

**MINUTES OF THE SGC191125 - SPECIAL GENERAL COUNCIL
MEETING**

Monday, 25 November 2019 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT:**Elected Members**

Mayor - Kris Hanna, Councillor - Ian Crossland, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Bruce Hull, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Luke Hutchinson (from 6.34pm), Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

DATE:

Monday, 25 November, 2019 | Time 6:30 PM

VENUE:

Council Chamber

In Attendance

Chief Executive Officer – Adrian Skull
General Manager City Services – Tony Lines
General Manager City Property – Ilia Houridis
Manager Corporate Governance – Kate McKenzie
Unit Manager Governance and Council Support – Jaimie Thwaites

OPEN MEETING

The Mayor opened the meeting at 06:30pm

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.

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

Nil declarations were made.

CONFIRMATION OF MINUTES - Nil

COMMUNICATIONS - Nil

ADJOURNED ITEMS Nil

DEPUTATIONS - Nil

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS - Nil

CONFIDENTIAL ITEMS

Outcome of Capella Investigations and Direction for Southern Soccer

Report Reference SGC191125F01

Moved Councillor - Jason Veliskou Seconded Councillor - Matthew Shilling

That pursuant to Section 90(2) 3 (i) and (ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report *Outcome of Capella Investigations and Direction for Southern Soccer*, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

Carried Unanimously

6.31pm the meeting went into confidence

6.34pm Councillor - Luke Hutchinson entered the meeting

Moved Councillor - Ian Crossland Seconded Councillor - Tim Gard

That formal meeting procedures be suspended to enable discussion on the item.

Carried Unanimously

6.39pm formal meeting procedures were suspended

6.44pm formal meeting procedures were resumed

Moved Councillor - Ian Crossland Seconded Councillor - Matthew Shilling

That Council:

1. Endorse that no further investigations are required into the relocation of AFL and Cricket to Capella Drive Reserve.
2. Endorse Administration to take the lead in the project delivery of the Southern Soccer facility at Majors Road and negotiate this transfer of lead with the Football Federation South Australia and the State Government.
3. Endorse Administration to proceed with the delivery of Southern Soccer facility at Majors Road with:
 - a. three natural turf soccer pitches at a cost of up to \$7,000,000 GST exclusive;
 - b. development of the site to allow capacity for future development of one additional natural turf soccer pitches;
 - c. commit additional funding of up to \$2,000,000 from Council's reserve towards the Southern Soccer Project increasing Council's funding contribution from \$2,500,000 to \$4,500,000 subject to the transfer of the Football Federation of South Australia's funding of \$2,500,000 to the City of Marion.
 - d. Council writes to the Cove Football Club (Soccer) seeking their interest as a future lease holder of the proposed new facility at Majors Road. (Noting that the Cove Football Clubs new licence agreement at the Cove Community and Sports Club could include provision for termination once the new southern soccer facility is complete if required).
4. Endorse Council and the State Government entering into a funding Deed for the delivery of the project at Majors Road.
5. Note that the forecast operating expenditure for three pitches is \$382,171 per annum (\$102,171 operating and maintenance; \$280,000 depreciation).
6. Note that Council must consider a Section 48 prudential report under the Local Government Act 1999 prior to committing to undertake this project and this report will be prepared for Council's consideration once all required funding is committed.
7. Notes that after community consultation the southern end of Capella Reserve will be upgraded as part of the Capella / Nannigai Reserve Redevelopment.

Carried Unanimously

Moved Councillor - Ian Crossland Seconded Councillor - Matthew Shilling

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and attachments, having been considered in confidence under Section 90(2) and (3)(b and 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 2019.

2. Notwithstanding the confidential order, authorises the Mayor and/or CEO to advise the Cove Football Club (Soccer) and make public statements as required.

Carried Unanimously

7.01pm the meeting came out of confidence

Future Land Strategy: City Services Surplus Land

Report Reference SGC191125F02

Moved Councillor - Raelene Telfer Seconded Councillor - Jason Veliskou

That pursuant to Section 90(2) and (b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Carla Zub, Clare Benn, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report Future Land Strategy - City Services Surplus Land, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

Carried Unanimously

7.02pm the meeting went into confidence

Moved Councillor - Jason Veliskou, Seconded Councillor - Ian Crossland

That formal meeting procedures be suspended to enable discussion on the item.

Carried Unanimously

7.02pm formal meeting procedures were suspended

7.09pm Councillor - Jason Veliskou left the meeting

7.11pm Councillor - Jason Veliskou re-entered the meeting

7.20 pm formal meeting procedures were resumed

Moved Councillor - Luke Hutchinson Seconded Councillor - Raelene Telfer

That Council:

1. Notes the report outlining options for the surplus City Services land (the Land) being the northern 7,539m² portion of the land contained within Certification of Title Volume 5494 Folio 674.
2. Authorises Administration to test market interest for medium to long term lease of the site as currently presented.

Carried Unanimously

Moved Councillor - Raelene Telfer Seconded Councillor - Luke Hutchinson

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and attachments, Future Land Strategy: City Services Surplus Land, having been considered in confidence under Section 90(2) and (3)(b) and (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 2019.

Carried Unanimously

7.25pm the meeting came out of confidence

Cat Curfew By-law Update

Report Reference SGC191125F03

Moved Councillor - Jason Veliskou Seconded Councillor - Raelene Telfer

That pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Ilia Houridis, Tony Lines, Kate McKenzie, Jaimie Thwaites, Warwick Deller-Coombs, Luke Manuel, Sharon Perin and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Cat Curfew By-Law Update and Legal Advice, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice.

Carried

Division called by Councillor - Bruce Hull

The vote was set aside to allow a vote for which individual Councillor decisions are recorded:

Voters	Against	For
Councillor - Bruce Hull	X	
Councillor - Ian Crossland		X
Councillor - Jason Veliskou		X
Councillor - Joseph Masika		X
Councillor - Kendra Clancy	X	
Councillor - Luke Hutchinson		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling	X	
Councillor - Nathan Prior		X
Councillor - Raelene Telfer		X
Councillor - Tim Gard		X

Carried

7.28pm the meeting went into confidence

Moved Councillor - Jason Veliskou Seconded Councillor - Bruce Hull

That formal meeting procedures be suspended to enable discussion on the item.

Carried Unanimously

7.32pm formal meeting procedures suspended

8.03pm formal meeting procedures were resumed

Moved **Councillor - Bruce Hull** **Seconded** **Councillor - Ian Crossland**

That:

1. Council endorses Administration to pursue the following option:
 - *Option 1: Administration progress the By-law as originally drafted and put to the community.*
2. A microchip reader be hired out with Council owned cat traps.

AMENDMENT

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Joseph Masika**

That:

1. Council endorses Administration to pursue the following option:
 - *Option 1: Administration progress the By-law as originally drafted and put to the community.*
2. A microchip reader be hired out with Council owned cat traps.
3. A report be provided to Council with various options to support the community to abide by the curfew and deal with the issue of feral and unidentified cats.

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

The motion as amended was
Carried

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Ian Crossland**

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Cat Curfew By-law Update and Appendix 1 having been considered in confidence under Section 90(2) and (3)(h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried

8.18pm Councillor - Maggie Duncan left the meeting

8.21pm meeting came out of confidence

Section 270 Report Cove Football Club

Report Reference SGC191125F04

8.21pm Councillor Duncan re-entered the meeting

Moved Councillor - Jason Veliskou

That pursuant to Section 90(2) and (3)(f) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Ilia Houridis, Kate McKenzie, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to - Cove Cobra Football Club Section 270 Internal Review of Decision, 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 information the disclosure of which could reasonably be expected to release personal information and prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation, or the right to a fair trial.

The motion Lapsed for want of a Seconder

8.31pm Councillor - Luke Hutchinson left the meeting

8.33pm Councillor - Luke Hutchinson re-entered the meeting

Moved Councillor - Raelene Telfer Seconded Councillor - Matthew Shilling

That:

1. Council endorses the Section 270 Internal Review of Decision Report from Minter Ellison that indicates:
 - Council had the power to make the Decision.
 - Council considered all relevant factors, and reasonably relied on legal advice in making its Decision.
 - Cove Cobra Football Club was afforded procedural fairness and were notified of the potential for the making of the decision, were afforded a right of reply, and were provided with as much information as necessary.
 - Council's Decision was also reasonable.
2. Council notes the report recommendation to review the all confidential orders relating to this matter which is scheduled to occur at the December 2019 General Council Meeting.
3. Council notes a redacted version of the report has been released to Cove Cobra Football Club and this version (ensuring all confidential information redacted) can be released with the minutes.
4. That the Cove Cobras Football Club is formally advised of the outcome of the review.

Carried

8.46 pm Councillor Prior left the meeting

Moved Councillor - Jason Veliskou Seconded Councillor - Joseph Masika

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the un-redacted version of Appendix 1 of this report having been considered in confidence under Section 90(2) and (3)(f) 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 2019.

Carried

CORPORATE REPORTS FOR DECISION

Policy Review - Draft Sister Cities Policy

Report Reference SGC191125R01

Moved Councillor - Jason Veliskou Seconded Councillor - Raelene Telfer

That Council:

1. Endorses the draft Sister Cities Policy with the following amendments:
 - item 4.2.1 be removed
 - item 4.3 'Sister Cities Friendship Group' be removed
 - item 5 'definitions' be removed

Carried

8.51pm Councillor - Nathan Prior re-entered the meeting

8.54pm Councillor - Jason Veliskou left the meeting

8.56pm Councillor - Jason Veliskou re-entered the meeting

8.56pm Councillor - Kendra Clancy left the meeting

8.58pm Councillor - Kendra Clancy re-entered the meeting

Policy Review - Draft Disposal of Land and Assets Policy

Report Reference SGC191125R02

Moved Councillor - Raelene Telfer Seconded Councillor - Luke Hutchinson

That Council:

1. Endorses the DRAFT Disposal of Land and Assets Policy (Attachment 1) with the following amendments:
 - if land is to auctioned or placed on the open market or disposed of by an expression of interest, the independent valuation must take into account current and future land zoning
 - the term "Recycled products" be changed to "recycled depot materials"

Carried Unanimously

Policy Review - Draft Economic Development Policy

Report Reference SGC191125R03

Moved Councillor - Bruce Hull Seconded Councillor - Tim Gard

That Council:

1. Endorse the DRAFT Economic Development Policy.

Carried Unanimously

Moved Councillor - Kendra Clancy Seconded Councillor - Matthew Shilling

That the following items be moved en bloc:

- Policy Review - Final Environmental Policy (Report Reference: SGC191125R04)
- Policy Review - Final Waste Management Policy (Report Reference: SGC191125R05)
- Policy Review - Draft Donations & Sponsorship Policy (Report Reference: SGC191125R06)

Carried Unanimously

Policy Review - Final Environmental Policy

Report Reference SGC191125R04

Moved Councillor - Kendra Clancy Seconded Councillor - Matthew Shilling

That Council:

1. Endorses the FINAL Environmental Policy (Attachment 1).

Carried Unanimously

Policy Review - Final Waste Management Policy

Report Reference SGC191125R05

Moved Councillor - Kendra Clancy Seconded Councillor - Matthew Shilling

That Council:

1. Notes the outcomes of the public consultation on the DRAFT Waste Management Policy (Attachment 1);
2. Endorses the FINAL Waste Management Policy (Attachment 2).

Carried Unanimously

Policy Review - Draft Donations & Sponsorship Policy

Report Reference SGC191125R06

Moved Councillor - Kendra Clancy Seconded Councillor - Matthew Shilling

That Council:

1. Endorses the reviewed Donations and Sponsorship Policy as included in Appendix 1.

Carried Unanimously

Policy Review - Draft Council Grants Policy

Report Reference SGC191125R07

This item was not considered.

CORPORATE REPORTS FOR INFORMATION/NOTING - Nil

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Elected Member Conduct Register

Report Reference: SGC191125M01

9.14pm Councillor - Raelene Telfer left the meeting

9.16pm Councillor - Raelene Telfer re-entered the meeting

Moved Councillor - Luke Hutchinson Seconded Councillor - Ian Crossland

That Council:

1. Establish an "Elected Member Conduct Register" and publish it on the City of Marion website by December 2019, with the following parameters:
 - a. Disclosure types will include all resolved/confirmed:
 - i. Censures;
 - ii. Meeting suspensions;
 - iii. Confirmed misconduct;which transpired/transpires in the course of an elected member formally discharging their duties.
 - b. Disclosures shall provide:
 - i. The name of the elected member;
 - ii. The date of resolution;
 - iii. A description of the nature of the conduct.
 - c. Disclosures shall include a hyperlink relevant public reports and/or minutes relating to the resolution.
 - d. Disclosures shall encompass the period from the commencement of the 2010 council term to current date, then be rolling as no less than 3 consecutive council terms.
 - e. Disclosures shall be updated as resolutions are passed by council.

Carried
Page 13 of 18

Division called by Councillor - Luke Hutchinson

The vote was set aside to allow a vote for which individual Councillor decisions are recorded:

Voters	Against	For
Councillor - Bruce Hull	X	
Councillor - Ian Crossland		X
Councillor - Jason Veliskou		X
Councillor - Joseph Masika	X	
Councillor - Kendra Clancy	X	
Councillor - Luke Hutchinson		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling		X
Councillor - Nathan Prior		X
Councillor - Raelene Telfer		X
Councillor - Tim Gard		X

Carried

MEETING EXTENSION

Moved Councillor - Matthew Shilling Seconded Councillor - Maggie Duncan

That the meeting be extended until the end of the agenda items.

Carried

9.25pm meeting extended

Citizenship Dress Code

Report Reference: SGC191125M02

Moved Councillor - Raelene Telfer Seconded Councillor - Ian Crossland

That Council:

1. Write to the Minister for Home Affairs submitting the following dress code for the Minister's approval:

"Candidates for citizenship and others attending citizenship ceremonies should be dressed to reflect the significance of the occasion. Candidates are welcome to wear the national dress of their original country".

Carried Unanimously

Rescission Motion - Youth Engagement and Consultation Report

Report Reference: SGC191125M03

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Rescinds the following motion GC190924R07 - *Youth Engagement and Consultation Report*
 1. *Notes the report provided by Youth Affairs Council SA (YACSA) (Appendix 1).*
 2. *Notes that Administration will utilise the findings from the YACSA report to help inform current and future youth priorities throughout the City of Marion.*
 3. *Adopts option 3 (maintain status quo and establish a Youth Advisory Committee) relating to youth leadership opportunities and participation groups (Appendix 2).*
 4. *Endorses the ongoing funding allocation for 0.5 FTE for year 1 and 0.4 FTE ongoing required for option 3, noting \$45,000 for year 1 and \$36,000 ongoing will be incorporated into the 2019/20 budget through the quarterly budget review process.*
2. Adopts the following proposed motion:
 1. *Notes the report provided by Youth Affairs Council SA (YACSA) (Appendix 1 of GC190924R07).*
 2. *Notes that Administration will utilise the findings from the YACSA report to help inform current and future youth priorities throughout the City of Marion.*
 3. *Endorses an 18 month trial of a Youth Collective Committee from January 2020 to June 2021, to be coordinated by a 0.3 FTE employed on a contract basis.*
 4. *Notes that staff costs of \$15,000 for the 0.3 FTE for 2019/20 will be sourced through the quarterly budget review process.*
 5. *Notes that staff costs of \$30,000 for the 0.3 FTE for 2020/21 will be included in the 2020/21 Annual Business Plan and Budget process.*
3. Requests a review of Youth Grants, partnerships and other initiatives and activities at an Elected Member Forum in the first half of 2020.
4. Requests a progress report of the Youth Collective Committee be presented to Council in April 2021.

Carried Unanimously

Marion Ewell Vineyards Historical Signage

Report Reference: SGC191125M04

Moved Councillor - Bruce Hull Seconded Councillor - Nathan Prior

1. That Council endorses administration to explore appropriate signage recognising the historical significance of the 110 year old Marion Ewell Vineyards site, this exploration exercise may include repurposing the existing brick wall or installing a new structure to identify the vineyards role in our local history, remember those who contributed to the vineyards establishment and protection. And that Administration report back on their findings, with suggested options including an estimated budget by February 2020 General Council meeting.

Carried

Central Avenue Reserve Re-Development

Report Reference: SGC191125M05

Moved Councillor - Ian Crossland Seconded Councillor - Tim Gard

That:

1. The Central Avenue Reserve re-development be upgraded to a neighbourhood level playground based on the current gaps in provision of playgrounds in the area.
2. Council endorse funding the additional amount of \$140,250 to increase the hierarchy of Central Avenue Reserve from local to neighbourhood in the 2020/2021 budget with an increase of operations and maintenance cost of \$9,818 per annum and depreciation of \$5,610 per annum in the Long Term Financial Plan.
3. Note the upgrade will be delivered across financial years with the existing budget of \$95,250 still timed for 2019/2020.

Carried Unanimously

QUESTIONS WITH NOTICE

Solar Garage at Tonsley Project

Elected Member Mayor Kris Hanna

Report Reference: SGC191125Q01

Question:

1. In 2017, Council approved a partnership funding contribution of \$30,000 towards the “Solar Garage @ Tonsley” project, which would provide a facility free of charge to the community to enable them to charge-up their electric vehicles as and when required. Can Council please have an update on the progress of this project?

Supporting Information:

A copy of the 8 August 2017 General Council report “Solar Garage @ Tonsley” Project (Report Reference: GC080817R03) is attached as appendix 1.

Response Received From: Unit Manager Governance and Council Support – Jaimie Thwaites

Staff Comments:

The following response to the question was provided by Flinders University on 21 November 2019:

We have been dealing with evie networks in order to get two of their 350KW ultra fast charging stations for the Solar Garage, the use of these Ultra Fast charging stations would future proof the Solar Garage and contribute to the aims of it being an iconic piece of electric vehicle recharging infrastructure. Unfortunately after many months of negotiating, we are not able to achieve an agreement with evie, their conditions around recharging payments, infrastructure requirements and guarantees on future site availability just did not fit in with what we all are trying to achieve with the Solar Garage. Namely, providing the public with free electric vehicle charging, in an iconic recharging station located at Tonsley, right next to South Rd that will ensure ease of access and visibility to the masses, hence promoting ev's and renewable energy and sustainable transport. Obviously these negotiations have cause delays to a project that has already experienced many other delays, but the intentions were always to provide the best possible solution for all the stakeholders.

We currently have two Tritium 50kW recharging stations in Mitsubishi's warehouse, and will use these in the Solar Garage as well as two Level 2 chargers provided by Gelco, that will have the ability to recharge 4 vehicles, giving us a total of 6 recharging bays.

The immediate next steps are to get a distribution board designed and made in order to meet these recharging requirements as well as power to light the Solar Garage, we will work with enwave and Gelco to see that this happens as quickly as possible.

The intention is still to launch the Solar Garage, in conjunction with South Australia's electric vehicle strategy that DEM are currently working on, at Tonsley, with the appropriate Ministers, media and project stakeholders present. More information on this will be made once confirmed.

MOTIONS WITHOUT NOTICE - Nil

QUESTIONS WITHOUT NOTICE - Nil

OTHER BUSINESS - Nil

MEETING CLOSURE

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

MEETING CLOSURE - Meeting Declared Closed at 9.45pm

CONFIRMED THIS 10 DAY OF DECEMBER 2019

.....

CHAIRPERSON