



# COUNCIL MINUTES

for the meeting

Tuesday 14 May 2019

in the Council Chamber,  
Adelaide Town Hall



Present - Acting Lord Mayor (Councillor Abiad) [Presiding];  
Councillors Abrahimzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll,  
Martin, Moran and Simms.

### Acknowledgement of Country

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

'Council acknowledges that we are meeting on traditional Country of the Kaurna 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 Kaurna people living today.

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

During the Acknowledgement Councillor Moran entered the Council Chamber at 6.03 pm

### Acknowledgement of Colonel William Light

The Acting 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.'

### Apologies and Leave of Absence

The Right Honourable the Lord Mayor [Sandy Verschoor].

### Confirmation of Minutes

#### 1. Item 4 - Confirmation of Minutes – 30/4/2019 & 2/5/2019 [C]

Moved by Councillor Simms,  
Seconded by Councillor Knoll –

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

Carried

### Report of The Committee and Advice/Recommendation from Other Committees

#### 2. Item 7.1 - Recommendations of The Committee – 7/5/2019 [2018/04062] [C]

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

It was then -

Moved by Councillor Couros,  
Seconded by Councillor Hou -

#### 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.

Councillor Hyde disclosed a material conflict of interest in Item 7.1 – Recommendation 1 – Adelaide Park Lands Authority – Remuneration Review, pursuant to Sections 73 & 74 of the *Local Government Act 1999 (SA)*, because of remuneration associated with his position on the Board of the Adelaide Park Lands Authority withdrew his Chair and left the Council Chamber at 6.07 pm.

Councillor Moran disclosed a material conflict of interest in Item 7.1 – Recommendation 1- Adelaide Park Lands Authority – Remuneration Review, pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), because of remuneration associated with her proxy position held on the Board of the Adelaide Park Lands Authority withdrew her Chair and left the Council Chamber at 6.07 pm.

Amendment -

Moved by Councillor Martin,  
Seconded by Councillor Simms -

That part 1 of the motion be amended to read as follows:

- '1. Approves remuneration for all Adelaide Park Lands Authority Board members except for elected members of the City of Adelaide based on meeting attendance.'

Discussion ensued

The amendment was then put and lost

Amendment -

Moved by Councillor Donovan,  
Seconded by Councillor Khera -

That part 1 of the motion be amended to read as follows:

- '1. Approves remuneration for all Adelaide Park Lands Authority Board members except for the Lord Mayor of the City of Adelaide based on meeting attendance.'

Discussion ensued

The amendment was then put and lost

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

### **Division**

#### **For (3):**

Councillors Donovan, Martin and Simms.

#### **Against (7):**

Councillors Abrahimzadeh, Couros, Hou, Hyde, Khera, Knoll and Moran.

The division was declared against of the amendment.

Councillors Moran and Hyde re-entered the Council Chamber at 6.37 pm

It was then -

Moved by Councillor Couros,  
Seconded by Councillor Abrahimzadeh -

### **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 review and decision.

3. Authorises the Chief Executive Officer to write to the Minister for Planning to commence a Ministerial DPA, with interim effect for the site at 88 O'Connell Street to allow car parking to be considered a land use and to be assessed as a Category 1 development, if the EOI Process is deemed not successful by Council.

Discussion ensued

Amendment -

Moved by Councillor Martin,  
Seconded by Councillor Moran -

That the motion be amended by the deletion of parts 1 and 2.

Discussion ensued

The amendment was then put and lost

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

#### Division

#### For (2):

Councillors Martin and Moran.

#### Against (8):

Councillors Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll and Simms.

The division was declared against of the amendment.

Discussion continued

The motion was then put and carried

Councillor Abrahamzadeh then requested that a division be taken on the motion

#### Division

#### For (9):

Councillors Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll, Martin and Simms.

#### Against (1):

Councillor Moran.

The division was declared in favour of the motion

Councillors Khera and Hou left the Council Chamber at 7.06 pm

### 3. Item 7.2 - Advice/Recommendation of the Reconciliation Committee - 1/5/2019 [2018/04062] [C]

Moved by Councillor Martin,  
Seconded by Councillor Knoll -

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

That Council:

- Notes the report.

Carried

### 4. Item 7.3 - Recommendations of the Audit Committee - 3/5/2019 [2018/04062] [C]

Moved by Councillor Martin,  
Seconded by Councillor Moran -

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

THAT COUNCIL

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

Carried

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Moran -

## **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.

Carried

### Questions on Notice

## **5. Item 9.1 – Councillor Martin – Question on Notice – Aquatic Centre [C]**

### Question

'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'

### Reply

- '1. In response to the question the following outlines the number of user groups within each category from the last financial year:
  - i) School Groups – 49 (includes Government and Private Schools)
  - ii) Community Swimming Clubs – 3
  - iii) Swimming and Diving Group for the Disabled – 1
  - iv) Children's Learn to Swim Classes – 2,426 (enrolled students attending weekly)
  - v) Adult Learn to Swim Classes – 74 (enrolled students attending weekly)
  - vi) Seniors Groups – 6
  - vii) Other Groups' – 16 (includes Water Polo Clubs and competitions, Underwater Hockey, Triathlon, Scuba Diving, Performers, Training providers)'

The tabled Reply for Item 9.1 is attached for reference at the end of the Minutes of this meeting.

Councillors Hou and Khera re-entered the Council Chamber at 7.10 pm

## **6. Item 9.2 – Councillor Martin – Question on Notice – Indaily Article [C]**

### Question

- '1. On April 15<sup>th</sup>, 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?'

#### Reply

- '1. As previously advised when the Councillor has asked this question, I am not aware of any misuse of Council resources as suggested in the question.
2. I would not, as a matter of course, investigate assertions made in the media.
3. I am not privy to conversations between candidates however discussion of ideas for Council would not be a breach of legislation. I imagine many candidates spoke about motions they would bring to Council should they be elected.
4. It is not considered to be in the public interest to allocate resources to investigate allegations of this nature.'

The tabled Reply for Item 9.2 is attached for reference at the end of the Minutes of this meeting.

Councillor Khara left and re-entered the Council Chamber at 7.13 pm

#### Questions without Notice

Nil

#### Motions on Notice

##### **7. Item 11.1 – Councillor Simms – Motion on Notice – Council Member contact with Developers [C]**

Moved by Councillor Simms,  
Seconded by Councillor Donovan -

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>)

Discussion ensued

Moved by Councillor Couros,  
Seconded by Councillor Hou -

That the motion be put.

Lost

Councillor Moran then requested that a division be taken on the formal motion

#### **Division**

**For (4):**

Councillors Abrahamzadeh, Couros, Hou and Knoll.

**Against (6):**

Councillors Donovan, Hyde, Khera, Knoll, Martin and Simms.

The division was declared against the formal motion.

Discussion continued

The motion was then put and lost on the casting vote of the Acting Lord Mayor

Councillor Moran then requested that a division be taken on the motion

**Division****For (5):**

Councillors Donovan, Khera, Martin, Moran and Simms.

**Against (5):**

Councillors Abrahamzadeh, Couros, Hou, Hyde and Knoll.

The division was declared against the motion on the casting vote of the Acting Lord Mayor.

Item 11.1 [with Administration Comment], distributed separately to the Agenda is attached for reference at the end of the Minutes of this meeting.

**8. Item 11.2 – Councillor Moran – Motion on Notice – Roof Gardens in the City of Adelaide [C]**

Moved by Councillor Moran,  
Seconded by Councillor Simms -

That Council:

Requests administration investigate the inclusion of produce and other gardens on the roofs of its own property assets, carparks and development sites, as has recently been done in Melbourne.

Discussion ensued

The motion was then put and carried unanimously

Item 11.2 [with Administration Comment], distributed separately to the Agenda is attached for reference at the end of the Minutes of this meeting.

**9. Item 11.3 – Councillor Moran – Motion on Notice – Parking - 88 O’Connell Street [C]**

Moved by Councillor Moran,  
Seconded by Councillor Simms -

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.

Councillor Couros disclosed an actual conflict of interest in Item 11.3 [Councillor Moran – Motion without Notice – 88 O’Connell Street], pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, on the basis that her partner has three businesses adjacent to the site and therefore potentially could benefit from the motion and advised the meeting of her intention to remain in the Council Chamber, participate in the debate as she has relevant information to contribute but as a result of the actual conflict not participate in the vote.

Discussion ensued

The motion was then put and carried  
Councillor Couros because of an actual conflict of interest did not participate in the vote

Item 11.3 [with Administration Comment], distributed separately to the Agenda is attached for reference at the end of the Minutes of this meeting.

## Motions without Notice

Nil

## Exclusion of the Public

### 10. Item 13.1 – Exclusion of the Public [2018/04291] [C]

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)]

### ORDER TO EXCLUDE FOR ITEM 14.1.1:

Moved by Councillor Simms,  
Seconded by Councillor Moran -

### 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.

Carried



**ORDER TO EXCLUDE FOR ITEM 14.1.2:**

Moved by Councillor Simms,  
 Seconded by Councillor Knoll -

**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.

Carried

The public and members of Corporation staff not directly involved with Items 14.1.1 and 14.1.2 left the Council Chamber at 8.18pm.

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Confidential Item 14.1.1

Recommendation of The Committee in Confidence – 7/5/2019  
Section 90 (3) (a) & (b) of the *Local Government Act (SA) 1999*  
Page 9

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Confidential Item 14.1.2

Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019  
Section 90 (3) (i) of the *Local Government Act (SA) 1999*  
Page 9

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The Council Chamber re-opened to the public at 8.19pm.

### Confidentiality Order

**Minute 11 - Item 14.1.1** - Recommendation of The Committee in Confidence – 7/5/2019 [C]

#### Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 14.1.1 [Recommendation of The Committee in Confidence – 7/5/2019] listed on the Agenda for the meeting of Council held on 14 May 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (a) & (b) of the *Local Government Act 1999 (SA)*, this meeting of 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 31 December 2026;
2. the confidentiality of the matter be reviewed in December 2020;
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 12 - Item 14.1.2** - Advice/Recommendation of the Audit Committee in Confidence – 3/5/2019 [C]

#### Resolution & Confidentiality Order

#### THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 3 May 2019.
2. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 14.1.2 [Recommendation/Advice of the Audit Committee – 3/5/2019] listed on the Agenda for the meeting of the Council held on 14 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 Council do order that:
  - 2.1. the resolution become public information and included in the Minutes of the meeting.
  - 2.2. the report, the discussion and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until December 2026.
  - 2.3. the confidentiality of the matter be reviewed in December 2020.
  - 2.4. 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.

### Closure

The meeting closed at 8.19pm.

Mark Goldstone,  
Chief Executive Officer

Houssam Abiad,  
Acting Lord Mayor.

### Documents Attached for Reference

Minute 5 - Item 9.1 - Councillor Martin – Question on Notice – Aquatic Centre, Tabled Reply

Minute 6 - Item 9.2 - Councillor Martin – Question on Notice – Indaily Article, Tabled Reply

Minute 7 - Item 11.1 - Councillor Simms – Motion on Notice – Council Member contact with Developers [Administration Comment], Distributed Separately

Minute 8 - Item 11.2 - Councillor Moran – Motion on Notice – Roof Gardens in the City of Adelaide [Administration Comment], Distributed Separately

Minute 9 - Item 11.3 - Councillor Moran – Motion on Notice – Parking - 88 O'Connell Street [Administration Comment], Distributed Separately

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'

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## REPLY:

1. In response to the question the following outlines the number of user groups within each category from the last financial year:
  - i) School Groups – 49 (includes Government and Private Schools)
  - ii) Community Swimming Clubs – 3
  - iii) Swimming and Diving Group for the Disabled – 1
  - iv) Children's Learn to Swim Classes – 2,426 (enrolled students attending weekly)
  - v) Adult Learn to Swim Classes – 74 (enrolled students attending weekly)
  - vi) Seniors Groups – 6
  - vii) Other Groups' – 16 (includes Water Polo Clubs and competitions, Underwater Hockey, Triathlon, Scuba Diving, Performers, Training providers)

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- 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 15<sup>th</sup>, 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?

## REPLY:

1. As previously advised when the Councillor has asked this question, I am not aware of any misuse of Council resources as suggested in the question.
2. I would not, as a matter of course, investigate assertions made in the media.
3. I am not privy to conversations between candidates however discussion of ideas for Council would not be a breach of legislation. I imagine many candidates spoke about motions they would bring to Council should they be elected.
4. It is not considered to be in the public interest to allocate resources to investigate allegations of this nature.

- END OF REPORT -

# Council Member Developer Contact

ITEM 11.1 14/05/2019  
Council

Council Member  
Councillor Simms

2019/00130  
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>).

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## ADMINISTRATION COMMENT:

1. The conflict of interest provisions under the Local Government Act provide a framework to ensure appropriate governance controls relating to Council Member activity.
2. Unlike some other states, South Australian councils operate under a Council Assessment Panel (and State Commission Assessment Panel) structure, thereby further limiting conflict of interest situations for Councillors with regard to development.
3. If this Motion is supported, a report will be brought into Council that considers:
  - 3.1. how this could be implemented in the SA legislative system
  - 3.2. requirements on conflict of interest and declaration of interests that already exist for Council members.

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- END OF REPORT -

**Council Member**  
Councillor Moran

2006/00386  
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.'

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## ADMINISTRATION COMMENT

1. The Administration will investigate and provide a report back to Council on the opportunities to locate a produce garden on the roof and / or upper stories of its current property assets and future development sites.
  - 1.1. The report would address the following:
    - 1.1.1. Identify suitable locations and understand community interest.
    - 1.1.2. Understand the structural integrity and requirements of establishing such sites on property structures.
    - 1.1.3. Cost implications of both strengthening the floor plate/s, service provision, establishment costs of a garden with consideration to ongoing maintenance costs.
    - 1.1.4. Assessment of associated hazards and safety provisions associated with access and egress and community use.
    - 1.1.5. Define the operational model for the site.
2. While a report could generically address current property assets and future development sites, the inclusion of 88 O'Connell Street and the Adelaide Central Market Arcade would be challenging as it is not included in Council's Expression of Interest nor Guiding Principles for these projects and is not a listed requirement of proponent/s.

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- END OF REPORT -



Council Member  
Councillor MoranReceiving Officer:  
Mark Goldstone, Chief Executive  
Officer

Public

## 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.’

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## ADMINISTRATION COMMENT

1. In the past Council has considered the implications of a non-ancillary car park. There are two issues to be assessed for a non-ancillary car park; firstly it is a non-complying form of development in the Main Street (O’Connell) Zone and secondly the suitability of the current surface for continuous use as public car park.
  - 1.1 The Adelaide (City) Development Plan policy is that non-ancillary car parks are a non-complying form of development.
  - 1.2 If Council were to pursue the development of temporary, non-ancillary car parking on this site, there could be the perceptions of inconsistency, bias or predetermination which may be associated with a development of an ‘at grade car park’ on this site. In addition, precedence may be set which would see Council being approached to provide parking for other businesses and workers in other locations throughout the City;
  - 1.3 Car parks that are developed that are **ancillary** to an existing use are not non-complying. They are a ‘merit’ use in the Main Street (O’Connell) Zone;
  - 1.4 If Council were to pursue a development for an ancillary car park, the development application process would involve:
    - 1.4.1 Submitting a development application with supporting documentation including specialist engineering advice in relation to car parking layout, traffic management, drainage and lighting matters.
    - 1.4.2 The development application would need to demonstrate that the car parking is genuinely ancillary to existing businesses and only for use by business owners and their employees.
    - 1.4.3 In other similar proposals, the applicant has been required to demonstrate how the car park would be secured to ensure that the car park is not available to the public. It would be necessary to demonstrate that the car park is not available for public parking, otherwise it would default to be assessed as a non-ancillary use which would be non-complying development.
    - 1.4.4 Council’s Development Assessment staff would request that the State Commission Assessment Panel (SCAP) be determined as the relevant authority rather than Council Assessment Panel (CAP) to remove appearance of any bias.

1.4.5 The development application would be a 'Category 2' application requiring public notification to adjacent property owners and occupiers.

1.4.6 Depending upon who is the relevant authority SCAP/CAP will determine application.

2. Council will be considering a report at its meeting on 14 May 2019 seeking interest from third parties through an Expression of Interest (EOI) process to activate the site.
3. Should the process present an opportunity for activation, fixed, short term, ancillary car parking would be a requirement to support the usage and a development application would be submitted for assessment.

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- END OF REPORT -