



# COUNCIL MINUTES

for the meeting

Tuesday 19 November 2019

in the Council Chamber,  
Adelaide Town Hall



Present - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);  
Councillors Abiad (Deputy Lord Mayor), Abrahamzadeh, Couros, 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 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.'

### Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

### Prayer

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

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

### Memorial Silence

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

### Apologies and Leave of Absence

Apology:

Councillor Donovan.

### Confirmation of Minutes

#### 1. Item 6 - Confirmation of Minutes – 22/10/2019 [C]

Moved by Councillor Simms,  
Seconded by Councillor Knoll –

That the Minutes of the meeting of the Council held on 22 October 2019, be taken as read and be confirmed as an accurate record of proceedings.

Carried

## Petitions

### 2. Item 8.1 - Petition – Declare Veale Gardens a Dry Zone [2018/04073] [C]

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Couros –

#### THAT COUNCIL

- Notes the petition containing 71 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 19 November 2019, requesting Council to remove parking restrictions placed in Childers Street, North Adelaide (West of Jeffcott Street) on July 1, 2019 and that the parking accessibility be returned to that prior to July 1, 2019.

Carried

The Lord Mayor advised the meeting that the confidential items would be brought forward to be considered prior to Item 9.1.

## Exclusion of the Public

### 3. Item 17.1 – Exclusion of the Public [2018/04291] [C]

For the following reports of The Committee, APLA & Audit Committee seeking consideration in confidence

#### 18.1.1. Recommendation of The Committee in Confidence – 12/11/2019

Recommendation 1 2019-20 Quarter 1 Commercial Operations Report [s 90(3) (b)]

Recommendation 2 EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18) [s 90(3) (d)]

Recommendation 3 Capital City Committee Annual Report 2018-19 [s 90(3) (g) & (j)]

#### 18.1.2. Recommendation of The Committee in Confidence – Special – 18/11/2019

Recommendation 1 Eighty-Eight O'Connell [s 90(3) (b) & (d)]

#### 18.1.3. Advice of the Adelaide Park Lands Authority in Confidence – 24/10/2019

Advice 1 EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18) [s 90(3) (d)]

#### 18.1.4. Advice of the Audit Committee in Confidence – 22/10/2019

*If required*

For the following reports for Council (Chief Executive Officer's Reports) seeking consideration in confidence

#### 18.2.1. Access Indenture Topham Mall 2019 [s 90(3) (d)]

#### 18.2.2. Audit Committee Appointment of Independent Members [s 90(3) (a)]

#### **ORDER TO EXCLUDE FOR ITEM 18.1.1:**

Moved Councillor Abrahamzadeh,  
Seconded by Councillor Khera -

#### THAT COUNCIL:

- 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 19/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Recommendation of The Committee in Confidence – 12/11/2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Recommendation 1 - 2019-20 Quarter 1 Commercial Operations Report

#### Grounds and Basis

This Item is confidential as it includes commercial information of a confidential nature where confidence consideration is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 30 June 2020.

The disclosure of information in this report to competitors in advance may be to Council's commercial detriment.

#### 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 to competitors in advance may be to Council's commercial detriment.

Recommendation 2 - EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18)

Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

Public Interest

The 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 may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their contracting parties and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

Recommendation 3 - Capital City Committee Annual Report 2018-19

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 19/11/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1.1 [Recommendation of The Committee in Confidence – 12/11/2019] 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 ensued

The motion was then put and carried

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

**Division**

**For (6):**

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

**Against (4):**

Councillors Couros, Martin, Moran and Simms.

The division was declared in favour of the motion

**ORDER TO EXCLUDE FOR ITEM 18.1.2:**

Moved Councillor Abrahamzadeh,  
Seconded by Councillor Knoll -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.2 [Recommendation of The Committee in Confidence – Special - 18/11/2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

### Grounds and Basis

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably expect to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

More specifically, the disclosure of certain information in this committee could reasonably prejudice the commercial position of Council given that the City of Adelaide Council land holding is the subject of commercial negotiations.

### 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 given that information within this report pertains to commercial negotiations for a City of Adelaide land holding. The release of such information may severely prejudice the Council's ability to secure a developer to undertake development of the land for the benefit of the City of Adelaide, Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1.2 [Recommendation of The Committee in Confidence – Special - 18/11/2019] 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) of the Act.

Carried

### **ORDER TO EXCLUDE FOR ITEM 18.1.3:**

Moved Councillor Knoll,  
Seconded by Councillor Abrahamzadeh -

### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.3 [Advice of the Adelaide Park Lands Authority in Confidence – 24/10/2019, Advice 1 - EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18)] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

### Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

### Public Interest

The Board was satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their suppliers and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 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 18.1.3 [Advice of the Adelaide Park Lands Authority in Confidence – 24/10/2019, Advice 1 - EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18)] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

The Lord Mayor advised the meeting that Item 18.1.4, Advice of the Audit Committee in Confidence – 22/10/2019, was not required.

### **ORDER TO EXCLUDE FOR ITEM 18.2.1:**

Moved Councillor Hyde,  
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.1 [Access Indenture Topham Mall 2019] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the Council dealing with the indenture in the future and prejudice the commercial position of the purchaser dealing with their land and rights in the future. The disclosure of information relating to the Access Indenture and the Deed of Assignment has the potential to prejudice Council's position in future negotiations relating to access.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in release of information prior to a determination of the Council and prior to the finalisation of 'commercial in confidence' negotiations with the proponent; may result in a competitor receiving information to the detriment of proponents who supplied information at this point in time and may materially and adversely affect the financial viability of the proponent; and because the disclosure of Council's commercial position may severely prejudice Council's ability to negotiate a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.1 [Access Indenture Topham Mall 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) (d) of the Act.

Carried

**ORDER TO EXCLUDE FOR ITEM 18.2.2:**

Moved Councillor Abrahamzadeh,  
Seconded by Councillor Hyde -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (a) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.2 [Audit Committee Appointment of Independent Members] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as it contains information concerning the personal affairs of the applicants, in particular the information provided on the expression of interest.

The disclosure of information in this report could reasonably provide information concerning the personal affairs of the applicants.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 19/11/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.2 [Audit Committee Appointment of Independent Members] 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) of the Act.

Carried

The public and members of Corporation staff not directly involved with Items 18.1.1, 18.1.2, 18.1.3, 18.2.1 & 18.2.2 left the Council Chamber at 6.10pm.

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Confidential Item 18.1.1

Recommendation of The Committee in Confidence – 12/11/2019  
Section 90 (3) (b), (d), (g) & (j) of the *Local Government Act (SA) 1999*  
Pages 6 - 7

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Confidential Item 18.1.2

Recommendation of The Committee in Confidence – Special – 18/11/2019  
Section 90 (3) (b) & (d) of the *Local Government Act (SA) 1999*  
Pages 7 - 10

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Confidential Item 18.1.3

Advice of the Adelaide Park Lands Authority in Confidence – 24/10/2019  
Section 90 (3) (d) of the *Local Government Act (SA) 1999*  
Page 11

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Confidential Item 18.2.1

Access Indenture Topham Mall 2019  
Section 90 (3) (d) of the *Local Government Act (SA) 1999*  
Page 11

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Confidential Item 18.2.2

Audit Committee Appointment of Independent Members  
Section 90 (3) (a) of the *Local Government Act (SA) 1999*  
Pages 11 - 12

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The Council Chamber re-opened to the public at 6.59pm.

## Resolutions & Confidentiality Orders

### **Minute 4 - Item 18.1.1** - Recommendation of The Committee in Confidence – 12/11/2019 [C]

#### **Recommendation 1 2019-20 Quarter 1 Commercial Operations Report**

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.1.1 [Recommendation 1 - 2019-20 Quarter 1 Commercial Operations Report] listed on the Agenda for the meeting of the Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 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.

#### **Recommendation 2 EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18)**

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.1.1 [Recommendation 2 - EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18)] listed on the Agenda for the meeting of the Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 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.

#### **Recommendation 3 Capital City Committee Annual Report 2018-19**

##### **Resolution & Confidentiality Order**

##### That Council:

1. Receives the *Capital City Committee Annual Report 2018-19*, Attachment A to Item 8.3 on the Agenda for the meeting of The Committee held on 12 November 2019.
2. Notes the Capital City Committee intention to table the *Capital City Committee Annual Report 2018-19* in the State Parliament after it has been presented to Council.
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 18.1.1 [Recommendation 3 - Capital City Committee Annual Report 2018-19] listed on the Agenda for the Council meeting held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (g) & (j) of the *Local Government Act 1999 (SA)*, this meeting of the Council orders:
  - 3.1. The resolution becomes public information and included in the Minutes of the Council meeting.
  - 3.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until after the Capital City Committee Annual Report 2018-19 is tabled in the State Parliament.
  - 3.3. The confidentiality of the matter be reviewed in 2020 after the report has been tabled in the State Parliament.
  - 3.4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the item for which the confidentiality order has been revoked.



**Minute 5 - Item 18.1.2** - Recommendation of The Committee in Confidence – Special - 18/11/2019 [C]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.1.2 [Recommendation of The Committee in Confidence – Special – 18/11/2019 – Eighty-Eight O’Connell] listed on the Agenda for the meeting of the Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. the resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 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 6 - Item 18.1.3** - Advice of the Adelaide Park Lands Authority in Confidence – 24/10/2019 [C]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.1.3 [Advice of the Adelaide Park Lands Authority in Confidence - Advice 1 to Note – Additional Information Request - EOI Results - Pelzer Park / Pityarilla (Park 19) & Peppermint Park / Wita Wirra (Park 18)] listed on the Agenda for the meeting of the Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council, do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2024;
2. The confidentiality of the matter be reviewed in December 2020; and
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

**Minute 7- Item 18.2.1** - Access Indenture Topham Mall 2019 [C]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.2.1 [Access Indenture Topham Mall] listed on the Agenda for the meeting of Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of Council do order that:

1. the resolution, report, 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 8 - Item 18.2.2** - Audit Committee Appointment of Independent Members [C]**THAT COUNCIL**

1. Appoints the following persons as external independent members to the City of Adelaide Audit Committee for the 2020 – 2023 term of the Audit Committee. Such appointments are to be effective from 1 January 2020:
  - 1.1. David Powell
  - 1.2. Ross Haslam
  - 1.3. Paula Davies
2. Appoints David Powell to the position of Presiding Member.
3. Approves the following sitting fees for the Audit Committee:
  - 3.1. Independent Member with the role of Presiding Member, \$600 per meeting;
  - 3.2. Independent Member, \$500 per meeting; and
  - 3.3. Presiding Member, \$100 per meeting, where requested by Council or Committee to attend any Council or Committee meeting, to a limit of four (4) paid meetings per calendar year.

4. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.2.2 [Audit Committee Appointment of Independent Members] listed on the Agenda for the meeting of Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the *Local Government Act 1999 (SA)*, this meeting of Council do order that:
- 4.1. The resolution and report (excluding Attachment A) become public information and included in the Minutes of the meeting;
  - 4.2. Attachment A, 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 under 31 December 2026;
  - 4.3. The confidentiality of the matter be reviewed in December 2020;
  - 4.4. 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.

The Report (excluding Attachment A) is attached for reference at the end of the Minutes of this meeting

### Reports of The Committee and Audit Committee

#### 9. **Item 9.1 - Recommendation of The Committee – Special – 7/11/2019 [2018/04062] [C]**

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

**Recommendation 1 - Heritage: Our Future – Heritage Strategy and Action Plan 2020-2035**

That Council:

1. Approves the Draft Heritage Strategy and Action Plan 2020 – 2035 for the purposes of targeted engagement as per Attachment A to Item 4.1 on the Agenda for the Special meeting of The Committee held on 7 November 2019.
2. Approves the Terms of Reference for the Lord Mayor's Heritage Promotion Advisory Group as per Attachment B to Item 4.1 on the Agenda for the Special meeting of The Committee held on 7 November 2019, with the exception of the membership of the Group, which is to be endorsed by Council.
3. Approves a \$44k project budget to progress implementation of the heritage strategy in 2019/2020. This additional funding will require a QF2 budget request.

Carried

#### 10. **Item 9.2 - Recommendations of The Committee – 12/11/2019 [2018/04062] [C]**

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

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Simms -

**Recommendation 1 – Recommendations of review of Council's Event Noise Mitigation Standard Operating Procedures**

That Council:

1. Approves the recommendations of the review and the changes to the Event Noise Mitigation Standard Operating Procedures as outlined in Attachment A to Item 5.1 on the Agenda for the meeting of The Committee held on 12 November 2019.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Moran,  
Seconded by Councillor Hyde -

**Recommendation 2 - Adelaide Park Lands Expenditure and Income**

That Council:

1. Receives the report.

Carried

It was then -

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

**Recommendation 3 - Adelaide Zero Project – Inner City Services Hub Business Case**

That Council:

1. Authorises release of \$45,000 towards delivery of the recommendation of the IGH report to develop a business case for an Inner-city services hub, matching the State Government 2019-2020 budget commitment of \$45,000.
2. Notes the visit of Dr Nonie Brennan, co-author of the IGH report, and the intention for Dr Brennan to work with Adelaide Zero Project partners to progress planning and implementation of other Adelaide Zero Project deliverables captured in the February IGH report which may result in opportunities to allocate the remainder of the \$200,000.
3. Notes the Adelaide Zero Project continues to work on issues surrounding Aboriginal mobility and transient population use of the Adelaide Park Lands.
4. Allocates \$60,000 (to the Adelaide Zero Project) of the above funds currently budgeted, to fast-track existing work being done on Aboriginal mobility and to begin funding the implementation of that solution.
5. Places the topic of Aboriginal mobility on the next Capital City Committee meeting agenda.

Discussion ensued

Councillor Moran moved the following amendment, which lapsed for want of a seconder:

‘That the motion be amended to read as follows:

That Council:

1. Authorises release of \$45,000 towards delivery of the recommendation of the IGH report to develop a business case for an Inner-city services hub, matching the State Government 2019-2020 budget commitment of \$45,000.
2. Notes the visit of Dr Nonie Brennan, co-author of the IGH report, and the intention for Dr Brennan to work with Adelaide Zero Project partners to progress planning and implementation of other Adelaide Zero Project deliverables captured in the February IGH report which may result in opportunities to allocate the remainder of the \$200,000.
3. Notes the Adelaide Zero Project continues to work on issues surrounding Aboriginal mobility and transient population use of the Adelaide Park Lands.
4. Allocates \$60,000 to the Adelaide Zero Project.’

Discussion continued

The motion was then put and carried

It was then -

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

**Recommendation 4 – 2019-20 Quarter 1 Finance Report**

That Council:

1. Notes the year to date Financial Performance for the quarter ended 30 September 2019, as detailed in Schedule 2 of Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.
2. Notes the year to date Treasury Report for the quarter ended 30 September 2019, as detailed in Schedule 3 of Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.
3. Notes the 2019-20 Proposed Quarter 1 revised Long Term Financial Plan, forecasted Key Financial Indicators, and prudential borrowing ratios as detailed in Schedules 5-7 of Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.
4. Notes the 2019-20 Uniform Presentation of Finances as detailed in Schedule 8 of Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.
5. Approves the 2019-20 proposed Quarter 1 revised forecast for General Operations, Business Operations, Projects, the Infrastructure Program, and Major Projects (City Transformation Investments) as summarised in Schedule 4 and detailed in Schedules 9-14 in Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.

6. Approves the proposed carry forwards for Projects and the Infrastructure Program as summarised in Schedule 4 and detailed in Schedules 11-13 in Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.
7. Notes the Quarter 1 Capital Program Report for the period ended 30 September 2019 as included in Schedule 15 in Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.
8. Approves the proposed carry forwards for the Adelaide Central Market Authority and Rundle Mall Management Authority as summarised in Schedule 16 and detailed in Schedule 17 of Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 12 November 2019.

Carried

**11. Item 9.3 - Recommendation of The Committee – Special – 19/11/2019 [2018/04062] [C]**

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

That Council:

1. Adopts the *Draft City of Adelaide 2020-2024 Strategic Plan* (the Consultation Draft Plan), Attachment A to Item 3.1 on the Agenda for the Special meeting of The Committee held on 19 November 2019, for consultation.
2. Authorises the Chief Executive Officer to make any amendments required as a result of this meeting or for editorial purposes, prior to release of the Draft Plan for consultation.
3. Amend 12.3 and remove the words 'be city shapers who' and add at end of 12.3 'by delivering core Council services efficiently and lowering costs for all economic participants'.
4. Amend 12.2 by removing 'see the city transition to a circular economy and' and add at the end 'encourage minimisation of waste'.

Discussion ensued

The motion was then put and carried

**12. Item 9.4 - Advice of the Adelaide Park Lands Authority – 14/11/2019 [2018/04062] [C]**

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

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

1. Advice 1 – Ministerial Lot Fourteen Development Plan Amendment

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

That the Adelaide Park Lands Authority:

1. Recognises and re-iterates the importance of the Park Lands status of the Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen site.
2. Sees an opportunity to provide for a community and cultural precinct set in park-like surrounds which contribute to the well-being, creativity and enjoyment of the city's workers and visitors.
3. Therefore recommends that the future development of the site reflect these aspirations, and the provisions of the Adelaide Park Lands Management Strategy (as adopted by the State Government in 2017), as follows:
  - 3.1. Provide for a greater component, at least 30% of the site, as open space Park Lands reflecting and contributing to the adjacent Adelaide Botanic Garden, to be retained in perpetuity.
  - 3.2. Provide for urban park-like courtyards and treed avenues throughout.
  - 3.3. Building heights on the site should be restricted to 53m (approximately 15 storeys) and transition down to zone boundaries in order to minimise impacts on the national heritage values and view shed to the Adelaide Botanic Gardens.
  - 3.4. Include a combined cycle and pedestrian path along the eastern side of the site, adjacent the Adelaide Botanic Garden, for the Park Lands Trail to connect North Terrace and Frome Park.
  - 3.5. Include strong east-west path connections and access points from Frome Road to the Adelaide Botanic Garden.
  - 3.6. Recognise, promote and protect site of Kurna cultural heritage significance
4. The Minister be encouraged to seek input on the DPA from the Kurna Community.

## 2. Advice 2 - Lot Fourteen – report pursuant to the Adelaide Park Lands Act 2005 (SA)

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

That the Adelaide Park Lands Authority:

2. Receives the report provided by the Minister for Planning pursuant to section 23 of the *Adelaide Park Lands Act 2005 (SA)* provided as Attachment A to Item 9.2 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 14 November 2019 regarding the future use and status of the former Royal Adelaide Hospital site now known as Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen.
3. Requests further detail from the State Government regarding how the following ambition in the Minister for Planning's section 23 Report will be achieved:
  - 2.1. *Lot Fourteen will be a pedestrian friendly precinct which supports access by cycling, walking and public transport. Strong north-south and east-west connections will be established to link the site with surrounding park lands.*
4. Notes that the Adelaide Park Lands Management Strategy (as adopted by the City of Adelaide in December 2016 and the then Minister for Planning in August 2017) anticipates cultural and community land uses rather than commercial land uses for the future of the Mistletoe Park/Tainmuntilla (Park 11) site.
5. Recommends the inclusion in the Master Plan for Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen of a route for the Adelaide Park Lands Trail along the eastern edge of the site adjacent the Botanic Gardens, connecting the current Rundle Park / North Terrace section of the Trail to Frome Park / Nellie Raminyemmerin.
6. In order to secure the future retention of the planned open space component of Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen (in recognition of the site's status as Park Lands), recommends that the Minister, in order of preference:
  - 6.1. Transfers that portion of Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen to the City of Adelaide in perpetuity for its care, control and management.
  - 6.2. In consultation with the Board of Botanic Gardens and State Herbarium, transfers that portion of Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen to the Botanic Gardens and State Herbarium in perpetuity for its care, control and management.
  - 6.3. Should the transfer of the open space components not occur, recommends:
    - 6.3.1. A land management agreement between the Urban Renewal Authority and City of Adelaide, pursuant to section 57 of the *Development Act 1993 (SA)* regarding the future use and management of that land.
    - 6.3.2. The State Government provides assurance that the proposed open space component, will be retained in perpetuity.
7. Reminds the State Government of its obligation, pursuant to section 20 of the *Adelaide Park Lands Act 2005 (SA)*, to prepare a management plan for Mistletoe Park/Tainmuntilla (Park 11) Lot Fourteen in recognition of the site's status as Park Lands.

## 3. Advice 3 - Prospect Road Park Lands Entry Improvements and Tree Removal

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the removal of 17 existing trees in Yam Daisy Park / Kantarilla (Park 3) as shown in Attachment A to Item 9.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 14 November 2019.
2. Supports the new design proposed for Denise Norton Park / Pardipardinyilla (Park 2) and along Prospect Road including the new replacement tree planting of 35 trees to the eastern verge and 49 trees to the western verge of Prospect Road as shown in Attachment B to Item 9.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 14 November 2019.

## 4. Advice 4 - Rymill Park / Murlawirrapurka (Park 14) Car Park – Trial Results

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Notes the results of the 12-month trial undertaken for the public car park in Rymill Park/Murlawirrapurka (Park 14).
2. Supports Council continuing to grant an additional 18 Permits to the Adelaide Bowling Club for their use (Wednesdays only) during Pennant bowling season (October-March).

3. Notes that the 18 additional permits will be reviewed once the Quentin Kenihan Play Space is completed and a car parking utilisation survey is undertaken to assess new demand.

Discussion ensued, during which Councillor Khera left the Council Chamber at 7.22pm and re-entered at 7.25pm.

The motion was then put and carried

### **13. Item 9.5 - Recommendations of the Special Strategic Planning & Development Policy Committee - 18/11/2019 [2018/04062] [C]**

Item 9.5, distributed separately, was before Council Members.

It was then -

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

#### **Recommendation 1 - Ministerial Lot Fourteen Development Plan Amendment**

That Council:

1. Endorses the City of Adelaide submission to the Lot Fourteen (old Royal Adelaide Hospital) Innovation Area Development Plan Amendment as detailed in Attachment A to Item 4.1 on the Agenda for the Special meeting of the Strategic Planning & Development Policy Committee held on 18 November 2019, including the recommendation to Council from the Adelaide Park Lands Authority on 14 November 2019.

Carried

It was then –

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

#### **Recommendation 2 - Historic Area Statements**

That Council:

1. Endorses the 'Draft City of Adelaide Historic Area Statements for the Planning and Design Code' for submission to the State Planning Commission as detailed in Attachment A to Item 6.1 of the Agenda for the Special meeting of the Strategic Planning & Development Policy Committee held on 18 November 2019.

Carried

Item 9.5, distributed separately to the Agenda is attached for reference at the end of the Minutes of this meeting.

### **14. Item 9.6 - Recommendations/Advice of the Special Audit Committee – 18/11/2019 [2018/04062] [C]**

Item 9.6, distributed separately, was before Council Members.

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Khera -

#### **Report of the Audit Committee – 18 November 2019 [C]**

THAT COUNCIL

1. Notes the report of the Special meeting of the Audit Committee held on 18 November 2019.

Carried

Item 9.6, distributed separately to the Agenda is attached for reference at the end of the Minutes of this meeting.

### **Lord Mayor's Reports**

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

The Lord Mayor addressed the meeting on the first full year of this term of Council as below:

'As we pass the middle of November, we are well into preparing for Christmas, but we also mark the first full year of the Council term.

It is a good time to reflect on what has already been achieved.

2019 has been a year of transition. With eight newly elected members, this Council has great diversity representing the full array of our City of Adelaide ratepayers, residents and visitors.

New members bring new ideas about how we move our city forward to ensure we are providing the infrastructure, services and city culture that the community will need and demand in the years to come.

As a capital city Council, we are well aware that our decisions have an impact beyond the boundaries of the Adelaide Park Lands.

I want this term of Council to be known for:

- growing our economy – helping businesses to be sustainable and expand, assist start-ups to scale, and creating new jobs which increases prosperity,
- for strengthening our communities – enhancing what is great about our city lifestyle,
- and creating a dynamic city culture which attracts more visitors to enjoy everything Adelaide has to offer.

This Council is not afraid of making bold, city shaping decisions that will set up Adelaide for a prosperous future for generations to come.

Neither will we shy away from addressing the challenges our community face: homelessness, universal access and inclusion, reconciliation and climate change.

In the past 12 months, we have held 21 Council meetings which resulted in over 350+ decisions.

We're keeping costs low and reducing red tape, we've increased funding to end street homelessness in Adelaide, Splash Adelaide has been reinstated with a new purpose, and we're funding masterplans for our main streets.

Collaboration and partnership are part and parcel of effectively managing our city, and by working together with the Federal Government and State Government, we have secured the \$500m Adelaide City Deal which underwrites significant investment in the City of Adelaide for the next decade.

With this new term our Council, we took carriage of several major once-in-a-generation development and renewal project and as a team, ably supported by our dedicated and hard-working administration, we are progressing these projects.

As a group, we have worked together to develop Council's strategic plan for the next four years, an action plan we can unite behind to deliver for the city.

I am proud to be leading a Council which is focussed on delivering exceptional outcomes for our ratepayers and residents, as well as creating the very best experiences for visitors, students and workers.

The next three years will be all about delivering long-term outcomes for the City of Adelaide, building on what is already unique about our city as one of the world's most liveable.'

During the discussion, Councillor Couros left the Council Chamber at 7.29pm and re-entered at 7.32pm

It was then -

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh -

That the report be received and noted.

Carried

## Councillors' Reports

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

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Moran -

#### 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 19 November 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 19 November 2019).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 19 November 2019 be included in the Minutes of the meeting.

Councillor Abrahamzadeh addressed the meeting on the Councillors Report:

- Amendment to Councillors Report - Statewide Super Hub ceremony 21/10, he attended only, no official duties.

Councillor Simms addressed the meeting on the following events attended:

- Amendment to Councillors Report – he was an apology for the Adelaide Botanic High School meeting on 29 October 2019.

The motion was then put and carried

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

### 17. Item 12.1 – Adelaide Park Lands Authority - Annual Report [2010/03030] [C]

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

#### THAT COUNCIL

1. Receives the Adelaide Park Lands Authority's Annual Report for 2018/19, as adopted by APLA at its meeting on 24 October 2019, as Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 19 November 2019.

Discussion ensued

The motion was then put and carried

### 18. Item 12.2 – Position of Deputy Lord Mayor [2014/04836] [C]

Moved by Councillor Moran,  
Seconded by Councillor Martin -

#### THAT COUNCIL

1. Approves the appointment of a Council Member to the position of Deputy Lord Mayor for the period 1 December 2019 until 30 November 2020.

Carried

The Lord Mayor called for nominations to the position of Deputy Lord Mayor.

Councillor Moran nominated Councillors Simms, Hou, Khera and Hyde.

Councillor Simms accepted the nomination, Councillors Hou, Khera and Hyde all declined the nomination.

Councillor Abiad (Deputy Lord Mayor) nominated Councillor Hyde, who accepted the nomination.

There being two (2) nominations for one (1) position, a ballot was conducted.

The ballot resulted in Councillor Hyde being selected for appointment.

Councillor Hyde identified an actual conflict of interest in Item 12.2 [Position of Deputy Lord Mayor] pursuant to Sections 75 & 75A of the Local Government Act 1999, because of remuneration associated with an appointment to the position, withdrew his chair and left the Council Chamber at 7.48pm.

It was then –

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

That Council appoints Councillor Hyde to the position of Deputy Lord Mayor for the period 1 December 2019 until 30 November 2020.

Carried

Councillor Hyde re-entered the Council Chamber at 7.49pm.

The Lord Mayor adjourned the meeting at 7.50pm for a ten minute break.

The meeting resumed at 7.58pm.

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

The Lord Mayor thanked Councillor Abiad (Deputy Lord Mayor) for his service over the past 12 months as Deputy Lord Mayor.

### 19. Item 12.3 – State Records Council [2018/04054] [C]

Moved by Councillor Simms,  
Seconded by Councillor Hyde -

#### THAT COUNCIL

1. Approves the nomination of a Council Member or staff member to the State Record Council.

Carried

Councillor Simms nominated Councillor Donovan, who had previously advised of her acceptance.

It was then –

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Moved by Councillor Knoll,  
Seconded by Councillor Couros -

That Council nominates Councillor Donovan to the State Record Council.

Carried

**20. Item 12.4 – 2019 Review of Confidentiality Orders [2019/01063] [C]**

Discussion ensued

It was then -

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

THAT COUNCIL

1. Notes that active confidentiality orders (July 2003 to October 2019) have been reviewed in accordance with Section 91(9) of the *Local Government Act 1999*.
2. Approves to extend the operation of 33 confidentiality orders in full and 7 in part as identified in Attachment A to Item 12.4 on the Agenda for the meeting of the Council held on 19 November 2019.
3. Notes that 68 active confidentiality orders will be released in part or full and published on the City of Adelaide website during December 2019.

Carried

**21. Item 12.5 – Council of Capital City Lord Mayors Update [2015/03039] [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL

1. Notes the report.

Discussion ensued

The motion was then put and carried

**Questions on Notice**

**22. Item 13.1 – Councillor Simms – Question on Notice – Atmospheric Lighting [C]**

Councillor Simms read the following question:

‘What is the status of the report I initiated on options for atmospheric lighting for O’Connell Street and Melbourne Street?’

The following Reply was taken as read:

1. As part of Council’s 2019/20 IBP project to prepare Master Plans for Melbourne, O’Connell and Hutt Streets, opportunities and actions to include atmospheric lighting will be included to enhance the night-time experience of the public realm.
2. Cost estimates and proposed timeframes will be brought back to Council for consideration in mid - 2020.
3. Opportunities to partner with business owners and grant funding may also be considered as well as working with Splash Adelaide for temporary installations to deliver these lighting actions.

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

**23. Item 13.2 – Councillor Simms – Question on Notice – Tree Planting Progress [C]**

Councillor Simms read the following question:

- ‘1. Could administration please provide an update on the progress of tree planting targets as outlined in the 2016-2020 Strategic Plan, as well as an update on the targets outlined in the approved Green City Plan?
2. In particular, what is the status of the greening promised for residential areas in the West End of the City?’

The following Reply was taken as read:

1. The current progress of the tree planting targets outlined in the 2016-2020 Strategic Plan:

- 1.1. Council is on track to achieve its new Strategic Plan Greening target of 1,500 trees within the city build-up area. The new target was set after achieving the original target (1000 trees) in September 2018.
- 1.2. Works have continued to incorporate new street tree planting within the capital works program by including street trees where there previously was none. These include streetscape upgrades to Boulton Street (4 trees) St Helena Place (16 trees), Gray Street (7 trees) and Gawler Place (14 Trees).
- 1.3. Providing context and background to the greening priorities for the City of Adelaide. This included highlighting some of the constraints encountered in planting trees in constrained City environments.
- 1.4. Since adoption of the 2016-2020 Strategic Plan, Council has invested significant funding to reach its greening targets. This has included an extensive program to investigate, design and then implement greening and has included \$2.4million in the 2016/17 Greening Street program, up to 200 trees in the 2017/18 Street Tree Planting program, and delivering designs for small-scale residential streetscape improvements for residential streets Claxton's Street and Strangways Terrace in the 2018/19 Residential Streets Improvement Program.
- 1.5. In addition, Public Realm tree planting program has increased the street trees as per the table below. Note: Figures in the table do not include the number of trees being delivered as part of Capital Works projects.

Year	Tree Increase
2016/17	353
2017/18	367
2018/19	217
2019/20 (YTD)	Tree Planting season will start in May 2020

2. 2019/20 Greening - North West and South West: Project is to increase greening and the tree canopy cover to 20% in the City's South West and North West. \$800,000 was committed as part of the 2019/20 Integrated Business Plan and Budget. This project will deliver the following:
  - 2.1. Widened median with trees along Grote Street - Stage1, between Morphett Street and Blenheim Street (\$600,000). The funding will enable planting of 30 trees. This is an estimated 280 square meters of canopy cover at tree maturity. The project will also deliver an estimated 450 square meters of new garden beds.
    - 2.1.1. \$200,000 is committed for undertaking the planning, feasibility and survey investigations required to incorporate additional street tree planting including the West End.
    - 2.1.2. These investigations include liaising with third party service providers and are progressing to understand the constraints and opportunities for tree planting.
    - 2.1.3. The planning and feasibility works will identify a forward program of greening works for 2020/21 to be undertaken in the north and south west corners of the City.

The tabled Reply for Item 13.2 is attached for reference at the end of the Minutes of this meeting.

#### **24. Item 13.3 – Councillor Martin – Question on Notice – Adelaide Aquatic Centre [C]**

The following Question and Reply were taken as read and circulated to the public:

##### Question

In the context of the publication of the Planning Design Code - Phase Three Code Amendment on the State Government Yoursay website under the heading City Park Lands Zone - Class of Development, Accepted Development Classification Criteria, it's noted that the following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria':

Specifically, at page 284, PO 1.6 New buildings should seek to minimise the building footprint on the landscaped and open setting of the Park Lands and should only be considered where:(a) the development is the replacement of an existing building; (b) the building design is contextual and of high-quality so that it complements its setting when viewed from all perspectives; (c) provides complementary recreation, sporting or tourism facilities that could not otherwise have been provided in the zone; and (d) the building is designed to be multi-purpose and can be used by more than one user group.

And, at page 285, PO 1.8 Development at the Adelaide Aquatic Centre site to consolidate and replace existing buildings with recreational sporting clubrooms, facilities and associated administrative functions.

Could the Administration comment on and provide answers to the following;

1. whether it was consulted on or provided with any input, formal or informal, to the State Government draft?

2. the concern of ratepayers and community groups that these parts of the draft planning code would allow a development application in regard to the Aquatic Centre, including the only proposal under active (and public) discussion at this time which concerns Adelaide Football Club Ltd (the Crows)?
3. is there any similarity between what the Administration knows to be the draft outline of the Crows' proposal and the proposed code, as above?
4. the concern of ratepayers and community groups that the proposed Crows takeover of the Aquatic Centre is a done deal?
5. when the application to redevelop the Aquatic Centre site is lodged, given the indicated draft wording of the planning code (Park Lands Zone, as above at pages 284 and 285), would the application be classified Cat 1 meaning that no public consultation regarding the application would be required at law?
6. if d) is correct, then would council even consider any public consultation about the future redevelopment of the site?
7. whether it would follow that even if significant public opposition emerges from any consultation, if it occurred, the subsequent delivery to SCAP of a Crows development application under the draft code would NOT be legally required to take into consideration such opposition?

### Reply

1. The below are responses to the questions asked:
  - 1.1. Question 1 – Administration received the Planning Design Code - Phase Three Code Amendment (the draft Code) when it was released for consultation on 1 October 2019. No input from Council was provided prior to this.
  - 1.2. Question 2 – We have not received a development application from the Adelaide Football Club (AFC) so are unable to make comment on whether the draft Code would facilitate a development application.
  - 1.3. Question 3 – Council is yet to receive the Adelaide Football Club's (AFC) 'Detailed Proposal'; however, there are similarities between the 'Guiding Principles', to which the proposal must be consistent with, and the draft Code for the City Park Lands Zone. Both the 'Guiding Principles' and draft Code seek new development that reduces / minimises building footprint and is complementary / sympathetic to the Park Lands setting.
  - 1.4. Question 4 – As outlined in the Unsolicited Proposal Guideline, the process by which the Council will receive and consider unsolicited proposals is a three stage process. During Stage 2 the AFC must prepare and submit a 'Detailed Proposal' which must then be presented to Council for its consideration. Under the terms of the Participation Framework Agreement (PFA), either party can terminate the process at any time during Stage 2 of the process.  
  
If Council endorses the Detailed Proposal, Stage 3 becomes relevant at which time the final legal and commercial terms are negotiated. Under the terms of the PFA, no legally binding contract exists or is to be implied between the Council and the Proponent (AFC) unless and until a formal contract document is signed by both parties.  
  
In addition to the above, any exclusive negotiation that originates from an unsolicited proposal is conditional upon requisite approvals and compliance with relevant legislation such as the *Local Government Act 1999*, *Development Act 1993* and / or *Planning, Development and Infrastructure Act 2016* and *Adelaide Park Lands Act 2005* and any other legislation Council is responsible for enforcing.
  - 1.5. Question 5 – Once the Code becomes operative, the existing categorisation of development applications for public notification purposes, as Category 1, 2 or 3, will cease to apply. Based on a preliminary review of the draft Code, it is likely a proposal would fall under the performance assessed pathway and require public notification.
  - 1.6. Question 6 – The PFA sets out an iterative process, controlled by the Council, for the AFC to develop a Detailed Proposal for consideration by the Council. The Council has flexibility to vary those rules at any time.  
  
Given the flexibility for Council to vary the rules, it would be up to the Council to determine if it wishes to undertake public consultation solely on the AFC's Detailed Proposal or seek the community's views more broadly about the future redevelopment of the site.
  - 1.7. Question 7 – The State Government's Code will set out the circumstances in which public comment will be invited on a development application. This will determine the extent to which public comments can be considered as part of the development application process.

The tabled Reply for Item 13.3 is attached for reference at the end of the Minutes of this meeting.

### **25. Item 13.4 – Councillor Martin – Question on Notice – Central Market Arcade Project [2015/00903] [C]**

The following Question and Reply were taken as read and circulated to the public:

### Question

At a public meeting at North Adelaide on October 30<sup>th</sup>, a senior member of the Administration announced that a developer had been selected by the City of Adelaide to construct the new Central Market Arcade Project.

Could the Administration;

1. Advise the date on which it will reveal the name of that developer and the dollar value of their proposal?
2. Outline when it will publish any detailed development plans which may or may not exist and which may or may not be confidential?
3. Confirm if and when it plans to communicate with tenants of the Central Market Arcade (six of whom have vacated the premises with further departures likely) the date the developer expects to begin construction so that our tenants can reasonably plan their exit?

### Reply

1. The Central Market Arcade Redevelopment has been the subject of a two (2) stage expression of interest process.
2. The Administration has been engaging regularly with stakeholders and will continue to engage in advance of any redevelopment of the Central Market Arcade.
3. On 8 May 2019 and 30 October 2019 precinct forums were held at the Adelaide Central Market and North Adelaide respectively to provide an update on the Central Market Arcade Redevelopment.
4. The Administration noted at the above forums that the selection of a project development partner for the Central Market Arcade Redevelopment is subject to Council consideration. The Administration is unable to talk to specifics of proposals given that the stage three (3) negotiation process is commercial in confidence.
5. The City of Adelaide has a dedicated website for the redevelopment and has been providing ongoing marketing and promotional support to Central Market Arcade traders since September 2018.
6. The selection of a project development partner for the Central Market Arcade Redevelopment is subject to Council consideration which is expected in December 2019.
7. Once Council has made a decision with regard to the selection of the project development partner and contracts are signed the Administration will be in a position to further discuss the design scheme and project timing with stakeholders and the broader community. This will include (but not be limited to) engagement with Central Market Arcade and Central Market traders.

The tabled Reply for Item 13.4 is attached for reference at the end of the Minutes of this meeting.

### Motions on Notice

#### **26. Item 15.1 – Councillor Simms – Motion on Notice – Excluding the Park Lands from the Unsolicited Proposals Guideline [2017/01176] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Moran –

That Council:

1. Amend the Unsolicited Proposals Guideline to exclude its application to the Adelaide Park Lands as defined by the Adelaide Park Lands Act 2005;
2. Requests that administration conduct a review of the other aspects of the Guideline that includes an elected member workshop and engagement with other stakeholders.

Discussion ensued

Amendment –

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

That the motion be amended to read as follows:

‘That Council:

1. Requests that administration bring the Unsolicited Proposals Guideline to an elected member workshop for review.’

Much discussion continued

The amendment was then put and carried

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

### Division

#### For (7):

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

#### Against (3):

Councillors Martin, Moran and Simms.

The division was declared in favour of the amendment

Discussion continued

The motion, as amended, was then put and carried

Councillor Moran left the Council Chamber at 8.38pm

### 27. Item 15.2 – Councillor Simms – Motion on Notice – Draft Planning and Design Code [2019/00951] [C]

Moved by Councillor Simms,  
Seconded by Councillor Martin -

That Council:

1. Notes that the State Government has released a draft Planning and Design Code for public consultation.
2. Supports the retention of the following statement from the existing Adelaide City Council Development Plan in the new Code.  
“Extensions or new buildings at the Adelaide Aquatic Centre should be restricted unless they consolidate and replace existing buildings with structures more appropriate to the Parklands environment and with no increases in total floor plan. Other than this, no additional buildings should be permitted.”
3. Opposes the replacement of the above with the following statement in the Draft Planning and Design Code:  
“Development at the Adelaide Aquatic Centre to consolidate and replace existing buildings with recreational sporting clubrooms, facilities and associated administrative functions.”
4. Requests that administration prepare a submission on the Draft Planning and Design Code reflecting this position.

Discussion ensued, during which:

- Councillor Khera left the Council Chamber at 8.38pm and re-entered at 8.41pm
- Councillor Moran re-entered the Council Chamber at 8.40pm

The motion was then put and lost

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

### Division

#### For (4):

Councillors Couros, Martin, Moran and Simms.

#### Against (6):

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

The division was declared against the motion

### 28. Item 15.3 – Councillor Moran – Motion on Notice – Minister for the City of Adelaide [C]

Councillor Knoll identified a perceived conflict of interest in Item 15.3 [Councillor Moran – Motion on Notice – Minister for the City of Adelaide], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because his son is a Minister named in the motion. The decision wouldn't necessarily implicate Councillor Knoll nor his son however, in dealing with the perceived conflict in a transparent and accountable way, Councillor Knoll decided to remain in the Council Chamber but did not participate in the vote.

It was then -

Moved by Councillor Moran,  
Seconded by Councillor Simms -

That:

Council requests the Premier appoint a Minister for the City of Adelaide separate from the Local Government Minister Stephan Knoll MP, as has been done by previous Governments.

Discussion ensued, during which:

- Councillor Abiad (Deputy Lord Mayor) left the Council Chamber at 9.07pm and re-entered at 9.18pm
- Councillor Hyde left the Council Chamber at 9.13pm and re-entered at 9.15pm

The motion was then put and lost

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

#### **Division**

**For (3):**

Councillors 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

#### **29. Item 15.4 – Councillor Moran – Motion on Notice – World Heritage Listing of the Park Lands [2019/00951] [C]**

Councillor Moran withdrew her motion from consideration

#### **30. Item 15.5 – Councillor Moran – Motion on Notice – Aquatic Centre – Concept Plans [2019/01387] [C]**

Moved by Councillor Moran,  
Seconded by Councillor Simms -

That Council:

- (1) Notes that it appears Council believes the unsolicited bid process stops it consulting with the public on the Aquatic Centre concept plans. However, it doesn't stop the Crows doing so.
- (2) Notes that consultation with the public would provide both the Crows and the Council important feedback as to whether the concept plans were going in the right direction, as far as the public is concerned, before they spend vast sums of money preparing detailed plans.
- (3) Requests that the Adelaide Football Club release the concept plans for the Aquatic Centre to the public to elicit useful public feedback.

Discussion ensued, during which:

- Councillor Hou left the Council Chamber at 9.20pm and re-entered at 9.24pm
- Councillor Abrahamzadeh left the Council Chamber at 9.21pm and re-entered at 9.23pm

The motion was then put and lost

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

#### **Division**

**For (3):**

Councillors 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

Councillor Moran left the Council Chamber at 9.39pm

**31. Item 15.6 – Councillor Martin – Motion on Notice – Access to Toilets in the Park Lands [2012/00565] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Simms -

That Council;

Following ratepayer concerns about access to toilets in the West and North Park Lands (particularly at Park 10), asks the Administration to;

1. identify Park Lands buildings operated by sporting, educational and commercial organisations where there are toilet facilities that could be used by the general public but which are often closed;
2. negotiate with the leaseholders for better public access to such facilities, particularly at weekends, without compromising public safety or building security.

Discussion ensued

The motion was then put and lost

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

**Division**

**For (3):**

Councillors Hou, Martin and Simms.

**Against (6):**

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

The division was declared against the motion

**32. Item 15.7 – Councillor Martin – Motion on Notice – City of Adelaide Aboriginal Employment [2019/00551] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Simms -

That Council:

Consistent with its Stretch Reconciliation Action Plan, request Administration present a report no later than February setting out;

1. a recommendation for a scheme to provide traineeships and apprenticeships for Aboriginal peoples which will lead to ongoing employment by the end of the 2021 financial year;
2. the means by which the recruitment for such a scheme can guarantee the employment of sufficient candidates to ensure the number of Aboriginal employees at the City is equal to, or greater than, the representation of Aboriginal peoples in the most recent census of people in South Australia;
3. how this scheme can be funded from existing resources.

Discussion ensued, during which Councillor Moran re-entered the Council Chamber at 9.50pm

The motion was then put and carried

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

**Division**

**For (7):**

Councillors Couros, Hou, Hyde, Knoll, Martin, Moran and Simms.

**Against (3):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh and Khera.

The division was declared in favour of the motion

**33. Item 15.8 – Councillor Couros - Motion on Notice – Local Neighbourhoods and Mainstreet Engagement and Coordination [2019/00615] [C]**

Moved by Councillor Couros,  
Seconded by Councillor Hyde -

That Council:

1. Acknowledges the City comprises local neighbourhoods and main streets that add greatly to the unique value of our City community, and that these are experiencing change;
2. Requests that Administration:
  - 2.1 Develop an engagement model that acknowledges and responds to the strengths, opportunities and risks of local neighbourhoods and main streets to streamline the planning and delivery of key initiatives,
  - 2.2 Work alongside local neighbourhood and main street representatives to ensure that the unique identity of individual places is acknowledged in planning for the future,
  - 2.3 Appoint a Single Point of Contact (SPOC) to be the key liaison between Council and each of the main street communities of O'Connell, Melbourne and Hutt Streets.

Discussion ensued

Amendment –

Moved by Councillor Martin,  
Seconded by Councillor Moran -

That Parts 2.1 and 2.3 of the motion be amended to read as follows:

- '2.1 Develop an engagement model for Council consideration that acknowledges and responds to the strengths, opportunities and risks of local neighbourhoods and main streets to streamline the planning and delivery of key initiatives,
- 2.3 Appoint a Single Point of Contact (SPOC) to be the key liaison between Council and each of the main street communities.'

Discussion ensued, during which Councillor Martin and Councillor Moran withdrew their amendment.

Discussion continued

The motion was then put and carried

**34. Item 15.9 – Councillor Couros - Motion on Notice – Review of Christmas in the City [2019/01425] [C]**

Moved by Councillor Couros,  
Seconded by Councillor Hyde -

That Council:

1. Notes the 2014-2018 Christmas in the City Strategy and Action Plan is due for renewal.
2. Requests administration commence the preparation of a new Christmas in the City Strategy and Action Plan 2020-2025.
3. Requests as part of the preparation of the new Christmas in the City Strategy 2020-2025 that Administration holds a workshop with Committee.

Discussion ensued, during which Councillor Moran left the Council Chamber at 10.08pm

The motion was then put and carried unanimously

**35. Item 15.10 – Councillor Couros - Motion on Notice – Unsolicited Bid Deadline [2019/01387] [C]**

Moved by Councillor Couros,  
Seconded by Councillor Hyde -

That Council:

1. Sets a deadline for Adelaide Football Club to submit detailed concepts for their proposed facility to Council for public release in the agenda and papers for the Council meeting to be held 10 December 2019.
2. Sets a deadline for Administration's Needs Analysis to be publicly released in the agenda and papers for the Council meeting to be held 10 December 2019.
3. Launches an extensive public consultation on both to help determine the scale and service offering of a new state of the art Adelaide Aquatic Centre. Consultation shall commence on or before 31 January 2020.
4. If it does not receive the above reserves the right to not accept the Adelaide Football Club proposal.

Discussion ensued, during which Councillor Moran re-entered the Council Chamber at 10.13pm



Amendment –

Moved by Councillor Simms,  
Seconded by Councillor Moran -

That the motion be amended to read as follows:

‘That Council:

1. Sets a deadline for Adelaide Football Club to submit detailed concepts \*\* and options \*\* for their proposed facility to Council for public release in the agenda and papers for the Council meeting to be held 10 December 2019.
2. Sets a deadline for Administration’s Needs Analysis to be publicly released in the agenda and papers for the Council meeting to be held 10 December 2019.
3. Requests that administration prepare at least three options for provision of aquatic facilities to the public without the involvement of the Adelaide Football Club on Park Lands, for public release before January 2020.
4. Launches an extensive public consultation on the \*\* above concepts and options\*\* to determine \*\*whether there is community support for a bid from the Adelaide Crows and if so, the community’s preferred option. Consultation shall commence before or on 31 January 2020, involve at least two public meetings and continue for at least 12 weeks.\*\*
5. Reserves the right to not accept the Adelaide Football Club Proposal.’

Discussion continued

The amendment was then put and lost

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

#### **Division**

**For (3):**

Councillors 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 amendment

Discussion continued

The motion was then put and carried

Councillor Moran left the Council Chamber at 10.44pm

#### **36. Item 15.11 – Councillor Abrahamzadeh - Motion on Notice – Traffic Calming North Street [2019/00951] [C]**

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll -

That Council asks administration to:

- Undertake an investigation of traffic movements in North Street; and
- Provide a report to Council outlining the results of the investigation and appropriate actions, including community consultation, options explored, associated budget and timeframes.

Discussion ensued

The motion was then put and carried

## Closure

The meeting closed at 10.47pm.

Mark Goldstone,  
Chief Executive Officer

Sandy Verschoor,  
Lord Mayor.

## Documents Attached for Reference

Minute 8 - Item 18.2.2 – Audit Committee Appointment of Independent Members, Report published in confidence [Excluding Attachment A] and released to the public

Minute 13 - Item 9.5 - Recommendations of the Special Strategic Planning & Development Policy Committee - 18/11/2019, Distributed Separately

Minute 14 - Item 9.6 - Recommendations/Advice of the Special Audit Committee – 18/11/2019, Distributed Separately

Minute 22 - Item 13.1 – Councillor Simms – Question on Notice – Atmospheric Lighting, Tabled Reply

Minute 23 - Item 13.2 – Councillor Simms – Question on Notice – Tree Planting Progress, Tabled Reply

Minute 24 - Item 13.3 – Councillor Martin – Question on Notice – Adelaide Aquatic Centre, Tabled Reply

Minute 25 - Item 13.4 – Councillor Martin – Question on Notice – Central Market Arcade Project, Tabled Reply

# Audit Committee Appointment of Independent Members

**ITEM 18.2.2** 19/11/2019  
**Council**

**Program Contact:**

Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**

Mark Goldstone, Chief Executive Officer

2019/01581

Confidential - s 90(3) (a) unreasonable disclosure of personal affairs

## EXECUTIVE SUMMARY

This report seeks a Council decision on the appointment of three (3) Independent Members for the City of Adelaide Audit Committee.

Of the three (3) candidates, one (1) is required to be appointed as the Presiding Member.

Consideration in confidence is sought because the applications for the Expression of Interests submitted to Council contain personal information such as address, phone number and place of employment for each applicant and represents an unreasonable disclosure of personal affairs.

## RECOMMENDATION

### THAT COUNCIL

1. Appoints the following persons as external independent members to the City of Adelaide Audit Committee for the 2020 – 2023 term of the Audit Committee. Such appointments are to be effective from 1 January 2020:
  - 1.1. David Powell
  - 1.2. Ross Haslam
  - 1.3. Paula Davies
2. Appoints David Powell to the position of Presiding Member.
3. Approves the following sitting fees for the Audit Committee:
  - 3.1. Independent Member with the role of Presiding Member, \$600 per meeting;
  - 3.2. Independent Member, \$500 per meeting; and
  - 3.3. Presiding Member, \$100 per meeting, where requested by Council or Committee to attend any Council or Committee meeting, to a limit of four (4) paid meetings per calendar year.
4. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.2.2 [Audit Committee Appointment of Independent Members] listed on the Agenda for the meeting of Council held on 19 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the *Local Government Act 1999 (SA)*, this meeting of Council do order that:
  - 4.1. The resolution and report (excluding Attachment A) become public information and included in the Minutes of the meeting;
  - 4.2. Attachment A, 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 under 31 December 2026;
  - 4.3. The confidentiality of the matter be reviewed in December 2020;

- 4.4. 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.
- 

Minute 8 - Item 18.2.2 - Report Published in Confidence and Released to the Public

## 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	Audit Committee Terms of Reference
Consultation	Not in relation to this report
Resource	Not in relation to this report
Risk / Legal / Legislative	Not in relation to this report
Opportunities	The Audit Committee provides advice and recommendations to Council in accordance with its Terms of Reference
19/20 Budget Allocation	Not in relation to this report
Proposed 20/21 Budget Allocation	Not in relation to this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not in relation to this report
19/20 Budget Reconsideration (if applicable)	Not in relation to this report
Ongoing Costs (eg maintenance cost)	Not in relation to this report
Other Funding Sources	Not in relation to this report

## GROUNDS AND BASIS FOR CONSIDERATION IN CONFIDENCE

### Grounds

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

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

### Basis

This Item is confidential as it contains information concerning the personal affairs of the applicants, in particular the information provided on the expression of interest.

The disclosure of information in this report could reasonably provide information concerning the personal affairs of the applicants.

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Minute 8 - Item 18.2.2 - Report Published in Confidence and Released to the Public

## DISCUSSION

1. Audit Committees play a critical role in the risk and financial reporting framework of councils by overseeing and monitoring assurance activities. They also address functions and processes in relation to the management of risk, financial governance responsibilities and legislative compliance in the areas of:
  - 1.1. Financial reporting;
  - 1.2. Internal controls and risk management systems;
  - 1.3. Business Improvement strategies;
  - 1.4. Internal Audit; and
  - 1.5. External Audit.
2. To ensure appropriate representation the City of Adelaide Audit Committee (“the Audit Committee”) consists of the Lord Mayor (ex officio), one (1) Councillor and three (3) External Independent Members, one of whom is selected as the Presiding Member.
3. Audit Committees provide an important independent role between Council and its management and between Council and its community. Audit Committees have no authority to act independently of Council and can only act in areas covered by its Terms of Reference.
4. The Audit Committee does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibilities. The Audit Committee does not have any management functions and it is therefore independent from management.
5. The Audit Committee’s role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference.
6. At its meeting on 11 December 2018, Council appointed the Lord Mayor (ex officio) and Councillor Martin to the Audit Committee, and Councillor Hyde and Councillor Knoll as their respective proxies, for a term expiring 11 December 2020.
7. To facilitate the appointment of the external Independent Members, an Expression of Interest was advertised on Seek and LinkedIn on 9 September 2019 for two (2) weeks.
8. At the closing date, fifty-four Expressions of Interest were received.
9. The Expressions of Interest were assessed by the evaluation panel against the following criteria:
  - 9.1. Broad knowledge of Risk Management
  - 9.2. Experience in governance issues
  - 9.3. Extensive accounting, auditing or legal skills
  - 9.4. Relevant experience in large multi-functional or local government organisation
  - 9.5. Level of independence
10. Applicants David Powell, Ross Haslam and Paula Davies were evaluated to have the strongest alignment to each of the evaluation criteria, and are considered to have the relevant range of experience, skills and attributes to contribute to the effectiveness of the Audit Committee, as outlined in **Attachment A**.

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## ATTACHMENTS

**Attachment A** – Independent Members’ Resumes

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- END OF REPORT -

# Recommendations of the Strategic Planning & Development Policy Committee - 18/11/2019

**ITEM 9.5** 19/11/2019  
**Council**

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

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

2018/04062  
Public

## EXECUTIVE SUMMARY:

The Strategic Planning & Development Policy Committee considered the following Items at its Special meeting held on 18 November 2019 and resolved to present to Council a Recommendation for each for Council determination:

- Item 4.1 - Ministerial Lot Fourteen Development Plan Amendment
- Item 6.1 – Historic Area Statements

The Lord Mayor will seek a motion for each recommendation presented by the Strategic Planning & Development Policy Committee below for determination by Council.

## RECOMMENDATION:

### 1. **Recommendation 1** - Ministerial Lot Fourteen Development Plan Amendment

That Council:

1. Endorses the City of Adelaide submission to the Lot Fourteen (old Royal Adelaide Hospital) Innovation Area Development Plan Amendment as detailed in Attachment A to Item 4.1 on the Agenda for the Special meeting of the Strategic Planning & Development Policy Committee held on 18 November 2019 including the recommendation to Council from the Adelaide Park Lands Authority on 14 November 2019.

### 2. **Recommendation 2** - Historic Area Statements

That Council:

1. Endorses the 'Draft City of Adelaide Historic Area Statements for the Planning and Design Code' for submission to the State Planning Commission as detailed in Attachment A to Item 6.1 of the Agenda for the Special meeting of the Strategic Planning & Development Policy Committee held on 18 November 2019.

## DISCUSSION

1. The table below summarises the deliberations of the Strategic Planning & Development Policy Committee that resulted in recommendations to Council for Council determination.

The Strategic Planning & Development Policy Committee Agenda can be viewed [here](#).



The Strategic Planning & Development Policy Committee adopted the recommendations as presented in the committee report under Items 4.1 and 6.1, recommendations 1 and 2 for Council determination

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## ATTACHMENTS

Nil

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- END OF REPORT -

Minute 13 - Item 9.5 - Distributed Separately

# Audit Committee Report – 18/11/2019

ITEM 9.6 19/11/2019  
Council

2018/04062  
Public

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**  
Mark Goldstone, 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.

The Audit Committee met on Monday, 18 November 2019 and is required to report to Council after every meeting to identify and present advice and recommendations.

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

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## RECOMMENDATION:

### 1. Report of the Audit Committee – 18 November 2019 [C]

#### THAT COUNCIL

1. Notes the report of the Special meeting of the Audit Committee held on 18 November 2019.

## DISCUSSION

1. The Audit Committee met on Monday, 18 November 2019. The agenda for Special meeting the can be viewed [here](#).
2. The following matter was the subject of deliberation:

### **2.1. Discussion on the 2018-19 Financial Statements including associated discussion with the External Auditor**

The associated discussion with the External Auditor was considered, in confidence, pursuant to s 90(3) (d) of the *Local Government Act 1999 (SA)*.

In accordance with Section 91(7) & (9) of the *Local Government Act 1999* and because Item 3.1 [Discussion on the 2018-19 Financial Statements including associated discussion with the External Auditor] on the Agenda for the Special meeting of the Audit Committee held on 18 November 2019 was received, discussed and considered in confidence pursuant to Section 90(3)(d) of the *Local Government Act 1999*, this meeting of the Audit Committee, do order that:

- 1.1. 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.
- 1.2. The confidentiality of the matter be reviewed in December 2020.
- 1.3. 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.

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- END OF REPORT -

# Atmospheric Lighting

ITEM 13.1 19/11/2019  
Council

**Council Member**  
Councillor Simms

2019/00951  
Public

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

## QUESTION ON NOTICE

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

'What is the status of the report I initiated on options for atmospheric lighting for O'Connell Street and Melbourne Street?'

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## REPLY

1. As part of Council's 2019/20 IBP project to prepare Master Plans for Melbourne, O'Connell and Hutt Streets, opportunities and actions to include atmospheric lighting will be included to enhance the night-time experience of the public realm.
2. Cost estimates and proposed timeframes will be brought back to Council for consideration in mid - 2020.
3. Opportunities to partner with business owners and grant funding may also be considered as well as working with Splash Adelaide for temporary installations to deliver these lighting actions.

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- END OF REPORT -

# Tree Planting Progress

ITEM 13.2 19/11/2019  
Council

Council Member  
Councillor Simms

2018/04180  
Public

Receiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## QUESTION ON NOTICE

Councillor Simms will ask the following Question on Notice:

1. Could administration please provide an update on the progress of tree planting targets as outlined in the 2016-2020 Strategic Plan, as well as an update on the targets outlined in the approved Green City Plan?
2. In particular, what is the status of the greening promised for residential areas in the West End of the City?

## REPLY

1. The current progress of the tree planting targets outlined in the 2016-2020 Strategic Plan:
  - 1.1. Council is on track to achieve its new Strategic Plan Greening target of 1,500 trees within the city build-up area. The new target was set after achieving the original target (1000 trees) in September 2018.
  - 1.2. Works have continued to incorporate new street tree planting within the capital works program by including street trees where there previously was none. These include streetscape upgrades to Boulton Street (4 trees) St Helena Place (16 trees), Gray Street (7 trees) and Gawler Place (14 Trees).
  - 1.3. Providing context and background to the greening priorities for the City of Adelaide. This included highlighting some of the constraints encountered in planting trees in constrained City environments.
  - 1.4. Since adoption of the 2016-2020 Strategic Plan, Council has invested significant funding to reach its greening targets. This has included an extensive program to investigate, design and then implement greening and has included \$2.4million in the 2016/17 Greening Street program, up to 200 trees in the 2017/18 Street Tree Planting program, and delivering designs for small-scale residential streetscape improvements for residential streets Claxton's Street and Strangways Terrace in the 2018/19 Residential Streets Improvement Program.
  - 1.5. In addition, Public Realm tree planting program has increased the street trees as per the table below. Note: Figures in the table do not include the number of trees being delivered as part of Capital Works projects.

Year	Tree Increase
2016/17	353
2017/18	367
2018/19	217
2019/20 (YTD)	Tree Planting season will start in May 2020

2. 2019/20 Greening - North West and South West: Project is to increase greening and the tree canopy cover to 20% in the City's South West and North West. \$800,000 was committed as part of the 2019/20 Integrated Business Plan and Budget. This project will deliver the following:

- 2.1. Widened median with trees along Grote Street - Stage1, between Morphett Street and Blenheim Street (\$600,000). The funding will enable planting of 30 trees. This is an estimated 280 square meters of canopy cover at tree maturity. The project will also deliver an estimated 450 square meters of new garden beds.
    - 2.1.1. \$200,000 is committed for undertaking the planning, feasibility and survey investigations required to incorporate additional street tree planting including the West End.
    - 2.1.2. These investigations include liaising with third party service providers and are progressing to understand the constraints and opportunities for tree planting.
    - 2.1.3. The planning and feasibility works will identify a forward program of greening works for 2020/21 to be undertaken in the north and south west corners of the City.
- 

- END OF REPORT -

Council Member  
Councillor Martin2019/00951  
PublicReceiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## QUESTION ON NOTICE

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

'In the context of the publication of the Planning Design Code - Phase Three Code Amendment on the State Government Yoursay website under the heading City Park Lands Zone - Class of Development, Accepted Development Classification Criteria, it's noted that the following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria';

Specifically, at page 284, PO 1.6 New buildings should seek to minimise the building footprint on the landscaped and open setting of the Park Lands and should only be considered where:(a) the development is the replacement of an existing building; (b) the building design is contextual and of high-quality so that it complements its setting when viewed from all perspectives; (c) provides complementary recreation, sporting or tourism facilities that could not otherwise have been provided in the zone; and (d) the building is designed to be multi-purpose and can be used by more than one user group.

And, at page 285, PO 1.8 Development at the Adelaide Aquatic Centre site to consolidate and replace existing buildings with recreational sporting clubrooms, facilities and associated administrative functions.

Could the Administration comment on and provide answers to the following;

1. whether it was consulted on or provided with any input, formal or informal, to the State Government draft?
2. the concern of ratepayers and community groups that these parts of the draft planning code would allow a development application in regard to the Aquatic Centre, including the only proposal under active (and public) discussion at this time which concerns Adelaide Football Club Ltd (the Crows)?
3. is there any similarity between what the Administration knows to be the draft outline of the Crows' proposal and the proposed code, as above?
4. the concern of ratepayers and community groups that the proposed Crows takeover of the Aquatic Centre is a done deal?
5. when the application to redevelop the Aquatic Centre site is lodged, given the indicated draft wording of the planning code (Park Lands Zone, as above at pages 284 and 285), would the application be classified Cat 1 meaning that no public consultation regarding the application would be required at law?
6. if d) is correct, then would council even consider any public consultation about the future redevelopment of the site?
7. whether it would follow that even if significant public opposition emerges from any consultation, if it occurred, the subsequent delivery to SCAP of a Crows development application under the draft code would NOT be legally required to take into consideration such opposition?'

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

# REPLY

1. The below are responses to the questions asked:

- 1.1. Question 1 – Administration received the Planning Design Code - Phase Three Code Amendment (the draft Code) when it was released for consultation on 1 October 2019. No input from Council was provided prior to this.
- 1.2. Question 2 – We have not received a development application from the Adelaide Football Club (AFC) so are unable to make comment on whether the draft Code would facilitate a development application.
- 1.3. Question 3 – Council is yet to receive the Adelaide Football Club's (AFC) 'Detailed Proposal'; however, there are similarities between the 'Guiding Principles', to which the proposal must be consistent with, and the draft Code for the City Park Lands Zone. Both the 'Guiding Principles' and draft Code seek new development that reduces / minimises building footprint and is complementary / sympathetic to the Park Lands setting.
- 1.4. Question 4 – As outlined in the Unsolicited Proposal Guideline, the process by which the Council will receive and consider unsolicited proposals is a three stage process. During Stage 2 the AFC must prepare and submit a 'Detailed Proposal' which must then be presented to Council for its consideration. Under the terms of the Participation Framework Agreement (PFA), either party can terminate the process at any time during Stage 2 of the process.

If Council endorses the Detailed Proposal, Stage 3 becomes relevant at which time the final legal and commercial terms are negotiated. Under the terms of the PFA, no legally binding contract exists or is to be implied between the Council and the Proponent (AFC) unless and until a formal contract document is signed by both parties.

In addition to the above, any exclusive negotiation that originates from an unsolicited proposal is conditional upon requisite approvals and compliance with relevant legislation such as the *Local Government Act 1999*, *Development Act 1993* and / or *Planning, Development and Infrastructure Act 2016* and *Adelaide Park Lands Act 2005* and any other legislation Council is responsible for enforcing.

- 1.5. Question 5 – Once the Code becomes operative, the existing categorisation of development applications for public notification purposes, as Category 1, 2 or 3, will cease to apply. Based on a preliminary review of the draft Code, it is likely a proposal would fall under the performance assessed pathway and require public notification.
- 1.6. Question 6 – The PFA sets out an iterative process, controlled by the Council, for the AFC to develop a Detailed Proposal for consideration by the Council. The Council has flexibility to vary those rules at any time.  
  
Given the flexibility for Council to vary the rules, it would be up to the Council to determine if it wishes to undertake public consultation solely on the AFC's Detailed Proposal or seek the community's views more broadly about the future redevelopment of the site.
- 1.7. Question 7 – The State Government's Code will set out the circumstances in which public comment will be invited on a development application. This will determine the extent to which public comments can be considered as part of the development application process.

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- END OF REPORT -



# Central Market Arcade Project

ITEM 13.4 19/11/2019  
Council

Council Member  
Councillor Martin

2015/00903  
Public

Receiving Officer:  
Mark Goldstone, Chief  
Executive Officer

## QUESTION ON NOTICE

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

'At a public meeting at North Adelaide on October 30<sup>th</sup>, a senior member of the Administration announced that a developer had been selected by the City of Adelaide to construct the new Central Market Arcade Project.

Could the Administration;

1. Advise the date on which it will reveal the name of that developer and the dollar value of their proposal?
2. Outline when it will publish any detailed development plans which may or may not exist and which may or may not be confidential?
3. Confirm if and when it plans to communicate with tenants of the Central Market Arcade (six of whom have vacated the premises with further departures likely) the date the developer expects to begin construction so that our tenants can reasonably plan their exit?'

## REPLY

1. The Central Market Arcade Redevelopment has been the subject of a two (2) stage expression of interest process.
2. The Administration has been engaging regularly with stakeholders and will continue to engage in advance of any redevelopment of the Central Market Arcade.
3. On 8 May 2019 and 30 October 2019 precinct forums were held at the Adelaide Central Market and North Adelaide respectively to provide an update on the Central Market Arcade Redevelopment.
4. The Administration noted at the above forums that the selection of a project development partner for the Central Market Arcade Redevelopment is subject to Council consideration. The Administration is unable to talk to specifics of proposals given that the stage three (3) negotiation process is commercial in confidence.
5. The City of Adelaide has a dedicated website for the redevelopment and has been providing ongoing marketing and promotional support to Central Market Arcade traders since September 2018.
6. The selection of a project development partner for the Central Market Arcade Redevelopment is subject to Council consideration which is expected in December 2019.
7. Once Council has made a decision with regard to the selection of the project development partner and contracts are signed the Administration will be in a position to further discuss the design scheme and project timing with stakeholders and the broader community. This will include (but not be limited to) engagement with Central Market Arcade and Central Market traders.

- END OF REPORT -