



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 27 August 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. Prayer

Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Acting Chief Executive Officer will ask 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'

4. Memorial Silence

The Lord Mayor will ask 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.

5. Apologies and Leave of Absence

Apology – Councillor Knoll.

6. Confirmation of Minutes – 13/8/2019

That the Minutes of the meeting of the Council held on 13 August 2019, be taken as read and be confirmed as an accurate record of proceedings.

7. Deputations

Granted as at 22 August 2019

7.1. Nasar Usmani – Deputation – Removing Traffic Congestion and Beautification of the City of Adelaide

8. Petitions

Nil

9. Reports of The Committee and APLA

9.1. Recommendations of The Committee – 20/8/2019 [2018/04062] [Page 3]

Recommendation 1	City of Adelaide Submission - South Australia's Housing, Homelessness and Support Strategy
Recommendation 2	BMX Precinct - City Dirt Master Plan
Recommendation 3	Public Art Action Plan 2019-2022
Recommendation 4	Splash Adelaide 2.0

Recommendation 5 Strategic Plan Progress Report Quarter 4 2018/19

9.2. Advice of the Adelaide Park Lands Authority – 22/8/2019 [2018/04062] [Page 6]

Advice 1 Superloop Adelaide 500 2020 Declarations Consultation

10. Lord Mayor's Reports

11. Councillors' Reports

11.1 Reports from Council Members [2018/04064] [Page 7]

12. Reports for Council (Chief Executive Officer's Reports)

Strategic Alignment – Corporate Activities

12.1. Audit Committee Presiding Member's Annual Report [2014/05026] [Page 10]

12.2. Progress of Motions by Elected Members [2018/04074] [Page 15]

13. Questions on Notice

13.1. Councillor Martin – Question on Notice – Impacts of Gambling Amendment [Page 18]

13.2. Councillor Martin – Question on Notice - Combustible Cladding [Page 19]

14. Questions without Notice

15. Motions on Notice

15.1. Councillor Moran – Motion on Notice – Parking Women's and Children's Hospital [2016/02563] [Page 20]

15.2. Councillor Simms – Motion on Notice - Chain of responsibility laws for defective building work [2019/00464] [Page 22]

15.3. Councillor Hyde – Motion on Notice – City Connector Bus [2019/00951] [Page 23]

15.4. Councillor Hyde – Motion on Notice - Sex Work Decriminalisation [2019/00551] [Page 25]

15.5. Councillor Hyde – Motion on Notice - Improving the Park Lands Trail [2019/00951] [Page 26]

15.6. Councillor Couros – Motion on Notice - River Torrens Water Quality [2017/04573] [Page 27]

15.7. Councillor Abrahamzadeh – Motion on Notice - Residential Waste Reduction Incentives [2019/01444] [Page 28]

16. Motions without Notice

17. Exclusion of the Public

17.1. Exclusion of the Public [2018/04291] [Page 29]

For the following report of The Committee seeking consideration in confidence

18.1.1. Recommendations of The Committee in Confidence – 20/8/2019

Recommendation 1 Strategic Procurement Matter [s 90(3) (b) & (d)]

Recommendation 2 Capital City Committee Update [s 90(3) (g) & (j)]

18. Confidential Reports

18.1. Confidential Report of The Committee

18.1.1. Recommendations of The Committee in Confidence – 20/8/2019 [2018/04062] [Page 33]

Recommendation 1 Strategic Procurement Matter

Recommendation 2 Capital City Committee Update

19. Closure

Recommendations of The Committee - 20/8/2019

ITEM 9.1 27/08/2019
Council

Program Contact:
Rudi Deco, Manager Governance
8203 7422

2018/04062
Public

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY:

The Committee considered the following Items at its meeting held on 20 August 2019 and resolved to present to Council the following Recommendation for Council determination:

- Item 7.2 – City of Adelaide Submission - South Australia’s Housing, Homelessness and Support Strategy
- Item 7.3 – BMX Precinct - City Dirt Master Plan
- Item 7.4 – Public Art Action Plan 2019-2022
- Item 7.5 – Splash Adelaide 2.0
- Item 7.6 – Strategic Plan Progress Report Quarter 4 2018/19

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

RECOMMENDATION:

1. **Recommendation 1 - City of Adelaide Submission - South Australia’s Housing, Homelessness and Support Strategy**

That Council:

1. Notes the release of the *Towards a Housing, Homelessness and Support Strategy – Strategic Intent* report, Attachment A to Item 7.2 on the Agenda for the meeting of The Committee held on 20 August 2019, for the South Australian Housing, Homelessness and Support Strategy and the invitation for public submissions into the development of the Strategy.
2. Approves the attached submission to the South Australian Housing, Homeless and Support Strategy Attachment B to Item 7.2 on the Agenda for the meeting of The Committee held on 20 August 2019, excluding Point 1 under Strategic Intent (page 114-116).

2. Recommendation 2 - BMX Precinct - City Dirt Master Plan

That Council:

1. Notes the community engagement feedback received prior to the development of the City Dirt Master Plan as per Attachment A to Item 7.3 on the Agenda for the meeting of The Committee held on 20 August 2019.
2. Approves the City Dirt Master Plan in Blue Gum Park/Kurangga (Park 20) as per Attachment B to Item 7.3 on the Agenda for the meeting of The Committee held on 20 August 2019, including the vision, principles, actions and overall implementation plan.
3. Consider a budget allocation as part of the 2020/21 Integrated Business Plan deliberations to develop detailed designs and cost estimates to inform implementation of the City Dirt Master Plan in future years.

3. Recommendation 3 - Public Art Action Plan 2019-2022

That Council:

1. Approves the *Public Art Action Plan 2019-2022*, set out in Attachment A to Item 7.4 on the Agenda for the meeting of The Committee held on 20 August 2019.
2. Notes that the *Public Art Action Plan 2019-2022*, set out in Attachment A to Item 7.4 on the Agenda for the meeting of The Committee held on 20 August 2019, will replace the existing *Public Art and Memorials Policy (2012)*.
3. Notes the draft *Public Art Operating Guidelines*, set out in Attachment B to Item 7.4 on the Agenda for the meeting of The Committee held on 20 August 2019.
4. Notes the draft *Memorials Operating Guidelines*, set out in Attachment C to Item 7.4 on the Agenda for the meeting of The Committee held on 20 August 2019.

4. Recommendation 4 - Splash Adelaide 2.0

That Council:

1. Notes the objectives and guiding principles for Splash Adelaide as at Attachment A to Item 7.5 on the Agenda for the meeting of The Committee held on 20 August 2019.
2. Authorises the CEO to select, approve and implement Splash Adelaide Projects and all associated matters under his delegation.

5. Recommendation 5 - Strategic Plan Progress Report Quarter 4 2018/19

That Council:

1. Notes the *Strategic Plan Progress Report Quarter 4 2018-19*.
2. Notes a report will be prepared by December 2019 providing more detailed analysis in relation to the achievements since 2016.

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](#).

The Committee adopted the recommendations as presented in the Committee report under Items 7.2, 7.3, 7.4 and 7.5, recommendations 1 to 4 for Council determination.

The Committee amended the recommendation as presented in the Committee report under Item 7.6, recommendation 5 for Council determination.

2. Item 7.1 - Lot Fourteen Renewal – Tree Removal, was deferred.

ATTACHMENTS

Nil

- END OF REPORT -

Advice of the Adelaide Park Lands Authority - 22/8/2019

ITEM 9.2 27/08/2019
Council

Program Contact:
Rudi Deco, Manager Governance
8203 7442

2018/04062
Public

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

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.

Future reports to Council on matters considered by APLA will include APLA's advice.

The Board of the Adelaide Park Lands Authority met (see Agenda [here](#)) on Thursday 22 August 2019.

A deliberation of the Board in relation to the

- Superloop Adelaide 500 2020 Declarations Consultation

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

Superloop Adelaide 500 2020 Declarations Consultation is scheduled for presentation in a separate report to The Committee on 17 September 2019.

APLA ADVICE TO NOTE:

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

1. Advice 1 – Superloop Adelaide 500 2020 Declarations Consultation

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

That the Adelaide Park Lands Authority:

1. Supports the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the Superloop Adelaide 500 2020 event.
2. Notes that the Superloop Adelaide 500 2020 Declaration Consultation is on the Declared Area, Declared Period and Prescribed Works Period only and not on the overall management of the Superloop Adelaide 500 event.
3. Notes Council will work with the South Australian Tourism Commission to deliver operational requirements to ensure the ongoing protection of Adelaide's Park Lands.

- END OF REPORT -

Reports from Council Members

ITEM 11.1 27/08/2019
Council

2018/04064
Public

Program Contact:
Rudi Deco, Manager Governance
8203 7442

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY:

This report is presented to:

1. Advise Council of Council Member activities and the functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members meeting attendance.
3. For Council Members who are representing Council on external Boards or Committees, provide information on the activities being undertaken by the relevant Board and Committee.

Council Members can table reports at the Council meeting and these reports will be included in the Minutes of the meeting.

RECOMMENDATION:

THAT COUNCIL

1. Notes the Council Member activities and 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 27 August 2019).
 2. Notes the summary of Council Members meeting attendance (Attachment B to Item 11.1 on the Agenda for the meeting of the Council held on 27 August 2019).
 3. Notes that reports from Council Members tabled at the meeting of the Council held on 27 August 2019 be included in the Minutes of the meeting.
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ATTACHMENTS

Attachment A – Council Member activities and functions attended on behalf of the Lord Mayor

Attachment B – Summary of meeting attendance

- END OF REPORT -

COUNCIL MEMBER ACTIVITIES 26/7/2019 - 22/8/2019

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR:			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Arman Abrahamzadeh OAM	26 July 2019	2019 South Australian Landscape Architecture Awards	Provided a speech welcoming attendees and presented an award
	2 August 2019	Law Society Dinner	Provided a speech welcoming attendees and presented an award
	14 August 2019	Adelaide West End Association AGM	Attended the AGM and networking event
Councillor Alexander Hyde	10 August 2019	SA Italian Association 70th Anniversary Ball	Attended, along with Councillor Khera, the celebration of the formation of the SA Italian Association and the Catholic Italian Welfare Association in 1949
	14 August 2019	Professor Pawelski VIP pre-lecture event	Provided thank you and farewell speech to Professor Pawelski
	15 August 2019	Cheesefest and Ferment 2019	Attended the official launch
	21 August 2019	Grote Business Precinct 2019 AGM	Attended the AGM and heard discussion on Pitt Street and an update on Her Majesty's Theatre
	22 August 2019	39th SA Prayer Breakfast	Gave a vote of thanks to the guest speaker Dr Silviso and presented him with a book
Councillor Jessy Khera	2 August 2019	SALA Exhibition Launch 'Already Home'	Provided a speech welcoming attendees to the launch and to Adelaide
	16 August 2019	Carnegie Melon University Graduation	Attended the graduation Ceremony for Master of Science in Information Technology and Master of Science in Public Policy and Management
Councillor Franz Knoll	9 August 2019	Science Excellence Awards Gala Dinner	Attended the Gala Dinner for the announcement of award winners
	23 August 2019	Civil Contractors Federation Earth Awards	Attended the Awards Dinner where CoA has been jointly nominated for the Innovation and Construction excellence award for Australia's first 100% recycled asphalt - Chatham Street project. Outcome to be provided in next month's report.

COUNCIL MEMBER MEETINGS AND EVENTS ATTENDED :

COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Deputy Lord Mayor Houssam Abiad	31 July 2019	Australia Day Council AGM	Attended as Council representative - voted to remain as Chair
	22 August 2019	Adelaide Central Market Authority Board meeting	Attended as Council representative
Councillor Arman Abrahamzadeh OAM	8 August 2019	Adelaide High School Governing Council Board meeting	Attended as Council representative
Councillor Mary Couros	22 August 2019	Convention Bureau Board Meeting	Attended as Council representative
Councillor Simon Hou	14 August 2019	StudyAdelaide Board Meeting	Attended as Council representative
Councillor Franz Knoll	19 August 2019	Rundle Mall Management Authority Board meeting	Attended as Council representative
Councillor Phillip Martin	16 August 2019	Adelaide Airport Consultative Committee	Attended as Council representative
Councillor Robert Simms	8 August 2019	Adelaide Botanic High School Council	Attended as Council representative
Councillor Robert Simms	11 August 2019	Where to Put a Tiny House	Spoke at workshop providing information to attendees on local laws governing tiny houses on wheels (usually regarded as caravans) and provided advice about how to engage with council when required.

Meeting attendance

	Adelaide Park Lands Authority 25 July 2019	Council Assessment Panel 29 July 2019	Council 30 July 2019	The Committee 6 August 2019	Council 13 August 2019	Council Assessment Panel 19 August 2019	The Committee 20 August 2019	Meetings held	Meetings attended
Lord Mayor Sandy Verschoor	✓		✓	✓	✓		✓	6	5
Councillor Houssam Abiad			✓	✓	✓		✓	4	4
Councillor Arman Abrahamzadeh			✓	✓	✓		✓	4	4
Councillor Mary Couros							✓	4	1
Councillor Helen Donovan			✓	✓	✓		✓	4	4
Councillor Simon Hou			✓	✓	✓		✓	4	4
Councillor Alex Hyde	✓		✓	✓	✓		✓	5	5
Councillor Jessy Khera			✓	✓	✓		✓	4	4
Councillor Franz Knoll			✓	✓	✓		✓	4	4
Councillor Phillip Martin			✓	✓	✓		✓	4	4
Councillor Anne Moran		✓	✓	✓	✓	✓	✓	6	6
Councillor Robert Simms			✓	✓	✓		✓	4	4
# in Attendance	2	1	11	11	11	9	2		

Key:

	Apology
	Leave
	Not a Member
	Proxy Member

Audit Committee Presiding Member's Annual Report

ITEM 12.1 27/08/2019
Council

2014/05026
Public

Program Contact:
Rudi Deco, Manager Governance
8203 7442

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

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.

Following presentation of the Presiding Member's Annual Report to the Audit Committee the Presiding Member, Mr David Powell, provides a verbal update to Council. While the presentation to the Audit Committee was done at the Audit Committee meeting on 19 July 2019, due to Mr Powell's availability the verbal update was deferred to the 27 August Council meeting.

The Presiding Member's Annual Report summarises the activities of the Audit Committee during the 2018/19 financial year.

RECOMMENDATION:

THAT COUNCIL

1. Receives the Presiding Member's Annual Report for the 2018/19 financial year as contained in Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 27 August 2019.
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IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities The role of the City of Adelaide is diverse and complex. Our core role is to deliver services to the community as a leader, service provider, regulator, advocate, facilitator and owner of assets.
Policy	Pursuant to the Audit Committee Terms of Reference, the Presiding Member shall report annually to Audit Committee and Council summarising the activities of the Committee during the previous financial year.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Open, transparent and informed decision making.
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. In accordance with the Audit Committee Terms of Reference, the Presiding Member is required to report annually to Council summarising the activities of the Audit Committee during the previous financial year.
 2. The Audit Committee met on Friday, 19 July 2019. At this meeting the Audit Committee received and noted the Presiding Member's Annual Report for the 2018/19 financial year.
 3. A report of the Audit Committee meeting was presented to the 30 July 2019 Council meeting.
 4. Following presentation of the Annual Report to the Audit Committee the Presiding Member provides a verbal update to Council. Due to the Presiding Member's availability the verbal update was deferred to the 27 August 2019 Council meeting.
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ATTACHMENTS

Attachment A – Presiding Member's Annual Report for the 2018/19 financial year

- END OF REPORT -

City of Adelaide Audit Committee

Presiding Member's Report

I am pleased to present the Presiding Member Report for the City of Adelaide Audit Committee for the year ended 30 June 2019.

The Committee was re-established by Council, in December 2014 and during the 2014/2019 term comprised the members listed below. This Committee met six (6) times which included four (4) ordinary meetings and two (2) special meetings for the 2018/2019 year and attendances at these meetings are as follows:

• David Powell (Presiding Member)	5/6
• Ross Haslam (Deputy Presiding Member)	6/6
• Sean Tu (Independent Members)	4/6
• Former Lord Mayor Martin Haese	3/3
• Lord Mayor Sandy Verschoor	3/3
• Councillor Phillip Martin	6/6
• Former Councillor Megan Hender (proxy)	0/0
• Former Councillor David Slama (proxy)	0/0
• Councillor Hyde (proxy)	0/0
• Councillor Knoll (proxy)	0/0

The substantive issues that were dealt with during the year were:

- A review and update of the Terms of Reference of the Committee and recommendation to Council;
- A review of the Corporate Complaints Handling processes, including section 270 internal reviews;
- A review of the Council's Internal Controls and Risk Management Statement for inclusion in the financial statements;
- A review of the Council's Strategic Risk and Internal Audit Group;
- A review of the 2018 financial statements and the accounting policies that are adopted;
- A review of Audit Committee meeting schedule and work plan;
- A review of the end of year financial reporting process and proposed timetable to ensure compliance with the legislative requirements;
- A review of the scope and methodology of the external audit undertaken and a review of the implementation of recommendations proposed;
- A review of climate change;
- A review of the progress of the internal audit program, detailed internal audit reports and implementation of the recommendations on a regular basis;
 - Procurement Compliance
 - Employment Taxes
 - Child Protection Framework
 - Stakeholder Relationship Management
 - Management of Community Park Lands
 - Cyber Security and Data Privacy
 - Confidential Information Handling
 - Rates Revenue Assurance
 - Confidential Orders Review
 - Records Management
 - Credit Card Compliance
- Continuous review of the risk management procedures of Council and the administration; and
- Noted the 2019-20 Budget and revised Long-Term Financial Plan that has been prepared for Public Consultation.

Presentations to the Audit Committee during the year have included:

- Business Improvement Update; and
- Value and Efficiency

The Committee, during its deliberations, considered 8 matters in confidence and applied 8 confidential orders. I am satisfied that these were an appropriate use of the provisions of Section 90 and 91 of the *Local Government Act 1999*.

I have also been asked to present to Council on the 20 August 2019 on Climate Change risks which is a great opportunity to discuss further the level of importance this should play in all decision-making practices. I would like to express my appreciation to the members of the Committee for their participation in the Committee's deliberations, and to management and staff of the Council for their assistance and clarifications where required.



DAVID POWELL

Presiding Member

Date: 20 June 2019

Progress of Motions by Elected Members

ITEM 12.2 27/08/2019
Council

2018/04074
Public

Program Contact:
Rudi Deco, Manager Governance
8203 7442

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY:

This report responds to the decision of Council from 12 March 2019 to report to every second Council meeting of the month on the Progress of Motions by Elected Members.

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RECOMMENDATION:

That Council:

1. Notes the report.
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IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. On 12 March 2019, Council resolved that Council requests the Administration, at every second meeting of Council to report on the progress of Councillor motions with and without notice adopted by the elected body over the current and previous two terms but which have not yet been fully implemented.
2. Since the commencement of the 2018-2022 Council Term a total of 79 motions on and without notice have been carried by Council.
3. As at 20 August 2019 a total of 78 motions on or without notice remain open from the current and previous terms of Council. The current progress of these motions on and without notice can be found [here](#).
4. Council Members can review progress updates on Administration undertakings via the online Council Member portal. Council Executive can provide a verbal update on undertakings to Council Members on request.

ATTACHMENTS

Nil

- END OF REPORT -

Impacts of Gambling Amendment

ITEM 13.1 27/08/2019
Council

Council Member
Councillor Martin

Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'At the last meeting of Council, Councillor Simms moved a motion for the Administration to investigate and report into the possibility of future Council leaseholders being prevented from operating poker machines on their premises and the options for curbing signs advertising poker machines.

This was amended and the following amendment subsequently supported by the majority of Councillors.

'That Council requests that administration sets a policy position to not allow pokies/gambling style uses under any new lease agreements.'

Could the Administration advise;

1. If it believes the amendment applies to "gambling style uses" such as those undertaken by newsagents and other small businesses offering for sale lotto tickets, keno tickets and various general lotteries known as "scratchies"?
2. Does it believe the amendment applies to "gambling style uses" during short term hires or leases by community or other groups offering for sale bingo tickets, raffle tickets, lucky dips and so called "community lotteries" such as those offering tickets for sale with prizes of cash, homes, vehicles and other goods?
3. Could the amendment prevent possible tenancies in any property owned by Council in the newly redeveloped Central Market Arcade or redeveloped 88 O'Connell Street site, by;
 - a) hotels with any gambling devices or, alternatively, where drinks have been purchased for the purpose of watching screens showing events on which bets have been placed
 - b) TAB or similar businesses providing betting on sporting events or other outcomes such as election outcomes
 - c) charities or community groups offering regular or occasional gambling such as bingo or lottery tickets or lucky dips
 - d) businesses which regularly sell tickets in community lotteries or games of chance
 - e) any other type of business?
4. If Council believed the amendment was ill considered, is a rescission motion the only means of changing the policy position recommended?'

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 -

Combustible Cladding

ITEM 13.2 27/08/2019
Council

Council Member
Councillor Martin

Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'In 2017 the Administration completed a visual audit of all buildings in the City of Adelaide believed to have combustible cladding, known as Stage 1, and advised the owners and occupants/residents of those structures of the potential risks. Stage 2 which included, where necessary, testing of the combustibility of such cladding on all buildings except those owned by the State Government began in 2018.

Could the Administration advise;

1. If it has completed the Stage 2 analysis of cladding, together with method and number of sites tested?
2. If it has not completed Stage 2, how many sites remain to be tested?
3. In its opinion, how many buildings will require Stage 3 replacement of cladding with other building materials and is there an estimate of the total cost available?
4. When does it reasonably believe Stage 3 will be completed and what are the impediments, if any?
5. What action can Council take if parties, including the State Government, fail to agree to Stage 2 testing or Stage 3 modifications in order to protect people in the City of Adelaide from any hazard?'

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 -

Parking Women's and Children's Hospital

ITEM 15.1 27/08/2019

Council

Council Member
Councillor Moran

2016/02563
Public

Receiving Officer:
Clare Mockler, Acting 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 the parent parking situation surrounding the Women's and Children's Hospital and possible solutions including overstay permits, by consulting the hospital and assessing the situation.'

ADMINISTRATION COMMENT

1. We are currently implementing parking changes resulting from the North Adelaide Parking Review. Customer feedback and outcomes from the first three (3) months of the changes will be brought to a Council Workshop in September 2019. It is our intention to look at all parking controls holistically at this time, including areas around the Women's and Children's Hospital.
2. We are aware of the trauma and distress which occurs when children are admitted in emergencies to the Hospital, and waive Expiation Notices issued in such circumstances.
3. Waiving expiation notices is considered a more suitable solution as it is organised after the event, rather than requiring parents/caregivers to arrange permits during the stressful time of patient admission. The Expiation Notice and advice offered through our website and Customer Centre explains how customers can seek a review of their Expiation.
4. In addition, Council has worked closely with the Women's and Children's Hospital to introduce the 128 bay WCH Permit Zone on Mackinnon Parade to assist with freeing up space in the Kermodie Street Medical Centre Car Park for parents and carers as well as nurses on the later shifts. This Permit Zone has been operating successfully since January 2016.
5. Consideration needs to be given to allow vehicles to remain longer than the indicated time limit, as this prevents other parents and carers in emergency situations accessing parking in close proximity to the Hospital.
6. We acknowledge at times on-street parking occupancy is relatively high in the immediate vicinity of the Women's and Children's Hospital, and maintaining levels of vehicle turnover is necessary to ensure access is available for the many varying needs which are often urgent in nature. We also note feedback from the Women's & Children's Hospital that the current constructions works occurring outside the neighbouring building appears to be creating further congestion.

7. The Women's and Children's Hospital provide parents and carers of long-term patients the option to purchase weekly parking tickets for the Medical Centre Car Park in Kermode Street for a cost of \$38 per week. This permit allows 7-day access during the opening hours of the car park and vehicles can also remain overnight if necessary.

- END OF REPORT -

Chain of responsibility laws for defective building work

ITEM 15.2 27/08/2019
Council

Council Member
Councillor Simms

2019/00464
Public

Receiving Officer:
Clare Mockler, Acting 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) calls on the State Government to take action to protect purchasers from potentially defective building work in the city and;
- (2) requests that the Lord Mayor write to the Minister for Planning, the Hon. Stephan Knoll MP urging the government to consider 'chain of responsibility laws' to ensure accountability for defects.'

ADMINISTRATION COMMENT

1. South Australia has existing legislation regarding NCBPs, therefore there is little benefit in introducing 'chain of responsibility' laws.
2. Should this motion be successful, administration will prepare a letter from the Lord Mayor to the Minister for Planning, the Hon. Stephan Knoll MP to request that Section 45 (2)(a) of the *Development Act 1993* is strengthened to:
 - 2.1. Include 'importers' (i.e. design, manufacture, import, supply or install an item or materials), and
 - 2.2. To support Local Government by joining with the Local Council in any legal action that may arise.
3. Chain of responsibility laws are operational in Queensland only, and are specifically written to scrutinise the use of non-conforming building products (NCBP) in building work. This legislation does not look at the failure of builders and building trades to properly install building products as it only relates to product performance.
4. NCBPs are products that are not of acceptable quality, do not meet Australian Standards, are not fit for their intended purpose or contain false or misleading claims. As a result, the use of NCBP can lead to defective building work. South Australia previously identified the issue and amended the *Development Act 1993* after the tragic loss of life in the Riverside building roof truss collapse.
5. In Queensland, the legislation is used by the Queensland Government through the Queensland Building and Construction Commission (QBCC) and allows disciplinary action (to be taken by the Queensland Government) against anyone in the supply chain for offences relating to NCBPs. South Australia does not have a State Government body that is equivalent to the QBCC.
6. South Australia has legislation in the *Development Act 1993* (Section 45(2)(a)) that makes it an offence for a person to design, manufacture, supply or install any items or materials that were supposed to comply with the Building Rules Consent of the Development Approval.

- END OF REPORT -

Council Member
Councillor Hyde

2019/00951
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

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

'That Council:

1. Notes the City Connector free bus service is currently under review.
2. Notes the importance of the City Connector to the City of Adelaide in providing connectivity and access to key city locations.
3. Requests that the Lord Mayor write to the Minister for Transport and Infrastructure requesting that the public transport service review investigates opportunities to improve the efficiency of the City Connector and does not negatively impact the level of service provision.'

ADMINISTRATION COMMENT

1. At its meeting on 9 April 2019, Council:
 - 1.1. reaffirmed its commitment to the City Connector
 - 1.2. called on the State Government to continue to fund their contribution to the service
 - 1.3. and in the case that the State Government ceases its funding, resolved to investigate alternate routes and funding measures.
2. On 9 April 2019, the Department of Planning, Transport and Infrastructure (DPTI) wrote to the CEO regarding the City Connector bus and:
 - 2.1. The possibility of reducing the frequency of the City Connector service where there is duplication with the tram network and where the 98A and 98C service can still provide adequate capacity.
 - 2.2. Working with council staff on developing a proposal to remove the 99A/99C services that operate the inner loop and have the most duplication with the free tram network within the city.
3. At its meeting on 30 April 2019, Council considered a further report, and:
 - 3.1. Authorised the Chief Executive Officer to write to the State Government seeking that we jointly review the routes and frequency of the free City Connector, including:
 - 3.1.1. Considering the current users of the service and ensuring the service remains free of charge
 - 3.1.2. maintaining and/or extending high-use routes and reducing duplication with existing services in response to city changes

- 3.1.3. exploring opportunities to enhance the service to encourage tourism and visitor use
- 3.1.4. reviewing options for the State Government and the Council to continue funding the service, including integrating with the Adelaide Metro system.
- 3.2. Requested that we prepare a report for Council's further consideration and decision-making on the outcomes of the review by September 2019 to inform Council's 2020-21 Integrated Business Plan.
- 4. We have been engaged in discussions with DPTI regarding possible changes to the City Connector. The discussions are aimed at identifying potential changes to the service to improve efficiency by removing duplication with tram services and responding to changes in demand profiles across the city.
- 5. The tender period for the service review has now closed and the tenders are currently being assessed by DPTI.
- 6. Following completion of the tender assessment, we will again engage with DPTI regarding the future of the City Connector.

- END OF REPORT -

Sex Work Decriminalisation

ITEM 15.4 27/08/2019

Council

Council Member
Councillor Hyde

2019/00551
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

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

'That Council:

1. Notes the constant trend over many years of cost and responsibility shifting from the South Australian Government on to the Local Government sector.
2. Notes that Local Governments are not mandated, equipped or adequately funded to handle complex social issues and associated impacts on their communities.
3. Opposes the current *Statutes Amendment (Sex work Decriminalisation) Bill 2019* currently before the House of Assembly due to:
 - a. Planning implications for Local Government Areas across the State, but particularly in the City of Adelaide; and
 - b. The anticipated prevalence of on-street solicitation that the current bill would cause in the City of Adelaide.
4. Does not, in passing the above, endorse a position either way on the merits or otherwise of sex work decriminalisation but merely the impact of the current bill on the City of Adelaide.
5. Requests the Lord Mayor write to all Members of the House of Assembly informing them of what Council's position is and why.'

ADMINISTRATION COMMENT

1. If this motion is supported, we will draft a letter from the Lord Mayor to the House of Assembly as outlined.

- END OF REPORT -

Improving the Park Lands Trail

ITEM 15.5 27/08/2019

Council

Council Member
Councillor Hyde

2019/00951
Public

Receiving Officer:
Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

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

'That Council:

1. Notes the Lot Fourteen site sits on land that was originally laid out as Park Land by Colonel William Light.
2. Supports the inclusion in the Master Plan for Lot Fourteen of a route for the Adelaide Park Lands Trail along the eastern edge of the site adjacent to the Botanic Gardens, connecting the current Rundle Park/ North Terrace section to Frome Park.
3. Places an item on the Agenda of the Capital City Committee reflecting that support.'

ADMINISTRATION COMMENT

1. Noting that the Master Plan for Lot Fourteen is a plan being developed by Renewal SA, if this motion is carried, we will continue to advocate with Renewal SA to seek support and inclusion of the plan as proposed.

- END OF REPORT -

River Torrens Water Quality

ITEM 15.6 27/08/2019**Council****Council Member**

Councillor Couros

2017/04573

Public

Receiving Officer:Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

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

'That Council:

Requests Administration provide an update on what the City of Adelaide has done to improve the water quality of the River Torrens and provide information on opportunities to work more collaboratively with State Government or other partners to ensure water quality issues in Torrens Lake are addressed to enhance the long-term sustainability of the River Torrens.'

ADMINISTRATION COMMENT

1. We have been undertaking work on the water quality of the River Torrens in partnership with the State Government for many years.
2. We will provide a presentation to Council Committee by Q2 2019/2020. The presentation will provide information on the following matters;
 - 2.1 A summary of River health management actions to improve the riparian environment, water quality and outcomes.
 - 2.2 Governance arrangements for the River Torrens and Torrens Lake and the role of the City of Adelaide in managing the River Torrens and Torrens Lake and associated costs.
 - 2.3 Current reforms to governance structures and opportunities for partnerships.
 - 2.4 Options for the rehabilitation of Torrens Lake to achieve multiple outcomes and contribute to the long-term water quality and sustainability of the River Torrens.

- END OF REPORT -

Residential Waste Reduction Incentives

ITEM 15.7 27/08/2019

Council

Council Member

Councillor Abrahamzadeh

2019/01444

Public

Receiving Officer:

Clare Mockler, Acting Chief

Executive Officer

MOTION ON NOTICE

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

'That Council:

Requests administration investigate options to incentivise residents to reduce their waste. For example, whether residents could receive a one-off rebate to reduce the size of their 140L waste bin to a smaller volume.'

ADMINISTRATION COMMENT

1. We are currently developing the Waste and Recycling Management Strategy which involves conducting an extensive review of our current waste service offering, programs and tools to identify areas of opportunity. It also includes investigating case studies and further research to help showcase best practices.
2. In addition, we are completing a waste audit across multiple waste streams and service areas throughout the city and in the Council's own operations. This will establish baseline data of waste within the City which will help to inform the Strategy. This data will be shared with Council in Quarter 2 2019/20.
3. We will investigate how residents can be supported in reducing the amount of household waste generated. This will include investigating financial incentives (such as a one-off rebate to reduce the size of their 140L waste bin to a smaller volume) and the results from any similar trials that have been implemented.

- END OF REPORT -

Exclusion of the Public

ITEM 17.1 27/08/2019
Council

Program Contact:
Rudi Deco, Manager
Governance 8203 7442

2018/04291
Public

Approving Officer:
Clare Mockler, Acting
Chief Executive
Officer

EXECUTIVE SUMMARY:

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

For the following report of The Committee seeking consideration in confidence

18.1.1. Recommendations of The Committee in Confidence – 20/8/2019

Recommendation 1 Strategic Procurement Matter [s 90(3) (b) & (d)]
Recommendation 2 Capital City Committee Update [s 90(3) (g) & (j)]

The Order to Exclude for Item 18.1.1:

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 18.1.1:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b), (d), (g) & (j) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/8/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Recommendations of The Committee in Confidence – 20/8/2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Recommendation 1 - Strategic Procurement Matter

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, prejudice the commercial position of Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party prior to finalising contract negotiations and execution.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed because it may prejudice Council's ability to discuss or influence a Proponents proposal for the benefit of Council and the community in this matter. This may limit Council's ability to negotiate and achieve the best possible outcome for Council.

Recommendation 2 - Capital City Committee Update

Grounds and Basis

This Item is confidential to ensure that the Council does not breach any law, any duty of confidence, or other legal obligation or duty.

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the *City of Adelaide Act 1998* which has provided for a State/Capital City inter-governmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and duty as a member of the inter-governmental forum.

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 be contrary to the Capital City Committee's operations and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/8/2019 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 [Recommendations of The Committee in Confidence – 20/8/2019] 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) (b), (d), (g) & (j) 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 18.1.1 – Recommendations of The Committee in Confidence – 20/8/2019 – Recommendation 1 – Strategic Procurement Matter:
 - 6.1.1 Is subject to Existing Confidentiality Orders dated 9/4/2019 & 20/8/2019.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (b) & (d)
 - (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;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which —
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
 - 6.2. Information contained in Item 18.1.1 – Recommendations of The Committee in Confidence – 20/8/2019 – Recommendation 2 - Capital City Committee Update:
 - 6.2.1 Is subject to an Existing Confidentiality Order dated 20/8/2019.
 - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (g) & (j)
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty
 - (j) information the disclosure of which —

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 18.1.1

Recommendations of The Committee in Confidence – 20/8/2019
Section 90 (3) (b), (d), (g) & (j) of the *Local Government Act (SA) 1999*
Pages 33 to 35
