority	Geoff Whitbread	
6 July	Community Consultation Marion Outdoor Swim Centre Master Plan	Abby Dickson	
08 July	Meeting with Mark Pears; CEO City of Mitcham	Geoff Whitbread	
15 July	Meeting with Luigi Rossi; DPTI General Manager Project Delivery and Asset Management and George Giannakodakis; Principal InfraPlan	Geoff Whitbread	
17 July	Meeting with David Banks; Director of Building and Properties Flinders University and Matt Pears; CEO City of Mitcham	Geoff Whitbread	

**Moved Councillor Pfeiffer, Seconded Councillor Hutchinson** that the report by the CEO and Executive be received.

**Carried Unanimously**

**Adjourned Item, Dogs By-Law Amendment**  
**Report Reference: GC280715R01**

**Adjourned Motion:**

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

1. Acknowledges its commitment to:
  - a. public safety and an environment in which community members can traverse streets and use public places free of canine nuisance;
  - b. alleviating the escalating public concern of canines being a danger to others; and
  - c. responsible animal ownership and its inherent link to living harmoniously in the City of Marion.
2. Requests that administration identify a list of “Dog Exercise Areas” as described through the “Dogs By-Law”, with a list to be approved by council at 28 July 2015 General Council Meeting and subsequently published to the community.
3. Amends section 5 “Dogs on Leash Areas” of the City of Marion “Dogs By-Law” to simply state:  
*“A person must not allow a dog that is under their control or ownership to be present in any public place unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.”*
4. Asks administration to take a zero tolerance approach to animal management enforcement, particularly where dogs are found in a public place without a leash. (Wandering at large).
5. Doubles the financial penalty for person’s breaching the “Dog on Leash Areas” and where an owner fails to register a dog.
6. Undertakes an educative campaign, to be included in the next edition of City Limits.
7. Continues its program to educate and encourage owners to microchip canines via discounted registration fees.

The Mover sought and was granted leave of the meeting to vary the motion and the Chair called for a new seconder in the absence of the original Secunder as follows:

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

1. Require Administration prepare a report on:
  - a. suitable "Dog Exercise Areas", where dogs maybe exercised off leash; the report include recommendations on whether time restrictions are appropriate; And
  - b. potential dog free spaces, where if at all, it might be appropriate to prohibit dogs.

The report be presented to council for consideration in 3 months time.

2. Subject to the outcomes of the report provided in October commence the process to amend the Dog By-Law in order to nominate a list of reserves and public spaces that are considered appropriate for "Dog Exercise Areas" (Dog Off Leash Areas)

**Carried Unanimously**

## **YOUTH ADVISORY COMMITTEE (YAC) UPDATE**

Nil

## **DEPUTATIONS**

Nil

## **PETITIONS**

Nil

## **COMMITTEE RECOMMENDATIONS**

Nil

## **CORPORATE REPORTS FOR DECISION**

### **Crown Development – Removal and Major Pruning of Regulated and Significant (Regulated) Trees**

**Report Reference: GC280715R03**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. Council notes the report GC280719R03.
2. To enable Council to appropriately respond to the application, that the applicant (the Department of Planning, Transport and Infrastructure) meets as soon as practicable with the Elected Council at a forum to inform (with all appropriate documentation including maps) and discuss this development application.
3. In order to seek additional information from the applicant, that Council requests an extension of time beyond the closing date of 21 August 2015 to provide a formal response under Section 49(7a) of the Development Act 1993.

**Councillor Telfer, with the consent of Councillor Pfeiffer, sought and was granted leave of the meeting to vary the motion as follows:**

1. Council notes the report GC280719R03.
2. To enable Council to appropriately respond to the application, that the applicant (the Department of Planning, Transport and Infrastructure) meets as soon as practicable with the Elected Council to inform (with all appropriate documentation including maps) and discuss this development application.
3. In order to seek additional information from the applicant, that Council requests an extension of time beyond the closing date of 21 August 2015 to provide a formal response under Section



49(7a) of the Development Act 1993.

**Carried Unanimously**

**Hallett Cove Foreshore Master Plan Staging & Implementation**  
**Report Reference: GC280715R04**

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

1. Provide endorsement to proceed with detailed design and planning of the play space, reserve works and amphitheatre (stages 4 and 5) in 2016/17 utilising \$15,000 from the Asset Sustainability Fund for engineering services.
2. Provide endorsement to proceed with the stormwater civil works related to the Hallett Cove Foreshore Master Plan within the 2016/17 capital works program.
3. Provide endorsement to submit a grant funding application to DPTI Open Space (2015/16 grant application) or similar opportunities leveraging the funding for the programmed 2016/17 storm water civil works of \$398,000 in addition to the allocation for Stage 4 of \$293,000 from the Asset Sustainability Fund.
4. Note that future and remaining master plan stages will remain in the identified unfunded strategic priorities project list for further consideration.

**Moved Councillor Hull, Seconded Councillor Kerry** that the item be adjourned until the 11 August 2015 General Council meeting.

**Carried**

**Oaklands Inclusive Playspace**  
**Report Reference: GC280715R05**

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

1. Endorses the relocation of the Inclusive playspace to Hendrie Street Reserve and authorises Administration to undertake discussions with the project funding partners, Department of Planning Transport & Infrastructure (DPTI) and Touched by Olivia Foundation (TBOF) and negotiate any necessary amendments to the funding agreement (DPTI) and Memorandum of Understanding (TBOF) to reflect the changes in project location and timing.
2. Reallocate the \$250,000 within the Playspace Strategy for Oaklands Estate Reserve to the Hendrie Street Reserve (Swimming Pool Reserve) Playspace for the provision of an Inclusive Playspace, subject to negotiations with the funding partners.
3. Refer the future of the Oaklands Estate Reserve (including Playspace) to the Strategic Prioritisation Process for further consideration.
4. Endorse \$94,000 from the 2015/16 open space capital works program to be utilised for resources required for the Inclusive Playspace project.

8.48pm Councillor Kerry left the meeting

**Carried Unanimously**

**Ceasing Purchase of Green Power**  
**Report Reference: GC280715R06**

8.52pm Councillor Kerry re-entered the meeting

**Moved Councillor Hull, Seconded Councillor Prior** that Council amend the resolution that *“the City of Marion cease purchasing “green” power for street lighting from 1 January 2017 with the savings reinvested into infrastructure that will create renewable energy”* (GC140415M04) to:

1. The City of Marion negotiate with any relevant electricity suppliers to cease purchasing all "green" power as soon as contractually possible;
2. That the achieved savings (estimated at \$39,000) be transferred to the Asset Sustainability Reserve and separately quarantined and accounted for specific reinvestment into infrastructure that will create renewable energy.
3. That the Administration actively research and alert Council to possible Grant Funding and partnership opportunities with respect to investment into infrastructure that will create renewable energy.

**Carried Unanimously**

**Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015**  
**Report Reference: GC280715R07**

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

1. Endorse the feedback to be forwarded to the Local Government Association of South Australia by 31 July 2015 regarding the draft *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015* subject to any additional feedback provided in the General Council meeting of the 28 July 2015.

**The motion lapsed for want of a seconder**

**Moved Councillor Hull, Seconded Councillor** that Council:

1. Endorse the feedback to be forwarded to the Local Government Association of South Australia by 31 July 2015 regarding the draft *Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill 2015* subject to the following amendment:

The paragraph *‘Unless the political party/affiliate has paid for or provided the printing of additional election material it should not be a requirement to include a statement of the name of each political party as it may incorrectly appear they have actually endorsed it.’* be removed.

**The motion lapsed for want of a seconder**

## **Elected Members' Expense, Benefit, Support & Facilities Policy**

### **Report Reference: GC280715R08**

The Mayor requested and was granted leave of the meeting to give a personal explanation in relation to the item 'Elected Members' Expense, Benefit, Support & Facilities Policy'.

*'Elected Members had discussed entitlements at a recent Elected Member Forum. When the discussion regarding the Mayor's car had occurred during that forum meeting he had left the room to avoid any potential conflict of interest.'*

*The current policy allows for personal and civic use of the car by the Mayor. His personal view was that the Mayor should be entitled to access to a car due to the number of meetings and events the he attends across Marion and elsewhere, like the City, but that the Mayor should also contribute to some of the running costs of the vehicle (fuel, tyres, servicing). An appropriate figure may be 50% of the running costs per annum.*

*When reviewing the Policy he suggests it would be reasonable to include a provision that details the Mayor could contribute in the order of 50% of the running costs of the vehicle.'*

**Moved Councillor Hutchinson, Seconded Councillor Westwood** that the personal explanation be included in the minutes.

**Carried Unanimously**

The Mayor declared a conflict of interest in the item as it related to the provision of Mayoral support and left the meeting.

9.17pm Mayor Hanna left the meeting

**In the absence of the Mayor, Deputy Mayor Hutchinson took the Chair**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that Council:

1. Adopts the Elected Members' Expense, Benefits, Support and Facilities Policy as provided in Appendix 1 with the following inclusions

At Section 2.5:

- Travel related to attendance at a "prescribed meeting" being an "eligible journey" (as defined in Regulation 3), as it is attributable to travel outside the Council area, up to a maximum of \$50 or 20km per return.

At Section 2.9

- Personal use of the vehicle by the Mayor and Mayor's immediate family is permitted if the Mayor reimburses the Council. If there is no evidence to the contrary, payment of 50% of running costs incurred by Council (eg petrol, tyres, servicing) shall be deemed adequate reimbursement for the purpose of this clause.

**Carried**

9.36pm Mayor Hanna re-entered the meeting and resumed the Chair

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

Nil

## **MATTERS RAISED BY MEMBERS**

### **Questions with Notice**

#### **Telecommunications Tower – Corner of South & Cross Roads**

**Report Reference: GC280715Q01**

### **QUESTION:**

The following question was asked and recorded in the Minutes of the General Council Meeting on 14 July 2015:

When will punitive action be taken in relation to the telecommunications tower located at the corner of South and Cross Roads?

### **COMMENTS: Steve Hooper, Manager Development Services**

The following comments were recorded in the Minutes from the General Council Meeting on 14 July 2015:

Multiple communications have been forwarded to the owner and proponent seeking implementation of the agreed tower obstacle markings. This remains unresolved despite commitments to implement. Advice is now being sought on the next steps Council can take to effect the re-marking. This advice is expected to be provided in the week commencing 20 July. Following the receipt of this advice, the next steps will be considered. Elected Members will be kept informed as to progress.

### **FURTHER UPDATE:**

At the time of preparing the advice, legal advice was yet to be received as further clarification was sought from Council's solicitors.

However, since providing the above comments, Council has received written confirmation from the owner that quotes are being received to implement the revised obstacle marking. Council has been advised that an update on these quotes will be received within 2-3 weeks.

#### **Electricity Consumption at Buildings Owned by Council**

**Report Reference: GC280715Q02**

### **QUESTION:**

The following question was asked and recorded in the Minutes of the General Council Meeting on 14 July 2015:

Could details of electricity consumption at buildings owned by Council be provided including the current rate paid per kilowatt hour?

**COMMENTS: Mark Gibson (Team Leader, Land & Property)**

The following table provides the electricity consumption for all Council owned/occupied buildings for the 2014-15 financial year. The electricity consumption for Council owned/leased buildings has not been supplied at this point due to the Lessee being responsible for this expense. Should Council require this additional information, a request could be issued to each lessee to supply the required information.

<b>Building</b>	<b>Electricity Consumption - kWh</b>
Administration Building	484,504
Marion Cultural Centre & Library	425,035
Depot - City Services	185,822
Marion Swimming Centre	128,427
Parkholme Library	104,777
Glandore Community Centre - Malwa, Glandore, Clark, Naldera & Slade Buildings	73,874
Hallett Cove Library	70,717
Oaklands Wetlands - Pump House	45,517
Cooinda	41,808
Cove Civic Centre (Based on 3 months, Non operational)	34,405
Trott Park Neighbourhood Centre	23,799
Hallett Cove Youth Service	19,860
LKCC	19,134
Perry Barr Farm, Castrol Shed	18,679
Mitchell Park Neighbourhood Centre	15,443
Southern Depot	13,961
Glandore Community Centre - Rugby Building	5,130
Red House	5,126
Fairford House	2,056
Oaklands Wetlands - Round House	0

Council electricity is purchased under contracts established through LGA Procurement contracting processes. Given the commercial in confidence nature of these contracts, unit rates will be circulated separately to this report.

**Motions with Notice**

**Police Clearance**

**Report Reference: GC280715M02**

This item was deferred.

## **Questions without Notice**

### **Telecommunications Tower – Corner of South & Cross Roads Report Reference: GC280715Q03**

**Moved Councillor Hull, Seconded Councillor Telfer** that the question without notice and answer be recorded in the minutes.

**Carried Unanimously**

### **Question: Councillor Hull**

As a supplementary to the Question about the phone tower, the motion that is before the administration about this, when was the deadline set for the legal action to start?

### **Answer: Kathy Jarrett, Director**

Council received legal advice late last week which incorporated the following recommendations:

- a) obstacle marking the tower is contrary to existing development approvals but appears to have been done in good faith to comply with Federal legislation; - therefore it could not reasonably be demonstrated that the parties responsible have been criminally negligent;
- b) therefore does not recommend Council commence punitive action (criminal proceedings against any party);
- c) as an alternative, Council could take Section 85 proceedings, however, the purpose of such proceedings is to "make good" the obstacle markings so that they comply with Council's requirements - this is likely to be achieved imminently without proceeding to the court;

The owner has confirmed that they have now received all quotes in relation to the remarkings and that a contractor will be engaged shortly to undertake the remarkings.

If the revised obstacle marking is not in place within the next 2-3 weeks, Council's Solicitors will write to the owner of the tower as the first step forward in commencing Section 85 proceedings in the ERD Court.

## **Motions without Notice**

### **Energy Efficiency Audit of the Administration Building Reference No: GC280715M03**

**Moved Councillor Hull, seconded Councillor Prior** that administration prepare a report on the energy efficiency of the Council Administration Building.

**Carried Unanimously**

### **Traffic Management Audits Reference No: GC280715M04**

**Moved Councillor Crossland, Seconded Councillor Westwood** that all traffic management audits undertaken be provided to Elected Members on a monthly basis.

**9.45pm Councillor Prior left the meeting**

**Carried**

**9.47pm Councillor Prior re-entered the meeting**

**CONFIDENTIAL ITEMS**

Nil

**LATE ITEMS**

Nil

**CLOSURE** - Meeting Declared Closed at 9.50pm.

**CONFIRMED THIS 11 AUGUST 2015**

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**CHAIRPERSON**