



# COUNCIL MINUTES

for the meeting

Tuesday 10 September 2019

in the Council Chamber,  
Adelaide Town Hall



Present –

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.

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### Acknowledgement of Country

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

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

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

### Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

### Apologies and Leave of Absence

Nil

### Confirmation of Minutes

#### 1. Item 4 - Confirmation of Minutes – 27/8/2019 [C]

Moved by Councillor Martin,  
Seconded by Councillor Simms –

That the Minutes of the meeting of the Council held on 27 August 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 – 3/9/2019 [2018/04062] [C]

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

It was then -

Moved by Councillor Simms,  
Seconded by Councillor Moran -

**Recommendation 1** - Strategic Property Matter – Unsolicited Proposal – Status Update

That Council:

1. Requests that Administration advises the proponent (Adelaide Football Club) that their proposal will not be considered until the completion of a Needs Analysis to ascertain the City of Adelaide’s current and future demand for aquatic and recreational services and a draft communication and engagement plan.

2. Notes the Administration has commissioned a Needs Analysis to ascertain the City of Adelaide's current and future demand for aquatic and recreational services. The findings of this work, along with a draft Communication and Engagement Plan will be presented to Council for consideration in late 2019 or early 2020.

Much discussion ensued

The motion was then put and lost

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

#### **Division**

#### **For (4):**

Councillors Donovan, Martin, Moran and Simms

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

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

The division was declared against the motion

It was then –

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Hyde -

#### That Council:

1. Notes the Administration is progressing Stage 2 of the Unsolicited Proposal process with the AFC around the development of its proposal pursuant to the Participation Framework Agreement and consistent with the Guiding Principles. Council will be advised of any substantive developments during this process.
2. Notes the Administration has commissioned a Needs Analysis to ascertain the City of Adelaide's current and future demand for aquatic and recreational services. The findings of this work, along with a draft Communication and Engagement Plan will be presented to Council for consideration in late 2019 or early 2020.

Discussion ensued

The motion was then put and carried

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

#### **Division**

#### **For (7):**

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

#### **Against (4):**

Councillors Donovan, Martin, Moran and Simms

The division was declared in favour of the motion

Councillor Moran left the Council Chamber at 6.42pm.

It was then -

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll -

#### **Recommendation 2 - Minor Amendments Development Plan Amendment**

#### That Council:

1. Endorses the letter to the State Planning Commission – Response to City of Adelaide Minor Amendments Development Plan Amendment, as per Attachment A to Item 5.2 on the Agenda for the meeting of The Committee held on 3 September 2019.

Discussion ensued

The motion was then put and carried

Councillor Moran re-entered the Council Chamber at 6.43pm.

It was then -

Moved by Councillor Hyde,  
Seconded by Councillor Knoll -

**Recommendation 3 - Review of Event Noise Mitigation Standard Operating Procedures**

That Council:

1. Notes the recommendations of the review of Council's Event Noise Mitigation Standard Operating Procedures.
2. Approves the commencement of targeted consultation of the recommendations of the review of Council's Event Noise Mitigation Standard Operating Procedures.
3. Notes that any feedback received as part of the consultation on the recommendations of the review of Council's Event Noise Mitigation Standard Operating Procedures will be considered as part of the final recommendations of the event noise review, being brought to Council in November 2019.

Carried

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Moran -

**Recommendation 4 - Review of the Adelaide Park Lands Events Management Plan 2016-2020**

That Council:

1. Notes the annual update of the Adelaide Park Lands Events Management Plan 2016-2020.
2. Approves the proposed updates to Parts 1 and 2 of the Adelaide Park Lands Events Management Plan 2016-2020 as per Attachment A to Item 5.4 on the Agenda for the meeting of The Committee held on 3 September 2019.
3. Notes the updates to Parts 3 and 4 of the Adelaide Park Lands Events Management Plan 2016-2020 as per Attachment B to Item 5.4 on the Agenda for the meeting of The Committee held on 3 September 2019.
4. Approves a change to operating hours to be included in the Adelaide Park Lands Event Management Plan 2016-2020 for the following Adelaide Park Lands:
  - 4.1 Pinky Flat – Fridays and Saturdays: Close 11.59 pm. Sundays that precede a Monday Public Holiday: Close 11.59pm. Sundays-Thursdays: Close 11 pm.
  - 4.2 Pennington Gardens West: Close 11 pm on all days.
  - 4.3 Creswell Gardens is included in the Adelaide Park Lands Event Management Plan 2016-2020 with a closing time of 6pm on any day.
5. Notes the operating hours contained in the Council's Event Noise Mitigation Standard Operating Procedures will support the requirements contained within the Adelaide Park Lands Event Management Plan 2016-2020.

Much discussion ensued

The motion was then put and carried

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

**Division**

**For (10):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Donovan, Hou, Khera, Knoll, Martin, Moran and Simms

**Against (1):**

Councillor Hyde

The division was declared in favour of the motion

### 3. **Item 7.2 - Advice/Recommendation of the Reconciliation Committee – 4/9/2019 [2018/04062] [C]**

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

**Recommendation 1** - Stretch RAP 2018-2021 Implementation Progress Report – April to June 2019

That Council:

1. Notes the report.

Discussion ensued

The motion was then put and carried

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

#### 4. **Item 8.1 - Royal Adelaide Hospital Auxiliary Executive Committee [2018/04054] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Hou -

THAT COUNCIL

1. Notes the resignation of Councillor Hyde as the City of Adelaide representative on the Royal Adelaide Hospital Auxiliary Executive Committee.
2. Appoints a City of Adelaide representative on the Royal Adelaide Hospital Auxiliary Executive Committee for the period 10 September 2019 to 25 February 2021.

Carried

The Lord Mayor called for nominations to the position of City of Adelaide representative on the Royal Adelaide Hospital Auxiliary Executive Committee for the period 10 September 2019 to 25 February 2021.

Councillor Simms nominated Councillor Martin, who accepted the nomination.

It was then –

Moved by Councillor Simms,  
Seconded by Councillor Hyde -

THAT COUNCIL

1. Appoints Councillor Martin as City of Adelaide representative on the Royal Adelaide Hospital Auxiliary Executive Committee for the period 10 September 2019 to 25 February 2021.

Carried

### Questions on Notice

#### 5. **Item 9.1 - Councillor Martin – Question on Notice - Crows licence and Park 2 [C]**

The following Question was taken as read

Question

The former Federal Sports Minister and South Australian Senator Chris Schact raised on ABC Radio in Adelaide last week concern about governance issues around the City of Adelaide's negotiations with the Crows to establish a new headquarters on Park 2.

1. Is it correct that the Crows licence is owned by the Melbourne based AFL and, if so, what is the term of the licence agreement?
2. If this is so, would any agreement between the Crows and the City of Adelaide to hand over control of Park 2 revert to the AFL in Melbourne if the Crow's licence was revoked?

The Lord Mayor read the following Reply

Reply

- '1. It is not correct that the Crows licence is owned by the Melbourne based Australian Football League (AFL). The Adelaide Football Club (AFC) owns its own licence to play in the AFL.
2. Not applicable, given response outlined in part 1.'

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

## 6. Item 9.2 - Councillor Martin – Question on Notice – Elected Member Interests [C]

The following Question and Reply were taken as read

### Question

I refer to the series of publications in the Advertiser 'A deputy mayor, a failed builder and a register of interests' dated 29 June 2019 and 'City backs deputy's interests' dated 3 July 2019 in which it was alleged there had been a failure of an elected member to disclose on the register of interests his connection to a failed building company and to a building products supplier. Additionally, I refer to an article first published in the Advertiser 'No Conflict on Central Market: Councillor' dated 5 September alleging a elected member had not declared a possible actual conflict of interest at confidential briefing into a Council development that will impact his family's business. The Administration responded in the media that there had been no breaches of the Local Government Act or codes and regulations governing this conduct of elected members.

Could the Administration advise;

1. If in reaching those conclusions it sought external legal advice?
2. If it has sought the advice of or referred these matters to Ombudsman?

### Reply

'1. In relation to the register of interest matter:

- 1.1. As was also reported in the media, the Deputy Lord Mayor did submit in December 2018 the relevant update to his register, however due to an administrative oversight as confirmed by the Council Liaison Officer at the time, this particular update wasn't processed accordingly. As a result, no breach had occurred by the DLM and no further steps were warranted.

2. In relation to the alleged conflict of interest matter:

- 2.1. Conflict of interest provisions only apply to Council or Committee decision making and don't apply to presentations or workshops. Refer Chapter 5, Part 4, Division 3 of the *Local Government Act 1999*. No further steps were warranted.'

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

Discussion ensued, during which Councillor Khara left the Council Chamber at 7.11pm.

## 7. Item 9.3 - Councillor Simms – Question on Notice - Adelaide Crows Unsolicited Bid [C]

The following Question and Answer were taken as read

### Question

Can administration please advise how the proposal from the Adelaide Crows satisfied the 'uniqueness' criteria of Council's Unsolicited Proposal Guidelines?

### Reply

1. The City of Adelaide established a Steering Committee responsible for the assessment of the Proposal in accordance with the assessment criteria published in the Unsolicited Proposals Guideline.
2. The 'uniqueness' criterion requires the Proponent to provide information that demonstrates that its proposal is unique. This may be demonstrated by showing that:
  - 2.1. the proposal cannot be readily delivered by competitors at all or within the timeframes proposed by the Proponent
  - 2.2. the Proponent owns something that would limit other parties from being able to deliver the proposal (for example, Intellectual Property, strategic landholdings)
  - 2.3. the Proponent has unique finance arrangements that enable it to deliver the proposal where other parties would not be able to
  - 2.4. the Proponent has a genuinely innovative idea
  - 2.5. a combination of factors which may not stand alone as being unique, but which together create a unique proposal.
3. The Steering Committee was satisfied the 'uniqueness' criterion was met.

4. A report was presented in confidence to The Committee on 5 March 2019 regarding the Unsolicited Proposal and Council at its meeting on 12 March 2019 resolved to approve the Unsolicited Proposal received from the Adelaide Football Club be considered under the City of Adelaide Unsolicited Proposals Guideline and approved progressing the Unsolicited Proposal received from the Adelaide Football Club to Stage 2, subject to entering into a Participation Framework Agreement.

The tabled Reply for Item 9.3 is attached for reference at the end of the Minutes of this meeting.

### Questions without Notice

Discussion ensued, during which:

- Councillor Khera re-entered the Council Chamber at 7.14pm.
- Councillor Hyde left the Council Chamber at 7.17pm and re-entered at 7.18pm.

### Motions on Notice

#### **8. Item 11.1 – Councillor Abrahamzadeh – Motion on Notice – WER Implementation at City of Adelaide [2019/00551] [C]**

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

That Council:

1. Notes the horrendous effects of domestic and family violence in our community;
2. Notes the commitment the City of Adelaide already demonstrates to supporting employees that experience domestic and family violence, and
3. Investigates the implementation of a workplace equality and respect program for the City of Adelaide staff.

Discussion ensued

The motion was then put and carried

#### **9. Item 11.2 – Councillor Moran – Motion on Notice – Permit Parking System [2019/00551] [C]**

Discussion ensued, during which Councillor Hou left the Council Chamber at 7.26pm.

It was then -

Moved by Councillor Moran,  
Seconded by Councillor Martin -

That Council:

- (1) instigate a trader's permit system on 88 O'Connell Street carpark to allow traders to override the time limits;
- (2) investigate a permit system for teacher parking around St Dominic's priory, annexing the curb side directly adjacent to the school, similarly to the Women's and Children's Hospital parking permit system in McKinnon Parade.

Discussion continued, during which:

- Councillor Hou re-entered the Council Chamber at 7.28pm.
- Councillor Couros disclosed a material conflict of interest in Item 11.2, Councillor Moran – Motion on Notice – Permit Parking System, pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), on the basis that she is the owner of 3 businesses in O'Connell Street, withdrew her Chair and left the Council Chamber at 7.28pm.
- With the consent of the seconder, Councillor Moran withdrew the motion.
- Councillor Couros re-entered the Council Chamber at 7.29pm.

#### **10. Item 11.3 – Councillor Moran – Motion on Notice – Material-Recovery Facility Meeting [2018/03956] [C]**

Councillor Moran withdrew her motion

**11. Item 11.4 – Councillor Simms – Motion on Notice – Protecting Building Owners in the City of Adelaide [2019/00951] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Hyde -

That Council:

Requests that the Lord Mayor writes to the Minister for Planning, the Hon. Stephan Knoll MP to urge the Government to support:

- 1) the subsequent strengthening of the State's legislation to increase the protection for building owners from potentially defective building work, and
- 2) the urgent implementation of the findings of the "Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia" report by Professor Peter Shergold and Ms Bronwyn Weir.

Discussion ensued, during which:

- Deputy Lord Mayor (Councillor Abiad) left the Council Chamber at 7.31pm and re-entered at 7.36pm.
- With the consent of the mover, the seconder and the meeting Part 1 of the motion was varied to remove the word 'subsequent'.

The motion, as varied, was then put and carried

**12. Item 11.5 – Councillor Simms – Motion on Notice - Zero Waste Platform Trial [2019/01444] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Hyde -

That Council requests that administration explore the potential to facilitate the trial of a zero waste platform for the delivery of consumer goods in reusable packaging (eg 'the milkman model') in the City of Adelaide.

Discussion ensued

CEO Undertaking – Zero Waste Platform Trial

In response to queries from Councillor Khera, an undertaking was given by the CEO to include in the report any net carbon cost created by the additional service.

The motion was then put and carried

**13. Item 11.6 – Councillor Simms – Motion on Notice - Artificial Turf on Verges [20019/00951] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Donovan -

That:

Council sets a policy position to prohibit the use of artificial turf on verges.

Discussion ensued

CEO Undertaking – Artificial Turf on Verges

In response to queries from Councillor Hyde, the CEO gave an undertaking to provide Council Members with information on how many verges within the City of Adelaide are watered by the Council and those that are watered privately.

The motion was then put and carried



**14. Item 11.7 – Councillor Martin – Motion on Notice – North Adelaide On-Street Parking [2019/00551] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Moran -

That Council;

Requests the Administration investigate and reports back by the first meeting in October possible solutions to the on-street parking problems in North Adelaide as a result of their recent changes to timed and untimed parking for late night and early morning nursing and other staff at the Memorial and Calvary Hospitals;

1. Considering any potential involvement of commercial parking
2. Ways in which the management of the hospitals can be involved, especially on safety issues; and
3. Referencing the arrangements Council implemented to assist late night and early morning nursing and other and the Womens and Childrens Hospital.

Much discussion ensued, during which:

- Councillors Moran and Martin left the Council Chamber at 8.18pm.
- Councillor Donovan left the Council Chamber at 8.22pm.

The motion was then put and lost

Item 11.8 - Councillor Martin – Motion on Notice – Clarity on Gambling on Leased Council Owned Properties was not considered due to the absence of Councillor Martin.

**15. Item 11.9 – Councillor Knoll – Motion on Notice - Improving Public Health Outcomes on Hindley Street [2019/00551] [C]**

Moved by Councillor Knoll,  
Seconded by Councillor Abrahamzadeh -

That Council:

Whilst taking into consideration ongoing feedback from the West End community, requests administration:

- (1) Work with local traders to make Hindley Street safer and more amenable through increased compliance and awareness of outdoor dining permits, with a focus on Shisha Lounges.
- (2) Work with the State Government to improve the public health outcomes on Hindley Street with a focus on minimising the impacts of secondhand smoke.

Discussion ensued, during which:

- Councillor Simms left the Council Chamber at 8.24pm, re-entered at 8.24pm, left at 8.24pm and re-entered at 8.27pm.
- Councillor Donovan re-entered the Council Chamber at 8.25pm.

The motion was then put and carried

**16. Item 11.10 – Councillor Donovan – Motion on Notice - City Walking Strategy [2019/00951] [C]**

Moved by Councillor Donovan,  
Seconded by Councillor Simms -

That Council:

- (1) Notes the recent data compiled by Walking SA on pedestrian safety within the City of Adelaide.
- (2) Notes the current opportunity to provide policy input to complement/inform the Integrated Transport Plan and City Access Strategy.
- (3) Requests administration prepare a detailed walking strategy, including a peer review of the walking strategies of other cities (eg Melbourne and Sydney), to improve Adelaide's walkability and liveability.

Discussion ensued

The motion was then put and carried

### Motions without Notice

Discussion ensued

### Closure

The meeting closed at 8.39pm.

Mark Goldstone,  
Chief Executive Officer

Sandy Verschoor,  
Lord Mayor.

### Documents Attached for Reference

Minute 5 - Item 9.1 - Councillor Martin – Question on Notice - Crows licence and Park 2, Tabled Reply

Minute 6 - Item 9.2 - Councillor Martin – Question on Notice – Elected Member Interests, Tabled Reply

Minute 7 - Item 9.3 - Councillor Simms – Question on Notice - Adelaide Crows Unsolicited Bid, Tabled Reply

## Crows Licence and Park 2

ITEM 9.1 10/09/2019  
Council

**Council Member**  
Councillor Martin

201901387  
Public

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

## QUESTION ON NOTICE

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

'The former Federal Sports Minister and South Australian Senator Chris Schact raised on ABC Radio in Adelaide last week concern about governance issues around the City of Adelaide's negotiations with the Crows to establish a new headquarters on Park 2.

1. Is it correct that the Crows licence is owned by the Melbourne based AFL and, if so, what is the term of the licence agreement?
2. If this is so, would any agreement between the Crows and the City of Adelaide to hand over control of Park 2 revert to the AFL in Melbourne if the Crow's licence was revoked?'

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## REPLY

1. It is not correct that the Crows licence is owned by the Melbourne based Australian Football League (AFL). The Adelaide Football Club (AFC) owns its own licence to play in the AFL.
2. Not applicable, given response outlined in part 1.

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- END OF REPORT -

## Elected Member Interests

ITEM 9.2 10/09/2019  
Council

Council Member  
Councillor Martin

2017/03262  
Public

Receiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## QUESTION ON NOTICE

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

'I refer to the series of publications in the Advertiser 'A deputy mayor, a failed builder and a register of interests' dated 29 June 2019 and 'City backs deputy's interests' dated 3 July 2019 in which it was alleged there had been a failure of an elected member to disclose on the register of interests his connection to a failed building company and to a building products supplier. Additionally, I refer to an article first published in the Advertiser 'No Conflict on Central Market: Councillor' dated 5 September alleging a elected member had not declared a possible actual conflict of interest at confidential briefing into a Council development that will impact his family's business. The Administration responded in the media that there had been no breaches of the Local Government Act or codes and regulations governing this conduct of elected members.

Could the Administration advise;

1. If in reaching those conclusions it sought external legal advice?
2. If it has sought the advice of or referred these matters to Ombudsman?'

## REPLY

1. In relation to the register of interest matter:
  - 1.1. As was also reported in the media, the Deputy Lord Mayor did submit in December 2018 the relevant update to his register, however due to an administrative oversight as confirmed by the Council Liaison Officer at the time, this particular update wasn't processed accordingly. As a result, no breach had occurred by the DLM and no further steps were warranted.
2. In relation to the alleged conflict of interest matter:
  - 2.1. Conflict of interest provisions only apply to Council or Committee decision making and don't apply to presentations or workshops. Refer Chapter 5, Part 4, Division 3 of the *Local Government Act 1999*. No further steps were warranted.

- END OF REPORT -

# Adelaide Crows Unsolicited Bid

ITEM 9.3 10/09/2019  
Council

Council Member  
Councillor Simms

2019/01387  
Public

Receiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## QUESTION ON NOTICE

**Councillor Simms will ask the following Question on Notice:**

'Can administration please advise how the proposal from the Adelaide Crows satisfied the 'uniqueness' criteria of Council's Unsolicited Proposal Guidelines?'

## REPLY

1. The City of Adelaide established a Steering Committee responsible for the assessment of the Proposal in accordance with the assessment criteria published in the Unsolicited Proposals Guideline.
2. The 'uniqueness' criterion requires the Proponent to provide information that demonstrates that its proposal is unique. This may be demonstrated by showing that:
  - 2.1. the proposal cannot be readily delivered by competitors at all or within the timeframes proposed by the Proponent
  - 2.2. the Proponent owns something that would limit other parties from being able to deliver the proposal (for example, Intellectual Property, strategic landholdings)
  - 2.3. the Proponent has unique finance arrangements that enable it to deliver the proposal where other parties would not be able to
  - 2.4. the Proponent has a genuinely innovative idea
  - 2.5. a combination of factors which may not stand alone as being unique, but which together create a unique proposal.
3. The Steering Committee was satisfied the 'uniqueness' criterion was met.
4. A report was presented in confidence to The Committee on 5 March 2019 regarding the Unsolicited Proposal and Council at its meeting on 12 March 2019 resolved to approve the Unsolicited Proposal received from the Adelaide Football Club be considered under the City of Adelaide Unsolicited Proposals Guideline and approved progressing the Unsolicited Proposal received from the Adelaide Football Club to Stage 2, subject to entering into a Participation Framework Agreement.

- END OF REPORT -