



# COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 28 January 2020  
at 5.30pm

in the Council Chamber,  
Adelaide Town Hall



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

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**1. Acknowledgement of Country**

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

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

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

**2. Acknowledgement of Colonel William Light**

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

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

**3. Prayer**

Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Chief Executive Officer will ask all present to pray -

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

**4. Memorial Silence**

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

**5. Apologies and Leave of Absence**

Apologies – Councillor Abiad

**6. Confirmation of Minutes – 10/12/2019**

That the Minutes of the meeting of the Council held on 10 December 2019, be taken as read and be confirmed as an accurate record of proceedings.

**7. Deputations**

Granted at time of Agenda Publication – 23/11/2020

**7.1** Mary Jean Kolusniewski – Deputation – Adelaide Aquatic Centre

**8. Petitions**

**8.1.** Petition – Hutt Street Centre Redevelopment [2018/04073] [Page 4]

**8.2.** Petition – West Franklin [2018/04073] [Page 7]

**9. Advice from Adelaide Park Lands Authority**

**9.1.** Advice of the Adelaide Park Lands Authority – 12/12/2019 [2018/04062] [Page 10]

Advice 1 Golden Wattle Park Concept Plan & Community Land Management Plan

Advice 2 City of Adelaide draft Strategic Plan 2020 – 2024 – provisions for the Park Lands

## 10. Lord Mayor's Reports

## 11. Councillors' Reports

11.1 Reports from Council Members [2018/04064] [Page 12]

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

### Strategic Alignment – Green

12.1. Single-use Plastics and Other Plastic Products (Waste Avoidance) Bill 2019 Feedback [2018/02571] [Page 15]

12.2. Standing Committee on Industry, Innovation, Science and Resources' Inquiry into Australia's waste and recycling industry [2018/02571] [Page 26]

### Strategic Alignment – Creative

12.3. Tandanya National Aboriginal Cultural Institute – Request for temporary partial road closure of Tam O'Shanter Place [2019/02485] [Page 36]

### Strategic Alignment – Corporate Activities

12.4. 2020 LGA Ordinary General Meeting [2018/04054] [Page 41]

12.5. Local Government Movement and Transport Planning Network [2018/04054] [Page 44]

12.6. Recommendation by the Ombudsman [2017/03262] [Page 56]

12.7 E-Scooter Mobility Services Update [2020/00191] [Page 70]

12.8 Progress of Motions by Elected Members [2018/04074] [Page 74]

## 13. Questions on Notice

13.1. Councillor Simms – Question on Notice – Bushfires and Extreme Weather Events [2019/01425] [Page 77]

13.2. Councillor Martin – Question on Notice – City Fireworks Fund Raising Total [2019/01425] Page 78]

13.3 Councillor Martin – Question on Notice – Vogue Festival Ticket Sales versus Costs [Page 79]

13.4 Councillor Martin – Question on Notice – The Contribution of the City of Adelaide to the Total Cost of the Central Market Arcade Redevelopment [Page 80]

## 14. Questions without Notice

## 15. Motions on Notice

15.1. Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Reimagining New Year's Eve in the City of Adelaide [2019/01425] [Page 81]

15.2. Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Honouring Female Leaders in the City of Adelaide [2018/0452] [Page 82]

15.3. Councillor Moran – Motion on Notice – Fireworks in the City of Adelaide [2019/01425] [Page 83]

15.4. Councillor Simms – Motion on Notice – Electrification of Vehicles [2018/04053] [Page 84]

15.5. Councillor Simms – Motion on Notice – Board Appointments [2018/0452] [Page 85]

15.6. Councillor Simms – Motion on Notice - Temporary parking permits for people affected by bushfire crisis staying in Adelaide [2019/00551] [Page 86]

15.7. Councillor Moran – Motion on Notice – Plans for the old Le Cornu site [2018/02324] [Page 87]

15.8. Councillor Martin – Motion on Notice – Elected Body Initiated External Inquiry Into E-Scooter Tender [2020/00191] [Page 88]

15.9. Councillor Martin – Motion on Notice – Central Market Arcade Redevelopment Costs [2015/00903] [Page 89]

15.10. Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Using our Park Lands to protect rescued wildlife [2000/00462] [Page 90]

- 15.11. Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Park Lands expenditure [2019/00951] [Page 92]
- 15.12. Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Hutt Street Masterplan [2019/00951] [Page 94]
- 16. Motions without Notice
- 17. Exclusion of the Public
  - 17.1. Exclusion of the Public [2018/04291] [Page 95]  
For the following report for Council (Chief Executive Officer's Reports) seeking consideration in confidence
    - 18.1.1. Rundle Street U-Park Remediation Award of Contract [s 90(3) (k)]
    - 18.1.2. E-Scooter Mobility Services Update – Legal Advice [s 90(3) (h)]
- 18. Confidential Reports
  - 18.1. Confidential Reports for Council (Chief Executive Officer's Reports)  
**Strategic Alignment – Liveable**
    - 18.1.1. Rundle Street U-Park Remediation Award of Contract [VS2019/2511] [Page 98]  
Strategic Alignment – Corporate Activities
    - 18.1.2. E-Scooter Mobility Services Update – Legal Advice [2020/00191] [Page 102]
- 19. Closure

# Petition – Hutt Street Centre Redevelopment

**ITEM 8.1** 28/01/2020  
**Council**

2018/04073  
Public

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

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

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## EXECUTIVE SUMMARY

This report presents a petition to Council which has been submitted by the Hutt Street Traders Association on behalf of the owners and occupiers of property within the Hutt Street precinct.

The petition contains 22 signatories opposing the development application for the redevelopment of the Hutt Street Centre facility at 254-268 Hutt Street, Adelaide.

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## RECOMMENDATION

### THAT COUNCIL

1. Receives the petition containing 22 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 28 January 2020, opposing the development application from the Hutt Street Centre (DA 851/2019) to redevelop the facility at 254-268 Hutt Street, Adelaide.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with City of Adelaide Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i>
Opportunities	Not as a result of this report>
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. A petition has been received from Wayne Copley (Secretary) on behalf of the Hutt Street Traders Association, as part of a representation opposing an application to redevelop the Hutt Street Centre (DA/851/2019).
2. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to all Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
3. To determine that a document presented is a petition pursuant to the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), the following matters in conjunction with the requirements of the City of Adelaide Standing Orders, are assessed prior to the presentation of a petition to the Council:
  - 3.1. What is a Petition?  
A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.
  - 3.2. Does the Petition contain original signatures or endorsements, accompanied by an address?  
A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.
  - 3.3. Does each page of the Petition identify what the signature is for?  
Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to.
  - 3.4. Language in the Petition?  
The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.
4. To meet the requirements of section 10 of the Regulations, a petition must:
  - 4.1. be legibly written or typed or printed
  - 4.2. clearly set out the request or submission of the petitioners
  - 4.3. include the name and address of each person who signed or endorsed the petition
  - 4.4. be addressed to the Council and delivered to the principal office of the Council.
5. The petition lists 22 signatories and states opposition to the development application from the Hutt Street Centre to redevelop their facility at 254-268 Hutt Street, Adelaide.

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## ATTACHMENTS

Petition distributed separately to Lord Mayor and Councillors.

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- END OF REPORT -

# Petition – West Franklin

**ITEM 8.2** 28/01/2020  
**Council**

2018/04073  
Public

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

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

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## EXECUTIVE SUMMARY

This report presents a petition to Council which has been submitted by a resident of phase one of the West Franklin development at 68 Elizabeth Street, Adelaide on behalf of the owners, residents and visitors to the site. The petition submitted contains a letter detailing concerns with the proposed phase three development of West Franklin and a list of 201 signatories.

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## RECOMMENDATION

### THAT COUNCIL

1. Receives the petition containing 201 names, distributed as a separate document to Item 8.2 on the Agenda for the meeting of the Council held on 28 January 2020, which details various concerns with the proposed phase three development of West Franklin.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<p>Petition presented for receipt in accordance with City of Adelaide Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i>.</p> <p>This petition does not clearly set out the request or submission of the petitioners. The petition document submitted contains a letter of concerns and a separate document with a list of signatories. That list of signatories does not provide names and addresses in all cases.</p>
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. A petition has been received from a resident of West Franklin on behalf of owners, residents and visitors to the site at 68 Elizabeth Street, Adelaide. The separate list of signatories was received with a document which details various concerns with scale of the West Franklin phase three development. The concerns relate to the building height and issues with over shadowing, increased car parking and fire risk at 68 Elizabeth Street, Adelaide.
2. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to all Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
3. To determine that a document presented is a petition pursuant to the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), the following matters in conjunction with the requirements of the City of Adelaide Standing Orders, are assessed prior to the presentation of a petition to the Council:
  - 3.1. What is a Petition?  
A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.
  - 3.2. Does the Petition contain original signatures or endorsements, accompanied by an address?  
A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.
  - 3.3. Does each page of the Petition identify what the signature is for?  
Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to.
  - 3.4. Language in the Petition?  
The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.
4. To meet the requirements of section 10 of the Regulations a petition must:
  - 4.1. be legibly written or typed or printed
  - 4.2. clearly set out the request or submission of the petitioners
  - 4.3. include the name and address of each person who signed or endorsed the petition
  - 4.4. be addressed to the Council and delivered to the principal office of the Council.
5. The petition meets the intent of section 10 of the Regulations and is presented for Council to receive the list of 201 signatories with a document which details concerns with the proposed phase three development of West Franklin.

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## ATTACHMENTS

Petition distributed separately to Lord Mayor and Councillors.

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- END OF REPORT -

# Advice of the Adelaide Park Lands Authority - 12/12/2019

**ITEM 9.1** 28/01/2020  
**Council**

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

2018/04062  
Public

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

## EXECUTIVE SUMMARY:

The Adelaide Park Lands Authority (APLA) is the principal advisor to both the Council and the State Government on the protection, management, enhancement and promotion of the Adelaide Park Lands.

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

The Board of the Adelaide Park Lands Authority met (see Agenda [here](#)) on Thursday 12 December 2019.

A deliberation of the Board in relation to the

- Golden Wattle Park Concept Plan & Community Land Management Plan
- City of Adelaide draft Strategic Plan 2020 – 2024 – provisions for the Park Lands

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

The aforesaid subject matters are scheduled for presentation to:

- The Committee – 4 February 2020 - Golden Wattle Park Concept Plan & Community Land Management Plan
- The Committee – 18 February 2020 – City of Adelaide draft Strategic Plan 2020 – 2024

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## APLA ADVICE TO NOTE:

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

1. Advice 1 – Golden Wattle Park Concept Plan & Community Land Management Plan

#### THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Notes the community engagement findings summarised in Attachment A to Item 9.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 12 December 2019.
2. Requests that the revised Concept Plan for Golden Wattle Park/Mirnu Wirra (Park 21W) as shown in Attachment B to Item 9.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 12 December 2019, incorporate:
  - 2.1. An enhanced urban address along Greenhill Rd.
  - 2.2. A north/south promenade which connects the City to Wayville, and extends regional strategic walking and cycling routes through the Park Lands.
  - 2.3. Identifiable entrances from South Terrace, Greenhill Rd and Sir Lewis Cohen Ave that connect people from the surrounding streets and neighbourhoods and invite people into the centre of the park.
  - 2.4. Enhancements to areas of remnant vegetation to showcase key biodiversity / landscape features, including the addition of accessible trails and amenities that are designed to preserve and protect sensitive landscapes.

- 2.5 Enhancements to the park design to reduce areas of high urban heat, appropriate to the needs of the remnant.
  3. Notes the proposed removal of trees in Areas 1 and 2 as shown in Attachment D to Item 9.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 12 December 2019, to enable implementation of the Concept Plan and supports retaining the stand of trees on the eastern edge of the playing fields in Area 3, deferring consideration until such time that the Concept Plan can be fully implemented and other alternatives have been explored.
  4. Supports the revision of the Adelaide Park Lands Community Land Management Plan with a revised chapter for Golden Wattle Park/Mirnu Wirra (Park 21W) as per Attachment C to Item 9.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 12 December 2019 for the purpose of undertaking statutory consultation, subject to the inclusion of further Kaurna consideration and it reflecting changes to the revised Concept Plan as outlined above.
  5. Notes that a design for the new clubroom facility in Golden Wattle Park/Mirnu Wirra (Park 21W), based on the location identified in the revised Concept Plan, will be tabled separately for consideration by the Authority.
2. Advice 2 - City of Adelaide draft Strategic Plan 2020 – 2024 – provisions for the Park Lands
- THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:
- That the Adelaide Park Lands Authority:
1. Is supportive of the vision, outcome, strategies and key actions set out in the City of Adelaide's draft Strategic Plan 2020-2024 as it relates to the vision for the Park Lands expressed in the Adelaide Park Lands Management Strategy.

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- END OF REPORT -

# Reports from Council Members

**ITEM 11.1** 28/01/2020  
**Council**

2018/04064  
Public

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

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

## EXECUTIVE SUMMARY

This report is presented to:

1. Advise Council of Council Member activities and the functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members' meeting attendance.

Council Members can table reports on activities undertaken on relevant external Boards and Committees where they are representing Council and these reports will be included in the Minutes of the meeting.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 11.1 on the Agenda for the meeting of the Council held on 28 January 2020).
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 28 January 2020).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 28 January 2020 be included in the Minutes of the meeting.

## ATTACHMENTS

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

**Attachment B** – Summary of meeting attendance

- END OF REPORT -

<b>FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 10 December 2019 - 22 January 2020</b>			
<b>COUNCIL MEMBER</b>	<b>DATE</b>	<b>EVENT TITLE</b>	<b>EVENT DETAILS</b>
Deputy Lord Mayor Hyde	11 December 2019	CASA Christmas Party	Christmas celebration with Chinatown Adelaide SA
(A/Lord Mayor 9/1 - 20/1/2020)	16 December 2019	Ulsan Arts Culture Foundation	Meet and Greet and tour of Town Hall with members of the Foundation
	20 December 2019	AMC Hall of Fame	AMC Hall of Fame official opening of new space and induction of Dave Graney and Clare Moore into the SA Hall of Fame
	28 December 2019	183rd Proclamation Day	Proclamation Day Commemoration held at the Old Gum Tree, Glenelg
	15 January 2020	BNI SA Awards	Spoke at the BNI South Australia Annual Business Networking event
	18 January 2020	COA Tour Village	Opened the City of Adelaide SANTOS Tour Down Under Tour Village
	19 January 2020	CASA New Year Dinner	Spoke at the CASA Lunar New Year Dinner
Councillor Knoll	17 December 2010	ANZ Branch Opening	ANZ Branch Opening on King William Street
Councillor Abrahamzadeh	14 January 2020	Talking Tennis Breakfast	Spoke at the Ken McGregor Fund Fundraiser at the Talking Tennis Breakfast
	20 January 2020	Australia Day Awards	Australian Day Awards presentations at Government House
<b>COUNCIL MEMBER MEETINGS AND EVENTS ATTENDED :</b>			
<b>COUNCIL MEMBER</b>	<b>DATE</b>	<b>EVENT TITLE</b>	<b>EVENT DETAILS</b>
Councillor Abiad	11 December 2019	Australia Day Council Board meeting	Attended as a member of the Board
	19 December 2019	Adelaide Central Market Authority Board meeting	Attended as a member of the Board
Councillor Knoll	16 December 2019	Rundle Mall Management Authority Board meeting	Attended as a member of the Board
	20 January 2020	Rundle Mall Management Authority Strategy Session	Attended as a member of the Board

## Meeting attendance

	The Committee - Special Meeting 10 December 2019	Council 10 December 2019	Adelaide Park Lands Authority 12 December 2019	Meetings held	Meetings attended
Lord Mayor Sandy Verschoor	✓	✓	✓	3	3
Councillor Houssam Abiad	✓	✓		2	2
Councillor Arman Abrahimzadeh	✓	✓		2	2
Councillor Mary Couros	✓	✓		2	2
Councillor Helen Donovan	✓	✓		2	2
Councillor Simon Hou	✓	✓		2	2
Councillor Alex Hyde (Deputy Lord Mayor)	✓	✓	✓	3	3
Councillor Jessy Khera	✓	✓		2	2
Councillor Franz Knoll	✓	✓		2	2
Councillor Phillip Martin	✓	✓		2	2
Councillor Anne Moran	✓	✓		2	2
Councillor Robert Simms	✓	✓		2	2
# in Attendance	12	12	2		

Key:

	Apology
	Leave
	Not a Member
	Proxy Member

# Single-use Plastics and Other Plastic Products (Waste Avoidance) Bill 2019 - Feedback

**ITEM 12.1** 28/01/2020  
**Council**

**Program Contact:**  
Michelle English, AD  
Sustainability 8203 7687

2018/02571  
Public

**Approving Officer:**  
Ian Hill, Director Growth

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## EXECUTIVE SUMMARY

Green Industries SA has released for consultation the proposed Single-use Plastic and Other Plastic Products (Waste Avoidance) Bill 2019 for South Australia. The proposed Bill was drafted after receiving feedback from Green Industries SA's *Turning the Tide on Single-use Plastic Products Discussion Paper* submissions.

Administration has provided recommendations and feedback on the proposed Bill which aligns closely to Council's submission on Green Industries SA's *Turning the Tide on Single-use Plastic Products* discussion paper which was submitted to Green Industries SA on 1 March 2019.

The feedback recommends a consumer-centric and circular economic approach for banning certain single-use plastic products.

This report seeks Council endorsement for the City of Adelaide to submit this document to Green Industries SA.

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## RECOMMENDATION

### THAT COUNCIL:

1. Endorses the submission to Green Industries SA regarding the Single-use Plastic and Other Plastic Products (Waste Avoidance) Bill 2019 for South Australia contained in Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 28 January 2020.
2. Notes that feedback on the response to Green Industries SA regarding the Single-use Plastic and Other Plastic Products (Waste Avoidance) Bill 2019 for South Australia must be received by 7 February 2020.



## IMPLICATIONS AND FINANCIALS

<p>City of Adelaide 2016-2020 Strategic Plan</p>	<p><b>Strategic Alignment – Green</b></p> <p>A detailed measure of reduction in kerbside and general waste will have been developed and influences our work:</p> <ul style="list-style-type: none"> <li>• By the end of 2017, develop and implement a waste recycling and reuse approach for the City that reflects world’s best practice and the use of smart technology;</li> <li>• By 2020, Council’s New Year’s Event will minimise waste to landfill and by 2018, clear guidelines will be developed for event organisers of larger community events on Council-operated areas to achieve zero-waste and carbon neutrality;</li> <li>• Facilitate the reuse and recycling of equipment, consumables and materials used in festivals and events in the City;</li> <li>• Achieve adoption of sustainable commercial practices through incentives, purchasing approaches, waste services and regulation.</li> </ul>
<p>Policy</p>	<p>On 1 March 2019 Council submitted a Council-endorsed response to Green Industries SA in response to the Turning the Tide on Single-use Plastic Products discussion paper.</p> <p>On 27 August 2018, Council resolved, that Council:</p> <ul style="list-style-type: none"> <li>• <i>“Ban the use of single use plastic straws, that cannot be appropriately recycled or reused, in Council operations and Council-run events, effective as of 1 January 2019; and</i></li> <li>• <i>Ban the use of single use plastic straws, that cannot be appropriately recycled or reused, in all new licenses for events in the Park Lands, effective as of 1 January 2019.”</i></li> </ul> <p>On 11 May 2018, Council resolved, that:</p> <p><i>“as part of the Adelaide Central Market being a world leading food and produce market, the Administration works with Adelaide Central Market Authority to deliver compost and circular economy waste management outcomes for the Market. This may include, but is not limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>Use of compostable packaging such as cups, plates, cutlery, bowls;</i></li> <li>• <i>Introduction of three stream waste segregation within the market that allows customers to dispose of organic material consumed at the market; and</i></li> <li>• <i>Opportunities to either ban single use plastics or incentivise reduction of single use plastics at the market.”</i></li> </ul> <p><i>Carbon Neutral Adelaide Action Plan – 2016-2021</i></p> <ul style="list-style-type: none"> <li>• Strategy 4.1 Reduce emissions from solid waste.</li> </ul>
<p>Consultation</p>	<p>Not as a result of this report</p>
<p>Resource</p>	<p>Not as a result of this report</p>
<p>Risk / Legal / Legislative</p>	<p>Not as a result of this report</p>
<p>Opportunities</p>	<p>Continued collaboration in the form of supporting Green Industries SA’s Plastic-Free Pilot Program in the Adelaide Central Market and Central Market Arcade.</p>
<p>19/20 Budget Allocation</p>	<p>Not as a result of this report</p>

Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

### Historical Context:

1. On 13 January 2019, the Minister for Environment and Water released two discussion papers:
  - 1.1. *Turning the Tide on Single-Use Plastic Products* (view [here](#)) ;
    - 1.1.1. The discussion paper outlined the challenges and opportunities associated with regulating single-use plastic products.
    - 1.1.2. Feedback was sought concerning single-use plastic products including, the perceived severity of the impacts associated with the use of single-use plastics, specific single-use plastic items, product disposal labelling and specific feedback from business, retailers, manufacturers, importers and the community.
  - 1.2. *Improving South Australia's Recycling Makes Cents* (view [here](#)) .
    - 1.2.1. The feedback sought included scheme objectives, opportunities for improvement, refund amount, further research needed and engagement options.
2. Council at its meeting on 26 February 2019 resolved the following:
  - 2.1. Noted the submissions prepared by the Administration in response to the Government's discussions papers on single-use plastic products and the container deposit scheme shown in Attachment A and Attachment B to Item 12.1 (view [here](#)) on the Agenda for the meeting of the Council held on 26 February 2019.
  - 2.2. Authorised the CEO to alter the submissions to reflect Council's support for the State Government's leadership in investigating the reduction of single-use plastics and the continuation and potential expansion of the Container Deposit Scheme in South Australia.
  - 2.3. Noted that feedback on the Government's discussion papers must be received by the 1 March 2019.
3. Administration submitted both papers meeting the 1 March 2019 submission deadline.

### Current Initiatives:

4. Since then, Green Industries SA has launched a Plastic-Free Precinct Pilot Program which provided funding for an on-the-ground coordinator to support businesses who were interested in transitioning away from single-use plastics.
  - 4.1. The City of Adelaide's Central Market Arcade and Adelaide Central Market were nominated as a joint precinct for the pilot and have been working with Boomerang Alliance (Green Industries' chosen organisation to manage the pilot) to transition businesses who volunteered to go 'single-use plastic-free'.
  - 4.2. Some uptake by precinct businesses has occurred and this initiative continues.

5. On Saturday 14 December 2019, the Minister for Environment and Water, the Hon David Speirs MP, released draft legislation that prohibits the sale and supply of single-use plastic products as per the July 2019 announcement.
6. Feedback for the draft Bill [The Single-use and Other Plastic Products (Waste Avoidance) Bill 2019] (view [here](#) ) and Bill Explanatory Information document (view [here](#) ) was requested by Green Industries by email on 18 December 2019 and closes on Friday 7 February 2020.

**Feedback for the draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019:**

7. The Administration response to the proposed Bill as shown in **Attachment A**, includes the City of Adelaide's role in dealing with single-use plastics, relevant recommendations aligned to our previous submission, as well as additional feedback on the proposed Bill.
  - 7.1. Council is heavily vested in the refinement of the proposed Bill as its adoption has the capacity to significantly influence the City of Adelaide and its community. The City of Adelaide's role regarding problematic materials as identified in the proposed Single-use and Other Plastic Products (Waste Avoidance) Bill is varied and complex. The City of Adelaide:
    - 7.1.1. is an event organiser for over 400 events per annum, many of which generate or distribute products identified in the proposed Bill;
    - 7.1.2. is a property owner with commercial tenants who supply products identified in the proposed Bill;
    - 7.1.3. is a business currently working to remove problematic single-use products, however, still supplies products identified in the proposed Bill;
    - 7.1.4. offers waste management services for select events, some of which generate and/or distribute the products identified in the proposed Bill;
    - 7.1.5. offers waste management services for its residents and some businesses who purchase, generate and/or distribute the products identified in the proposed Bill;
    - 7.1.6. manages waste in public spaces within its jurisdiction and has bin systems that are designed to accommodate waste commonly seen in these spaces. Users of these spaces generate waste identified in the proposed Bill;
    - 7.1.7. is a place where community members have high expectations of their Council to demonstrate leadership in waste reduction and diversion from landfill as well as support accessibility and inclusivity.
  - 7.2. The City of Adelaide is actively involved in addressing and reducing dependence on problematic single-use plastic materials which includes initiatives such as:
    - 7.2.1. An active participant nominated in the Plastic-Free Precinct Pilot Project via the Adelaide Central Market and Central Market Arcade;
    - 7.2.2. Currently developing a new Waste and Recycling Management Strategy which will drive reduction of waste and support reuse initiatives;
    - 7.2.3. Demonstrating leadership to reduce and/or eliminate some single-use plastics by publishing two sets of guidelines and supporting community implementation:
      - 7.2.3.1. [Compostable Package Supplies for SA](#) - identifies a list of known suppliers of certified compostable materials to the Adelaide market and is updated quarterly.
      - 7.2.3.2. [Sustainable Event Guidelines \(PDF\)](#) - developed with input from the event and waste industries to provide clear guidance on practical measures to make events more sustainable and promote sustainability achievements.

**8. Recommendations for the proposed Bill include:**

In line with Council's previous submission to the *Turning the Tide on Single-Use Plastic Products* discussion paper, in proposing the Single-use Plastics and Other Plastic Products (Waste Avoidance) Bill 2019 the South Australian Government should consider a holistic and world leading shift away from problematic products such as single-use plastics that prioritises the consumer experience. This includes one that:

- 8.1. Simplifies and incentivises consumer experiences with single-use product recycling, composting or disposal;
- 8.2. Secures a transition to compostable and reusable products by 2025 or earlier;

- 8.3. Supports local business and product innovation using sustainable, locally produced compostable materials;
- 8.4. Provides simple consumer labelling, aligned with Australian Standard waste stream colour coding;
- 8.5. Requires retrofitting of bins with Australian Standard waste stream colours;
- 8.6. Supports the roll-out of public place, workplace and household collection services to accommodate the change in materials;
- 8.7. Provides long-term funding from the Solid Waste Levy and Waste to Resources Fund;
- 8.8. Provides consultative and supportive information to Councils and community to support the transition.

**Further feedback on the draft Bill:**

- 8.9. Council supports the overarching purpose of the legislation which is *'to restrict the sale and supply of certain plastic products that are designed to be used once and discarded'* however, has concerns regarding the lack of customer centricity and end-of-life approach regarding the acceptable alternatives to single-use plastics. Therefore suggests:
  - 8.9.1 a systems approach where identification of material, how to dispose of it and supporting infrastructure is mandated;
  - 8.9.2 a circular economic approach that encourages adoption of closed-loop systems and product take-back schemes as public place or commercial waste systems can be inconsistent and confusing;
  - 8.9.3 support for waste management systems such as organics/compost collections to divert composable alternatives from landfill to encourage uptake of preferred alternatives to single-use plastics and simple disposal.
- 8.10 Transition period:
  - 8.10.1 Although the 'Bill Explanatory Information' document states *'the government will make available information to assist businesses in transitioning to alternative products'*, consultative and supportive information should also be made available to Councils who will likely be fielding questions from the community and businesses.
  - 8.10.2 Waste management systems differ between Councils, particularly within public and commercial spaces. Consistency among Council's waste systems and funding for alignment initiatives would enable a customer-centric approach when adapting to the material changes that Councils will be required to manage.
  - 8.10.3 Contingencies should be considered in the event of disruptions in the single-use plastic alternatives markets in the transition period.
  - 8.10.4 Further grants and funding should be provided to generate more innovative and local solutions in relation to alternatives to single-use plastic products (i.e. reusables, local compostable products).
- 8.11 Further comments in relation to Commencement, Offences, Exemptions and Other Comments:
  - 8.11.1 South Australia demonstrates leadership in problematic waste avoidance, which should extend to its manufacturing industries. Therefore, the manufacture of identified problematic waste material that is banned for use or distribution in South Australia should also be included in the ban.
  - 8.11.2 Regarding 15 - *Exemptions from Act (1)* Process for selection of exemption should be outlined in detail.
  - 8.11.3 Regarding 15 - *Exemptions from Act (2)* and in reference to the *Bill Explanatory Information document, Exemptions, Single-use plastic straws*: Further consultation would be required regarding access to plastic straws from Council offices by those who require them.
  - 8.11.4 Clarity of how the proposed Bill affects the transportation industry such as interstate and international airline, rail and bus businesses should be communicated.
  - 8.11.5 To encourage good food waste management practices, support industrial-level composting in South Australia and drive a strong consumer-centric system, compostable food waste and dog waste bags should be certified to the Australian Standard: AS 4736-2006 / AS 5810-2010. Any and all labelled compostable plastic products on the market should be certified as compostable to ensure transparency, accountability and to maintain a high quality, clean composting stream benefitting the community.

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## ATTACHMENT

**Attachment A** – Green Industries SA - Proposed Single-use Plastic Products bans in South Australia ~ City of Adelaide Response

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- END OF REPORT -

Due: Friday, 7 February 2020

## Proposed Single-use Plastic Products ban in South Australia

The draft Bill has been informed by feedback on the *Turning the tide on single-use plastic products* discussion paper and discussions at the Single-Use Plastic Stakeholder Taskforce. It has been released for public consultation. **Comments and submissions are due by Friday, 7 February 2020** and following consideration of feedback, the Bill will be finalised for introduction to Parliament.

Importantly, the Bill contains a provision for an exemption that will allow for the sale, supply and distribution of single-use plastic straws to those in the community who rely on them due to disability or medical need. The details of this exemption will be informed by the consultation process and implemented via regulations under the legislation.

Comments can be provided via our online survey, or you can write to Green Industries SA with your feedback on the draft Bill:

ATTN: Alana Potts  
Green Industries SA  
GPO Box 1047  
Adelaide SA 5001

Online Survey Questions:

- If you are a business that currently sells or supplies prohibited products, how much time do you need to transition to alternative products?
- Do you have any comments on the consultation process for adding other prohibited products?
- Are the penalties and expiations sufficient for the offences?
- Do you use single-use plastic straws due to a disability or medical need?
- Do you have a preference for how to best ensure accessibility of single-use plastic straws for people with a disability or medical requirements?
- Do you have any other comments on the proposed legislation?

### Introduction:

The City of Adelaide welcomes the opportunity to provide a submission to Green Industries SA's proposed Single-use Plastics and Other Plastic Products (Waste Avoidance) Bill 2019 in South Australia and commends the State Government's progressive move toward addressing problematic waste materials. This document communicates Council's response regarding the proposed Bill. Some feedback is based on the City of Adelaide's comments on Green Industries SA's *Turning the Tide on Single-use Plastic Products* discussion paper submitted to Green Industries SA on 1 March 2019.

### Impact of the Proposed Bill:

The City of Adelaide's role regarding problematic materials as identified in the proposed Single-use Plastic Products ban is varied and complex. The City of Adelaide:

- is an event organiser for over 400 events per annum, many of which generate or distribute products identified in the proposed Bill;
- is a property owner with commercial tenants who supply products covered in the proposed Bill;
- is a business currently working to remove problematic single-use products, however still supplies products covered in the proposed Bill;
- offers waste management services for select events, some of which generate and/or distribute the products covered in the proposed Bill;

- offers waste management services for its residents and some businesses who purchase, generate and/or distribute the products covered in the proposed Bill;
- manages waste in public spaces within its jurisdiction and has bin systems that are designed to accommodate waste commonly seen in these spaces. Users of these spaces generate waste identified in the proposed Bill;
- is a place where community members have high expectations of their Council to demonstrate leadership in waste reduction and diversion from landfill as well as support accessibility and inclusivity.

The City of Adelaide is actively involved in addressing and reducing dependence on problematic single-use plastic materials which includes initiatives such as:

- An active participant nominated in the Plastic-Free Precinct Pilot Project via the Adelaide Central Market and Central Market Arcade – two facilities operating under different managerial jurisdictions;
- Currently developing a new Waste and Recycling Management Strategy which will drive reduction of waste and support reuse initiatives;
- Demonstrating leadership to reduce and/or eliminate some single-use plastics by publishing two sets of guidelines and supporting community implementation:
  - [Compostable Package Supplies for SA](#) This identifies a list of known suppliers of certified compostable materials to the Adelaide market and is updated quarterly.
  - [Sustainable Event Guidelines \(PDF\)](#) These guidelines were developed with input from the event and waste industries to provide clear guidance on practical measures to make events more sustainable and promote sustainability achievements.

Therefore, Council is heavily vested in the refinement of the proposed Bill as its adoption has the capacity to significantly influence the City of Adelaide and its community. Council is pleased to provide the following recommendations and feedback and trusts it will help drive positive environmental change for the State of South Australia.

#### Recommendations:

**In proposing the Single-use Plastics and Other Plastic Products (Waste Avoidance) Bill 2019 the South Australian Government should consider a holistic and world leading shift away from problematic products such as single-use plastics that prioritises the consumer experience. This includes one that:**

- Simplifies and incentivises consumer experiences with single-use product recycling, composting or disposal;**
- Secures a transition to compostable and reusable products by 2025 or earlier;**
- Supports local business and product innovation using sustainable locally produced compostable materials;**
- Provides simply consumer labelling, aligned with Australian Standard waste stream colour coding;**
- Requires retrofitting of bins with Australian Standard waste stream colours;**
- Supports the roll-out of public place, workplace and household collection services to accommodate the change in materials;**
- Provides long-term funding from the Solid Waste Levy and Waste to Resources Fund;**
- Provide consultative and supportive information to Councils and community to support the transition.**

Council supports the overarching purpose of the legislation which is *'to restrict the sale and supply of certain plastic products that are designed to be used once and discarded'* however, has concerns regarding the lack of customer centricity and end-of-life approach regarding the acceptable alternatives to single-use plastics.



In particular, as stated on page one of the *Bill Explanatory Information* document, *'where use of the product is required, the legislation will influence substitution with alternative products that minimise the potential to compromise the health of ecosystems, specifically marine ecosystems, and that are either reusable, recyclable or compostable.'*

Clarity and consistency are crucial to the successful adoption of any new system and a simplified, consumer focused system will ensure a smooth transition away from single-use plastics. With innovative materials blurring the lines between plastics, non-plastics or compostable plastics, it is becoming increasingly difficult, even for experts, to distinguish the type of material a single-use product is made with let alone compliance within the proposed regulation. It is important to note that many community members are also unable to distinguish between whether a plastic item is made using, for example, plant extracts or of fossil fuel origin, and this often includes paper items too. This renders it impossible to identify how to dispose this material at end-of-product life.

The Bill has a strong focus on banning a selection of single-use plastic items, however it should also address and enforce best practices with regard to acceptable alternatives. The Bill should support a circular economic approach that encourages adoption of closed-loop systems and product take-back schemes as public place or commercial waste systems can be inconsistent and confusing. In particular, public place recycling is not typically considered as a successful form of waste diversion from landfill as valuable material like container deposit scheme items are removed by informal recyclers and the residual material is often contaminated with food or liquids.

The limitations of commercial and public place waste management were evident in the City of Adelaide's Compostable Coffee Cup Pilot. With the support of Green Industries SA, the City of Adelaide conducted a compostable coffee cup pilot which was well supported by cafes and welcomed by the community. The results of the pilot indicated that participating businesses, customer workplaces and public place bins did not offer the required organics for composting (green lid) bin services to ensure the compostable cups were correctly recovered for composting which meant the efforts and benefits of changing to compostable products were not realised. Support for businesses via implementation of organics/compost collections would result in more uptake of preferred alternatives to single-use plastics.

Acceptable alternative single-use products should have a simplified and environmentally preferred end-of-life system (i.e. compostable systems in place) that are as convenient as disposal to landfill (i.e. avoid need to empty food, rinse containers and dispose of utensils).

Recycling single-use takeaway containers and associated utensils, such as knives, forks and straws is too complex, confusing or not possible for the consumer; and often incompatible with existing municipal, public place and commercial recycling services and processing infrastructure. For example, single-use products are increasingly being made from a diverse range of recyclable, non-recyclable, compostable or composite/mixed materials. Single-use takeaway products are typically recyclable when clean but not recyclable when they are soiled with food; and items such as knives, forks and serviettes are often too small for co-mingled recycling sorting infrastructure.

The reliance on single-use products is expanding. Takeaway foods are a significant value-adding process and important supplementary revenue stream for shop-based food and restaurant businesses. Rapid growth and wide reach of consumer trends such as takeaway coffee, juice and rapid expansion of home delivery (e.g. Uber Eats and Deliveroo) may be impacting upon municipal waste diversion and is a significant barrier to successful public place recycling services.

Neither the proposed draft Bill, nor the Bill Explanatory Information document highlight how a consumer will navigate identifying regulated and non-regulated materials.

Regulation stipulating clear and consistent labelling identifying the material and what waste, recycling or compost system it belongs in would resolve any uncertainty and ensure a positive customer experience and good uptake. State and Federal legislation should provide for consistent labelling of products and claims.



### Transition period:

Although the 'Bill Explanatory Information' document states *'the government will make available information to assist businesses in transitioning to alternative products'*, consultative and supportive information should also be made available to Councils who will likely be fielding a number of questions, concerns and pushback from businesses within their jurisdiction. Note, waste management systems differ between Councils, particularly within the public space and commercial spaces. Consistency among Councils' waste systems and funding for alignment initiatives would enable a customer centric approach to adapt to the material changes that Councils will be required to manage. The Bill not only addresses problematic materials by overall avoidance, but the result of its adoption will also result in a change in the types of waste materials generated. Therefore, education campaigns targeted to communicating information about the Bill should also include best practices in waste management and how to adopt these practices.

The City of Adelaide is currently in the process of creating a new waste management education program and campaign. Details regarding the State Government's community communication approaches would be beneficial to ensure consistent messaging across levels of government and would inform engagement materials being developed.

With emerging and often volatile markets in the spaces of single-use plastic alternatives, support, communication and contingency plans should be provided to businesses and Councils in the event of global shortages and price increases in the transition period.

Further grants and funding should be provided to generate more innovative and local solutions in relation to alternatives to single-use plastic products (i.e. reusables, local compostable products).

### Further comments on Commencement, Offences, Exemptions and Other comments:

- In relation to Section 6 (2) which states:  
*Subsection (1) does not apply to a person who sells, supplies or distributes a prohibited plastic product if the person is the manufacturer or producer of the product and the product is supplied or distributed to a person outside this State.*

South Australia demonstrates leadership in problematic waste avoidance, which should extend to its manufacturing industries. Therefore, the manufacture of identified problematic waste material that is banned for use or distribution in South Australia should also be included in the ban.

- Regarding *15 - Exemptions from Act (1)* Process for selection of exemption should be outlined in detail.
- Regarding *15 - Exemptions from Act (2)* and in reference to the *Bill Explanatory Information document, Exemptions, Single-use plastic straws*: Further consultation would be required regarding access to plastic straws from Council offices by those who require them.
- Clarity of how the proposed Bill affects the transportation industry such as interstate and international airline, rail and bus businesses should be communicated.
- To encourage good food waste management practices, support industrial-level composting in South Australia and drive a strong consumer-centric system, compostable food waste and dog waste bags should be certified to the Australian Standard: AS 4736-2006 / AS 5810-2010. Any and all labelled compostable plastic products on the market should be certified as compostable to ensure transparency, accountability and to maintain high quality, clean composting stream benefitting the community.

**Conclusion:**

The City of Adelaide commends Green Industries SA's initiative in the proposed Single-use Plastics and Other Plastic Products (Waste Avoidance) Bill 2019 and supports the state's progressive move toward addressing problematic waste materials.

This response document has stressed the importance of a systems-based consumer focused approach to ensure a smooth transition. A piecemealed approach will cause confusion in the market and challenges in an already strained waste industry. Banning certain products must be accompanied by a strong closed loop system, supporting the choice of better products, and best practices for waste management.

# Standing Committee on Industry, Innovation, Science and Resources' Inquiry into Australia's waste and recycling industry

**ITEM 12.2** 28/01/2020  
**Council**

**Program Contact:**  
Michelle English, AD  
Sustainability 8203 7687

2018/02571  
Public

**Approving Officer:**  
Ian Hill, Director Growth

## EXECUTIVE SUMMARY

The Standing Committee on Industry, Innovation, Science and Resources has commenced an inquiry into Australia's Waste Management and Recycling Industries. The inquiry will focus on opportunities presented by waste materials, including energy production, innovative recycling approaches and export opportunities, and will also consider current impediments to innovation.

Administration has prepared feedback considering the challenges faced in the last several years with regard to waste and recycling. Administration has previously made a similar submission to the Parliament of South Australia Environment, Resources and Development Committee's Inquiry into the Recycling Industry in July 2019 which is reflected in the report.

The submission document identifies Council's position with regard to the current challenges and opportunities in waste management in South Australia and contains Council's response and recommendations for the inquiry.

This report seeks Council endorsement for the City of Adelaide to submit this document to the Standing Committee on Industry, Innovation, Science and Resources' Inquiry into Australia's Waste Management and Recycling Industries.

## RECOMMENDATION

### THAT COUNCIL:

1. Endorses the submission in response to the Standing Committee on Industry, Innovation, Science and Resources' Inquiry into Australia's Waste Management and Recycling Industries contained in Attachment A to Item 12.2 on the Agenda for the meeting of the Council held on 28 January 2020.
2. Notes that the report must be received by the Standing Committee on Industry, Innovation, Science and Resources by 30 January 2020.

## IMPLICATIONS AND FINANCIALS

<p>City of Adelaide 2016-2020 Strategic Plan</p>	<p><b>Strategic Alignment – Green</b></p> <p>A detailed measure of reduction in kerbside and general waste will have been developed and influences our work:</p> <ul style="list-style-type: none"> <li>• By the end of 2017, develop and implement a waste recycling and reuse approach for the City that reflects world’s best practice and the use of smart technology;</li> <li>• By 2020, Council’s New Year’s Event will minimise waste to landfill and by 2018, clear guidelines will be developed for event organisers of larger community events on Council-operated areas to achieve zero-waste and carbon neutrality;</li> <li>• Facilitate the reuse and recycling of equipment, consumables and materials used in festivals and events in the City;</li> <li>• Achieve adoption of sustainable commercial practices through incentives, purchasing approaches, waste services and regulation.</li> </ul>
<p>Policy</p>	<p>The relevant decisions of Council that relate to the Inquiry into the waste and recycling industry include:</p> <p>At the meeting of the Council on 16 July 2019 Administration’s feedback to the Parliament of South Australia’s Inquiry into the Recycling Industry was endorsed. Recommendations included:</p> <ul style="list-style-type: none"> <li>• Implement a Federal/National Waste Management Strategy/Policy that supports a more resilient and local waste management system.</li> <li>• Spend the Waste Levy Fund to support the strategic priorities of Green Industries SA or reduce the Waste Levy fee accordingly.</li> <li>• Transition Australia to a robust circular economy where waste avoidance and enhanced resource recovery is prioritised. Fund National product stewardship strategies and policies to create disincentives and/or ban certain non-recyclable, environmentally harmful materials creating a demand for resource recovery.</li> <li>• Formally review and rewrite procurement policies for all for all tiers of government to require a level of recyclable content in materials procured, to assist in the creation of domestic markets.</li> </ul> <p>In September 2018, the City of Adelaide provided input into the update of the ‘National Waste Policy 2009: less waste, resources – Discussion Paper’. Council supported a policy that incorporated principles of a circular economy and responds to external changes, such as the introduction of the China National Sword Policy.</p> <p>On 15 February 2015, Council resolved, that:</p> <p><i>“All Solid Waste Levy revenue allocated to the Waste to Resources Fund (\$20.868 million in 2014-15) should be used to establish and support the strategic priorities of Green Industries SA, and to stimulate economic activity in the green economy.</i></p> <p><i>If there is no intent to increase Green Industries SA funding via Solid Waste Levy revenue, then the Solid Waste Levy should be reduced accordingly.”</i></p>
<p>Consultation</p>	<p>Not as a result of this report</p>
<p>Resource</p>	<p>Not as a result of this report</p>

Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

### Historical Context:

1. On 13 May 2019, the Parliament of South Australia's Environment, Resources and Development Committee resolved at their meeting to conduct an Inquiry into the recycling industry in South Australia.
2. On 20 May 2019, the City of Adelaide received an invitation to provide a written submission to the Inquiry [here](#).
3. At the meeting of the Council on 16 July 20219 Administration's feedback to the Parliament of South Australia's Inquiry into the Recycling Industry was endorsed (view [here](#)). Recommendations include:
  - 3.1. Implement a Federal/National Waste Management Strategy/Policy that supports a more resilient and local waste management system.
  - 3.2. Spend the Waste Levy Fund to support the strategic priorities of Green Industries SA or reduce the Waste Levy fee accordingly.
  - 3.3. Transition Australia to a robust circular economy where waste avoidance and enhanced resource recovery is prioritised. Fund National product stewardship strategies and policies to create disincentives and/or ban certain non-recyclable, environmentally harmful materials creating a demand for resource recovery.
  - 3.4. Formally review and rewrite procurement policies for all for all tiers of government to require a level of recyclable content in materials procured, to assist in the creation of domestic markets.
4. On Wednesday 23 October 2019, the Committee adopted an Inquiry referred by the Minister for Industry, Science and Technology, the Hon Karen Andrews MP, asking the Committee to inquire into and report on innovative solutions in Australia's waste management and recycling industries.

5. Administration has prepared a response shown in **Attachment A** which includes three recommendations as outlined below in sections 6.1, 6.2 and 6.3.

### Recycling in South Australia:

- 5.1. Several challenges, including the introduction of the China National Sword Policy in 2018 and the restrictions on some material processing facilities (MRF) in 2019 has led to significant disruptions in the waste and recycling industries.
- 5.2. This caused over-supply in markets and industry-wide disruptions both locally and globally. With recyclable materials achieving a lower price in international commodity markets, operating costs for local processing services are increasing.
- 5.3. In addition, the Solid Waste Levy in Metropolitan Adelaide has once again increased. In July 2019 it was raised to \$110/tonne from \$100/tonne and increased once again to \$140/tonne in January 2020 (Green Industries SA, 2018). Unspent levy payments that have been accrued in the Green Industry Fund totaled more than \$120 million as at 30 June 2018 (Green Industries SA, p11, 2018).
- 5.4. If the city assumes a similar amount of waste sent to landfill in 2019-2020, the cost to send waste to landfill would increase to \$745,000 (from \$549,000 in 2018-2019) for the Solid Waste Levy alone. Council would either need to absorb this fee or pass it on to ratepayers.
- 5.5. The City of Adelaide is a strong supporter of sustainable waste management initiatives including reducing waste to landfill and is actively working in this space to improve outcomes. However, the additional challenges faced, such as the abrupt change in the City's recycling contractor, the increase in distance to process materials and the increasing Solid Waste Levy has generated unforeseen budgetary and operational pressures.
- 5.6. There are limited innovative solutions that Council can implement within its own jurisdiction as the City of Adelaide must fulfil the waste management requirements set out by the *South Australia Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993* which mandates a weekly general waste collection service for metropolitan councils. This fundamentally prioritises general waste services over other more environmentally preferred service methods.
- 5.7. These challenges offer an unprecedented opportunity for Federal and State Governments to work collaboratively to support local government and industry to build a robust, consistent National waste management system geared toward the circular economy. These opportunities are outlined in the recommendations below.

### 6. Recommendations:

#### 6.1. Recommendation #1: Implement a National Waste Management Policy/Strategy that supports a more resilient and local waste management system.

- 6.1.1. With most councils in Australia affected by the impacts of the China National Sword Policy, a holistic top-down system should be prioritised by Federal and State Governments. The implementation of the National Waste Policy/Strategy requires systems thinking and clear action to support the proposed strategies and achieve a circular economy. The expansion of data-driven, local waste management infrastructure would reduce reliance on external markets and create a more resilient local system stabilising the current crisis.
- 6.1.2. Federal and State level policies surrounding responsible waste management and product stewardship should have clear and defined roles and responsibilities at all levels of government. Processes, guidelines and appropriate funding should be in place to support the delivery of these policies including arrangements for any necessary transition periods.
- 6.1.3. Those organisations responsible for generating waste materials in the first place and benefiting from the associated economy outcomes should, at least in part, be responsible for implementing product stewardship measures to minimise environmental harm.
- 6.1.4. Councils in South Australia are required to collect general waste weekly, as set out by the *South Australia Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993*. Part 3—General waste management obligations, Division 1—Unlawful disposal of waste 10 (2) states:

*In order to facilitate the proper management of waste that is to be collected under subclause (1)(b), a metropolitan council must provide a weekly general kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.*

- 6.1.5. This means weekly waste services are prioritised by councils over other streams (eg recycling or composting services), as it is costly to offer all three services on a weekly basis, notwithstanding that fact that the waste stream service is the most costly of all three streams due to the Solid Waste Levy. This locks many councils into high costs for waste services.
- 6.1.6. As costs and community expectations increase, chain-of-custody monitoring via data collection systems that uses a consistent National lexicon is critical to ensure waste loads are correctly calculated, disposed and processed. This creates an environment where products, services and/or organisational claims can be substantiated.
- 6.1.7. To enable this, waste truck fleets should be equipped to enable customer identification, disposal weight data acquisition at a premise level and sharing of close to real time weight-based disposal information with customers.
- 6.2. Recommendation #2: Transition Australia to a robust circular economy where waste avoidance and enhanced resource recovery is prioritised. Fund National product stewardship strategies and policies to create disincentives and/or ban certain non-recyclable, environmentally harmful materials creating a demand for resource recovery.**
- 6.2.1. The South Australian Container Deposit Legislation (CDL) initially implemented to target litter, has become a driving force to the circular economy by placing economic value on waste. With this legislation, South Australia leads the nation in the recovery, recycling and litter reduction of beverage containers with an overall return rate of 76.9%. With the CDL, beverage containers make up only 2.8% of litter (EPA, 2009). The CDL has been so successful that it is unusual for the City of Adelaide to find large numbers of beverage containers in public place waste or recycling bins.
- 6.2.2. The CDL is an excellent case study of product stewardship legislation that prevents certain materials from entering landfill and supports responsible use of materials. High consumer participation indicates reception toward stewardship laws. Expanding on product stewardship approaches could include reviewing the *National Environment Protection (Used Packaging Materials) Measure 2011*, adopting programs such as the EU Green Dot and/or the Australasian Recycling Label for all consumer packaging sold in Australia, and/or adopting a certification system for recycled content in line with the US or European models.
- 6.3. Recommendation #3: Formally review and rewrite procurement policies for all tiers of government to require a level of recyclable content in materials procured, to support the development of domestic markets.**
- 6.3.1. Administration is currently working on developing a new Sustainable Procurement Initiative to transition the City of Adelaide's procurement practices to achieve the most positive environmental, social and economic impacts over the entire life cycle of procured products and services.
- 6.3.2. Mandating Government procured products to include recycled content would create more demand for recycling and grow infrastructure supporting a circular economy via a top-down approach.

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## ATTACHMENT

**Attachment A** – Submission to the Standing Committee on Industry, Innovation, Science and Resources' Inquiry into Australia's Waste Management and Recycling Industries.

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- END OF REPORT -

Submissions Close: 31 January 2020

## The House of Representatives, Standing Committee on Industry, Innovation, Science and Resources

### Inquiry into Australia's waste and recycling industries

The House of Representatives, Standing Committee on Industry, Innovation, Science and Resources is inquiring into and reporting on innovative solutions in Australia's waste management and recycling industries. The Committee is inviting submissions from interested individuals and organisations addressing the terms of reference.

The inquiry will focus on opportunities presented by waste materials, including energy production, innovative recycling approaches and export opportunities, and will also consider current impediments to innovation.

Other topics of interest include:

- Industrial, commercial and domestic waste;
- Waste in waterways and oceans;
- Landfill reduction; and
- Other related matters.

#### Introduction:

The City of Adelaide welcomes the opportunity to provide a submission to the House of Representatives, Standing Committee on Industry, Innovation, Science and Resource's Inquiry and report on innovative solutions in Australia's waste management and recycling industries.

This document identifies Council's position with regard to the current crisis in waste management in South Australia and contains Council's response and recommendations for the Inquiry.

Note, the City of Adelaide has previously made a similar submission to the Parliament of South Australia Environment, Resources and Development Committee's Inquiry into the Recycling Industry in July 2019 which is reflected in the report.

The following recommendations are proposed and expanded on in this document.

#### Recommendations:

1. Implement the National Waste Management Policy/Strategy that supports a more resilient and local waste management system.
2. Transition Australia to a robust circular economy where waste avoidance and enhanced resource recovery is prioritised. Fund National product stewardship strategies and policies to create disincentives and/or ban certain non-recyclable, environmentally harmful materials creating a demand for resource recovery.
3. Formally review and rewrite procurement policies for all tiers of government to require a level of recyclable content in materials procured, to support the development of domestic markets.

#### Recycling in South Australia:

The waste management and resource recovery industry is a significant sector of the economy with an annual turnover of around \$1 billion. It contributes more than \$500 million to the Gross State Product in South Australia (SA) employing around 4,800 individuals largely in the local government and the private sector (Green Industries SA). Extenuating circumstances, including the introduction of the



China National Sword Policy in 2018 has led to prohibitively increasing operating costs impacting the entire industry and effectively creating a waste crisis.

Australian Territories and States, including SA, rely on the exportation of some recyclable material to foreign countries for processing. This includes materials such as plastic, paper and cardboard collected from kerbside, commercial and industrial sources. The introduction of the China National Sword Policy reduced the acceptable level of contamination in source separated material from 5-10% down to 0.5% and restricted the import of certain types of waste materials (MRA Consulting, 2018).

The new policy has effectively eliminated exportation of these materials to China causing over-supply in markets and industry-wide disruptions both locally and globally. With recyclable materials achieving a lower price in international commodity markets, operating costs for local processing services are increasing.

As a result, recycling facilities including SKM Recycling situated in both SA and Victoria began to stockpile recyclable material, which led to community health and safety issues and eventually restrictions were issued by the Environment Protection Authority (EPA) for all three SKM plants in Victoria and two plants in SA (The Age, 2019). This diminished a competitive market and caused wide-spread disruption for many South Australian councils, including the City of Adelaide where an alternative contractor was engaged to continue the delivery of this essential waste management service.

In addition to the increase in cost to process the City's recyclable material at a new facility, the Solid Waste Levy in Metropolitan Adelaide has once again increased. In July 2019 it was raised to \$110/tonne from \$100/tonne and increased once again to \$140/tonne in January 2020 (Green Industries SA, 2018). Unspent Solid Waste Levy payments that have been accrued in the Green Industry Fund totaled more than \$120 million as at 30 June 2018 (Green Industries SA, p11, 2018).

The Solid Waste Levy is costly to councils. In 2015-2016, the City of Adelaide sent over 5,946 tonnes of kerbside collection waste to landfill which would equal to about \$369,000 in levy fees. In 2018-2019, although there was a slight decrease in tonnage sent to landfill, the Solid Waste Levy increased, costing the city about \$549,000. This cost excludes the collection and other associated costs of delivering this essential public health service to our community. If the city assumes a similar amount of waste sent to landfill in 2019-2020, the cost to send waste to landfill would increase to \$745,000 for the Solid Waste Levy alone. Council would either need to absorb this fee or pass it on to ratepayers.

The City of Adelaide is a strong supporter of sustainable waste management initiatives including reducing waste to landfill and is actively working in this space to improve outcomes. However, the additional challenges faced, such as the abrupt change in the City's recycling contractor, the increase in distance to process materials and the increasing Solid Waste Levy has generated unforeseen budgetary and operational pressures.

There are limited innovative solutions that Council can implement within its own jurisdiction as the City of Adelaide must fulfil the waste management requirements set out by the *South Australia Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993* which mandates a weekly general waste collection service.

These challenges offer an unprecedented opportunity for Federal and State Governments to support councils and industry to build a robust, consistent national waste management system geared toward the circular economy. These opportunities are outlined in the recommendations below:

#### **Recommendation #1:**

**Implement a National Waste Management Policy/Strategy that supports a more resilient and local waste management system.**

With most councils in Australia affected by the impacts of the China National Sword, a holistic top-down system should be prioritised by Federal and State Governments. The implementation of the

National Waste Policy/Strategy requires systems thinking and clear action to support the proposed strategies and achieve a circular economy. The expansion of data-driven, local waste management infrastructure would reduce reliance on external markets and create a more resilient local system stabilising the current crisis.

Federal and State level policies surrounding responsible waste management and product stewardship should have clear and defined roles and responsibilities at all levels of government. Processes and guidelines should be in place to support the delivery of these policies including arrangements for any necessary transition periods. Appropriate State Government funding should be provided to support any delivery costs as Local Government is not able to absorb additional costs for ongoing requirements such as collecting, transporting and disposing responsibly of newly legislated materials.

Those organisations responsible for generating waste materials in the first place and benefiting from the associated economy outcomes should, at least in part, be responsible for implementing product stewardship measures to minimise environmental harm.

While the City of Adelaide acknowledges that councils are responsible for the delivery of effective residential waste management services for sanitation and public health, the City of Adelaide does not have authority over the frequency of its servicing.

Metropolitan councils in South Australia are required to collect general waste weekly, as set out by the *South Australia Environment Protection (Waste to Resources) Policy 2010* under the *Environment Protection Act 1993*. Part 3—General waste management obligations, Division 1—Unlawful disposal of waste 10 (2) states:

*In order to facilitate the proper management of waste that is to be collected under subclause (1)(b), a metropolitan council must provide a weekly general kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.*

Meeting the requirements, the City of Adelaide offers a weekly general waste collection. Fortnightly comingle recycling and organics collections are also offered to reduce waste to landfill. The requirements set out in the *South Australia Environment Protection (Waste to Resources) Policy 2010* limits Council's ability to tailor the frequency of services to support a circular economy.

This means weekly waste services are prioritised by councils over other streams (eg recycling or composting services), as it is costly to offer all three services on a weekly basis, notwithstanding that fact that the waste stream service is the most costly of all three streams due to the Solid Waste Levy. This locks many councils into high costs for waste services.

Councils are not immune to global market changes and financial pressures inflicted by low commodity values and abrupt increases to the Solid Waste Levy. Limited financial resources are available to support equitable frequency of kerbside collection, therefore the more environmentally favourable services like green organics collection and yellow comingle recycling collection are offered less frequently than the mandated weekly general waste collection. The convenience of a weekly general waste collection service reduces the community's uptake of environmentally preferred kerbside services such as the fortnightly organics composting, resulting in higher waste to landfill.

In 2019, the City of Adelaide conducted a series of waste audits to measure the volumes and types of waste generated within its jurisdiction. In the general waste bin for kerbside residential collection, 33% of the contents was found to be food. With organics collection services already in place, increased diversion of food waste from landfill is possible through the combination of increased servicing and community education.

High quality, high frequency data that is acquired at a low cost supports the evaluation of efficacy and efficiency of service delivery and decision making. Access to data provides transparency and accountability of service strengthened through environmental certification. An example of a rating tool includes the National Australian Built Environment Rating System (NABERS - Waste).

The effects of the China National Sword have resulted in a decline in community confidence in waste and recycling management. With reports of recycling from neighbouring states being sent to landfill and a lack of awareness of the varied nature of the materials chain-of-custody, community members have a reduced sense of confidence in the overall waste management system.

As costs and community expectations increase, chain-of-custody monitoring via data collection systems, a using consistent National lexicon is emerging as an important contract management consideration to ensure loads are correctly calculated, disposed and processed. This creates an environment where products, services and/or organisational claims can be substantiated.

To enable this, waste truck fleets should be equipped to enable customer identification, disposal weight data acquisition at a premise level and sharing of close to real time weight-based disposal information with customers.

#### **Recommendation #2:**

**Transition Australia to a robust circular economy where waste avoidance and enhanced resource recovery is prioritised. Fund National product stewardship strategies and policies to create disincentives and/or ban certain non-recyclable, environmentally harmful materials creating a demand for resource recovery.**

The South Australian Container Deposit Legislation (CDL) initially implemented to target litter, has become a driving force to the circular economy by placing economic value on waste. With this legislation, South Australia leads the nation in the recovery, recycling and litter reduction of beverage containers with an overall return rate of 76.9%. With the CDL, beverage containers make up only 2.8% of litter (EPA, 2009). The CDL has been so successful that it is unusual for the City of Adelaide to find large numbers of beverage containers in public place waste or recycling bins.

The CDL is an excellent case study of product stewardship legislation that prevents certain materials from entering landfill and supports responsible use of materials. High consumer participation indicates reception toward stewardship laws. Expanding on product stewardship approaches could include reviewing the *National Environment Protection (Used Packaging Materials) Measure 2011*, adopting programs such as the EU Green Dot and/or the Australasian Recycling Label for all consumer packaging sold in Australia, and/or adopting a certification system for recycled content in line with the US or European models.

The City of Adelaide is a strong supporter of waste reduction, reusing or repurposing resources, and other environmental initiatives as demonstrated in the *City of Adelaide 2016-2020 Strategic Plan* which sets out the following action under the 'Green' theme:

- By 2020, Council's New Year's Event will minimise waste to landfill and by 2018, clear guidelines will be developed for event organisers of larger community events on Council-operated areas to achieve zero-waste and carbon neutrality
- Facilitate the reuse and recycling of equipment, consumables and materials used in festivals and events in the City

While these initiatives are progressive and have a strong focus on reduction and reuse and showcase leadership in sustainability, the direct influence is limited to the city's jurisdiction. Demonstrating leadership and a more consistent approach to reduce and/or eliminate some single-use-plastics, the City of Adelaide published two sets of guidelines supporting community implementation:

- Compostable Package Supplies for SA: This identifies a list of known suppliers of certified compostable materials to the Adelaide market and is updated quarterly.
- Sustainable Event Guidelines (PDF): These guidelines were developed with input from the event and waste industries to provide clear guidance on practical measures to make events more sustainable and promote sustainability achievements.

In early 2019, the City of Adelaide welcomed the opportunity to respond to the two discussion papers (Green Industries SA 2019, EPA 2019) published by Hon. David Speirs MP, Minister for Environment

and Water by supporting the regulation of single-use plastics and the expansion of the Container Deposit Legislation (CDL) in South Australia. Council suggested that the South Australian Government should consider a holistic and world-leading shift to a compostable carry bag and takeaway food container system. This shift should be systems-based, consumer focused and regulated to simplify and incentivise consumer experiences with single-use product recycling.

The City of Adelaide will continue to advocate for National leadership for a circular economy and is likely to provide a submission on draft Bill [The Single-use and Other Plastic Products (Waste Avoidance) Bill 2019] consultation process.

### **Recommendation #3:**

#### **Formally review and rewrite procurement policies for all tiers of government to require a level of recyclable content in materials procured, to support the development of domestic markets.**

The City of Adelaide is committed to the consideration of environmental issues in our procurement practices and this is guided by the *2016-2020 Strategic Plan's* target to 'achieve adoption of sustainable commercial practices through incentives, purchasing approaches, waste services and regulation'.

Council Administration is currently working on developing a new Sustainable Procurement Initiative to transition the City of Adelaide's procurement practices to achieve the most positive environmental, social and economic impacts over the entire lifecycle of procured products and services.

The Sustainable Procurement Initiative will be aligned with the guidance provided in the *International Standard Organisation's ISO20400:2017 – Sustainable Procurement*. In addition to a revised policy and strategy it will include a new organisational and process related documentation and resources for the City of Adelaide's procurement practices. The Sustainable Procurement Initiative will consider the use of recycled content when developing sourcing strategies for specific procurement categories.

Depending on the maturity of the market, financial impacts are likely to arise from sourcing goods and products with recycled content. Mandating Government procured products to include recycled content would create more demand for recycling and grow infrastructure supporting a circular economy via a top-down approach.

### **Conclusion:**

The City of Adelaide acknowledges the House of Representatives, Standing Committee on Industry, Innovation, Science and Resource's initiative to formalise an Inquiry and report on innovative solutions in Australia's waste management and recycling industries and welcomes the invitation for submission. This document outlines the challenges the City of Adelaide is experiencing with regard to the impacts faced as a result of the China National Sword and other market disruptors. It puts forward three recommendations that the City of Adelaide trusts will be helpful in the Inquiry.

The City of Adelaide calls on the Federal Government for more leadership in transitioning Australia to a robust and unified Circular Economy through the National Policy. Focus on more stringent waste avoidance measures and data acquisition regulation to lead transparency and accountability. Enhance resource recovery mandates and support local reprocessing infrastructure development to generate local market, demand and growth.

National Product Stewardship and Circular Economy strategies/policies (including procurement policy revisions) should be linked with appropriate funding to create disincentives and/or ban certain non-recyclable, environmentally harmful materials creating a demand for resource recovery. This approach will build the local economy, create ongoing employment, foster business innovation and remove the heavy reliance on international markets.

# Tandanya National Aboriginal Cultural Institute – Request for temporary partial road closure of Tam O’Shanter Place

**ITEM 12.3** 28/01/2020  
**Council**

**Program Contact:**  
Christie Anthoney, AD  
Community & Culture 8203 7444

2019/02485  
Public

**Approving Officer:**  
Clare Mockler, Deputy CEO &  
Director Culture

## EXECUTIVE SUMMARY

We have received an application from Tandanya National Aboriginal Cultural Institute (Tandanya) for a partial and temporary road closure to support events to be held during the 2020 Adelaide Fringe. The events being held in Tandanya include a range of performances as part of the Adelaide Fringe. Significantly, this includes the Adelaide Fringe’s signature event, Yabarra- Dreaming in Light.

To facilitate the events, Tandanya is requesting the partial closure of Tam O’Shanter Place between 13 February to 16 March 2020. The rationale for closing this road is to support safe public access into the side of the Tandanya building for those patrons attending events in the Tandanya venue, particularly as high attendance numbers are expected for the events. As such the closed road would be used primarily as a queuing/ thoroughfare area as people enter and exit the Tandanya building to attend the events. There would not be any formal activation held on the closed road.

Under the *Local Government Act 1999* and the Adelaide Park Lands Events Management Plan (APLEMP) 2016-2020, this request must be subject to a legislated 21 days of public consultation followed by consideration by Council. In accordance with the APLEMP 2016-2020, Council approval is required because the road closure period exceeds 24 hours.

The public consultation was conducted via the *Your Say Adelaide* website from 2 December to 23 December 2019. All feedback from the consultation has been considered and as a result we recommend that the proposal, incorporating the partial and temporary road closure request by Tandanya, is approved by Council.

## RECOMMENDATION

### THAT COUNCIL:

1. Approves the Tandanya National Aboriginal Cultural Institute’s proposal to utilise a portion of Tam O’Shanter Place for the purposes of its 2020 Adelaide Fringe programme between 13 February and 16 March 2020.
2. Authorises the Chief Executive Officer to take all necessary steps to implement the required road closure as set out in Attachment A to Item 12.3 on the Agenda for the meeting of the Council held on 28 January 2020 under Section 33 of the *Road Traffic Act 1961 (SA)*.
3. Authorises the Chief Executive Officer or his delegate to take all necessary steps to prepare and execute a permit to enable Tandanya National Aboriginal Cultural Institute to utilise the relevant portion of Tam O’Shanter Place as set out in Attachment A to Item 12.3 on the Agenda for the meeting of the Council held on 28 January 2020 for a business purpose under Section 222 of the *Local Government Act 1999 (SA)*.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	<b>Strategic Alignment - Creative</b> The request for the road closure is to support activation at Tandanya during the Adelaide Fringe period. This supports the Creative theme in the City of Adelaide Strategic Plan 2016-2020.
Policy	In line with Section 223 of the <i>Local Government Act 1999</i> and the Adelaide Park Lands Events Management Plan 2016-2020, a request of this nature requires public consultation and consideration by Council. Council consideration is required regarding this request.
Consultation	The consultation for this request was conducted via Council's consultation website, <i>Your Say Adelaide</i> . Consultation was conducted from 2 December to 23 December 2019. 39 people visited the website and two people lodged feedback via the online submission form. One separate submission was also received via email objecting to the requested road closure. After conclusion of the consultation, correspondence was received from South Australia Power Network regarding the proposed closure stating that they do not foresee any issues with the requested road closure.
Resource	If the proposed use of the road and necessary road closure is authorised by Council, it would be facilitated within existing resources.
Risk / Legal / Legislative	If the proposed use of the road and associated closure is approved by Council, the Chief Executive Officer has delegated authority to implement the closure under the <i>Road Traffic Act 1961</i> . The Chief Executive Officer, or delegate, also have the authority to prepare and execute a permit under the <i>Local Government Act 1999</i> .  As part of the public consultation, a submission was received from lawyers acting for the owners of the Producers Hotel, opposing the proposed road closure. In providing reasons to oppose the closure, the solicitors indicated that " <i>If the closure takes place and our clients are prejudiced with regard to letting the premises, our clients will seek compensation from Council.</i> " Having assessed the correspondence, it appears unlikely that the proposed road closure and activation will significantly inconvenience and or prejudice the owner of the Producers Hotel in relation to tenancing the premises given the access that is still being maintained around the closure and other associated reasons. In addition, there is no statutory entitlement to compensation in these circumstances.  If the request is approved by Council, Tandanya would be required to fund the engagement of a traffic management company to facilitate the road closure.
Opportunities	The programming that will be taking place in Tandanya is taking a First Nations approach with all performing artists being First Nations people. This provides an opportunity for us to support and celebrate the cultural expression of local, State and National Aboriginal and Torres Strait Islander people. Furthermore, Tam O'Shanter Place is in an area that is not ordinarily highly utilised. The closure and associated activation would be a way of bringing energy and vibrancy to this underutilised area.
19/20 Budget Allocation	Not as a result of this report.
Proposed 20/21 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	The requested road closure is for the period commencing 7.00am on 13 February 2020 to 5.00pm on 16 March 2020.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (e.g. maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.



## DISCUSSION

1. Tandanya will be hosting a range of performances within the venue as part of the 2020 Adelaide Fringe. These performances will vary in nature and include dance, theatre, comedy and the café within Tandanya being programmed with activities. Yabarra- Dreaming in Light will also feature within Tandanya with free general admission and significant attendance numbers. Other theatre and dance events will include ticketed admission.
2. It is difficult to anticipate how many people will attend the events in Tandanya. However, the 2019 Yabarra: Gathering of Light performance in Red Gum Park / Karrawirra (Park 12), attracted approximately 10,000 patrons on each of the Friday and Saturday nights across the five weekends of the 2019 Adelaide Fringe.
3. To allow for safe and clear entry into the side of their building for access to the events, Tandanya is requesting a temporary, partial road closure of Tam O'Shanter Place. The rationale for this closure is that currently, the side access to the building is without a footpath, rendering it unsafe to use. Therefore, by closing this section of the road, it would provide a safe and clear circulation area for people to queue, enter and exit the Tandanya building for the events within the venue. There would not be any formal activation on the closed road.
4. The section of Tam O'Shanter Place being proposed for closure is denoted in the image below.

*Image 1 – Proposed section of Tam O'Shanter Place for closure during Tandanya Fringe event.*



5. Tam O'Shanter Place is a two-way road with a speed of 50km per hour. It mostly serves to service surrounding businesses and services. Adjacent to this road closure are the following businesses and services:
  - 5.1. ElectraNet – an electricity transmission company.
  - 5.2. Producers Hotel - currently unoccupied and up for lease.
  - 5.3. Tandanya National Aboriginal Cultural Institute.
6. To facilitate safe management of the road closure, the following would be implemented:
  - 6.1. Tandanya would fund the engagement of a traffic management company to install all of the required traffic control devices used to enact the road closure.
  - 6.2. Access to all private car parks through the road closure would still be maintained.

- 6.3. Fencing and scrim used to delineate the closure would be attractive in nature with branding used to respect the cultural nature of Tandanya and the events taking place within the building.
- 6.4. Four on-street car parks within the closure would be removed to accommodate the closure request. These car parks are currently one hour parking Monday to Friday from 8.00am to 6.00pm and Saturday from 8.00am until noon.
- 6.5. Security personnel would be present within the closure on the weekends with additional personnel present on the weekend that the Superloop Adelaide 500 is being held.
- 6.6. General pedestrian access through the closure would be maintained at all times.
- 6.7. Emergency egress from neighbouring premises would not be impacted.
7. Access has been considered regarding this closure and the following would be maintained during the proposed closure:
  - 7.1. All access to businesses and services including ElectraNet and The Producers-Old Exchange Hotel (currently not under lease). This includes access to their private car parks, loading zones and their waste bins for collection service. The nature of Tam O'Shanter Place which provides two – way access through the area means that access to these businesses and services can still be maintained.
  - 7.2. At any given time, the temporary fencing could be opened to allow for emergency services access or any other access deemed required through the closure.
  - 7.3. Access to the permanent road service plates would be maintained.
8. Under Section 223 of the *Local Government Act 1999* and the Adelaide Park Lands Events Management Plan 2016-2020, formal consultation on this request is required.
9. Consultation occurred via the *Your Say Adelaide* website between 2 December to 23 December 2019. An advert appeared in the Advertiser to advise of this consultation. In addition, the following was conducted to advise local stakeholders of the proposal for the road closure, including the removal of the on-street car parking.
  - 9.1. Letterbox drop to surrounding residents and businesses.
  - 9.2. Installation of signage on Grenfell Street and Tam O'Shanter Place.
10. Below provides a summary of the results. Further information regarding the results of the feedback can be found here (view [here](#) ).
  - 10.1. 39 people visited the website.
  - 10.2. Two people who lodged feedback via the *Your Say Adelaide* website.
  - 10.3. One separate submission.
11. The two submissions provided online showed that one person was supportive of the closure, whilst the other respondent was not. Their verbatim comments can be found here (view [here](#) ).
12. One submission lodged online provided by an individual employee from ElectraNet expressed objections to the requested closure based on concerns regarding impediments to access to the ElectraNet car park. The ElectraNet car park gates/access are outside the proposed closure area and we have determined that there should not be any impediment to access in/out of this area.
13. After conclusion of the public consultation, South Australia Power Network provided a formal response regarding the requested closure. They advised that they do not identify any issues with the requested closure due to their sub-station which is located near the closure, having multiple options for access. They did raise that there should be allowances made for any required emergency access in the case that underground infrastructure needs to be accessed. As stated earlier in the report, emergency access through the closure will be possible at any given time.
14. A separate submission was also received from solicitors representing the Producers Hotel. The submission objects to the closure on the basis of claimed economic loss which would be felt by the Producer's Hotel. The submission is attached here (view [here](#) ). The submission raises matters including potential claims of business interruption to the Producers Hotel. These claims have been considered and we consider that there is lack of sufficient evidence that the closure would result in economic loss to the Producers Hotel. This is based on the following:
  - 14.1. The removal of the car parking is of a temporary nature with the car parks being removed being one-hour car parks only.



- 14.2. There is other available parking nearby the requested closure. This includes:
- 14.2.1. Parking in the Union Street Wilson carpark (approx. 150 metres from the requested closure).
  - 14.2.2. Parking along other parts of Tam O'Shanter Place which includes two one-hour car parking bays (approx. 44 meters from the requested closure).
  - 14.2.3. Parking around the surrounding eastern Park Lands (approx. 300 metres from the requested closure).
- 14.3. The Producers Hotel building is currently unoccupied and there is no guarantee that a tenant will be engaged before or during the period of the road closure.
- 14.4. The closure of Tam O'Shanter Place and associated activation would bring vibrancy, people movement and energy into an area that is generally quiet. This could help to raise the profile of the area which may actually assist the current work to secure a tenant for the Producers Hotel.
- 14.5. We have encouraged Tandanya to liaise with the owners of the owners of the Freehold and Landlords of The Producers Hotel to determine if there is any opportunity to allow them and/or other associated entities to access the four car parks at particular times when the road is not being used for purposes associated with the events being held in Tandanya.
15. Formal advice has been sought, indicating that there is no statutory entitlement to compensation for a temporary road closure or permit under the *Road Traffic Act 1961* and *Local Government Act 1999*.
16. If the road closure is supported, we would also ensure that there is close monitoring of the closure. As part of this, Council staff would work with Tandanya staff to ensure that there is flexibility and that accommodations are made to the closure if unplanned issues arise.
17. We acknowledge that there is a level of inconvenience associated with the requested closure. However, in review of the feedback and the mitigation strategies that Tandanya would put in place to facilitate the road closure and the access that would still be maintained along nearby areas of the road closure, it is recommended that the request for use of the road for the purposes associated with Tandanya's 2020 Adelaide Fringe programme and associated road closure is be approved by Council.

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## ATTACHMENTS

### Attachment A - Tam O'Shanter Place partial closure map

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- END OF REPORT -

Tam O'Shanter Place partial closure - map



# 2020 LGA Ordinary General Meeting

**ITEM 12.4** 28/01/2020  
**Council**

**Program Contact:**  
Susan Rudall, Manager, Strategy,  
Planning and Partnerships

**Approving Officer:**  
Clare Mockler, Deputy CEO &  
Director Culture

2018/04054  
Public

## EXECUTIVE SUMMARY

The Local Government Association of South Australia (LGA) has advised that its Ordinary General Meeting will be held on 3 April 2020.

The LGA has invited South Australian Councils to submit Proposed Items of Business for the Ordinary General Meeting by 7 February 2020.

Council Members have been engaged regarding possible Items of Business, via e-News.

Council Members have also been informed of the opportunity to attend the Meeting, and nominate as Council's voting delegate or deputy delegate.

## RECOMMENDATION

### THAT COUNCIL:

1. Notes that the LGA Ordinary General Meeting is scheduled for 3 April 2020.
2. Appoints a Council Delegate for the 2020 Local Government Association of South Australia (LGA) Ordinary General Meeting on 3 April 2020.
3. Appoints a Deputy Council Delegate for the 2020 LGA Ordinary General Meeting on 3 April 2020.
4. Approves submission of the following proposed Item of Business to the Greater Adelaide Regional Organisation of Councils for consideration for inclusion on the agenda of the LGA Ordinary General Meeting:
  - 4.1. That the Ordinary General Meeting requests that the LGA:
    - 4.1.1. consults with member councils to determine what resources and programs currently exist to support employees and/or members of their communities impacted by Family and Domestic Violence, and identify any further resources which should be developed;
    - 4.1.2. liaises with State and Federal Governments to explore partnership opportunities to support the local government sector in providing consistent, best practice support and education to employees on matters relating to Family and Domestic Violence; and
    - 4.1.3. based on the outcomes of those investigations, develops a training and education package:
      - 4.1.3.1. that can be implemented by leaders in the sector, to assist them in identifying when an employee may be in a Family and Domestic Violence situation and how they can assist in connecting them to supporting mechanisms;
      - 4.1.3.2. that could be provided to employees (possibly delivered by leaders) on Family and Domestic Violence.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report contributes to Council's 2016-2020 Strategic Plan by providing the opportunity to collaborate with Local Government entities to shape the future of the city.
Policy	Not as a result of this report.
Consultation	E-News dated 27 November 2019 and 9 January 2020 invited Council Members to propose Items of Business for Council to move at the LGA Ordinary General Meeting. Council Members have also been informed of the opportunity to attend the Meeting, or to nominate as a voting delegate or deputy.
Resource	Administrative support will be provided to Council Member/s attending.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	Attendance at the annual Ordinary General Meeting provides an opportunity for Council to participate in decision making on LGA policy and local government matters. In addition, submission of items of business for consideration at the meeting provides Council with the opportunity to shape the future of Local Government in South Australia.
19/20 Budget Allocation	Not as a result of this report.
Proposed 20/21 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

## DISCUSSION

1. The 2020 Ordinary General Meeting (OGM) of the Local Government Association of South Australia (LGA) is to be held at the Adelaide Entertainment Centre on 3 April 2020.

### Appointment of a Voting Delegate and Deputy Delegate

2. Council may choose to appoint a new Council Delegate and Deputy Council Delegate to vote on Council's behalf at the OGM. Alternatively, Council may confirm its standing appointment (made prior to the 2019 LGA OGM) of Councillor Dr Donovan as Council's LGA voting delegate and the Deputy Lord Mayor as deputy delegate (in the event the delegate is unable to attend).
3. Notification of any change to delegates is to be provided on the *LGA General Meetings – Appointment of Council Delegate* form to the LGA in advance of the meeting.

### Notices of Motion

4. The LGA has invited Councils to submit proposed Items of Business for inclusion in the OGM agenda.
5. The *LGA General Meeting Proposed Items of Business form* is required to be submitted to the LGA by 7 February 2020. Proposed items will be referred to the Greater Adelaide Regional Organisation of Councils (GAROC) or the LGA Board of Directors to consider their inclusion as items of strategic importance in the LGA OGM agenda.
6. Council Members were engaged and invited via E-News articles dated 27 November 2019 and 9 January 2020 to submit proposed Items of Business for Council's consideration. The Strategy, Planning and Partnerships team has offered to meet with Council Members to provide support in preparing draft items.
7. The following item has been prepared for Council to consider its submission to the LGA Ordinary General Meeting:
  - 7.1. That the Ordinary General Meeting requests that the LGA:
    - 7.1.1. consults with member councils to determine what resources and programs currently exist to support employees and/or members of their communities impacted by Family and Domestic Violence, and identify any further resources which should be developed;
    - 7.1.2. liaises with State and Federal Governments to explore partnership opportunities to support the local government sector in providing consistent, best practice support and education to employees on matters relating to Family and Domestic Violence; and
    - 7.1.3. based on the outcomes of those investigations, develops a training and education package:
      - 7.1.3.1. that can be implemented by leaders in the sector, to assist them in identifying when an employee may be in a Family and Domestic Violence situation and how they can assist in connecting them to supporting mechanisms;
      - 7.1.3.2. that could be provided to employees (possibly delivered by leaders) on Family and Domestic Violence.
8. Domestic Violence is prevalent in Australia and South Australia, with Australian Bureau of Statistics data (2017) indicating that two out of every five of all assaults reported to Police are Domestic Violence related.
9. The proposed item (view [here](#)) is consistent with the commitment in the City of Adelaide 2016-2020 Strategic Plan to work with State Government, community leaders and community organisations to support vulnerable members of the community.
10. The item is cognisant of the work to date of the LGA and some member Councils in developing and delivering resources and programs to support those in the community experiencing Family and Domestic Violence. It seeks to achieve additional benefit by developing training and education to support our employees in the sector who may be experiencing such violence.

## ATTACHMENTS

Nil

# Local Government Movement and Transport Planning Network

**ITEM 12.5** 28/01/2020  
**Council**

2018/04054  
Public

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

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

## EXECUTIVE SUMMARY

The Local Government Association of South Australia (LGA) are calling for expressions of interest for voluntary membership representing member councils for the Local Government Movement and Transport Planning Network (the Network).

Membership is open to Council Members and Council employees and the LGA has not restricted the number of nominees per Council at this stage. Hugh Gallagher, Senior Transport Planner from the Planning, Design and Development Program has been nominated by the Administration. Councillor Donovan has expressed an interest in being nominated to the Network.

An outcome of the LGA Ordinary General Meeting held in April 2019 was to establish the Network with the intent to:

- Keep informed of current and future trends in movement and transport strategies, with relevance to metropolitan Adelaide and regions across the state.
- Identify priority movement and transport projects, with a key focus on mobility sharing, cycling, walking and public transport.
- Identify strategic, capital and operational funding opportunities at all levels of government as well as seek partnerships to deliver strategies and projects.
- Ensure movement and transport strategies are aligned and cohesive across council areas.
- Discuss opportunities to partner on projects, cross-promote and share information, ideas, and learnings.

It is envisaged that meetings will be held on a quarterly basis at Local Government House and the LGA will chair/co-chair the Network.

The LGA has also asked for feedback on the draft Terms of Reference for the Network.

## RECOMMENDATION

### THAT COUNCIL

1. Approves the nomination of a Council Member and staff member to the Local Government Movement and Transport Planning Network.
2. Notes the draft Terms of Reference for the Local Government Movement and Transport Planning Network provided as Attachment A to Item 12.5 on the Agenda of the meeting of the Council held on 28 January 2020.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report contributes to Council's 2016-2020 Strategic Plan by providing the opportunity to collaborate and strengthen relationships with Government entities that have a keen interest and stake in the future of Adelaide.
Policy	Not as a result of this report
Consultation	Expressions of interest were sought from Council Members via E-news. An expression of interest was received from Councillor Donovan.
Resource	For participating members, preparation for and attendance at meetings which will likely be held on a quarterly basis.
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Appointments to outside bodies provides opportunity for Council Members to contribute to discussion and decision making on a broad range of matters relevant to the City of Adelaide.
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report



## DISCUSSION

1. At the LGA Ordinary General Meeting (12 April 2019), member councils carried a motion requesting the LGA establish a Local Government Movement and Transport Planning Network (the Network).
2. The motion identified a broad intent for the Network, including:
  - 2.1. Keep informed of current and future trends in movement and transport strategies, with relevance to metropolitan Adelaide and regions across the state.
  - 2.2. Identify priority movement and transport projects, with a key focus on mobility sharing, cycling, walking and public transport.
  - 2.3. Identify strategic, capital and operational funding opportunities at all levels of government as well as seek partnerships to deliver strategies and projects.
  - 2.4. Ensure movement and transport strategies are aligned and cohesive across council areas.
  - 2.5. Discuss opportunities to partner on projects, cross-promote and share information, ideas, and learnings.
3. The motion stated that the scope of the Network could include discussion of 'a metropolitan Adelaide without boundaries', provide assistance to councils and other key stakeholders (eg RAA, Bike SA, BISA, AILA, Engineers Australia, Property Council etc.) to create, influence and implement major projects, climate change adaptation, green infrastructure provision, customer centricity, business cases and the process for Infrastructure Australia and consistent approaches to design, infrastructure and transport mode integration.
4. The LGA are calling for expressions of interest for voluntary membership representing member councils for the Network.
5. Membership is open to Elected Members and Council employees and there will be no remuneration.
6. The LGA has not restricted the number of nominees per member council.
7. Councillor Donovan has expressed an interest in being nominated to the Network. In addition, the Administration has nominated Hugh Gallagher, Senior Transport Planner from the Planning, Design and Development Program.
8. It has been suggested by the LGA that meetings will be held on a quarterly basis.
9. Nominations for membership and feedback on the draft Terms of Reference for the Network must be forwarded to the LGA by close of business Friday 31 January 2020.
10. The LGA will determine the final membership composition and tenure of the Network based on feedback received.
11. In addition, the LGA may establish a smaller leadership group of the Network to set a focused agenda, identify speakers and presentations, and share hosting/chairing responsibilities.

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## ATTACHMENTS

**Attachment A** – Draft Terms of Reference – Local Government Movement and Transport Planning Network

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- END OF REPORT -



# Local Government Movement and Transport Planning Network

*Draft Terms of Reference*

December 2019

Note: This is not an endorsed LGA Board of Directors document. It has been prepared by the LGA Secretariat for consideration by LGA member councils.

Draft A

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Draft

## Introduction

### The Local Government Association of South Australia (LGA)

The Local Government Association of South Australia (LGA) is the voice of local government in South Australia, representing all 68 individual councils across the state. The mission of the LGA is to provide leadership to councils for the benefit of the South Australian community.

The local government sector in South Australia takes a proactive approach to emerging issues and works co-operatively with other spheres of government and with stakeholders in responding to matters or initiating research, debate and discussion.

The value in LGA membership, for councils is threefold:

- **advocating** to achieve greater influence for local government in matters affecting councils and communities;
- **assisting** members to build capacity and increase sustainability through integrated and coordinated local government; and
- **advancing** local government through best practice and continuous improvement.

## Background

At the LGA Ordinary General Meeting (12 April 2019), member councils carried a motion requesting the LGA to establish a Local Government Movement and Transport Planning Network (the network).

In presenting the motion the City of Adelaide proposed that the group would consider current and emerging trends, identify availability of funding sources, seek out partnership opportunities, encourage cohesion and alignment of strategies across council areas, and look to canvass broader policy areas such as multiple modes of sustainable transport, climate change adaptation and green infrastructure.

# Local Government Movement and Transport Planning Network

## Purpose

The motion identified a broad intent for the network, as to:

- keep informed of current and future trends in movement and transport strategies, with relevance to metropolitan Adelaide and regions across the state;
- identify priority movement and transport projects, with a key focus on mobility sharing, cycling, walking and public transport;
- identify strategic, capital and operational funding opportunities at all levels of government as well as seek partnerships to deliver strategies and projects;
- ensure movement and transport strategies are aligned and cohesive across council areas; and
- discuss opportunities to partner on projects, cross-promote and share information, ideas, and learnings.

## Scope

The motion stated that the scope could include discussion of a metropolitan Adelaide without boundaries, and assisting councils and other key stakeholders (e.g. RAA, Bike SA, BISA, AILA, Engineers Australia, Property Council etc.) to create, influence and implement:

- Major projects
- Climate change adaptation
- Green infrastructure provision
- Customer centricity
- Business cases and the process for Infrastructure Australia (IA)
- Consistent approaches to design and infrastructure
- Consistent approaches to transport mode integration

## Key focus areas

Key focus areas could include:

### Public Transport

- Mobility as a service
- Shared mobility services (bikes, e-scooters etc)
- Tram network
- Train network
- Bus network, bus lanes/priority measures
- Travel Behaviour Change initiatives
- Park and Ride facilities
- Bus, train and tram stations – design quality to improve customer experiences and improve patronage
- Integrating green infrastructure in all transport projects as a key outcome

### Cycling

- Delivery of continuous and safe bike routes across Council areas – partnership and funding opportunities
- Promotions and education initiatives to get more people on their bikes
- Public and private end-of-trip facilities
- Ensuring the experience of riding bikes is not only easy, but healthy and good for the economy, directly and indirectly

### Walking

- Ensuring streets are for people
- Delivery of continuous and safe walking
- Creating quality, green and shaded streets
- Increasing canopy cover of streets
- Integrating green infrastructure

### Land Use

- Key growth areas and opportunities to integrate the transport network

Draft

## Membership

The motion carried at the LGA OGM stated that membership could include all councils who elect to sign up to the group, the LGA, as well as representatives from the State Government (eg Department of Planning, Transport and Infrastructure (DPTI) and Office for Design and Architecture South Australia (ODASA)).

On 28 November 2019, the LGA released a Circular seeking voluntary participation from member councils in the network and seeking initial feedback on these draft Terms of Reference by 31 January 2020.

Membership is open to elected members and council employees.

While the proposed motion identifies a broad intent and scope for the network, this could be managed by establishing a smaller leadership group of the network to set a focused agenda, identify speakers and presentations, and share hosting/chairing responsibilities.

It is envisaged that the LGA Secretariat could provide in-kind support to host meetings at Local Government House, to utilise webinar facilities and to establish a landing page on the LGA members' website as an information hub. Providing support to this network would be a shared responsibility between the LGA and the participating councils.

The LGA will chair/co-chair the network.

Membership of the network is: (to be determined)

Organisation	Attendee	Title

If a member is unable to attend a meeting of the network, the member may appoint a proxy to attend on their behalf.

## LGA Secretariat

Executive coordination and administrative support for the Steering Group is provided by the LGA Secretariat. Initial contact will be Lea Bacon, Director Policy.

## Agendas and Minutes

Any proposed agenda items must be provided to the LGA Secretariat two weeks prior to a meeting.

Agendas and Minutes will be prepared by the LGA Secretariat for meetings which are called by the LGA.

## Meetings

It is suggested that meetings will be held on quarterly basis and will be arranged by the LGA Secretariat.

Meetings will be held at LGA House, 148 Frome Street, Adelaide, unless otherwise determined by the network.

Webinar and other telecommunication services will be provided at all meetings to ensure regional members are not disadvantaged in attending meetings.

The LGA Secretariat or any member of the network may request a meeting of the network be called, if circumstances require.

## Quorum

A minimum of 50% plus one of the members is required for the meeting to be recognised as an authorised meeting for the recommendations or resolutions to be valid decisions of the network.

## Subcommittees

The network may form subcommittees to undertake specific work on its behalf as required.

## Communication

The LGA Secretariat will be responsible for communications with the network and with representatives in other member councils and external stakeholders, as required.

The network represents the local government sector as a whole and is mindful that decisions may be made on behalf of the sector and therefore should be made public wherever possible.

Minutes of the network will be distributed to members. Unless otherwise determined, decisions of the network are public knowledge.

Draft

## Contact

Responsibility for endorsement, distribution and amendments to the Terms of Reference is with the LGA Secretariat:

Lea Bacon, Director Policy, LGA, tel. 8224 2025, [lea.bacon@lga.sa.gov.au](mailto:lea.bacon@lga.sa.gov.au)

Item 12.5 - Attachment A





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# Recommendation by the Ombudsman

*Misconduct in public administration*

**ITEM 12.6** 28/01/2020  
**Council**

**Program Contact:**

Rudi Deco, Manager Governance  
8203 7442

2017/03262

Public

**Approving Officer:**

Mark Goldstone, Chief Executive  
Officer

## EXECUTIVE SUMMARY

Following a referral under section 24(2)(a) of the *Independent Commissioner Against Corruption Act 2012 (ICAC Act)*, the Ombudsman SA issued Council with a report on misconduct in public administration.

It's the Ombudsman's view that Councillor Anne Moran contravened section 3.3 of the Code of Conduct by divulging information to a journalist that the Council had ordered to be kept confidential, therefore committing misconduct in public administration for the purposes of section 5(3)(a) of the *ICAC Act*.

In the circumstances, the Ombudsman made the following recommendation under section 263B(1) of the *Local Government Act 1999*:

*"That the City of Adelaide, by means of a public statement, reprimand Councillor Moran for her misconduct in public administration."*

## RECOMMENDATION

### THAT COUNCIL

1. Receives the report and subsequent recommendation from the Ombudsman as included in Attachment A to Item 12.6 on the Agenda for the meeting of the Council held on 28 January 2020.
2. Adopts the recommendation of the Ombudsman and reprimands Councillor Anne Moran for her misconduct in public administration.
3. Authorises the Chief Executive Officer or delegate to notify the Ombudsman of these resolutions, giving effect to the Ombudsman's recommendation, in accordance with the Ombudsman's request as per section 25 (4) of the *Ombudsman Act 1972*.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities
Policy	Standing Orders and Code of Conduct for Council Members
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<p>Part 3 of the Council Members' Code of Conduct requires that the Ombudsman's report be provided to a public meeting of the council. Part 3 also provides that the Council must pass a resolution that gives effect to any recommendation received from the Ombudsman within two ordinary meetings of the Council following receipt of the recommendations.</p> <p>In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach.</p> <p>Council Assessment Panel Code of Conduct: a member of an assessment panel must advise the Assessment Manager and the State Planning Commission immediately if the member is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member.</p>
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report

Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

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## DISCUSSION

1. Following a referral under section 24(2)(a) of the *Independent Commissioner Against Corruption Act 2012 (ICAC Act)*, the Ombudsman SA issued Council with a report on misconduct in public administration (**Attachment A**).
2. Following the investigation, it's the Ombudsman's view that Councillor Moran contravened section 3.3 of the Code of Conduct by divulging information to a journalist that the Council had ordered to be kept confidential, therefore committing misconduct in public administration for the purposes of section 5(3)(a) of the *ICAC Act*.
3. In the circumstances, the Ombudsman made the following recommendation under section 263B(1) of the *Local Government Act 1999*:  

“That the City of Adelaide, by means of a public statement, reprimand Councillor Moran for her misconduct in public administration.”
4. Part 3 of the Council Members Code of Conduct requires that the Ombudsman's report be provided to a public meeting of the Council.
5. Part 3 also provides that the Council must pass a resolution that gives effect to any recommendation received from the Ombudsman within two (2) ordinary meetings of the Council following receipt of the recommendations.
6. In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach.
7. In accordance with section 25(4) of the *Ombudsman Act 1972*, the Ombudsman requests that the Council reports to his office by 31 January 2020 on what steps have been taken to give effect to and complete the recommendation. The original set date was 21 January and extended to 31 January in consideration of Council's meeting date.
8. If no action has been taken, reason(s) for the inaction should be provided to the Ombudsman.
9. Pursuant to section 263B(2) of the *Local Government Act 1999*, if a Council Member fails to comply with a Council requirement made as a result of an Ombudsman recommendation, the Council Member will be taken to have failed to comply with Chapter 5 Part 4 of this Act. In this event, the Council is to ensure that a complaint is lodged with the South Australian Civil and Administrative Tribunal.

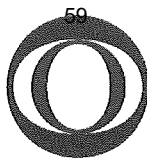
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## ATTACHMENTS

**Attachment A** – Ombudsman SA Final Report – Full Investigation pursuant to referral under s24(2)(a) of the *Independent Commissioner Against Corruption Act 2012*.

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- END OF REPORT -



OmbudsmanSA

## Final Report<sup>1</sup>

### Full investigation pursuant to referral under section 24(2)(a) of the *Independent Commissioner Against Corruption Act 2012*

Public Authority	City of Adelaide
Public Officer	Cr Anne Moran
Ombudsman reference	2019/08278
ICAC reference	2020/000109
Date of referral	12 September 2019
Issue	Whether Cr Anne Moran divulged information the subject of a council confidentiality order, thereby committing misconduct in public administration

#### Jurisdiction

This matter was referred to the Ombudsman by the Independent Commissioner Against Corruption pursuant to section 24(2)(a) of the *Independent Commissioner Against Corruption Act 2012* (the ICAC Act), as raising a potential issue of misconduct in public administration within the meaning of that Act (the referral).

Section 14B of the *Ombudsman Act 1972* provides:

#### 14B—Referral of matter by OPI or ICAC

- (1) If a matter is referred to the Ombudsman under the ICAC Act, the matter—
  - (a) will be taken to relate to administrative acts for the purposes of this Act; and
  - (b) must be dealt with under this Act as if a complaint had been made under this Act and—
    - (i) if the matter was the subject of a complaint or report under the ICAC Act—as if the person who made the complaint or report under that Act was the complainant under this Act; or
    - (ii) if the matter was assessed under that Act after being identified by the Commissioner acting on the Commissioner's own initiative or by the Commissioner or the Office in the course of performing functions under any Act—as if the Commissioner was the complainant under this Act.
- (2) In this section—

**Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption under the ICAC Act;

<sup>1</sup> As amended 10 December 2019.

*ICAC Act* means *Independent Commissioner Against Corruption Act 2012*,

*Office* means the Office for Public Integrity under the ICAC Act.

The referral arose from a report made to the Office for Public Integrity concerning the alleged conduct of Cr Anne Moran of the City of Adelaide (**the council**).

Specifically, it was alleged that on or about 3 July 2019 Cr Moran divulged information the subject of a council confidentiality order to a journalist or intermediary.

The referral concerns an alleged breach of clause 3.3 of Part 3 of the Code of Conduct for Council Members (**the Code**). Failure by a council member to comply with Part 3 of the Code constitutes misconduct. As a contravention of Part 3 can constitute grounds for disciplinary action under the *Local Government Act 1999*, I have considered this matter under section 5(3)(a) of the ICAC Act.

I have also used my 'own initiative' powers under section 13(2) of the Ombudsman Act to consider whether the referral raises potential administrative errors for the purposes of section 25(1) of the Ombudsman Act.

## Investigation

My investigation has involved:

- assessing the information provided by the reporter
- reviewing the media reports at issue
- seeking a response from Cr Moran
- seeking further information from the council's principal officer and administration
- listening to an audio recording of the committee meeting in question
- considering:
  - the Code
  - the Local Government Act
- preparing a provisional report and seeking the views of the parties
- considering responses to my provisional report made by:
  - the reporter
  - the council's principal officer
- preparing this final report.

## Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.<sup>2</sup> That principle is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...<sup>3</sup>

<sup>2</sup> This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

<sup>3</sup> *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

## Responses to my provisional report

1. I provided my tentative views to the parties by way of my provisional report dated 15 October 2019.
2. Cr Moran did not elect to respond to my provisional report.
3. The reporter responded to express acceptance of my provisional views.
4. The council's mayor also responded to express acceptance of my provisional views.
5. As such, my views remain the same as expressed in my provisional report.

## Background

6. Cr Moran is an elected member of the council.
7. Pursuant to section 41(1) of the Local Government Act, the council has established a 'core advisory committee' known as 'the Committee'. The Committee is comprised of all of the council's elected members. The primary purpose of the Committee is to make recommendations in respect of the 'overall priorities, strategies and policies related to achieving [the council's] Strategic Plan outcomes.'<sup>4</sup>
8. An ordinary meeting of the Committee was convened on 2 July 2019. Included on the agenda for the meeting was a presentation by representatives of the Office for Recreation, Sport and Racing (ORSR). That presentation concerned a feasibility study to be undertaken on behalf of the state government in respect of Adelaide's possible bid to host the 2026 Commonwealth Games.
9. In the weeks prior to meeting, the council's administration received a request from a representative of the ORSR that the presentation concerning the feasibility study be conducted in a confidential setting.<sup>5</sup>
10. In this regard, the council was notified that the presentation included information that:
  - pre-empted possible future commercial negotiations should Adelaide progress as a candidate to host the 2026 Games
  - would be held in confidence by the Commonwealth Games Federation pending negotiation of sponsorship and broadcast deals
  - was yet to be endorsed by Cabinet.
11. Documents concerning the ORSR presentation were accordingly omitted from the version of the meeting agenda that was made available to the public.<sup>6</sup>
12. The meeting agenda also included a recommendation from the council's Chief Executive Officer that the public be excluded from the meeting for the duration of the ORSR presentation pursuant to section 90(3)(j) of the Local Government Act.<sup>7</sup>
13. An audio recording of the 2 July 2019 meeting discloses the following discussion:

<sup>4</sup> City of Adelaide, 'Governance Structure', available at <<https://www.cityofadelaide.com.au/about-council/your-council/council-meetings/governance-structure/>>, last accessed 10 October 2019.

<sup>5</sup> Email dated 21 June 2019.

<sup>6</sup> See Local Government Act, sections 87(10) and 88(6)(a).

<sup>7</sup> Section 90(3)(j) provides that members of the public can be excluded from a committee meeting to allow the committee to discuss in confidence 'information the disclosure of which— (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest.'

- Chair: We will move on to item 4, which is an item to exclude the public-- item 4.1. The reason for the exclusion is a presentation for the Commonwealth Games feasibility study. I'll ask a member to move for the exclusion. Moved by Councillor Hyde. Seconded Councillor Hou. Any discussion or debate? Councillor Moran.
- Cr Moran: What's the reason for this?
- Chair: I'll take your question to the Acting CE.
- A/CE: Through the chair. That's the request from the state government given the sensitive situation now around feasibility and some of the financials they'd like to talk about.
- Chair: Councillor Moran are you happy with that answer?
- Cr Moran: Yeah.
- Chair: Councillor Simms?
- Cr Simms: Not wanting to put administration on the spot, but have the government given any more information about that in terms of their rationale? I do understand that it's a feasibility study, but at the same time I would have thought that a project of this size is very much in the public interest, in terms of wanting the community to get information about what's in scope and have a sense of discussions that might be being had, given it's a major, major project for the city, were it to happen.
- Chair: Thank you Councillor Simms. I'll take that through the Acting CEO as well.
- A/CE: Again through the chair. I understand the question, it's subject to some cabinet proposal coming shortly from the state government. So I think they're looking to canvass some more detailed conversation with you, as elected members, before they go to Cabinet. I think there's a full understanding of the need that, subject to that decision, what [sic] would happen with the community consultation.
- Chair: Any further questions Councillor Simms?
- Cr Simms: No, I'll make a comment.
- Chair: Councillor Moran?
- Cr Moran: Would they give this briefing if we decided not to hear it in confidence?
- Chair: I'll take that again. I guess I can answer that. The answer would be probably no. Thank you Councillor Moran. Any other questions? Councillor?
- Cr Moran: No.
- Chair: Any other councillors with questions? Cr Simms, did you want to make a comment?
- Cr Simms: Yes, I just wanted to say, I don't support this being discussed in confidence. I think this is a project that is clearly in the public interest, the discussion of which is clearly in the public interest. I would have thought that if the project does go ahead, that the public would be very interested to know what's being proposed and I think there should be open discussions in the community about this. So I don't support it being in confidence.
- Chair: Thank you Councillor Simms. Any further debate about this item? I will go back to Councillor Hyde to sum up.
- Cr Hyde: Summed up.
- Chair: I will put the exclusion of the public motion to you. All those in favour? All those against? That is carried.

14. The minutes concerning the meeting record the following resolution:



### Exclusion of the Public

#### 1. Item 4.1 - Exclusion of the Public to Consider [2018/04291] [TC]:

For the following Discussion Forum Item in Confidence:

#### 5.1. Presentation - Commonwealth Games Feasibility Study (s 90(3)(j))

#### Order to Exclude for Item 5.1:

#### THAT THE COMMITTEE:

1. Having taken into account the relevant consideration contained in s 90(3)(j) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 2/7/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 5.1 (Presentation - Commonwealth Games Feasibility Study) listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

At the request of the State Government, this item includes information provided on a confidential basis provided by a public authority. The disclosure of this information could reasonably prejudice the ability of Council to undertake/participate in future negotiations relating to hosting a future Commonwealth Games.

#### 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 as provided in the briefing relates to the potential hosting of a Commonwealth Games. The release of such information may pre-empt the potential negotiating ability of the City and State Government for future commercial deals relating to the opportunity to host the Commonwealth Games.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 2/7/2019 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 5.1 (Presentation - Commonwealth Games Feasibility Study) 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)(j) of the Act.

15. The minutes concerning the meeting reflect that Cr Moran left the meeting room following the above resolution and re-entered the meeting room approximately two minutes later.
16. The audio recording of the meeting discloses that the Committee proceeded to receive the presentation. The recording discloses that, following a question and answer session, the following discussion took place:

Chair: I will need a motion from the floor which presents an order to keep in confidence. So, Councillor Moran. Seconded by Councillor Hyde. Any further debate or discussion on this item? Can I please leave the door closed, thank you? Thank you very much. So any debate on this issue? Councillor Simms.

Cr Simms: I reiterate my concerns about it being kept in confidence. I don't think that there was anything in the presentation that was confidential. Most of it could have been found from Google.

Chair: Noted. Thank you Councillor. I'll put that to the vote. All those in favour? All those against? That is carried. I will now reopen the meeting to the public to deal with item 6.

17. The minutes concerning the meeting relevantly record:

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 5.1 (Presentation – Commonwealth Games Feasibility Study) listed on the Agenda for the meeting of The Committee held on 2 July 2019 was received, discussed and considered in confidence pursuant to Section 90(3)(j) of the *Local Government Act 1999 (SA)*, this meeting of The Committee do order that:

1. 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.

18. On 3 July 2019, being the day after the meeting of the Committee, the following report was published in the *InDaily* online newspaper:

### **State Govt tight-lipped on Commonwealth Games plans**

#### LOCAL

A State Government move to exclude the public from an Adelaide City Council meeting about the city's bid to host the 2026 Commonwealth Games has angered some councillors, who say the community has a right to know.

Last night representatives from the Office of Recreation and Sport briefed city councillors on a "Commonwealth Games Feasibility Study" it plans to undertake to determine the cost and merit of Adelaide hosting the 12-day event.

According to the council's agenda, the State Government had requested that the study be discussed in confidence as the disclosure of information "could reasonably prejudice the ability of council to undertake/participate in future negotiations relating to hosting a future Commonwealth Games."

"It is necessary and appropriate to act in a meeting closed to the public as the consideration of... (the item) listed on the agenda in a meeting open to the public would on balance be contrary to the public interest," the agenda stated.

"At the request of the State Government, this item includes information provided on a confidential basis provided by a public authority."

While the Government insists that confidentiality at this stage is a requirement of the Commonwealth Games Federation, councillors Anne Moran and Robert Simms argued during the meeting that the information was in the public's interest.

"I do understand that it is a feasibility study, but at the same time with a project of this size it's very much in the public interest in terms of wanting the community to get information about what's in the scope and (to) get a sense of discussions that are being had," Simms said.

"I think there should be open discussions in the community about this so I don't support it being held in confidence."

Moran asked the meeting's chair, Deputy Lord Mayor Houssam Abiad, if the State Government would proceed with the meeting if the council decided not to discuss the item in confidence, but he said they "probably" wouldn't.

The council's director of growth Ian Hill said the State Government would discuss the feasibility study in cabinet "shortly" and it wanted to "canvas some more detailed conversation with... elected members before going to cabinet".

Both Moran and Simms voted for the council to not exclude the public from the discussion, but they were defeated with the support of all other councillors.

Moran told *InDaily* after the meeting that the discussion did not warrant confidentiality as there was no costings mentioned.

"They were just testing whether we (the council) were massively against it," she said.

"They pointed out that other than two cities (that have hosted the Commonwealth Games), on paper the rest didn't make a profit but there were uplifts for things like public transport and Infrastructure.

"One of the councillors mentioned housing and asked if they could use the houses built during the Games for social and affordable housing afterwards.

"They (the State Government representatives) said that in Queensland they had done that,"

Moran said the State Government was planning to undertake a "detailed cost benefit study" as part of its initial investigations into hosting the 2026 Commonwealth Games.

The 2018 Games, hosted by the Gold Coast, cost taxpayers \$2 billion from state, federal and local government coffers,

But it was touted at the time that hosting the spectacle would generate \$4 billion in economic activity.

Sports Minister Corey Wingard said in a statement to *InDaily* that Moran and Simms were "either grandstanding for media attention or a bit confused over the processes which were explained to them at the briefing last night".

"I hope it is the latter," he said.

"In the spirit of cooperation with a stakeholder who may be impacted by a Commonwealth Games and have advice to contribute, we approached the Adelaide City Council to offer them a courtesy update on the progress of the study, which is yet to be completed.

"It is a requirement by the Commonwealth Games Federation that the feasibility phase of their process is kept confidential at this stage."

Adelaide is Commonwealth Games Australia's preferred city to bid for the 2026 Games.

19. It is alleged that the remarks attributed to Cr Moran in the above article are indicative of a contravention of the confidentiality order imposed by the Committee.

### Response from Cr Moran

20. The investigation sought a response from Cr Moran to the allegations referred by the Commissioner.
21. By email dated 26 September 2019, Cr Moran responded (in full):

I cannot remember saying that but I may have. I would have thought that they were general remarks and didn't break the confidentiality of the meeting eg costings etc. I apologise if any of my general observations were breaking confidentiality. That was not my intent.

### Relevant law

22. Section 5(3) of the ICAC Act provides:

(3) *Misconduct in public administration* means—

- (a) contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
- (b) other misconduct of a public officer while acting in his or her capacity as a public officer.

23. Section 90 of the Local Government Act relevantly provides:

**90—Meetings to be held in public except in special circumstances**

- (1) Subject to this section, a meeting of a council or council committee must be conducted in a place open to the public.
- (2) A council or council committee may order that the public be excluded from attendance at a meeting to the extent (and only to the extent) that the council or council committee considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence any information or matter listed in subsection (3) (after taking into account any relevant consideration under that subsection).
- (3) The following information and matters are listed for the purposes of subsection (2):
  - [...]
  - (j) information the disclosure of which—
    - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
    - (ii) would, on balance, be contrary to the public interest;
  - [...]
- (7) If an order is made under subsection (2), a note must be made in the minutes of the making of the order and specifying—
  - (a) the grounds on which the order was made; and
  - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
  - (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.

24. Section 63 of the Local Government Act provides:

**63—Code of conduct for members**

- (1) The Governor may, by regulation, prescribe a code of conduct to be observed by the members of all councils.
- (2) Council members must observe the code of conduct.

25. Part 3 of the Code relevantly provides:

**Member duties**

Council members must:

[...]

- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence[.]

**Whether Cr Anne Moran divulged information the subject of a council confidentiality order, thereby committing misconduct in public administration**

26. The minutes concerning the 2 July 2019 meeting disclose that the Committee ordered that 'the discussion and any other associated information' submitted to the meeting in connection with the ORSR presentation was to remain confidential until 31 December 2026.

27. I note that the following remarks were attributed to Cr Moran in the article published in *InDaily*.
- “They were just testing whether we (the council) were massively against it,” she said.
- “They pointed out that other than two cities (that have hosted the Commonwealth Games), on paper the rest didn't make a profit but there were uplifts for things like public transport and Infrastructure.
- “One of the councillors mentioned housing and asked if they could use the houses built during the Games for social and affordable housing afterwards.
- “They (the State Government representatives) said that in Queensland they had done that,”
- Moran said the State Government was planning to undertake a “detailed cost benefit study” as part of its initial investigations into hosting the 2026 Commonwealth Games.
28. Having listened to the audio recording of the presentation and the subsequent discussion that took place during the 2 July 2019 meeting, I am satisfied that the above remarks identify information falling within the ambit of the confidentiality order imposed by the Committee.
29. Cr Moran has submitted that she cannot recall making those remarks, but has conceded that she ‘might have’ done so.
30. Cr Moran has otherwise submitted that she ‘would have thought’ that the remarks were of a general nature such that they did not contravene the confidentiality order imposed by the Committee.
31. In the circumstances, it would seem very implausible for the author of the article appearing in *InDaily* to have attributed remarks to Cr Moran that she did not make. Having regard to the principle in *Briginshaw*, I am satisfied on the balance of probabilities that Cr Moran made those remarks to the journalist.
32. I accept that the remarks do not appear to have disclosed information that was likely to be of particular sensitivity to the state government or the council. However, it was not for Cr Moran to make such an assessment, having regard to the broad terms of the confidentiality order in question.
33. It is important that council members respect and uphold the lawful decisions of the council's governing body, notwithstanding any strongly held personal views.
34. In the circumstances, I am satisfied that Cr Moran divulged information that the council (via the Committee) had ordered be kept confidential.
35. I am accordingly satisfied that Cr Moran contravened clause 3.3 of Part 3 of the Code and thereby committed misconduct in public administration for the purposes of section 5(3)(a) of the ICAC Act.
36. I am also of the view that Cr Moran's conduct appears contrary to section 63(2) of the Local Government Act and, accordingly, appears contrary to law for the purposes of section 25(1)(a) of the Ombudsman Act.

## Opinion

In light of the above, my final view is that:

1. Cr Moran contravened clause 3.3 of the Code by divulging information to a journalist that the council had ordered be kept confidential, thereby committing misconduct in public administration for the purposes of section 5(3)(a) of the ICAC Act.
2. Cr Moran's conduct in this regard appears contrary to section 63(2) of the Local Government Act and, accordingly, appears contrary to law for the purposes of section 25(1)(a) of the Ombudsman Act.

I note that Cr Moran has expressed an apology of sorts, albeit in a manner that does not expressly concede contravention of the confidentiality order imposed by the Committee.

I also understand from enquiries with the council that Cr Moran has not previously been censured by the council for a breach of council confidentiality.

On the other hand, I note that Cr Moran's remarks to the journalist appear to have been made in full knowledge of the confidentiality order imposed by the Committee; Cr Moran having initially queried the basis for the matter being heard in confidence and then subsequently having moved the motion to maintain confidentiality over the proceedings.

In the circumstances, I make the following recommendation under section 263B(1) of the Local Government Act:

1. That the City of Adelaide, by means of a public statement, reprimand Cr Moran for her misconduct in public administration.

## Final comment

I now report Cr Moran's misconduct to the principal officer of the council, as required by section 18(5) of the Ombudsman Act.

In accordance with Part 3 of the Code, this report must be provided to a public meeting of the council within two ordinary meetings of the council receiving my report.

In accordance with section 25(4) of the Ombudsman Act, I request that the council report to me by **21 January 2020** on what steps have been taken to give effect to my recommendation above; including:

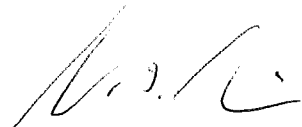
- details of the actions commenced or completed.
- relevant dates of the actions taken.

In the event that no action has been taken, reason(s) for the inaction should be provided to the Ombudsman.

Pursuant to section 263B(2) of the Local Government Act, if a council member fails to comply with a council requirement made as a result of an Ombudsman recommendation such as that above, the council member will be taken to have failed to comply with Chapter 5 Part 4 of the Local Government Act. In this event, the council is to ensure that a complaint is lodged against the member with SACAT.

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I have also sent a copy of my report to the Minister for Transport, Infrastructure and Local Government, as required by section 25(3) of the Ombudsman Act.



Wayne Lines  
**SA OMBUDSMAN**

10 December 2019

Item 12.6 - Attachment A

# E-Scooter Mobility Services Update

**ITEM 12.7** 28/01/2020  
**Council**

2020/00191  
Public

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

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

## EXECUTIVE SUMMARY

On 29 October 2019 the City of Adelaide commenced an Expression of Interest (EOI) requesting submissions for obtaining a permit under section 222 of the *Local Government Act 1999* to run a Shared E-scooter Mobility Services business on its public roads. The EOI closed on 14 November 2019. The City of Adelaide completed the EOI process and on 18 December 2019 the current permit holder Beam was notified that its submission was unsuccessful on this occasion. Beam subsequently lodged a complaint under the EOI addressed to the Chief Executive Officer. Lime later submitted a complaint under the EOI process.

The purpose of the paper is to present the review process undertaken with respect to Lime's and Beam's complaints.

The Chief Executive Officer is confident that the review of Beam's and Lime's complaints regarding the results of the E-scooter EOI has been conducted independently. At its meeting on 24 September 2019, Council approved continuing e-scooters in the City of Adelaide after 31 January 2020. Accordingly, Administration will issue new permits to the successful proponents Neuron and Ride under delegation of authority in accordance with the terms of the EOI.

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## RECOMMENDATION

### THAT COUNCIL:

1. Notes the report.
-



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities – Council will continually improve both our internal governance and the way we do business with others, always working towards maximising community benefit and social equity
Policy	Procurement Policy
Consultation	Not as a result of this report
Resource	Council has yet to receive invoices for legal services provided, however Council has been advised that approximately \$14,000 of legal work has been undertaken (as at 20 January 2020).
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. At its meeting on 24 September 2019, Council approved Administration prepare an EOI for e-scooters to continue operating after 31 January 2020.
2. On 29 October 2019, the Council advertised a Request for EOI for the E-Scooter Mobility Services Permit on the SA Tenders & Contracts website. No addenda providing additional information or responses to requests for information were issued.
3. The EOI closed on 14 November 2019 at 2pm and submissions were received from the following proponents:
  - 3.1. Beam
  - 3.2. Lime Network Pty Ltd
  - 3.3. Neuron Mobility (Australia) Pty Ltd
  - 3.4. Ride
  - 3.5. Jump
4. The Procurement and Contract Management team was engaged to support the EOI process 'E2019 0097 – E-Scooter Mobility Services Permit'. The evaluation comprised of the below evaluation members:
  - 4.1. Team Leader Community Safety and Health
  - 4.2. Senior Transport Planner
  - 4.3. External evaluator from the Department of Planning, Transport and Infrastructure (DPTI)
5. In addition to the evaluation panel, additional technical expertise was provided by DPTI regarding the e-scooter vehicles as part of the live demonstration.
6. The evaluation panel established evaluation criteria, as set out in section 6 of the EOI:
  - 6.1. E-scooter product and technology
  - 6.2. Resources
  - 6.3. Deployment Plan
  - 6.4. Safety
  - 6.5. Customer Service Plan
  - 6.6. Response times
  - 6.7. Reporting and Data Sharing
  - 6.8. Operations and Performance Monitoring
  - 6.9. Value Add
7. The evaluation of the EOI was separated into the following stages:
  - 7.1. Stage 1: Evaluation of Submissions
  - 7.2. Stage 2: Evaluation of Shortlisted or Preferred Proponent(s) – Live Demonstration
  - 7.3. Stage 3: Evaluation of Shortlisted or Preferred Proponents – Proponent Interview
8. Following completion of stage 1 of the assessment process, Ride, Beam and Neuron were shortlisted to participate in the demonstration and interview stages.
9. Based upon the process undertaken, the evaluation panel recommended that the permits be awarded to the first two highest ranked proponents at the conclusion of the process, being Neuron and Ride.
10. The Chief Executive Officer (CEO) was presented with a formal report outlining the process followed and seeking approval from the relevant delegated authority to award a permit to the successful proponents.
11. On 18 December 2019, shortlisted proponents were advised of the outcomes of the EOI process.

12. On 23 December 2019, Beam submitted a letter of complaint addressed to the CEO (view [here](#) ) in accordance with section 2.4.9 of the EOI, which states:
- If a Proponent considers that the REOI Process has failed in respect of fairness, due process or transparency, the Proponent may provide written notification to the Manager, Procurement & Contract Management (or, if the failure concerns the Procurement department, to the Council's Chief Executive Officer). The notification must be given as soon as possible and must set out the issues in dispute, the impact upon the Proponent's interests, any relevant background information and the desired outcome*
13. On 8 January 2020, representatives of Beam participated in a debrief session undertaken by members of the evaluation panel.
14. On 9 January 2020, Beam submitted a further complaint (view [here](#) ).
15. On receipt of the complaint letter dated 23 December 2019, the Governance program reviewed the nature of the grievance and determined that the complaint should be dealt with under the EOI. This was appropriate as Beam's complaint was submitted under the EOI.
16. This review process involved consideration of the matters raised by Beam and the preparation of a response to Beam's specific complaints as set out in the letters of 23 December 2019 and 9 January 2020 (the Complaint).
17. The Consultant Legal Governance was tasked with the review of Beam's complaint.
18. Following initial review of the Complaint, given the serious nature of the assertions made by Beam, the Consultant Legal Governance determined to engage external legal providers Norman Waterhouse Lawyers to provide legal and probity advice regarding the Complaint.
19. The scope of the instructions to Norman Waterhouse Lawyers was to provide advice to the Council regarding the process associated with the issuing of Section 222 *Local Government Act 1999* permits for E-Scooter Mobility Services, in particular concerns and/or queries raised by Beam Mobility Australia Pty Ltd and (per the below) Lime Network Pty Ltd.
20. The initial internal review undertaken by the Consultant Legal Governance involved the following activities:
- 20.1. Review of the allegations set out in the Beam Complaint and email correspondence from Beam
  - 20.2. Review of file records including internal and external correspondence
  - 20.3. Informal discussions with relevant staff involved in the process
  - 20.4. Requests for clarifications from relevant staff
  - 20.5. Consideration of legal and probity advice
  - 20.6. Consultation with internal stakeholders and finalisation of the response
21. The response was finalised on 17 January 2020 (view [here](#) ). An email notification was provided to Beam on 17 January 2020, with a hardcopy response letter mailed by post on 20 January 2020.
22. On 17 January 2020, Lime submitted a letter of complaint addressed to the CEO in accordance with section 2.4.9 of the EOI (view [here](#) ). This complaint has been assessed by the Governance program and referred to Norman Waterhouse Lawyers for consideration.
23. Norman Waterhouse have been instructed to review the allegations set out in Lime's complaint in a manner consistent with the approach taken to Beam's complaint, provide legal advice about Lime's complaint and assist in the preparation of a response.
24. The response was finalised on 23 January 2020 (view [here](#) ). An email notification was provided to Lime on 23 January 2020
25. A separate confidential report contains confidential information relating to Beam's and Lime's complaints to supplement this public report. This report contains legal advice and is subject to legal professional privilege.

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## ATTACHMENTS

Nil

## Progress of Motions by Elected Members

**ITEM 12.8** 28/01/2020  
**Council**

2018/04074  
Public

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

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

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### EXECUTIVE SUMMARY:

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

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### RECOMMENDATION:

That Council:

1. Notes the report.
-

## IMPLICATIONS AND FINANCIALS:

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

## DISCUSSION

1. On 12 March 2019, Council resolved that Council requests the Administration, at every second meeting of Council to report on the progress of Councillor motions with and without notice adopted by the elected body over the current and previous two terms but which have not yet been fully implemented.
2. Since the commencement of the 2018-2022 Council Term a total of 113 motions on and without notice have been carried by Council.
3. As at 21 January 2020 a total of 81 motions on or without notice remain open from the current and previous terms of Council. The current progress of these motions on and without notice can be found [here](#).
4. Council Members can review progress updates on all decisions and Administration undertakings via the online Council Member portal. Council Executive can provide a verbal update on undertakings to Council Members on request.

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## ATTACHMENTS

Nil

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- END OF REPORT -

## Bushfires and Extreme Weather Events

**ITEM 13.1** 28/01/2020  
**Council**

**Council Member**  
Councillor Simms

2019/01425  
Public

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

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## QUESTION ON NOTICE

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

'Can administration please advise of steps being taken to mitigate the risks to the community, environment and wildlife associated with bushfires and extreme weather events in the City of Adelaide?'

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

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- END OF REPORT -

# City Fireworks Fund Raising Total

**ITEM 13.2** 28/01/2020  
**Council**

**Council Member**  
Councillor Martin

2019/01425  
Public

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

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## QUESTION ON NOTICE

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

'Refusing requests to withdraw fireworks from the program for the Lord Mayor's New Year's Eve Party at Elder Park as a mark of respect to victims of bushfires, the Lord Mayor was reported by The Advertiser and The ABC to have said the event would be a fundraiser for the bushfire appeal with collectors at multiple locations in Elder Park. Could the Lord Mayor advise what was the total of the donations collected throughout the evening?'

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

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- END OF REPORT -



# Vogue Festival Ticket Sales versus Cost

**ITEM 13.3** 28/01/2020  
**Council**

**Council Member**  
Councillor Martin

Public

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

## QUESTION ON NOTICE

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

'A recent Freedom of Information request revealed that the last Fashion Festival requested the following information:

**Vogue Festival 2019 – Actual ticket sales, not including free tickets, across all events closing the festival**

Vogue Kitchen Lunch – 69 tickets sold

GQ Supper Club – 48 tickets sold

Paulo Sebastian High Tea – 94 tickets sold

Voices of Vogue Festival Masterclasses – 122 tickets sold

Could the Administration advise what the total value was of all ticket sales for the 2019 Vogue Festival, what was the value of any City of Adelaide and Rundle Mall Management Authority grants and the cost of any licence fees paid to Vogue or any other organisation, together with a reasonable estimate of the costs incurred by the City of Adelaide and the Rundle Mall Management Authority arising from the provision of infrastructure, services and staff.'

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

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- END OF REPORT -

# The Contribution of the City of Adelaide to the Total Cost of the Central Market Arcade Redevelopment

**ITEM 13.4** 28/01/2020  
**Council**

**Council Member**  
Councillor Martin

Public

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

## QUESTION ON NOTICE

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

'On Friday 6 December 2019 the Office of the Lord Mayor distributed an information pack to those assembled in the Queen Adelaide Room for the announcement of the redevelopment of the Central Market Arcade. The information pack contained fact sheets in which it was asserted that Council had approved a contribution of \$28 million dollars of ratepayers funds to the \$400 million project. It was subsequently reported in the media, as had been inferred by the fact sheets, that the liability of the ratepayer of the City of Adelaide in respect of the project was \$28 million. Later that day when asked directly on ABC Radio if it was correct the City of Adelaide would spend \$28 million on the project, the Lord Mayor responded that the information was confidential. In the interests of transparency, could the Lord Mayor advise the ratepayers of Adelaide;

1. Why, when a final announcement had been made and a contract had been signed, did she say was the cost of the project was confidential and, as a consequence, not publicly available?
2. Is \$28 million the total value of all contributions and likely contributions of the City of Adelaide, approved by the elected body, for the redevelopment?
3. If the amount that the redevelopment could cost the ratepayer of the City of Adelaide is more than \$28 million, on what date did the Lord Mayor intend to reveal that information?'

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

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- END OF REPORT -

# Reimagining New Year's Eve in the City of Adelaide

**ITEM 15.1** 28/01/2020  
**Council**

**Council Member**  
Deputy Lord Mayor (Councillor  
Hyde)

2019/01425  
Public

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

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## MOTION ON NOTICE

**Deputy Lord Mayor (Councillor Hyde) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

Investigates replacement of the NYE fireworks with a state-of-the-art light show, that may include synchronised drone performances, artistic light projections, a laser light show and an audio accompaniment to create an innovative world class celebration in the City of Adelaide.'

---

## ADMINISTRATION COMMENT

1. A report will be presented to Council in March 2020 regarding the New Year's Eve event and the alternative options to pyrotechnic displays. The report will include:
  - 1.1. An overview of the New Year's Eve event including expenditure on pyrotechnics;
  - 1.2. A summary of alternate options to pyrotechnics including laser and light projections and the use of drones. The report will also provide indicative costings regarding the use of these alternative production elements.

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- END OF REPORT -

# Honouring Female Leaders in the City of Adelaide

**ITEM 15.2** 28/01/2020  
**Council**

**Council Member**

Deputy Lord Mayor (Councillor Hyde)

2018/04052  
Public

**Receiving Officer:**

Mark Goldstone, Chief Executive Officer

## MOTION ON NOTICE

**Deputy Lord Mayor (Councillor Hyde) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

‘That Council:

1. Notes the lack of female leaders represented by the portraits of prominent South Australians in the Council Chamber.
2. Requests that the Administration undertake a review of the Civic Collection in relation to the representation of South Australian women and explores ways in which they can be given more prominence within the Council Chamber.
3. Requests that the Administration commission a portrait of the first female Lord Mayor in Australia, Wendy Chapman AM, to be hung in the Council Chamber.’

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## ADMINISTRATION COMMENT

1. Should the motion be supported, a report will be prepared with options and associated costs for Council to consider in regards to honouring female leaders in the City of Adelaide within the Council Chamber, at its meeting on 10 March 2020.
2. Preparation of the report will be undertaken within existing resources in the Archives, in collaboration with advice from the Arts and Culture Team.

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- END OF REPORT -

# Fireworks in the City of Adelaide

**ITEM 15.3** 28/01/2020  
**Council**

**Council Member**  
Councillor Moran

2019/01425  
Public

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

## MOTION ON NOTICE

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

'That:

The City of Adelaide bans public and private firework events in summer and investigates alternate light displays for the Elder Park New Year's event for 2020.'

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## ADMINISTRATION COMMENT

1. A report will be presented to Council in March 2020 regarding the potential impacts for the implementation of banning fireworks in the summer season. The report will include:
  - 1.1. Information regarding City of Adelaide's role in approving firework displays in the City;
  - 1.2. Advice from key agencies in relation to existing risk assessment, management and approvals (Country Fire Service and South Australian Metropolitan Fire Service);
  - 1.3. Details regarding the 20 potentially impacted events and activities held in the City, with more than half of these currently sponsored by the City of Adelaide.

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- END OF REPORT -

# Electrification of Vehicles

**ITEM 15.4** 28/01/2020  
**Council**

**Council Member**  
Councillor Simms

2018/04053  
Public

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

## MOTION ON NOTICE

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

'That Council:

1. Notes its commitment, through the Strategic Plan, to become one of the world's first carbon neutral cities and a global leader in sustainability and responding to climate change;
2. Requests that Administration identifies opportunities to prioritise aspects of the Zero Emissions Vehicle Plan as part of the upcoming budget process, with particular consideration given to electrifying those vehicles with the greatest emissions, such as utility vehicles and trucks operating from Council's Depot;
3. Requests that Administration seek to electrify the rubbish trucks operating in the City of Adelaide, including negotiating with private waste collection contractors;
4. Requests that the Lord Mayor, at the next meeting of the Capital City Committee, asks the State Government to seriously consider electrifying its passenger vehicle fleet, decarbonising the city's public bus network and adopting measures to encourage electric taxis in the city;
5. Requests Administration provide a report updating Council on actions taken regarding the above by April 2020.'

## ADMINISTRATION COMMENT

1. Electrification of City vehicles will assist to reduce greenhouse gas emissions associated with fuel, which currently represents 5% of corporate emissions. In addition, it will also reduce other types of pollution with potential air quality implications locally, such as particulates and other vehicle traffic related pollutants.
2. In prioritising greenhouse emissions reduction, City of Adelaide has targeted the most cost-effective reductions, in order to minimise the cost impact of the transition (eg renewable electricity power purchase agreement for City of Adelaide operations).
3. The City's Zero Emission Vehicle Plan (2019-2030) provides a structured and comprehensive strategy for vehicle electrification, which outlines a staged approach to the City of Adelaide to the transitioning to zero carbon emissions vehicles in each relevant category, by 2030.

- END OF REPORT -

# Board Appointments

**ITEM 15.5** 28/01/2020  
**Council**

**Council Member**  
Councillor Simms

2018/04053  
Public

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

## MOTION ON NOTICE

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

'That Council:

1. Commits to the principle of transparent, merit- based appointments for all remunerated positions to boards, bodies and committees and seeks to mirror the diversity present in the community;
2. Requests that Council member positions on a section 42 or 43 LG Act subsidiary board, a section 41 LG Act Committee or Council's Assessment Panel are subject to a selection process for Council member nominees (in addition to the appointment process listed in the standing orders s159 – s174). This process is to be set up by the Council CEO and the respective Board and Committee be requested to apply this process and provide Council with a recommended nominee for consideration and approval by Council. The selection process should include steps such as application in writing, requesting interview of the nominee by the Board or its delegate, requesting majority vote board decision on its decision and any such steps the CEO deems reasonable to support the principle outlined above.'

## ADMINISTRATION COMMENT

1. The City of Adelaide Standing Orders prescribe the process for the selection of Council Members to nominated positions on boards, bodies and committees (sections 159-174).
2. Prior to each appointment, the Chief Executive Officer seeks an expression of interest from Council Members via E-News or email. This communication refers to the details of the appointment and references any criteria required.
3. Section 168 of the Standing Orders states that *'if the nomination, or nominations, match the position, or positions, available, a resolution of Council will be required to confirm the outcome of the election process'*.
4. Each appointment to a position is ruled by its relevant legislation, the constitution, charter and/or terms of reference of the respective board, body or committee seeking a Council representative.
5. When appointing a Council Member to a position of a Director on a Board of a Subsidiary, section 167 of the Standing Orders requires that Council has regard to the composition and purpose of the Subsidiary in its decision making. The Administration includes this information in the report to Council, for Council's consideration.

## Temporary parking permits for people affected by bushfire crisis staying in Adelaide

**ITEM 15.6** 28/01/2020  
**Council**

**Council Member**  
Councillor Simms

2019/00551  
Public

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

## MOTION ON NOTICE

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

'That Council:

1. Notes that the City of Sydney are providing a temporary parking permit to people affected by the bushfire crisis who are staying with friends and family in Sydney;
2. Requests that administration set up a similar scheme in the City of Adelaide.'

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## ADMINISTRATION COMMENT

1. Administration has contacted the City of Sydney to gain an understanding of their approach to the permits.
2. We have received one enquiry of this nature to date and were able to accommodate the request for parking support.
3. Requests are assessed on a case-by-case basis to ensure the most appropriate support is provided and to avoid any added stress.

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- END OF REPORT -



## Plans for the old Le Cornu site

**ITEM 15.7** 28/01/2020  
**Council**

**Council Member**  
Councillor Moran

2018/02324  
Public

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

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## MOTION ON NOTICE

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

'That Council:

1. Notes that a decision on the successful developer for the old Le Cornu site was made some months ago and the plans for the site were provided to elected members months prior to that;
2. Immediately releases to the public the successful plans for the old Le Cornu site.'

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## ADMINISTRATION COMMENT

1. On 19 November 2019 Council selected a preferred developer to progress negotiations for the development of the site.
2. Until a binding Project Development Agreement between Council and the proponent has been signed, conceptual and subsequent design plans remain commercial in confidence.

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- END OF REPORT -

## Elected Body Initiated External Inquiry Into E-Scooter Tender

**ITEM 15.8** 28/01/2020  
**Council**

**Council Member**  
Councillor Martin

2020/00191  
Public

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

## MOTION ON NOTICE

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

'That Council:

Noting the serious, public concerns expressed about the City of Adelaide's E-scooter Tender process and allegations by two companies that the Administration initiated Inquiry into the Administration's actions has been compromised;

1. Appoints an entity not currently on the City of Adelaide's approved legal practitioner list to investigate and to report directly to the elected body, rather than to the Administration, no later than 1 March 2020 on;
  - a) allegations that the recent tender process for the appointment of operators of escooters in City of Adelaide was flawed, incompetent or unfair;
  - b) what, if any, response is recommended in respect of this tender process, including the manner in which the tenderers were notified, and future tender processes conducted by the City of Adelaide
2. Agrees the cost and the conditions of the investigation should be consistent with previous and similar external inquiries commissioned by the City of Adelaide.'

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## ADMINISTRATION COMMENT

1. The matter has been addressed extensively in the Confidential Agenda Item 18.1.2 on the Agenda of the meeting of 28 January 2020, which provides informative confidential information that is subject to legal professional privilege.

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- END OF REPORT -

# Central Market Arcade Redevelopment Costs

**ITEM 15.9** 28/01/2020  
**Council**

**Council Member**  
Councillor Martin

2015/00903  
Public

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

## MOTION ON NOTICE

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

'That Council

In the event that such information was not released at the time of the public announcement on 6 December 2019, requests the Administration to publicly release, by the end of the week, an itemised list of any and all possible costs to the ratepayer of the City of Adelaide for the redevelopment of the Central Market Arcade.'

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## ADMINISTRATION COMMENT

1. The City of Adelaide and ICD Property entered into a Project Delivery Agreement on 6 December 2019 for the purposes of the Central Market Arcade Redevelopment.
2. The amount approved by the Elected Body is \$27.74 million plus authorisation of \$1.39 million contingency to be made available subject to requirements for the purposes of Council's returnable works (comprising 6,000m<sup>2</sup> net lettable area of retail, 260 public car park spaces and basement loading/ servicing).
3. The Council decision regarding the Central Market Arcade Redevelopment was released from confidence on 6 December 2019.

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- END OF REPORT -

## Using our Park Lands to protect rescued wildlife

**ITEM 15.10** 28/01/2020  
**Council**

**Council Member**  
Deputy Lord Mayor (Councillor  
Hyde)

2000/00462  
Public

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

## MOTION ON NOTICE

**Deputy Lord Mayor (Councillor Hyde) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

1. Notes the excellent work of the volunteer-run, not-for-profit, Adelaide Koala Rescue in undertaking koala and wildlife rescue during the devastating South Australian bushfires.
2. Notes that Adelaide Koala Rescue cares for animals other than Koalas outside of times of crisis and lacks a base of operations to coordinate this care.
3. Seeks to facilitate establishment of a small community run facility in the Adelaide Park Lands that may be used for the rescue, treatment and rehabilitation of koalas and also other locally rescued wildlife.
4. Investigates partnering with Adelaide Koala Rescue to facilitate the creation of such a facility and also reports to council on the prevalence of community-led wildlife rescues that take place in metropolitan Adelaide and the Adelaide Hills.
5. Consider as part of that investigation, longer term benefits of a sanctuary including:
  - a. Potential education opportunities for school students and tertiary students; and,
  - b. Potential tourism opportunities.
6. Assesses how the City could access funding under the Federal Government's \$50 million Wildlife and Habitat Bushfire Recovery Fund to undertake the above initiatives.
7. Reviews its current biodiversity zones in the Park Lands to ensure they are well aligned in support of threatened and vulnerable species in South Australia.
8. Reviews how many trees in our Park Lands are considered part of the preferred diet of koalas and presents a plan for approval to council on how we can focus planting efforts to grow koala habitat or at least increase foliage availability.'

## ADMINISTRATION COMMENT

1. If agreed by Council, an investigation will be undertaken and will include partnership opportunities with Adelaide Koala Rescue and other wildlife rescue organisations, funding options, potential longer term benefits of a wildlife sanctuary and existing habitat within the Park Lands suitable for koalas. The investigation will also outline the requirements and processes for compliance with the *National Parks and*

*Wildlife Act 1972* and the *Animal Welfare Act 1985* for keeping wildlife and be undertaken in liaison with relevant State Government agencies and facilities under their control such as the Cleland Wildlife Park.

2. Subject to discussions with Adelaide Koala Rescue regarding their required facility needs, the investigation could include options to accommodate administrative functions of the group within the CBD, including consideration of Council facilities.
3. This proposal is consistent with the policy provisions of the Adelaide Park Lands Management Strategy including supporting biodiversity and conservation research and education in the Park Lands.
4. The Integrated Biodiversity Management Plan 2018-2023 sets out how the City of Adelaide will conserve and improve the remaining biodiversity in the city, including the native species present. Flora and fauna surveys undertaken in 2017, 2018 and 2019 have not identified koalas as endemic to the Park lands however there is anecdotal evidence that koalas have been recently cited along the River Torrens Linear Park.

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- END OF REPORT -

## Park Lands expenditure

**ITEM 15.11** 28/01/2020  
**Council**

**Council Member**  
Deputy Lord Mayor (Councillor  
Hyde)

2019/00951  
Public

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

## MOTION ON NOTICE

**Deputy Lord Mayor (Councillor Hyde) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

1. Notes that the previous report on annual Park Lands expenditure provided by administration details that each year we spend approximately a quarter of all rates collected by the city on operational and capital works in the Park Lands.
2. Requests the Audit Committee of council conduct a detailed review of this annual expenditure, interrogating exactly what those funds are spent on to ensure they are being used effectively.
3. Requests the Audit Committee of council provides advice on best practice for tracking Park Lands expenditure in the future.'

## ADMINISTRATION COMMENT

1. The report presented to The Committee on 12 November 2019 discussed Park Lands Income and expenditure for the past three financial years, including contributions by the State Government. The report identified the following areas of expenditure.

Area of expenditure	Expenditure 2017/18	Expenditure 2018/19	Expenditure 2019/20
Capital projects (not including State Government grants)	\$8.4m	\$6.7m	\$8.6m
Golf Course and U-Park Park Lands	\$2.8m	\$2.9m	\$3.1m
Public Realm	\$8.3m	\$7.9m	\$7.8m
Park Lands Property	\$1.6m	\$1.4m	\$1.6m
Park Lands Events	\$427k	\$438k	\$541k

<b>Area of expenditure</b>	<b>Expenditure 2017/18</b>	<b>Expenditure 2018/19</b>	<b>Expenditure 2019/20</b>
Planning, Design and Development (previously Strategy & Design)	\$889k	\$678k	\$756k
Infrastructure	\$2.3m	\$2.4m	\$2.1m
Adelaide Park Lands Authority	\$188k	\$187k	\$329k (includes \$100k for World Heritage project)
Recreation and Sport (Community and Culture)	\$526k	\$525k	\$558k
Sustainability	\$367k	\$259k	\$177k
<b>TOTALS</b>	<b>\$25.8m</b>	<b>\$23.4m</b>	<b>\$25.6m</b>

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- END OF REPORT -

# Hutt Street Masterplan

**ITEM 15.12** 28/01/2020  
**Council**

**Council Member**  
Deputy Lord Mayor (Councillor  
Hyde)

2019/00951  
Public

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

## MOTION ON NOTICE

**Deputy Lord Mayor (Councillor Hyde) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

1. Notes that no substantive updates have been provided on the progress of the Hutt Street Masterplan since it was included in this year's Council Budget.
2. Directs the administration to begin the master planning process as soon as possible, adopting the model underpinning creation of the Hindley Street Masterplan with necessary adjustments to reflect the premier neighbourhood main street we wish Hutt Street to become and including the presentation of "quick wins" to council for approval.
3. Requests those "quick wins" are identified and included for consideration in the 2020-21 Council Budget and that they, if accepted, will be completed by the end of quarter one of the 2020-21 financial year.'

## ADMINISTRATION COMMENT

1. The Hutt Street Master Plan is currently underway.
  - 1.1. Data collection and detailed analysis of Hutt Street is in progress.
  - 1.2. A draft vision and objectives have been developed based on the analysis, also considering results of previous engagement with stakeholders.
  - 1.3. Indicative actions have been identified as part of an ongoing improvement program for the street, including "quick wins", short-, medium- and long-term actions, (based on the Hindley Street project model).
  - 1.4. The draft vision, objectives and indicative actions will be tested and developed through engagement with key stakeholders such as the Hutt Street Traders Association, and South-East City Residents Association, and the broader community in March-April 2020.
  - 1.5. Ideas for future improvements on the street may also be trialled through targeted Splash activations this financial year.
2. During the current financial year, we are utilising the Splash program to deliver immediate activation on Hutt Street. "Quick wins" are proposed for delivery in the 2020-21 financial year. Indicative actions will be included in the draft 2020-21 Council Budget. Actions will be refined through stakeholder and community engagement for Council approval in June 2020.



## Exclusion of the Public

**ITEM 17.1** 28/01/2020  
**Council**

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

2018/04291  
Public

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

## EXECUTIVE SUMMARY

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

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

Strategic Alignment – Liveable

**18.1.1.** Rundle Street U Park Remediation Award of Contract [s 90(3) (k)]

Strategic Alignment – Corporate Activities

**18.1.2.** E-Scooter Mobility Services Update – Legal Advice [s 90(3) (h)]

The Order to Exclude for Items 18.1.1 and 18.1.2:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

## ORDER TO EXCLUDE FOR ITEM 18.1.1

### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (k) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28/1/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Rundle Street U-Park Remediation Award of Contract] 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 related to tenders for the supply of goods, the provision of services or the carrying out of works.

Consideration in confidence is sought as the project is still in the Tender process with final negotiations to occur. The disclosure of information in this report could reasonably prejudice the position of Council and the proponents who supplied information for the tender process.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28/1/2020 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 [Rundle Street U-Park Remediation Award of Contract] 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) (k) of the Act.

## ORDER TO EXCLUDE FOR ITEM 18.1.2

### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (h) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28/1/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.2 [E-Scooter Mobility Services Update – Legal Advice] 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 legal advice.

The disclosure of information in this report will waive legal professional privilege. This will result in all legal advice being disclosable to the court which would be prejudicial to Council's position.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28/1/2020 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 [E-Scooter Mobility Services Update – Legal Advice] 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) (h) of the Act.

## DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
  - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
  - 4.2 cause a loss of confidence in the council or council committee.’
  - 4.3 involve discussion of a matter that is controversial within the council area; or
  - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
  - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
  - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
  - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
  - 6.1 Information contained in Item 18.1.1 - Rundle Street U Park Remediation Award of Contract
    - 6.1.1 Is not subject to an Existing Confidentiality Order.
    - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (k)
      - (k) tenders for the supply of goods, the provision of services or the carrying out of works
  - 6.2 Information contained in Item 18.1.2 – E-Scooter Mobility Services Update – Legal Advice
    - 6.1.1 Is not subject to an Existing Confidentiality Order.
    - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (h)
      - (h) legal advice

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## ATTACHMENTS

Nil

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- END OF REPORT -

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Confidential Item 18.1.1

Rundle Street U-Park Remediation Award of Contract  
Section 90 (3) (k) of the *Local Government Act (SA) 1999*  
Pages 98 to 101

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Confidential Item 18.1.2

E-Scooter Mobility Services Update – Legal Advice  
Section 90 (3) (h) of the *Local Government Act (SA) 1999*  
Pages 102 to 107

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