



BOARD AGENDA & REPORTS

for the Meeting of the Adelaide Park Lands Authority Board

Thursday 5 March 2020
at 5:30 pm

in the Colonel Light Room,
Adelaide Town Hall

The Adelaide Park Lands Authority was established by the *Adelaide Park Lands Act 2005 (SA)* as a subsidiary of the City of Adelaide under the provisions of the *Local Government Act 1999 (SA)*.

As part of the Park Lands governance framework the Adelaide Park Lands Authority is the principle advisory body to the City of Adelaide and the South Australian State Government on Park Lands matters.

The Authority provides guidance around the use of and improvement to the Adelaide Park Lands through the development of the Adelaide Park Lands Management Strategy 2015 – 2025, which can be found [here](#) .

Membership	The Lord Mayor; and 4 other members appointed by the Council; and 5 members appointed by the Minister.
Quorum	6
Presiding Member	The Right Honourable the Lord Mayor Sandy Verschoor,
Deputy Presiding Member	Ms Kirsteen Mackay,
Board Members	Ms Allison Bretones, Ms Jessica Davies-Huynh, Mr Stephen Forbes, Councillor Alexander Hyde (Deputy Lord Mayor), Ms Stephanie Johnston, Mr Craig Wilkins and Mr Ben Willsmore.
Proxy Board Members	Councillor Anne Moran (for Councillor Alexander Hyde) Professor Emeritus Damien Mugavin (for Ms Stephanie Johnston)

1. Acknowledgement of Country

At the opening of the Board Meeting, the Board member presiding will state:

'Adelaide Park Lands Authority acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Apologies

Nil

3. Disclosure of Conflict of Interest**4. Confirmation of Minutes – 6/2/2020**

That the Minutes of the meeting of the Board of the Adelaide Park Lands Authority held on 6 February 2020 be taken as read and be confirmed as an accurate record of proceedings.

5. Deputations

Granted at time of Agenda Publication – 28/2/2020 - Nil

6. Presiding Member Reports**7. Questions on Notice / Motions on Notice**

7.1 Mr Stephen Forbes - Motion on Notice – Adelaide Aquatic Centre [2019/01387] [Page 4]

7.2 Mr Stephen Forbes - Motion on Notice – Briefing Request – New Stadium for Adelaide [2007/00343] [Page 5]

8. Questions without Notice/Motions without Notice**9. Presentations/Workshops**

9.1 Presentation Kurna Management of Biodiversity in the Park Lands (15 minutes)

Presenter: Marty Reeve Consultant Reconciliation Projects, City Wellbeing (CoA)

Purpose: To present an update on partnerships with the Kurna community in the management of biodiversity in the south Park Lands

9.2 Presentation Kurna Cultural Mapping Project (15 minutes)

Presenter: Marty Reeve Consultant Reconciliation Projects, City Wellbeing (CoA)

Purpose: To present an update on the Kurna Cultural Mapping Project

10. Reports for the consideration of the Board

Nil

11. Executive Officer Verbal Report**12. Exclusion of the Public**

12.1 Exclusion of the Public [2018/04291] [Page 6]

For the following Board Reports seeking consideration in confidence:

13.1 Bonython Park Kiosk EOI Results [s 90(3) (d)]

13.2 Jolley's Boathouse – Lease & Capital Works Project [s 90(3) (d)]

13. Confidential Report for Consideration of the Board

13.1. Bonython Park Kiosk EOI Results [2018/00264] [Page 10]

13.2. Jolley's Boathouse – Lease & Capital Works Project [2001/04096-3] [Page 16]

14. Next Meeting – Thursday 2 April 2020

15. Closure

Adelaide Aquatic Centre

ITEM 7.1 05/03/2020
Adelaide Park Lands Authority

Board Member
Mr Stephen Forbes

2019/01387
Public

Receiving Officer:
Mr Martin Cook, Executive Officer

MOTION ON NOTICE:

Mr Stephen Forbes will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Authority:

'That APLA notes and supports the Motion approved by Council on 11 February 2020 requesting that .. the Lord Mayor writes to the Premier and also to the Prime Minister and Mayors of neighbouring Councils as identified through the Needs Analysis to ascertain the nature of any programs and the level of any associated funding which could be used to upgrade the Adelaide Aquatic Centre in order to provide a modern, fit for purpose facility for this State's Capital City.'

ADMINISTRATION COMMENT:

The Administration notes the intent of this Motion on Notice and is currently preparing correspondence in relation to the Motion on Notice endorsed by Council on 11 February 2020.

- END OF REPORT -

Briefing Request - New Stadium for Adelaide

ITEM 7.2 05/03/2020
Adelaide Park Lands Authority

Board Member
Mr Stephen Forbes

Receiving Officer:
Mr Martin Cook, Executive Officer

2007/00343
Public

MOTION ON NOTICE:

Mr Stephen Forbes will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Authority:

'The Adelaide Park Lands Authority is aware that the State Government is considering a new stadium for Adelaide and concerned that the proposed site might be within the Adelaide Park Lands. As such, the Authority requests a briefing at the earliest possible opportunity regarding sites under consideration. Noting that the Park Lands already hosts Adelaide Oval, Tennis Centre, two hotels, approximately 200 ha of licensed playing fields, a hospital and other public infrastructure, the Authority is concerned about the impact of further built form on the publicly-accessible open space provided by the Adelaide Park Lands.'

ADMINISTRATION COMMENT:

1. Subject to the outcome of the Motion, Administration will request a briefing from the relevant Minister.

- END OF REPORT -

Exclusion of the Public

ITEM 12.1 05/03/2020
Adelaide Park Lands Authority

2018/04291
Public

Executive Officer:
Martin Cook, City of Adelaide,
8203 7686

EXECUTIVE SUMMARY

Exclusion of the public from this Adelaide Park Lands Authority Board meeting is sought for the consideration of the following Agenda Items:

- 13.1 Bonython Park Kiosk EOI Results [s 90(3) (d)]
- 13.2 Jolley's Boathouse – Lease & Capital Works Project [s 90(3) (d)]

The Order to Exclude for Item 13.1 & 13.2

1. Identifies the information and matters (**grounds**) from s 90(3) of *the Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the **basis** – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition, identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the **public interest**.

All Board members must keep confidential all documents and any information presented to them for consideration on a confidential basis prior to the meeting.

ORDER TO EXCLUDE FOR ITEM 13.1

THAT THE ADELAIDE PARK LANDS AUTHORITY

1. Having taken into account the relevant considerations contained in Clause 4.8.21 of the *Adelaide Park Lands Authority Charter* and s 90(3) (d) and 90(4) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Board of the Adelaide Park Lands Authority dated 5/3/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 13.1 [Bonython Park Kiosk EOI Results] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

Public Interest

The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their suppliers and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to Clause 4.8.21 of the *Adelaide Park Lands Authority Charter* this meeting of the Board of the Adelaide Park Lands Authority dated 5/3/2020 orders that the public (with the exception of members of Council staff who are hereby permitted to remain) be excluded from this meeting to enable the Board to consider in confidence Item 13.1 [Bonython Park Kiosk EOI Results] listed in the Agenda, as the matter is of a kind referred to in s 90(3) (d) of the *Local Government Act 1999 (SA)*.

ORDER TO EXCLUDE FOR ITEM 13.2

THAT THE ADELAIDE PARK LANDS AUTHORITY

1. Having taken into account the relevant considerations contained in Clause 4.8.21 of the *Adelaide Park Lands Authority Charter* and s 90(3) (d) and 90(4) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Board of the Adelaide Park Lands Authority dated 6/2/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 13.2 [Jolley's Boathouse – Lease & Capital Works Project] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

Public Interest

The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their suppliers and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to Clause 4.8.21 of the *Adelaide Park Lands Authority Charter* this meeting of the Board of the Adelaide Park Lands Authority dated 6/2/2020 orders that the public (with the exception of members of Council staff who are hereby permitted to remain) be excluded from this meeting to enable the Board to consider in confidence Item 13.2 [Jolley's Boathouse – Lease & Capital Works Project] listed in the Agenda, as the matter is of a kind referred to in s 90(3) (d) of the *Local Government Act 1999 (SA)*.

DISCUSSION

1. The *Adelaide Park Lands Act 2005 (SA)* requires the Authority to operate utilising Chapter 6 Part 3 of the *Local Government Act 1999 (SA)*. Chapter 6 Part 3 relates to public access to meetings and outlines the conduct to be observed by the Authority.
2. It is a requirement of the *Adelaide Park Lands Act 2005 (SA)* [13 (c)] reflected in clause 4.8.19 of the *Adelaide Park Lands Charter*, that meetings of the Authority be conducted in a place open to the public except in special circumstances. These circumstances and associated considerations to exclude the public from a Board meeting are outlined in Chapter 6, Part 3 of the *Local Government Act 1999 (SA)*.
3. To consider a matter in confidence, the Board through a formal resolution is required to:
 - 3.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 3.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate for the Board to act in a meeting closed to the public; and
 - 3.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) – how information open to the public would be contrary to the public interest.
4. The Charter contains the following clauses in relation to Meetings of the Board /Authority:
 - '4.8.19 Meetings of the Board must be conducted in a place open to the public.'
 - '4.8.20 All Board Members must keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board, except in those circumstances prescribed by section 12 of the Park Lands Act and clause 35 of Schedule 2 to the LG Act.'
 - For reference – Section 12 of the Park Lands Act and clause 35 of Schedule 2 to the LG Act read:
 - 12—Reports
 - (1) A member of the board of management of the Authority does not commit a breach of a duty of confidence by reporting a matter relating to the affairs of the Authority to the Minister.
 - (2) The Authority must, at the time that it furnishes its annual report to the Adelaide City Council, furnish a copy of the report to the Minister.
 - 35—Disclosure
 - (1) If a subsidiary discloses to a person in pursuance of this Schedule a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice of the disclosure to the person to whom the duty is owed.
 - (2) A member of the board of management of a subsidiary does not commit a breach of duty by reporting a matter relating to the affairs of the subsidiary to a council or otherwise in accordance with the provisions of this Act.
 - '4.8.21 The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider in confidence any information or matter listed in section 90(3) of the LG Act (after taking into account any relevant consideration under that section). The exercise of this power does not exclude Board Members and/or any other person permitted by the Board to remain in the room.'
 - '4.8.22 Where an order is made under sub-clause 4.8.21, a notice must be made in the minutes of the making of the order and of the grounds on which it was made.'
 - '4.8.23 Subject to sub-clause 4.8.25 a person is entitled to inspect, without payment of a fee:
 - (a) agendas and minutes of a Board Meeting;
 - (b) reports to the Board received at a meeting of the Board; and
 - (c) recommendations presented to the Board in writing and adopted by resolution of the Board.'
 - '4.8.24 Subject to sub-clause 4.8.25, a person is entitled, on payment of a fee fixed by the Board, to obtain a copy of any documents available for inspection under sub-clause 4.8.23.'
 - '4.8.25 Sub-clauses 4.8.23 and 4.8.24 do not apply in relation to a document or part of a document if:
 - (a) the document or part of the document relates to a matter of a kind referred to in sub-clause 4.8.21; and
 - (b) the Board orders that the document or part of the document be kept confidential (provided that in so ordering the Board must specify the duration of the order or the circumstances in which it will cease to apply or a period after which it must be reviewed).'

5. In considering whether an order should be made to exclude the public [s 90(4) of the *Local Government Act 1999 (SA)*], it is irrelevant that discussion of a matter in public may:
 - 5.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 5.2 cause a loss of confidence in the council or council committee.
 - 5.3 involve discussion of a matter that is controversial within the council area; or
 - 5.4 make the council susceptible to adverse criticism
6. In considering whether an order should be made to exclude the public [s 90(7) of the *Local Government Act 1999 (SA)*] the order must specify
 - 6.1 the grounds on which the order was made; and
 - 6.2 the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - 6.3 if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.
7. When determining whether to exclude the public from the meeting the Authority is required to consider & resolve whether it is necessary and appropriate to act in a meeting closed to the public to consider the following information in confidence.
 - 7.1 Information contained in Item 13.1 – Bonython Park Kiosk EOI Results:
 - 7.1.1 Is subject to an existing Authority Confidentiality Order – 19/7/2018;
 - 7.1.2 Is subject to an existing Council Confidentiality Order – 24/7/2018;
 - 7.1.3 The grounds utilised to request consideration in confidence is s 90(3) (d) of the *Local Government Act 1999 (SA)*
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest
 - 7.2 Information contained in Item 13.2 – Jolley’s Boathouse – Lease & Capital Works Project:
 - 7.2.1 Is not subject to an existing Authority Confidentiality Order;
 - 7.2.2 Is not subject to an existing Council Confidentiality Order;
 - 7.2.3 The grounds utilised to request consideration in confidence is s 90(3) (d) & (j) of the *Local Government Act 1999 (SA)*
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 13.1

Bonython Park Kiosk EOI Results

Clause 4.8.21 of the Adelaide Park Lands Authority Charter

Section 90(3) (d) of the *Local Government Act 1999 (SA)*

Pages 10 to 15

Confidential Item 13.2

Jolley's Boathouse – Lease & Capital Works Project

Clause 4.8.21 of the Adelaide Park Lands Authority Charter

Section 90(3) (d) of the *Local Government Act 1999 (SA)*

Pages 16 to 22
