



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 14 May 2019
at 6.00pm

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, Donovan, Hou, Hyde, Khera, Knoll,
Martin, Moran and Simms.

1. Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor will state:

'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.'

2. Acknowledgement of Colonel William Light

Upon completion of the Kurna Acknowledgment, the Lord Mayor will state:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six 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.'

3. Apologies and Leave of Absence

Apology - The Right Honourable the Lord Mayor [Sandy Verschoor]

4. Confirmation of Minutes – 30/4/2019 & 2/5/2019

That the Minutes of the meeting of the Council held on 30 April 2019 and the Special meeting of The Committee held on 2 May 2019, be taken as read and be confirmed as an accurate record of proceedings.

5. Deputations

Granted as at 9 May 2019

Nil

6. Petitions - Nil

7. Report of The Committee and Advice/Recommendation from Other Committees

7.1. Recommendations of The Committee – 7/5/2019 [2018/04062] [Page 3]

Recommendation 1 Adelaide Park Lands Authority – Remuneration Review

Recommendation 2 Activation and Car Park - 88 O'Connell Street North Adelaide

7.2. Advice/Recommendation of the Reconciliation Committee - 1/5/2019 [2018/04062] [Page 5]

Recommendation 1 Stretch RAP 2018-2021 Implementation Progress Report – January to March 2019

7.3. Recommendations of the Audit Committee - 3/5/2019 [2018/04062] [Page 6]

Recommendation 1 Report of the Audit Committee – 3 May 2019

Recommendation 2 Audit Committee Terms of Reference

8. Reports for Council (Chief Executive Officer's Reports) - Nil
9. Questions on Notice
 - 9.1. Councillor Martin – Question on Notice – Aquatic Centre [Page 8]
 - 9.2. Councillor Martin – Question on Notice – Indaily Article [Page 9]
10. Questions without Notice
11. Motions on Notice
 - 11.1. Councillor Simms – Motion on Notice – Council Member contact with Developers [Page 10]
 - 11.2. Councillor Moran – Motion on Notice – Roof Gardens in the City of Adelaide [Page 11]
 - 11.3. Councillor Moran – Motion on Notice – Parking - 88 O'Connell Street [Page 12]
12. Motions without Notice
13. Exclusion of the Public
 - 13.1. Exclusion of the Public [2018/04291] [Page 13]
For the following reports of The Committee and the Audit Committee seeking consideration in confidence
 - 14.1.1. Recommendation of The Committee in Confidence – 7/5/2019
Recommendation 1 City of Music Laneway Naming [s 90(3) (a) & (b)]
 - 14.1.2. Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019
Advice 1 to Note – Update on Activities of the Strategic Risk and Internal Audit Group Meetings [s90 (3) (i)]
14. Confidential Reports
 - 14.1. Confidential Report of The Committee and the Audit Committee
 - 14.1.1. Recommendation of The Committee in Confidence – 7/5/2019 [2018/04062] [Page 16]
Recommendation 1 City of Music Laneway Naming
 - 14.1.2. Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019 [2018/04062] [Page 19]
Advice 1 to Note - Update on Activities of the Strategic Risk and Internal Audit Group Meetings
15. Closure

Program Contact:

Jacki Done, AD People &
Governance 8203 7256

2018/04062
Public

Approving Officer:

Vanessa Godden, Director
Community

EXECUTIVE SUMMARY:

The Committee considered the following Items at its meeting held on 7 May 2019 and resolved to present to Council a Recommendation for each for Council determination:

- Item 4.2 – Adelaide Park Lands Authority – Remuneration Review
- Item 4.3 – Activation and Car Park - 88 O'Connell Street North Adelaide

The Lord Mayor will seek a motion for each recommendation presented by The Committee below for determination by Council.

RECOMMENDATION:

1. **Recommendation 1** - Adelaide Park Lands Authority – Remuneration Review

That Council:

1. Approves remuneration for all Adelaide Park Lands Authority Board members based on meeting attendance.
2. Approves the continuation of the application of the State Government Remuneration Framework for Boards and Committees at Category 2, Level 2 for the Authority's sitting fees, with:
 - 2.1. An adjustment in accordance with the average increase in 'Average Weekly Earnings' for the period 2008-2018, to take effect from 1 June 2019, and be adjusted in each subsequent year by the change in 'Average Weekly Earnings' for the preceding year.
 - 2.2. The application of the provision for the payment of 3 hours meeting preparation time (for each meeting attended), also to take effect from 1 June 2019.

2. **Recommendation 2** - Activation and Car Park - 88 O'Connell Street North Adelaide

That Council:

1. Authorises the Chief Executive Officer to initiate an Expression of Interest (EOI) process for an on-going activation program with ancillary car parking at 88 O'Connell Street North Adelaide.
2. Notes that the outcome of the EOI Process will be brought back to Council for approval.

DISCUSSION

1. The table below summarises the deliberations of The Committee that resulted in recommendations to Council for Council determination.

The Committee Agenda with reports for the public component of the meeting of The Committee can be viewed [here](#), with Item 4.3 distributed separately available [here](#).

The following recommendation of The Committee for Council determination adopted the recommendation as presented in the Committee Report

Recommendation 1 - Adelaide Park Lands Authority – Remuneration Review [Item 4.2]

Recommendation 2 - Activation and Car Park - 88 O'Connell Street North Adelaide [Item 4.3]

2. Item 4.1 on the Agenda, Rymill Park / Murlawirrapurka (Park 14) Draft Master Plan, was deferred to another workshop on return of the Lord Mayor.

ATTACHMENTS

Nil

- END OF REPORT -

Advice/Recommendation of the Reconciliation Committee - 1/5/2019

ITEM 7.2 14/05/2019
Council

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

2018/04062
Public

Approving Officer:
Vanessa Godden, Director
Community

EXECUTIVE SUMMARY:

The City of Adelaide Reconciliation Committee is required to recommend to Council a Reconciliation Action Plan, provide input to policy development and strategic advice and monitor the implementation of the guiding principles of Council's Reconciliation Vision Statement across Council.

The Reconciliation Committee met on Wednesday 1 May 2019. See [here](#) for the Reconciliation Committee Agenda.

The deliberations of the Reconciliation Committee have resulted in the presentation of the following advice and recommendation Council to note in relation to:

- Stretch RAP 2018- 2021 Implementation Progress Report.

The Lord Mayor will seek a motion to note the advice and recommendation presented by the Reconciliation Committee below.

ADVICE/RECOMMENDATION:

1. **Recommendation 1** - Stretch RAP 2018-2021 Implementation Progress Report – January to March 2019

That Council:

1. Notes the report.
-

ATTACHMENTS

Nil

- END OF REPORT -

Recommendations of the Audit Committee – 3/5/2019

ITEM 7.3 14/05/2019
Council

2018/04062
Public

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

Approving Officer:
Clare Mockler, Director
Community

EXECUTIVE SUMMARY:

The Audit Committee plays a critical role supporting the Council and Chief Executive Officer in the financial reporting framework of Council, by overseeing and monitoring the participation of management and external auditors in the financial reporting process. It also addresses issues such as the approach being adopted by Council and management to address business risks, corporate and financial governance responsibilities and legal compliance.

The Audit Committee met on Friday, 3 May 2019 and is required to report to Council after every meeting to identify and present advice and recommendations.

A precis of the matters considered by the Audit Committee is presented within this report.

The Recommendation below is in response to the deliberation of the Audit Committee on the Audit Committee Terms of Reference ([Link](#)).

RECOMMENDATION:

1. Report of the Audit Committee – 3 May 2019 [C]

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 3 May 2019.

2. Audit Committee Terms of Reference [C]

THAT COUNCIL

1. Adopts the Terms of Reference as included in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 3 May 2019.

DISCUSSION

1. The Audit Committee met on Friday, 3 May 2019. The agenda with reports for the public component of the meeting can be viewed [here](#).
2. The following matters were the subject of deliberation. The Audit Committee resolved as follows for each subject:

2.1. Corporate Climate Change Risks

THAT THE AUDIT COMMITTEE

1. Notes the report.
2. Requests that the Presiding Member of the Audit Committee presents a workshop to Council in relation climate change risks.

2.2. Internal Audit Progress Update

THAT THE AUDIT COMMITTEE

1. Receives and notes the report.

2.3. Audit Committee Terms of Reference

THAT AUDIT COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL:

1. Adopts the Terms of Reference as included in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 3 May 2019.

2.4. 2019-20 Draft Integrated Business Plan

THAT AUDIT COMMITTEE:

1. Receives and notes the report.
2. Requests the Administration schedule the 2019-20 Draft Integrated Business Plan for discussion with the Audit Committee post consultation prior to presentation to Council.

2.5. Update on Activities of the Strategic Risk and Internal Audit Group Meetings

THAT

1. The Audit Committee receives and notes the report.
2. The report is provided to the next meeting of the Council as part of the confidential report of the Audit Committee meeting,
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 9.1 listed on the Agenda for the meeting of the Audit Committee held on 3 May 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (i) of the *Local Government Act 1999 (SA)*, this meeting of the Audit Committee, do order that:
 - 3.1. The resolution becomes public information and included in the Minutes of the meeting.
 - 3.2. 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 31 December 2026.
 - 3.3. The confidentiality of the matter be reviewed in December 2019.
 - 3.4. 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.

- END OF REPORT -

Council Member
Councillor Martin

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Councillor Martin will ask the following Question on Notice:

'From Aquatic Centre records, could the Administration provide the number of user groups (and, if possible, details) for each of the following categories who helped to make up the three quarters of a million unique visits to the facility last financial year?

- i) School Groups
- ii) Community Swimming Clubs
- iii) Swimming and Diving Group for the Disabled
- iv) Children's Learn to Swim Classes
- v) Adult Learn to Swim Classes
- vi) Seniors Groups
- vii) Other Groups'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Council Member
Councillor Martin

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Councillor Martin will ask the following Question on Notice:

1. 'On April 15th, 2019 Indaily published an article in which the Acting Lord Mayor said he had in 2018 met a potential candidate who, in turn, has identified that meeting place as being on Council property. Both agreed this discussion had been about the operations of and conditions of joining "Team Adelaide" which was contesting the City of Adelaide elections. Following this publication, can the CEO detail any investigation he may have undertaken to determine whether this use of Council resources contravened Section 62, Section 78 (3) or section 91A of the Local Government Act?
2. If the CEO has not undertaken such an investigation, could he advise to whom he has referred the matter for investigation or advise why he does not believe it is his responsibility to do so?
3. The Indaily article referred to above also contained a statement by the Acting Lord Mayor that a group of 21 candidates which formed Team Adelaide had met at an undisclosed location on about 10 occasions in 2018 up to and including the month when the legislated Caretaker period began to agree on motions that would be brought to Council. Could the CEO advise whether he has investigated if any of these so called "high level" and "advanced" motions, shown to Indaily, have been brought to the previous or to the current Council and whether any aspect of the formulation or presentation of such motions would be in breach of the Local Government Act.
4. If the CEO has not undertaken such an investigation, could he advise to whom he has referred the matter for investigation or advise why he does not believe it is his responsibility to do so?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Council Member Developer Contact

ITEM 11.1 14/05/2019
Council

Council Member
Councillor Simms

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Simms will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Supports the regular disclosure of Council member contact with developers on an online register to improve transparency and community trust in decision making.
2. Requests that administration provide a report on how this might occur, considering in particular, the City of Vincent's Policy on 'Council Member Contact With Developers' (See eg: policy number 4.2.15 <https://www.vincent.wa.gov.au/documents/592/4215-council-member-contact-with-developers>).

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Roof Gardens in the City of Adelaide

ITEM 11.2 14/05/2019
Council

Council Member
Councillor Moran

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Moran will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

Requests administration investigate the inclusion of produce gardens on the roofs of its own property assets, car parks and development sites, namely the, 88 O'Connell Street and the Adelaide Central Market Arcade and / or others as has recently been done in Melbourne.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Parking – 88 O’Connell Street

ITEM 11.3 14/05/2019
Council

Council Member
Councillor Moran

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Moran will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

‘That:

Council investigate portioning off an area of 88 O’Connell Street and provide free permits to business owners and workers to park their vehicles there during working hours.’

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Exclusion of the Public

ITEM 13.1 14/05/2019
Council

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

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

For the following reports of The Committee and the Audit Committee seeking consideration in confidence

14.1.1. Recommendation of The Committee in Confidence – 7/5/2019

Recommendation 1 City of Music Laneway Naming [s 90(3) (a) & (b)]

14.1.2. Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019

Advice 1 to Note – Update on Activities of the Strategic Risk and Internal Audit Group Meetings [s90 (3) (i)]

The Order to Exclude for Items 14.1.1 and 14.1.2:

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.

ORDER TO EXCLUDE FOR ITEM 14.1.1:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (a) & (b) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 14/5/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.1.1 [Recommendation of The Committee in Confidence – 7/5/2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The grounds for consideration in confidence are primarily associated with the personal implications for the artist/s. There is a risk to reputation and personal brand for an artist to be placed competitively among a list of peers, and their name not be selected by Council for a City of Music laneway. Consideration in confidence seeks to protect the reputation and to minimise personal disappointment of the artist/s named in the report.

The grounds for consideration in confidence are secondly that any Council decision to name a City laneway may reasonably be expected to confer a commercial advantage of one artist/s over another, particularly as provided in a competitive arrangement through the decision-making process required by this report. There will be media and public interest in the selected artist/s. Commercial exposure and performance opportunities may reasonably be seen to be advantaged by the decision of Council to name a City laneway after the artist/s.

Public Interest

The Committee 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 would involve the unreasonable disclosure of information concerning the personal affairs of the artist/s named in the report which could prejudice the commercial position and identity of the artist/s named through the receipt of a level of commercial advantage from the decision or disadvantage the personal and professional brand and reputation of artist/s named but not selected in the decision-making process by Council.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 14/5/2019 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 14.1.1 [Recommendation of The Committee in Confidence – 7/5/2019] 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) (a) & (b) of the Act.

ORDER TO EXCLUDE FOR ITEM 14.1.2:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (i) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 14/5/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 14.1.2 [Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019 – Advice 1 - Update on Activities of the Strategic Risk and Internal Audit Group Meetings] listed on the Agenda.

Grounds and Basis

Information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

The Item is of a confidential nature because the report includes information disclosure of which could reasonably be expected to prejudice the outcome of Council's actual litigation.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 14/5/2019 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 14.1.2 [Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019 - Update on Activities of the Strategic Risk and Internal Audit Group Meetings] 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) (i) of the Act.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify 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
 - 5.3 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.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 14.1.1 – Recommendation of The Committee in Confidence – 7/5/2019 – Recommendation 1 - City of Music Laneway Naming:
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 7/5/2019.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (a) & (b)
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - 6.2. Information contained in Item 14.1.2 - Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019 – Advice 1 - Update on Activities of the Strategic Risk and Internal Audit Group Meetings:
 - 6.2.1 Is subject to an Existing Confidentiality Order dated 3/5/2019.
 - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (i)
 - (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

ATTACHMENTS

Nil

Confidential Item 18.1.1

Recommendations of The Committee in Confidence– 7/5/2019

Recommendation 1 – City of Music Laneway Naming

Section 90 (3) (a) & (b) of the *Local Government Act (SA) 1999*

Pages 16 to 18

Confidential Item 18.1.2

Recommendations of the Audit Committee in Confidence– 3/5/2019

Advice to Note 1 – Update on Activities of the Strategic Risk and Internal Audit Group Meetings

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

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