



# COUNCIL MINUTES

for the meeting

Tuesday 29 January 2019

in the Council Chamber,  
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);  
Deputy Lord Mayor (Councillor Abiad)  
Councillors Abrahamzadeh, Couros, Dr Donovan, Hou, Hyde, Khera, Knoll,  
Martin, Moran and Simms.

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### Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor stated:

'Council 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.'

### Acknowledgement of Colonel William Light

The Lord Mayor stated:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six (6) squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

### Prayer

Upon the completion of the Acknowledgement of Colonel Light by the Lord Mayor, the Chief Executive Officer asked all present to pray -

'Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen'

### Memorial Silence

The Lord Mayor asked all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

### Apologies and Leave of Absence

Nil

### Confirmation of Minutes

#### 1. Item 6 - Confirmation of Minutes – 11/12/2018 & 15/1/2019 [C]

Moved by Councillor Moran,  
Seconded by Councillor Hyde –

That the Minutes of the meeting of the Council held on 11 December 2018, and the Special meeting of the Council held on 15 January 2019, be taken as read and be confirmed as an accurate record of proceedings.

Carried

## Deputation

### 2. Item 7.1 – Deputation – Ms Maryellen Griffiths – Hurtle Square Trees [C]

The Lord Mayor advised the meeting that Ms Libby Hicks-Maitland and Mr Matthew Kennedy who had registered to speak, had withdrawn their request.

Ms Maryellen Griffiths addressed the Council in relation to:

- Support for retention of the trees discussed in the petition in Item 8.1 – Desert Ash Trees, Hurtle Square.

The Lord Mayor thanked Ms Maryellen Griffiths for her presentation.

## Petitions

### 3. Item 8.1 - Desert Ash Trees – Hurtle Square [2018/04073] [C]

Moved by Councillor Moran,  
Seconded by Councillor Simms –

#### THAT COUNCIL:

1. Receives and notes the petition containing 30 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 29 January 2019 requesting that Council:
  - 1.1. Rescind their decision of 24 July 2018 to remove certain trees from the eastern side of the north east quadrant of Hurtle Square.
  - 1.2. Resolve to retain the said trees in light of the Adelaide City Council's own expert arborist advice that these trees are in good health and condition (Council meeting papers, 14 June 2018).
  - 1.3. Maintain its succession planning approach to tree and streetscape garden renewal whereby plantings, whether street trees or shrubs, are replaced only as recommended by the Council's own expert advisers, and in an orderly and systematic fashion.
  - 1.4. Maintain providing habitats for native fauna as a priority in its decision making about tree removal and replacement.

Carried

## Report of Committee and Advice from Adelaide Park Lands Authority (APLA)

### 4. Item 9.1 - Recommendations of The Committee – 22/1/2019 [2018/04062] [C]

The Lord Mayor advised the meeting that each recommendation would be dealt with separately.

It was then -

Moved by Councillor Dr Donovan,  
Seconded by Councillor Moran –

#### Recommendation 1 - Bike Share On-Street Activity Permit Application [2015/03534] [C]

##### That Council:

1. Approves the Bike Share On-Street Activity Permit application for AirBike to commence a dockless bike sharing scheme in Adelaide.
2. Authorises the CEO to negotiate with AirBike on the launch of the dockless bike share scheme including the number of bikes for the City and North Adelaide.

Carried

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Moran –

#### Recommendation 2 - Incentive Package to Reinstate Front Gardens through a Parking Permit Scheme [2017/04505] [C]

##### That Council:

1. Notes the report and the Discussion Paper, Attachment A, to Item 5.2 on the Agenda for the meeting of The Committee held on 22 January 2019.

2. Requests administration prepare a report on the possibility of introducing an incentive package to reinstate front gardens on residential properties.

Discussion ensued, during which with the consent of the mover, seconder and the meeting Part 2 of the motion was varied to include the words '(to be funded through the Heritage Incentive Scheme) after the word 'package'

The motion, as varied, was then put and carried

It was then -

Moved by Councillor Moran,  
Seconded by the Deputy Lord Mayor (Councillor Abiad) –

Recommendation 3 - Heritage Incentives Scheme Allocation over \$50,000 [HIS/106/2018] [C]

That Council:

1. Approves an allocation of \$76,098.50 for conservation work as contained in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 22 January 2019 for St Margaret's, 21 -26 Brougham Place North Adelaide in accordance with the Heritage Incentives Scheme Operating Guidelines.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Moran,  
Seconded by Councillor Martin –

Recommendation 4 - City of Sydney and Melbourne - Planning and Development Initiatives [2018/03979] [C]

That Council:

1. Notes the report and Discussion Papers, Attachment A and Attachment B to Item 5.4 on the Agenda for the meeting of the Committee held on 22 January 2019.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Dr Donovan –

Recommendation 5 - 2018/19 Grant Recommendation –Recreation and Sport [2016/03310] [C]

That Council:

1. Endorses the following 2018/19 grant recommendation for *Pushing Performance 'Activate Adelaide'* of \$28k over two (2) years; \$14k in 2018/19 and \$14k in 2019/20, Attachment A, to Item 5.5 on the Agenda for the meeting of The Committee held on 22 January 2019.
2. Notes the 2018/19 recommendations for grants under \$10k that have been approved under CEO delegation to date, Attachment B to Item 5.5 on the Agenda for the meeting of The Committee held on 22 January 2019.

Carried

It was then -

Moved by Councillor Simms,  
Seconded by Councillor Khera –

Recommendation 6 - Adelaide Oval – Submission to Select Committee [2011/02224] [C]

That Council:

1. Approves the submission (and covering letter) to the Select Committee established by the South Australian Legislative Council to 'inquire into and report on a redeveloped Adelaide Oval' included as Attachment A to Item 5.6 on the Agenda for the meeting of The Committee held on 22 January 2019 with commentary added to the matrix beginning at page 73. The comments should include at:
  3. a list of matters where proposed activities in the leased and licensed areas have been the subject of requests for confidentiality orders and the consequent impacts on Council's communication with neighbouring residents and businesses.
  6. specific reference to the briefing provided to Elected Members on the afternoon of Saturday November 25th, 2018, the fact that Council had not been previously consulted, the Stadium Management Authority's advice in the briefing the City of Adelaide had no role in the process associated with the Hotel proposal and the publication of the details of the Hotel development on the News Limited website 2 hours later.
  9. acknowledge that Council has sought and received a legal opinion in regards to the proposal and the reasons Council is unable to disclose the details publicly.
  10. further senior counsel advice to be sought.

Carried

It was then -

Moved by Councillor Hyde,  
Seconded by the Deputy Lord Mayor (Councillor Abiad) –

Recommendation 7 - Section 270 Internal Review of Decision – Hurtle Square Tree Replacement [2018/02970] [C]

That Council:

1. Notes the report and resolves to rescind the decision of the previous Council.  
[Decision of the previous Council - 24 July 2018 titled Item 15.1 – Councillor Antic – Motion on Notice – Replacement of Trees – North Eastern Quadrant of Hurtle Square]

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Moran,  
Seconded by Councillor Simms –

Recommendation 8 - City of Adelaide Response - Labor Local Government reform package [2018/02619] [C]

That Council:

1. Notes the report and discussion on potential impacts of the Local Government (Ratepayer and Related Measures) Amendment Bill 2018 as set out in Attachment A to Item 5.8 on the Agenda for the meeting of The Committee held on 22 January 2019.
2. Adopts the proposed responses as set out in Attachment A to Item 5.8 on the Agenda for the meeting of The Committee held on 22 January 2019, in relation to the reforms proposed in the Local Government (Ratepayer and Related Measures) Amendment Bill 2018.
3. Authorises the Lord Mayor to provide a written response on behalf of Council to the Local Government Association of South Australia in relation to the Local Government (Ratepayer and Related Measures) Amendment Bill 2018.

4. Authorises the Lord Mayor to provide a written response on behalf of Council to the Government of SA and Parliament in relation to the Local Government Association of South Australia Local Government (Ratepayer and Related Measures) Amendment Bill 2018.

Carried

#### 5. **Item 9.2 - Advice of the Adelaide Park Lands Authority – 24/1/2019 [2018/04062] [C]**

Item 9.2, distributed separately, was before Council Members.

It was then -

Moved by Councillor Simms,  
Seconded by Councillor Dr Donovan –

#### THAT COUNCIL NOTES THE FOLLOWING ADVICE OF THE ADELAIDE PARK LANDS AUTHORITY:

1. Advice 1 - Adelaide Park Lands and City Layout World Heritage Nomination Committee  
THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That to assist with the work to be undertaken in 2019-20 financial year by the Adelaide Park Lands Authority's 'Adelaide Park Lands and City Layout World Heritage Nomination Committee', the Adelaide Park Lands Authority:

1. Requests that Council allocate a budget of \$50k for a feasibility study.
2. Writes to the Minister for Environment and Water seeking an equal amount of funding from the State Government for the same purpose.
3. Requests that these financial contributions be placed in the Adelaide Park Lands Fund given its suitability for the purpose.
4. Should the state government not be forthcoming, consider allocation of a further budget of \$50k to complete the feasibility study.

2. Advice 2 - Vietnamese Boat People Monument

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the location of the proposed Vietnamese Boat People Monument within Park 12, Red Gum Park/Karrawirra, at the location shown in Attachment A to Item 8.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 January 2019, subject to design modifications to reduce identified public accessibility risks and to facilitate protection and maintenance of the surrounding Park Lands grass, and subsequent development approval.

3. Advice 3 - Brown Hill & Keswick Creek Stormwater Project (South Park Lands)

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Provides any comments it may have on the design proposal for the stormwater management works in Victoria Park / Pakapakanthi (Park 16 and Blue Gum Park / Kurangga (Park 20) as per Attachment A to Item 8.2 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 January 2019.
2. Notes the Brown Hill and Keswick Creeks Stormwater Board's intention to undertake targeted stakeholder engagement on the design proposal and provide future briefings to the APLA as the project progresses.

4. Advice 4 - Adelaide Oval – submission to Select Committee

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES THE COUNCIL AND STATE GOVERNMENT:

That the Adelaide Park Lands Authority:

1. Approves the submission (and covering letter) to the Select Committee established by the South Australian Legislative Council to '*inquire into and report on a redeveloped Adelaide Oval*' included as **Attachment A** to Item 8.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 January 2019 subject to the 'Addressing the Select Committee's Terms of Reference' section of the submission [Agenda page 38] being amended as follows:
  - Part 2.1 being revised to indicate there was no consultation with the Authority.
  - Part 3.3 to read:
 

'3.3 The proposed hotel establishes a precedent for further commercial development on the Park Lands.'

- The inclusion of a Part 4.4:
  - ‘4.4 There has been no referral of the proposed hotel to, or discussions with, the Commonwealth Government’s Department of the Environment and Energy, as required by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for actions which may have a potential impact on a place of National Heritage significance. The EPBC Act requires a self-assessment process (which in turn may require a referral) by the person appointed with the responsibility for a proposed action.’

Discussion ensued

The motion was then put and carried

Item 9.2, distributed separately to the Agenda is attached for reference at the conclusion of the Minutes of this meeting.

### Lord Mayor’s Reports

#### **6. Item 10.1 – Lord Mayor’s Report [2018/04064] [C]**

The Lord Mayor addressed the meeting on the following:

- Strategic priorities discussions with elected members
- Tour Down Under
- Upgrade of Gawler Place
- Australia Day in the City

Meetings with:

- His Excellency , Mr Christophe Penot – Ambassador of France to Australia
- Ms He Lanjing – Consul General of the People’s Republic of China
- Elizabeth Day – SA State Director from the Department of Foreign Affairs and Trade
- Mr Steve Georganas MP – Federal Member for Hindmarsh
- Honourable Rachel Sanderson MP – State Member for Adelaide
- Honourable David Speirs MP – South Australian Minister for Environment and Water
- Mr Peter Malinauskas MP – Leader of the State Opposition
- Mayor Amanda Wilson, of the City of Holdfast Bay
- Assistant Commissioner Paul Dickson from the South Australian Police

It was then -

Moved by the Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Moran -

That the report be received and noted.

Carried

### Councillors’ Reports

#### **7. Item 11.1 - Reports from Council Members [2018/04064] [C]**

Moved by the Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Hyde -

#### THAT COUNCIL

1. Notes the functions attended on behalf of the Lord Mayor (Attachment A to Item 11.1 on the Agenda for the meeting of the Council held on 29 January 2019.
2. Notes the summary of Council Members meeting attendance for the period 27 November 2018 to 15 January 2019 (Attachment B to Item 11.1 on the Agenda for the meeting of the Council held on 29 January 2019.
3. Notes that reports from Council Members tabled at the meeting of the Council held on 29 January 2019 be included in the Minutes of the meeting.

Councillor Martin addressed the Council in relation to the work done by the Australia Day Committee and its inclusion of the Kaurna people in the Australia Day parade.

The motion was then put and carried

## Reports for Council (Chief Executive Officer's Reports)

### 8. Item 12.1 – West Franklin Stage One – Rescind Land Management Agreement [2014/01897-5] [C]

Councillor Hou disclosed a material conflict of interest in Item 12.1 1 [West Franklin Stage One – Rescind Land Management Agreement], pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), because of a client relationship with proponent and left the Council Chamber at 6.43pm.

Councillor Couros identified a perceived conflict of interest in Item 12.1 [West Franklin Stage One – Rescind Land Management Agreement], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), due to her ex-husband's close involvement in the Franklin St development project, a fact that wouldn't compromise impartiality/objectivity at the Council meeting and she would therefore remain in the Council Chamber.

It was then -

Moved by Councillor Moran,  
Seconded by the Deputy Lord Mayor (Councillor Abiad) -

#### THAT COUNCIL

1. Approves the rescission of the Land Management Agreements registered over the land contained in Certificates of Title Volume 6195 Folios 473, 474, 475, 476, 477, 478 and 479.
2. Approves the Extinguishment of easements contained with Certificate of Title Volume 6151 Folios 362, 742 and 745.
3. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of Council to the "Certificate of Consent for the Deposit of a Plan of Community Division" (Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 29 January 2019) to give effect to the above recommendation.

Carried

Councillor Couros voted in favour of the motion

Councillor Hou re-entered the Council Chamber at 6.45pm.

### 9. Item 12.2 – Adelaide Park Lands Authority Annual Report 2017/18 [2010/03030] [C]

Moved by Councillor Simms,  
Seconded by Councillor Martin -

#### THAT COUNCIL:

1. Receives the Adelaide Park Lands Authority's Annual Report for the 2017/18 financial year (**Attachment A** to Item 12.2 on the Agenda for the meeting of Council held on 29 January 2019).

Discussion ensued

#### CEO Undertaking – Adelaide Comets Facilities in Park 24

In response to queries from Councillor Martin, an undertaking was given by the CEO to provide Council members with information on consultation outcomes on the draft lease agreement with the Adelaide Comets Football Club facilities in Park 24 and a study/design concept for parking facilities and landscaping completed in 2018 and if the items were reported back to APLA and Council.

The motion was then put and carried

### 10. Item 12.3 – Appointment of the Official Partner of the Lord Mayor [2018/04515] [C]

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Hyde -

#### THAT COUNCIL:

1. Notes the appointment of Mr Gregg Mitchell as the Official Partner of the Lord Mayor for the 2018-2022 term of office, pursuant to the Standing Orders of the City of Adelaide (2.13).

Discussion ensued

The motion was then put and carried



## Question on Notice

### 11. Item 13.1 – Councillor Martin – Question on Notice – Confidential Orders [C]

The following Question and Answer were taken as read:

#### Question

On October 23rd 2018 Council reviewed confidentiality orders (Agenda Item 12.1, '2018 Review of Confidentiality Orders'). However, the information provided did not appear to distinguish the application of in-confidence orders by the Adelaide Park Lands Authority.

Has APLA ever publicly released a summary of matters about which it made 'in-confidence' orders since first meeting in early 2007?

Could the Authority provide Council with a breakdown of matters declared confidential;

- a) the total number per calendar year, each topic/subject, and number of pages per subject.
- b) The grounds under the Local Government Act, s90(3) cited for each topic/subject declared as confidential
- c) Whether each in-confidence order related to a whole or part document (including any document that formed part of a presentation or workshop or other briefing session).
- c) The period of confidentiality to apply for each.
- d) Whether the Authority has ever released whole or part documents from confidential status, and the date of each release (each identified by subject matter) and the agenda or minute reference (date and item) which contained that release.
- e) Whether any APLA matters or APLA documents or advices remain subject to in-confidence orders and, if so, what were the topics, original dates of application of confidentiality status and the review dates that determined continuation of order).

#### Answer

1. The purpose of the annual review of confidentiality orders is to present the outcome of an assessment of each order and the need for retention in confidence of the topic within the order. The report presented to Council for the annual review of Confidentiality Orders included a review of 'in-confidence' matters of the Adelaide Park Lands Authority.
2. A report by the Authority to release a summary of matters or breakdown of matters for which it made 'in-confidence' orders has not done. This form of reporting is not required in the subsidiary's obligations to report on its operations, financial position and other relevant issues.
3. In relation to the operation of the Authority for 'in-confidence' matters:
  - 3.1 It is a requirement for Authority meetings to be held in public except in special circumstance, observing s90 of the *Local Government Act 1999 (SA)*.
  - 3.2 There is no obligation or requirement for the Authority to publicly release or report to Council a summary of matters about which it made 'in-confidence' orders.
  - 3.3 The Board may order that a document be kept confidential provided that the Board specifies the duration of the order or the circumstances in which it will cease to apply or a period after which it must be reviewed.
  - 3.4 The agenda and minutes for the Authority are published to the City of Adelaide website.
  - 3.5 The publicly available minutes of a Board meeting identify any order made for a document to be kept confidential.
4. The Council provides administrative support for the Authority for the day to day management of its powers and duties and the preparation for and attendance at meetings of the Board and implementation of the decisions of the Board.
5. In recognition of the local government environment in which the Authority operates and to provide transparency of decision making, Council has in the provision of administrative support, incorporated Board 'in-confidence' decisions into its mandatory annual review.
6. The topic of an 'in-confidence' order made by the Authority has been reviewed annually and information released in part or full has been published to the City of Adelaide website with the agenda for the authority.

The July 2003 – December 2018 - Register of active Confidentiality Orders available on the City of Adelaide website

[https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Agendas/CORDERS/2018/2018\\_12\\_21CORDER\\_S\\_-\\_Register\\_with\\_Information\\_Available\\_to\\_the\\_Public\\_-\\_2003\\_-\\_2017\\_as\\_at\\_21\\_December\\_2018.pdf](https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Agendas/CORDERS/2018/2018_12_21CORDER_S_-_Register_with_Information_Available_to_the_Public_-_2003_-_2017_as_at_21_December_2018.pdf).) identifies;

- 6.1 the date,

- 6.2 meeting which made an 'in-confidence' order,
  - 6.3 the subject matter and reason,
  - 6.4 the duration of the order,
  - 6.5 what the 'in-confidence' order covers and what information is available to the public
7. A subsidiary must, at the request of the council, report to the council on any matter, and on any basis, specified by the council. Should council resolve to request the break-down of the material sought in the question it will be provided.

The tabled Reply for Item 13.1 is attached for reference at the conclusion of the Minutes of this meeting.

#### Question without Notice

Discussion ensued

#### Motions on Notice

#### **12. Item 15.1 – Councillor Simms – Motion on Notice – Participatory Budgetary Processes [2016/01110] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Moran -

That Council requests that administration prepare a report on the potential to utilise participatory budgetary processes for the 2019-20 budget with particular regard to the experience of the City of Melbourne.

Discussion ensued

The motion was then put and lost

Councillor Simms then requested that a division be taken on the amendment

#### **Division**

#### **For (5):**

Councillors Dr Donovan, Khera, Martin, Moran and Simms.

#### **Against (6):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Hou, Hyde and Knoll.

The division was declared against the motion.

#### **13. Item 15.2 – Councillor Simms – Motion on Notice – Disclosure of Political Party Membership and Donations [2015/03575] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Moran -

That Council:

- notes that the State Government will soon be reviewing the Local Government Act
- supports the disclosure of political party memberships and donations received (above the value of \$500) by candidates seeking election to local council, on an online register before commencement of the voting period
- requests that the Lord Mayor write to the Local Government Minister, detailing Council's support for this reform and encouraging the Government to consider this as part of its review of the Local Government Act.

Discussion ensued

Amendment –

Moved by Councillor Hyde,  
Seconded by Councillor Couros –

That the motion be amended to read as follows:

'That Council:

- notes that the State Government will soon be reviewing the Local Government Act
- requests a workshop for Elected Members to prepare a submission to the Local Government Minister with regard to the Local Government Act and the City of Adelaide Act.'

Discussion ensued

The amendment was then put and carried  
The motion, as amended, was then put and carried

**14. Item 15.3 – Councillor Simms – Motion on Notice – Reducing Single Use Plastics [2018/02571] [C]**

Moved by Councillor Simms,  
Seconded by the Deputy Lord Mayor (Councillor Abiad) -

That Council:

- notes that the State Government has recently released two discussion papers on reducing single-use plastics and expanding the container deposit scheme;
- notes that feedback on these papers must be received by the 1<sup>st</sup> of March 2019;
- requests that administration prepare a submission on these papers for endorsement by Council at its meeting of 26 February 2019.

Discussion ensued

The motion was then put and carried

**15. Item 15.4 – Councillor Dr Donovan – Motion on Notice – Wattle Grove War Memorial [2018/04053] [C]**

Moved by Councillor Dr Donovan,  
Seconded by the Deputy Lord Mayor (Councillor Abiad) -

That Council:

1. Notes that the Australasian Soldiers Dardanelles Cenotaph, the first cenotaph in Australia, has been relocated from Golden Wattle Park / Mirnu Wirra to the Anzac Memorial Walk.
2. Requests that a design project be identified in the 2019-20 draft Integrated Business Plan to explore opportunities to create a commemorative location and community destination in the south Park Lands, to consider:
  - 2.1. Both the original location of the Cenotaph in Wattle Grove adjacent Sir Lewis Cohen Avenue and the later location of Lundie Gardens;
  - 2.2. Reinstating the grove of wattle trees in Wattle Grove adjacent Sir Lewis Cohen Avenue; and
  - 2.3. Options for a new memorial in one of these locations to commemorate a significant wartime event.
3. Authorises the CEO or delegate to negotiate with Veterans SA, the Veteran's Advisory Council and other similar bodies to seek design advice and request potential funding assistance.

Discussion ensued

The motion was then put and carried

**Motions without Notice**

**16. Item 16.1 – Councillor Simms – Motion without Notice – Adelaide Oval Hotel [C]**

Moved by Councillor Simms,  
Seconded by Councillor Moran -

That Council:

- Notes that the Stadium Management Authority has given a public undertaking (as reported in 'Adelaide Now', 29 January 2019) that they will refer the Adelaide Oval Hotel proposal to the Commonwealth Government, pursuant to the provisions of the EPBC Act 1999 and regulations for consideration as an action which may impact on the National Heritage Listing of the Adelaide Parklands and City Layout.
- Reserves its right to refer the matter under the EPBC Act 1999, should the Stadium Management Authority's referral not proceed.

Discussion ensued

The motion was then put and carried

**17. Item 16.1 – Councillor Hyde – Motion without Notice – e-scooters [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Khera -

That Council:

1. Notes that e-scooters are currently prohibited from use on public roads and footpaths in South Australia.
2. Notes that the Department of Planning, Transport and Infrastructure is exploring options to legalise e-scooters on public roads and footpaths, which may include a temporary exemption for e-scooter share operators to facilitate a trial during Adelaide's 2019 festival season.
3. Delegates authority to the CEO to develop a temporary permit for up to two e-scooter share program operators to facilitate a trial in the City of Adelaide (should the State grant a temporary exemption for e-scooter share operators to facilitate a trial) including, but not limited to, considerations of safety, placement of scooters, monitoring fleet, complaints process for inappropriately located bikes, and number of e-scooters in each program.

Discussion ensued

The motion was then put and carried

Discussion ensued

### Exclusion of the Public

**18. Item 17.1 – Exclusion of the Public from the Meeting to Consider [2017/00571] [C]**

For the following report of The Committee seeking consideration in confidence

**18.1.1** Recommendation of The Committee in Confidence – 22/1/2019

Recommendation 1 New Activation Proposal – Garden of Uneathly Delights  
[s90 (3) (d)]

For the following Advice of the Adelaide Park Lands Authority (APLA) seeking receipt in confidence

**18.1.2** Advice of the Adelaide Park Lands Authority in Confidence – 24/1/2019

Advice 1 to Note – Strategic Lease Matter [s90 (3) (d)]

For the following Chief Executive Officer Reports seeking consideration in confidence:

**Strategic Alignment – Creative****18.2.1.** Strategic Lease Matter [s 90(3) (d)]**ORDER TO EXCLUDE FOR ITEM 18.1.1:**

Moved by Councillor Moran,  
Seconded by Councillor Couros -

**THAT COUNCIL:**

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 29/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Recommendation of The Committee in Confidence – Recommendation 1 – New Activation Proposal – Garden of Uneathly Delights] 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 would divulge information provided on a confidential basis by a third party – Gardeners of Uneathly Delights. This information has been provided to Council on the basis that the commercial in confidence will be maintained.

The Gardeners of Uneathly Delights have formally requested that the information be considered in confidence and the proposal remains confidential. Disclosure of the information in this report prior to any determination or public announcement is likely to prejudice the event and marketing opportunities.

**Public Interest**

The Council 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. Third parties may determine not to pitch new ideas and projects to Council if Council will not take into account concerns regarding protection of its ideas and information. This may have the impact that Council does not maximise opportunities with partners.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 29/1/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1.1 [Recommendation of The Committee in Confidence – Recommendation 1 – New Activation Proposal – Garden of Unearthly Delights] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

**ORDER TO EXCLUDE FOR ITEM 18.1.2:**

Moved by Councillor Moran,  
Seconded by Councillor Knoll -

**THAT COUNCIL:**

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 29/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.2 [Advice of the Adelaide Park Lands Authority in Confidence – Advice 1 – Strategic Lease Matter] 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 Council 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 the release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponents and may materially and adversely affect the contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 29/1/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1.2 [Advice of the Adelaide Park Lands Authority in Confidence – Advice 1 – Strategic Lease Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

**ORDER TO EXCLUDE FOR ITEM 18.2.1:**

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Hyde -

**THAT COUNCIL:**

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 29/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.1 [Strategic Lease Matter] 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 Council 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 the release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponents and may materially and adversely affect the contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 29/1/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.1 [Strategic Lease Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

The public and members of Corporation staff not directly involved with Items 18.1.1, 18.1.2 and 18.2.1 left the Council Chamber at 7.51pm.

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Confidential Item 18.1.1

Recommendation of The Committee in Confidence – 22/1/2019

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

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Confidential Item 18.1.2

Advice of the Adelaide Park Lands Authority in Confidence – 24/1/2019

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

Pages 14 - 17

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Confidential Item 18.2.1

Strategic Lease Matter

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

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The Council Chamber re-opened to the public at 7.56pm.

### Confidentiality Orders

**Minute 19 - Item 18.1.1** - Recommendation of The Committee in Confidence – 22/1/2019 [C]

#### Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.1.1 [Recommendation 1 – New Activation Proposal – Garden of Unearthly Delights] listed on the Agenda for the meeting of the Council held on 29 January 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council, do order that:

1. the report submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 5 February 2019.

**Minute 20 - Item 18.1.2** - Advice of the Adelaide Park Lands Authority in Confidence – 24/1/2019 [C]

#### Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.1.1 [Advice of the Adelaide Park Lands Authority in Confidence - Advice 1 to Note – Strategic Lease Matter] listed on the Agenda for the meeting of the Council held on 29 January 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council, do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until December 2024;
2. The confidentiality of the matter be reviewed in December 2019; and
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

**Minute 21 - Item 18.2.3** – Strategic Lease Matter [C]

#### Confidentiality Order

In accordance with Section 97(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 18.2.1 [Strategic Lease Matter] listed on the Agenda for the meeting of the Council held on 29 January 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. the resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until December 2024,
2. The confidentiality of the matter be reviewed in December 2020; and
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

### Closure

The meeting closed at 7.56pm.

Mark Goldstone,  
Chief Executive Officer

Sandy Verschoor,  
Lord Mayor.



The documents referenced in:

- Minute 5 – Item 9.2 – Advice of the Adelaide Park Lands Authority – 24/1/2019
- Minute 11 – Item 13.1 - Councillor Martin – Question on Notice – Confidential Orders, Tabled Reply are attached for reference.

# Advice of the Adelaide Park Lands Authority - 24/1/2019

ITEM 9.2 29/01/2019  
Council

**Program Contact:**  
Jacki Done, AD People & Governance 8203 7256

2018/04062  
Public

**Approving Officer:**  
Steve Mathewson, Director Services

## EXECUTIVE SUMMARY:

The Adelaide Park Lands Authority (APLA) is the principal advisor to both the Council and the State Government on the protection, management, enhancement and promotion of the Adelaide Park Lands.

The deliberations of APLA resulting in an advice are to inform future considerations of the Council.

The subject matter of an advice from APLA requiring the consideration and determination of Council will be presented in a separate report.

The Board of the Adelaide Park Lands Authority met on Thursday 24 January 2019.

A deliberation of the Board in relation to:

- Adelaide Park Lands and City Layout World Heritage Nomination Committee
- Vietnamese Boat People Monument
- Brown Hill & Keswick Creek Stormwater Project (South Park Lands)
- Adelaide Oval – submission to Select Committee

resulted in advice from the Board presented below for Council to note.

Board Member Ms Sally Smith (Deputy Presiding Member) disclosed a material conflict of interest in the Adelaide Oval – submission to Select Committee, arising from having been involved in the matter through the State Commission Assessment Panel, left the meeting room and did not participate or contribute to the deliberations of the Board on this matter.

Board Member Ms Kirsteen Mackay disclosed a material conflict of interest in the Adelaide Oval – submission to Select Committee, arising from having been involved in the matter through the provision of advice, left the meeting room and did not participate or contribute to the deliberations of the Board on this matter.

The financial contributions sought by the Authority in Advice 1 below will be considered by Council through its 2019-2020 Integrated Business Planning process including discussions with the state government for co-contribution.

The Vietnamese Boat People Monument is scheduled for presentation to The Committee in March 2019.

## APLA ADVICE TO NOTE:

THAT COUNCIL NOTES THE FOLLOWING ADVICE OF THE ADELAIDE PARK LANDS AUTHORITY:

1. Advice 1 - Adelaide Park Lands and City Layout World Heritage Nomination Committee

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That to assist with the work to be undertaken in 2019-20 financial year by the Adelaide Park Lands Authority's 'Adelaide Park Lands and City Layout World Heritage Nomination Committee', the Adelaide Park Lands Authority:

1. Requests that Council allocate a budget of \$50k for a feasibility study.

2. Writes to the Minister for Environment and Water seeking an equal amount of funding from the State Government for the same purpose.
3. Requests that these financial contributions be placed in the Adelaide Park Lands Fund given its suitability for the purpose.
4. Should the state government not be forthcoming, consider allocation of a further budget of \$50k to complete the feasibility study.

2. Advice 2 - Vietnamese Boat People Monument

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the location of the proposed Vietnamese Boat People Monument within Park 12, Red Gum Park/Karrawirra, at the location shown in Attachment A to Item 8.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 January 2019, subject to design modifications to reduce identified public accessibility risks and to facilitate protection and maintenance of the surrounding Park Lands grass, and subsequent development approval.

3. Advice 3 - Brown Hill & Keswick Creek Stormwater Project (South Park Lands)

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Provides any comments it may have on the design proposal for the stormwater management works in Victoria Park / Pakapakanthi (Park 16 and Blue Gum Park / Kurangga (Park 20) as per Attachment A to Item 8.2 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 January 2019.
2. Notes the Brown Hill and Keswick Creeks Stormwater Board's intention to undertake targeted stakeholder engagement on the design proposal and provide future briefings to the APLA as the project progresses.

4. Advice 4 - Adelaide Oval – submission to Select Committee

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES THE COUNCIL AND STATE GOVERNMENT:

That the Adelaide Park Lands Authority:

1. Approves the submission (and covering letter) to the Select Committee established by the South Australian Legislative Council to '*inquire into and report on a redeveloped Adelaide Oval*' included as **Attachment A** to Item 8.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 January 2019 subject to the 'Addressing the Select Committee's Terms of Reference' section of the submission [Agenda page 38] being amended as follows:
  - Part 2.1 being revised to indicate there was no consultation with the Authority.
  - Part 3.3 to read:
    - '3.3 The proposed hotel establishes a precedent for further commercial development on the Park Lands.'
  - The inclusion of a Part 4.4:
    - '4.4 There has been no referral of the proposed hotel to, or discussions with, the Commonwealth Government's Department of the Environment and Energy, as required by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for actions which may have a potential impact on a place of National Heritage significance. The EPBC Act requires a self-assessment process (which in turn may require a referral) by the person appointed with the responsibility for a proposed action.'

## Confidential Orders

**ITEM 13.1** 29/01/2019  
**Council**

**Council Member**  
Councillor Martin

2018/02551  
Public

**Receiving Officer:**  
Mark Goldstone, Chief Executive  
Officer

## QUESTION ON NOTICE:

### Councillor Martin will ask the following Question on Notice:

'On October 23rd 2018 Council reviewed confidentiality orders (Agenda Item 12.1, '2018 Review of Confidentiality Orders'). However, the information provided did not appear to distinguish the application of in-confidence orders by the Adelaide Park Lands Authority.

Has APLA ever publicly released a summary of matters about which it made 'in-confidence' orders since first meeting in early 2007?

Could the Authority provide Council with a breakdown of matters declared confidential;

- a) the total number per calendar year, each topic/subject, and number of pages per subject.
- b) The grounds under the Local Government Act, s90(3) cited for each topic/subject declared as confidential
- c) Whether each in-confidence order related to a whole or part document (including any document that formed part of a presentation or workshop or other briefing session).
- c) The period of confidentiality to apply for each.
- d) Whether the Authority has ever released whole or part documents from confidential status, and the date of each release (each identified by subject matter) and the agenda or minute reference (date and item) which contained that release.
- e) Whether any APLA matters or APLA documents or advices remain subject to in-confidence orders and, if so, what were the topics, original dates of application of confidentiality status and the review dates that determined continuation of order).

## DRAFT REPLY:

1. The purpose of the annual review of confidentiality orders is to present the outcome of an assessment of each order and the need for retention in confidence of the topic within the order. The report presented to Council for the annual review of Confidentiality Orders included a review of 'in-confidence' matters of the Adelaide Park Lands Authority.
2. A report by the Authority to release a summary of matters or breakdown of matters for which it made 'in-confidence' orders has not done. This form of reporting is not required in the subsidiary's obligations to report on its operations, financial position and other relevant issues.
3. In relation to the operation of the Authority for 'in-confidence' matters:
  - 3.1 It is a requirement for Authority meetings to be held in public except in special circumstance, observing s90 of the *Local Government Act 1999 (SA)*.

- 3.2 There is no obligation or requirement for the Authority to publicly release or report to Council a summary of matters about which it made 'in-confidence' orders.
- 3.3 The Board may order that a document be kept confidential provided that the Board specifies the duration of the order or the circumstances in which it will cease to apply or a period after which it must be reviewed.
- 3.4 The agenda and minutes for the Authority are published to the City of Adelaide website.
- 3.5 The publicly available minutes of a Board meeting identify any order made for a document to be kept confidential.
- 4 The Council provides administrative support for the Authority for the day to day management of its powers and duties and the preparation for and attendance at meetings of the Board and implementation of the decisions of the Board.
- 5 In recognition of the local government environment in which the Authority operates and to provide transparency of decision making, Council has in the provision of administrative support, incorporated Board 'in-confidence' decisions into its mandatory annual review.
- 6 The topic of an 'in-confidence' order made by the Authority has been reviewed annually and information released in part or full has been published to the City of Adelaide website with the agenda for the authority. The July 2003 – December 2018 - Register of active Confidentiality Orders available on the City of Adelaide website ([https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Agendas/CORDERS/2018/2018\\_12\\_21CORDERS\\_-\\_Register\\_with\\_Information\\_Available\\_to\\_the\\_Public\\_-\\_2003\\_-\\_2017\\_as\\_at\\_21\\_December\\_2018.pdf](https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Agendas/CORDERS/2018/2018_12_21CORDERS_-_Register_with_Information_Available_to_the_Public_-_2003_-_2017_as_at_21_December_2018.pdf).) identifies;
- 6.1 the date,
- 6.2 meeting which made an 'in-confidence' order,
- 6.3 the subject matter and reason,
- 6.4 the duration of the order,
- 6.5 what the 'in-confidence' order covers and what information is available to the public
7. A subsidiary must, at the request of the council, report to the council on any matter, and on any basis, specified by the council. Should council resolve to request the break-down of the material sought in the question it will be provided.

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- END OF REPORT -