



COUNCIL AGENDA

for the Special meeting

Tuesday 7 April 2020
at 5.00pm



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

1. Acknowledgement of Country

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

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

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

2. Apologies and Leave of Absence

Nil

3. Items for Consideration

Strategic Alignment - Corporate Activities

3.1. Addendum to Standing Orders – Remote Meetings [2018/04066] [C] [Page 2]

Strategic Alignment – Liveable

3.2. Royal Adelaide Hospital (Covid-19) Car Park in Gladys Elphick Park [2016/03871] [C] [Page 14]

4. Closure

Addendum to Standing Orders – Remote Meetings

ITEM 3.1 07/04/2020
Council

2018/04066
Public

Program Contact:
Rudi Deco, Manager Governance
8203 7442

Approving Officer:
Mark Goldstone, Chief Executive
Officer

EXECUTIVE SUMMARY

This report seeks approval of an addendum to the City of Adelaide Standing Orders which will support the convening and procedure for remote meetings of Council and The Committee.

The addendum has been prepared following the issuing of Ministerial Notice No1 on 30 March 2020, pursuant to section 302B of the *Local Government Act 1999* (the Act), which varies and suspends the operation of certain provisions of the Act to support councils to conduct remote meetings.

Section 86(8), 89(1) and 92 of the Act provide for the procedures to be observed at a meeting of council and committee, details of which are contained in the City of Adelaide Standing Orders. The addendum explains the updated provisions which require Council approval.

The provisions of Notice No1 will cease to apply 28 days after all relevant emergency declarations are revoked.

RECOMMENDATION

THAT COUNCIL

1. Approves the addendum to the City of Adelaide Standing Orders as per Attachment A to Item 3.1 on the Agenda for the special meeting of the Council held on 7 April 2020.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities
Policy	The City of Adelaide Standing Orders address various policy requirements for the governing body in the <i>City of Adelaide Act 1998 (SA)</i> , the <i>Local Government Act 1999 (SA)</i> and associated Regulations.
Consultation	Section 92(5) of the <i>Local Government Act 1999 (SA)</i> which required public consultation has been suspended as part of Ministerial Notice No1 issued on 30 March 2020.
Resource	Not as a result of this report
Risk / Legal / Legislative	The addendum is required to ensure that meetings of the Council and Committee can be held remotely in response to the COVID-19 public health emergency.
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 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.
2. On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.
3. On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (Notice No 1) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* ('the Act') as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.
4. Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if one or more Council members participate in the meeting by electronic means provided that:
 - 4.1. The Chief Executive Officer (or nominee) makes available to the public a live stream of the meeting on the City of Adelaide website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream.
 - 4.2. If the Chief Executive Officer (or nominee) has taken reasonable steps to make available a live stream of the meeting but is unable to do so, the Chief Executive Officer (or nominee) makes available to the public a recording of the meeting as soon as practicable after the meeting on the City of Adelaide website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.
5. If the Chief Executive Officer (or nominee) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the Chief Executive Officer (or nominee) must publish on the City of Adelaide website the steps taken to comply and the requirement will be suspended.
6. For the period of the operation of Notice No 1, the requirement that the Chief Executive Officer give notice to the public of the times and places of Council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area, is suspended.
7. For the period of the operation of Notice No 1, the requirement that the Chief Executive Officer must ensure that a reasonable number of copies of any document or report supplied to members for consideration at a meeting of the Council or Council Committee are available for inspection by members of the public at the principal office of the Council or at the meeting, is suspended.
8. The Chief Executive Officer (or nominee) will ensure that any document or report supplied to members for consideration at a meeting of the Council or Council Committee is available for inspection by members of the public; in the case of a document or report supplied to members before the meeting - on the City of Adelaide website as soon as practicable after the time when the document or report is supplied to members; or, in the case of a document or report supplied to members at the meeting - on the City of Adelaide website as soon as practicable after the time when the document or report is supplied to members.
9. Notice No 1 provides that a Council or Council Committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2) of the Act. It is an offence for person who, knowing that an order is in force under section 90(2), to connect to a meeting of the Council or Council Committee by electronic means, or fail to disconnect from a meeting of the Council or Council committee.
10. For the period Notice No 1 has effect pursuant to section 302B(2)(d)(ii) of the Act, the City of Adelaide Standing Orders are altered as per the addendum to the Standing Orders (attachment A). Those alterations have effect, notwithstanding any other provision in the Standing Orders to the contrary.
11. In support of remote meetings, and in addition to the current protocols contained in Standing Orders 188-193 and the contents of Attachment A the following protocols apply for electronic meetings:
 - 11.1. As City of Adelaide has the capacity for Council and Council Committee members to participate in an electronic meeting both by being seen and heard, members will always need to be seen and heard in accordance with the 'Condition' to the variation of the operation of sections 85 and 86 of the Act,

- 11.2. To protect privacy, all Council and Council Committee member participants need to be mindful of the background to their video display and must use the supplied City of Adelaide crest background to their video image if technically possible.
- 11.3. Participation in an electronic meeting should be from a quiet space where there is minimal likelihood of interruption or noise interference.
- 11.4. All participants will remain muted until it is their turn to speak.
- 11.5. If a Council or Council Committee member needs to interrupt the speaker to raise a conflict of interest object to words used by a Council or Council Committee member, to raise a point of order or to advise loss of quorum then, a signal will be provided to the presiding member by a raised hand or by sending a message to the meeting host

ATTACHMENTS

Attachment A – Addendum to the City of Adelaide Standing Orders

- END OF REPORT -

Addendum to City of Adelaide Standing Orders

Public Health Emergency: Electronic Participation in Council Meetings

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (Notice No 1) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* ('the Act') as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if one or more Council members participate in the meeting by electronic means provided that -

- (a) the Chief Executive Officer (or nominee) makes available to the public a live stream of the meeting on the City of Adelaide website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or
- (b) if the Chief Executive Officer (or nominee) has taken reasonable steps to make available a live stream of the meeting but is unable to do so, the Chief Executive Officer (or nominee) makes available to the public a recording of the meeting as soon as practicable after the meeting on the City of Adelaide website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the Chief Executive Officer (or nominee) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the Chief Executive Officer (or nominee) must publish on the City of Adelaide website the steps taken to comply and the requirement will be suspended.

For the period of the operation of Notice No 1, the requirement that the Chief Executive Officer give notice to the public of the times and places of Council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area, is suspended.

For the period of the operation of Notice No 1 the requirement that the Chief Executive Officer must ensure that a reasonable number of copies of any document or report supplied to members for consideration at a meeting of the Council or Council Committee are available for inspection by members of the public at the principal office of the Council or at the meeting, is suspended.

The Chief Executive Officer (or nominee) will ensure that any document or report supplied to members for consideration at a meeting of the Council or Council Committee is available for inspection by members of the public; in the case of a document or report supplied to members before the meeting - on the City of Adelaide website as soon as practicable after the time when the document or report is supplied to members; or, in the case of a document or report supplied to members at the meeting - on the City of Adelaide website as soon as practicable after the time when the document or report is supplied to members.

Notice No 1 provides that a Council or Council Committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2) of the Act. It is an offence for person who, knowing that an order is in force under section 90(2), to connect to a meeting of the Council or Council Committee by electronic means, or fail to disconnect from a meeting of the Council or Council committee.

For the period Notice No 1 has effect pursuant to section 302B(2)(d)(ii) of the Act , the City of Adelaide Standing Orders are altered as below. Those alterations have effect, notwithstanding any other provision in the Standing Orders to the contrary.

For the avoidance of doubt, the Standing Orders, as well as the alteration made by way of this Addendum to the Standing Orders, apply to all Council and Council Committee meetings.

In addition to the current protocols contained in Standing Orders 188-193 and any alterations contained in the Table below, the following protocols apply for electronic meetings:

- As City of Adelaide has the capacity for Council and Council Committee members to participate in an electronic meeting both by being seen and heard, members will always need to be seen and heard in accordance with the 'Condition' to the variation of the operation of sections 85 and 86 of the Act,
- To protect privacy, all Council and Council Committee member participants need to be mindful of the background to their video display and must use the supplied City of Adelaide crest background to their video image if technically possible.
- Participation in an electronic meeting should be from a quiet space where there is minimal likelihood of interruption or noise interference.
- All participants will remain muted until it is their turn to speak.
- If a Council or Council Committee member needs to interrupt the speaker to raise a conflict of interest, object to words used by a Council or Council Committee member, to raise a point of order or to advise loss of quorum then, a signal will be provided to the presiding member by a raised hand or by sending a message to the meeting host.

Alterations to the Standing Orders

The Act – Local Government Act 1999

The Regulations – Local Government (Procedures at Meetings) Regulations 2013

	Details
Chapter 4 - Disclosure of Interests - Part 2 Conflicts of Interest	
Change to legislation S74 of the Act <i>Dealing with material conflicts of interest</i>	<p>Current section 74 of the Act as extracted in the Standing Orders on page 31 is updated with:</p> <p>Delete subsection 74 (1)(b) and substitute:</p> <p>(b) leave the meeting (physically or by disconnecting electronic means) such that the member cannot view or hear any discussion or voting at the meeting about the matter; and</p> <p>(c) not view or listen to the discussion or voting at the meeting about the matter via any live stream or recording of the meeting.</p> <p>Section 74(2) update: After "or being in the chamber where the meeting is being conducted," insert: or being connected to the meeting by electronic means,</p> <p>Section 74(3) update: After "or to be in the chamber where the meeting is being conducted," insert: or to be connected to the meeting using electronic means,</p> <p>Section 74(5) Delete subsection (5)(c) and substitute: if the member took part in the meeting, or was in the chamber during the meeting, or was connected to the meeting by electronic means, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting, or was connected to the meeting by electronic means (as the case requires).</p>

	<p>After subsection 74(6) insert: (7) In this section— connected to means able to hear and/or see the meeting, including via a live stream or recording of the meeting; disconnecting electronic means includes— (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard; (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard; (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard;</p> <p>live stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;</p> <p>Explanatory Note:</p> <p>Even though Notice 1 has not specifically amended the actual and perceived conflict of interest provisions under section 75 and 75A of the Act, it must reasonably and objectively be the case that any member who has declared an actual or perceived conflict of interest, for which they wish to exclude themselves from that portion of the meeting, can do so by 'disconnecting' the electronic means, as has been specifically provided for dealing with a material conflict of interest under section 73 of the Act.</p>
<p>Chapter 6 - Council Governance - Part 2 Informal Gatherings</p>	
<p>Update to Standing Order 155 <i>Informal Gathering</i></p>	<p>Standing Order 155 on page 61 updated as follows: Attendance of Council and Council Committee Members at a designated informal gathering or discussion will be recorded via a sign-in sheet. If the Chief Executive Officer facilitates the informal gathering by electronic means, a member is taken to be present provided that the member can hear and be heard by all other members present at the informal gathering.</p>
<p>Chapter 7 - Meeting Procedures & Access to Meetings & Documents</p>	
<p>Change to legislation S81 of the Act <i>Frequency and timing of ordinary meetings</i></p>	<p>Addition to the current section 81 extracted in the Standing Orders on page 72: After subsection (3) insert: (3a) If a place has been appointed for the holding of an ordinary meeting but the council is unable to meet at the designated place as a result of the public health emergency, the chief executive officer may appoint a different place at which the ordinary meeting is to be held.</p> <p>After subsection (7) insert: (8) In this section— place includes an electronic location (such as a virtual meeting room).</p>
<p>Change to legislation S83 of the Act <i>Notice of ordinary or special meetings</i></p>	<p>Addition to the current section 83 extracted in the Standing Orders on page 72: After subsection (3) insert: (3a) For the purposes of subsection (3)(c), the chief executive officer may sign the notice in hardcopy or electronically.</p> <p>After subsection (9) insert: (10) In subsection (3)—</p>

	place includes an electronic location (such as a virtual meeting room).
Change to legislation S84 (1a), (3), (4) & (5) of the Act <i>Public Notice of Council Meetings</i>	<p>Section 84 as extracted in the Standing Orders on page 73:</p> <p>Suspend subsection 84(1a)(a).</p> <p>Delete subsection (3) and insert as below.</p> <p>Delete subsection (4) and insert as below.</p> <p>Delete subsection (5) and insert as below.</p> <p>(3) A person is entitled, on payment of a fee fixed by the council, to obtain a copy of a notice and agenda published under subsection (1a)(b) on request.</p> <p>(4) The notice and agenda must continue to be published on the website under subsection (1a) until the completion of the relevant meeting.</p> <p>(5) The chief executive officer (or a person nominated in writing by the chief executive officer) must also ensure that any document or report supplied to members of the council for consideration at a meeting of the council is available for inspection by members of the public—</p> <p>(a) in the case of a document or report supplied to members of the council before the meeting—on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the council; or</p> <p>(b) in the case of a document or report supplied to members of the council at the meeting—on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the council.</p> <p>After subsection (6) insert on page 74:</p> <p>(7) In this section—</p> <p>place includes an electronic location (such as a virtual meeting room).</p>
Change to legislation S85 of the Act Addition of a new subsection (2) <i>Quorum</i>	<p>Section 85 as to be extracted in the Standing Orders on page 87:</p> <p>After subsection (1) insert:</p> <p>(2) For the purposes of this section—</p> <p>(a) a member of the council participating in a council meeting by electronic means is taken to be present at the meeting provided that the member—</p> <p>(i) can hear all other members present at the meeting;</p> <p>(ii) can be heard by all other members present at the meeting; and</p> <p>(iii) can be heard by the person recording the minutes of the meeting.</p> <p>(b) A quorum is taken to be present even if 1 or more council members constituting the quorum is present by electronic means.</p>
Change to legislation S86(8) of the Act Addition of new subsection (8a) and (10) <i>Procedure at meetings</i>	<p>Addition to the current section 86 extracted in the Standing Orders on page 70:</p> <p>After subsection (8) insert:</p> <p>(8a) For the purposes of subsection (8)(b), council members may meet by electronic means to alter a procedure determined by the council to be observed at a meeting of a council, even if the existing procedure prevents or inhibits the council members from meeting by electronic means.</p> <p>After subsection (9) insert:</p> <p>(10) For the purposes of this section—</p> <p>(a) a member of the council participating in a council meeting is taken to be present at the meeting provided that the member—</p>

	<p>(i) can hear all other members present at the meeting;</p> <p>(ii) can be heard by all other members present at the meeting; and</p> <p>(iii) can be heard by the person recording the minutes of the meeting.</p>
<p>Change to legislation S90 of the Act Addition of new section (1a) and (1b) and (2a) and update to (9) <i>Meetings to be held in public except in special circumstances</i></p>	<p>Additions to the current section 90(1) of the Act extracted in the Standing Orders on page 79 and 80:</p> <p>After subsection (1) insert:</p> <p>(1a) A council meeting will be taken to be conducted in a place open to the public for the purposes of this section even if 1 or more council members participate in the meeting by electronic means provided that—</p> <p>(a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the live stream; or</p> <p>(b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the recording.</p> <p>(1b) If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to comply with subsection (1) but is unable to comply—</p> <p>(a) the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply with subsection (1); and</p> <p>(b) subsection (1) is suspended.</p> <p>After subsection (2) insert:</p> <p>(2a) A council or council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under subsection (2).</p> <p>Delete subsection (5) and substitute:</p> <p>A person who, knowing that an order is in force under subsection (2), enters or remains in a room where a meeting of the Council or Council Committee is being held, or connects to a meeting of the Council or a Council Committee by electronic means, or fails to disconnect from a meeting of the Council or Council Committee, is guilty of an offence and liable to a penalty not exceeding \$500 and if such a person fails to leave the room on request it is lawful for an employee of the council or a member of the police force to use reasonable force to remove him or her from the room.</p> <p>Section 90(9) After “In this section—” insert: connect means able to hear and/or see the meeting, including via a live stream or recording of the meeting; disconnect means remove the connection so as to be unable to hear and see the meeting;</p>

	live stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;
Change to legislation update to S91(4) of the Act <i>Minutes and release of documents</i>	Current section 91(4) the Act as extracted in the Standing Orders on page 81 is updated with: Delete subsection (4) and substitute: A copy of the minutes of a meeting of the council must be placed on public display on a website determined by the chief executive officer within five days after the meeting and kept on display for a period of one month.
Change to legislation to Regulation 3 <i>Interpretation</i>	Current Regulation 3 as extracted on page 70 is updated as follows: Delete subregulation (4) and substitute: For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by— (a) a show of hands; or (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative, (but nothing in this subregulation prevents a division from being called in relation to the vote). After subregulation (4) insert: (5) For the purposes of subregulation (1), a reference to “appear personally” includes to appear by electronic means. (6) For the purposes of these regulations, a member participating in a meeting by electronic means is taken to be present at the meeting provided that the member— (a) can hear all other members present at the meeting; (b) can be heard by all other members present at the meeting; and (c) can be heard by the person recording the minutes of the meeting.
Change to legislation to Regulation 6 addition of (3a) and (3b) and update to 6(7) <i>Discretionary Procedures</i>	Current Regulation 6 as extracted on page 69 is updated as follows: After subregulation (3) insert: (3a) Without limiting subregulation (3), a council may at any time, by resolution supported by the prescribed number of members of the council entitled to vote on the resolution, alter a code of practice to facilitate participation by council members in council meetings by electronic means. (3b) For the purposes of subregulation (3a), the prescribed number of members of a council is a number ascertained by dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one. Delete subregulation (7) and substitute: Regulation 12(4) does not apply to a motion under subregulation (3) or subregulation (3a).
Change to legislation to Regulation 7(5) <i>Commencement of meetings and quorum</i>	Current Regulation 7(5) as extracted on page 87 is updated as follows: Delete subregulation (5)(b) and substitute: give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

<p>Change to legislation to Regulation 8 <i>Minutes</i></p>	<p>Current Regulation 8 as extracted on page 83 is updated as follows:</p> <p>After subregulation (3) insert:</p> <p>(3a) For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.</p> <p>After subregulation (4)(b)(ii) insert:</p> <p>(iii) the method of attendance by the person; and</p> <p>Example— The following are examples of methods of attendance:</p> <p>(a) physical attendance; (b) by an audio-visual link; (c) by an audio link; (d) by telephone.</p>
<p>Change to legislation to Regulation 10(1)(d) <i>Petitions</i></p>	<p>Current Regulation 10(1)(d) as extracted on page 89 is updated as follows:</p> <p>Delete subregulation (1)(d) and substitute: be addressed to the council and delivered to the council by means determined by the chief executive officer.</p> <p>Explanatory note</p> <p>For the period of time within which Notice 1 remains in force, a petition is to be addressed to the Council and delivered by way of email to CouncilBusinessTeam@cityofadelaide.com.au</p>
<p>Change to legislation to Regulation 11(1) <i>Deputations</i></p>	<p>Current Regulation 11(1) as extracted on page 90 is updated as follows:</p> <p>Delete subregulation (1) and substitute: A person or persons wishing to appear as a deputation at a meeting must deliver (to the council by means determined by the chief executive officer) a written request to the council.</p> <p>Explanatory note</p> <p>For the period of time within which Notice 1 remains in force, a request for deputation is to be addressed to the Council and delivered by way of email to CouncilBusinessTeam@cityofadelaide.com.au</p> <p>A written response to a deputation request, which will be sent by way of email, will include, where approved, details of the date and time of the meeting, as well as the length of time to speak and the manner in which the deputation is to be received at that meeting, (whether physically or via electronic means).</p>
<p>Change to legislation to Regulation 16(4) <i>Voting</i></p>	<p>Current Regulation 16(4) as extracted on page 98 is updated as follows:</p> <p>Delete subregulation (4) and insert:</p> <p>(4) Subregulation (3)—</p> <p>(a) may be varied at the discretion of the council pursuant to regulation 6; (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act; and (c) is varied in relation to a member participating in a council meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.</p> <p>(5) In this regulation—</p>

	<p>disconnection of the electronic means includes—</p> <ul style="list-style-type: none"> (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard; (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard; (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.
<p>Change to legislation Regulation 17(3) <i>Divisions</i></p>	<p>Current Regulation 17(3) as extracted on page 99 is updated as follows: Delete subregulation (3) and substitute: (3) The division will be taken as follows:</p> <ul style="list-style-type: none"> (a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places; (b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats; (c) the presiding member will count the number of votes and then declare the outcome. <p>(3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</p>

CONDITIONS

The variation of the operation of sections 85 and 86 of the Act are subject to the following conditions:

1. Where—

- (a) a Council member is to participate in a Council meeting by electronic means; and
- (b) the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and
- (c) the electronic means of the Council has the functionality to allow the Council member to be heard but not seen or to be both seen and heard,

the member must participate by being both seen and heard.

Royal Adelaide Hospital (Covid-19) Car Park in Gladys Elphick Park

ITEM 3.2 07/04/2020
Council

Program Contact:

Tom McCready, AD Property &
Commercial 8203 7313

Approving Officer:

Ian Hill, Director Growth

2016/03871

Public

EXECUTIVE SUMMARY

Council has been approached by the South Australian Cricket Association (SACA) with regard to their Gladys Elphick Park / Narnungga (Park 25) facility and a request that they received from the Royal Adelaide Hospital (RAH) / Central Adelaide Local Health Network (CALHN) to provide an over-flow carpark on 'Oval 1' for the staff at the hospital.

The nature of this consent is broken down into two parts:

1. Consent for SACA to enter into a sublicense agreement for the RAH to occupy Oval 1 for the duration of the Covid-19 pandemic (estimated three months – at this stage); and
2. Approval for UPark to operate this carpark on behalf of the RAH (whereby RAH would pay Council for the UPark operation) for an estimated three months from 7am to 4pm, seven days per week.

RECOMMENDATION

THAT COUNCIL

1. Notes the request from the Royal Adelaide Hospital (RAH) / Central Adelaide Local Health Network (CALHN) Attachment A to Item 3.2 on the Agenda for the Special meeting of the Council held on 7 April 2020; to facilitate a temporary car park in Gladys Elphick Park/ Narnungga (Park 25) in response to the Covid-19 Pandemic.
2. Authorises the Chief Executive Officer to finalise and to execute all documentation to give effect to the sublicense agreement and any future amendments as required between the South Australian Cricket Association (SACA) and the Royal Adelaide Hospital (RAH) / Central Adelaide Local Health Network (CALHN) to facilitate a temporary car park in Gladys Elphick Park/ Narnungga (Park 25) and authorises the Chief Executive Officer to notify the Adelaide Parklands Authority of Council's decision and obtain necessary statutory approvals.
3. Authorises UPark to manage a temporary car park on behalf of the Royal Adelaide Hospital (RAH) / Central Adelaide Local Health Network (CALHN) in Gladys Elphick Park/ Narnungga (Park 25).
4. Notes that the overall operation of the hospital car park on Park Lands is temporary in nature (has a finite date) and that any damage or repairs and maintenance caused to the land will be remediated by SACA and RAH.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable This proposal is in line with the <u>City of Adelaide 2016-2020 Strategic Plan</u> , as it promotes increasing the number of people visiting the Park Lands and city for leisure or entertainment by providing support to organisations that attract visitors to the City.
Policy	The <u>Adelaide Park Lands Management Strategy (APLMS) 2015-2025</u> contains a strategic direction to provide car parking on and adjacent to the Park Lands only where need has been demonstrated and no reasonable alternative exists, and an action to provide fee-based temporary parking supporting selected Park Lands events only on sites where vegetation can be protected. To date, the advice received from SACA indicates that all protection, repairs and maintenance of Oval 1 will be managed by SACA and RAH.
Consultation	Not as a result of this report
Resource	Undertaken within existing resources
Risk / Legal / Legislative	<p>The legislative framework does not envisage this circumstance (request) and Council would be relying on the higher principles set out <i>Adelaide Park Lands Act (SA) 2005</i>, in particular the below statutory principle:</p> <p><i>“the Adelaide Park Lands should be held for the public benefit of the people of South Australia, and should be generally available to them for their use and enjoyment (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands)”</i>;</p> <p>Having said the above, it cannot be discounted that any such consent (or support) for this proposal may or could be challenged (e.g. managing land in accordance with the CLMP or change of use under the <i>Development Act 1993</i>). However, it would be the view that this is low risk as set out below, being there is no greater benefit than to allow the temporary use to support the health of persons in a global pandemic crisis.</p> <p>Should Council reject the request the Police Commissioner could require the arrangement through a section 25 emergency direction under the <i>Emergency Management Act 2004</i>; and / or the relevant Minister publishing a notice under section 302B of the <i>Local Government Act 1999</i> to the effect that certain section of the <i>Local Government Act 1999</i> not to apply (i.e. managing land in accordance with the CLMP).</p>
Opportunities	To partner with SACA and RAH/CALHN to deliver a service to support the staff of the RAH during an unprecedented medical crisis.
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 (e.g. maintenance cost)	RAH/CALHN to meet all financial obligations of UPark managing car park. SACA and RAH/CALHN to meet all costs associated with damage, repair and maintenance resulting from the car park operation.
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Council has been approached by the South Australian Cricket Association (SACA) with regard to their Gladys Elphick Park/ Narnungga (Park 25) facility and a request that they received from Royal Adelaide Hospital (RAH) / Central Adelaide Local Health Network (CALHN) to provide an over-flow carpark on 'Oval 1' for the staff at the hospital – please see below Location Plan.

Image 1: Oval 1 - Gladys Elphick Park/ Narnungga (Park 25)



2. The Royal Adelaide Hospital (RAH) / Central Adelaide Local Health Network (CALHN) has also approached Council separately seeking assistance of UPark to manage the car park on their behalf.
3. The nature of this request is broken down into two parts, that being:
 - 3.1. Consent for SACA to enter into a sublicense agreement with for RAH/CALHN to occupy Oval 1 for the duration of pandemic (approximately three months – at this stage); and
 - 3.2. Approval for UPark to operate this carpark on behalf of RAH/CALHN (whereby RAH/CALHN would pay Council for the UPark operation) for approximately three months from 7am to 4pm, seven days per week.

South Australian Cricket Association – 42 Year Lease Agreement

4. With regard to the 42 Year Lease Agreement between Council and SACA dated 14 December 2016 for this park, **Clause 6.11 No Vehicles**, provides the mechanism for Council to consider a request of this nature, please see below:

“The Lessee [SACA] must not, and must not allow any other person to, drive, ride or park any vehicle on or over any part of the Park Lands without the consent of Council except any part of the Park Lands that is specifically designated for vehicle use including any driveways and car parks.”
5. Under ordinary circumstances, car parking on Park Lands would usually be an ancillary use to an Event being managed in conjunction with the City of Adelaide’s Event team and would be approved via an Event Licence. In the absence of an Event Licence and the longer-term temporary nature of this request, a report to the Adelaide Park Lands Authority (APLA) and Council would be presented for consideration prior to any consents of this nature being granted.
6. In consideration of the above, APLA/Council would normally consider this request, however the extenuating circumstances surrounding this request is a matter never contemplated and as the approval of a car park in this location is a temporary use of the land, it would not be at significant variance to the intention of the APLMS or the provision of the lease (noting this could be anywhere between three-six months).

UPark Car Park

7. Early conversations with RAH/CALHN have indicated that they will require the assistance of Council's UPark operation to manage the car park for their staff.
8. It is to be a free service for RAH staff and will not be open to the general public.
9. RAH/CALHN will pay an amount to Council to cover the cost of the UPark management, and it has been suggested that any damage or repairs and maintenance caused to the land will be remediated by SACA and RAH.
10. It is proposed that at this stage the car park will be open from 7am-4pm, seven days a week for an approximately three months (unless circumstances surrounding the COVID-19 pandemic change and the operation requires an extension to accommodate the hospital's own business continuity plan).
11. Due to the evolving political response to the COVID-19 pandemic, it has been requested that UPark be mobilised within 48 hours of first contact from the RAH (if required). This will also be reflected in the sub-licence agreement between SACA and Council.

Next Steps

12. Should Council authorise the use of this section of the Park Lands as a temporary car park;
 - 12.1. UPark will be placed on 48 hours' notice to mobilise and set up the management of the temporary car park if and when instructed by RAH/SACA; and
 - 12.2. The sublicence agreement between Council and SACA will be documented and prepared for execution by CEO in preparation for the car park being mobilised.

ATTACHMENTS

Attachment A – Request of RAH/CALHN.

- END OF REPORT -

Laura Morgan

From: Barber, Chris (Health) <Chris.Barber@sa.gov.au>
Sent: Tuesday, 31 March 2020 1:05 PM
To: Laura Morgan
Cc: Kropf, Elke (Health); Randal, Alana (Health)
Subject: Royal Adelaide Hospital overflow car parking proposal

Dear Laura,

I am Commissioning Manager for Optimisation at Central Adelaide Local Health Network (CALHN), based at the Royal Adelaide Hospital.

Thank you for our recent conversations regarding Covid-19 pandemic planning that is being undertaken by CALHN; we are preparing for additional highly contagious COVID-19 patients, and as part of the response plan and have also been considering the logistics of car parking as result of the additional demand this will place on our onsite facilities.

Given our recent conversations I would seek Council's in principle approval for the high level arrangements we have discussed, with a more formalised agreement encompassing the detail of same to follow.

The broad detail includes:

- An agreement with the Adelaide City Council
 - To engage U Park to manage the carpark activities on CALHN's behalf between the hours of 7am to 4pm, 7 days per week at an agreed rate per hour
 - To provide a ticket box and toilet facility for use of the U Park staff whilst on duty at no cost to CALHN
- An understanding that due to the changing nature of the Covid pandemic, CALHN is unclear on when the overflow carpark solution would be required, however once determined, would need to be activated within 48hours of notification to Council
 - Similarly, CALHN will provide Council with a 48 hour notice of stand down of the overflow carpark facility
- A separate agreement will be created between CALHN and the South Australian Cricket Association (SACA) independent of Adelaide City Council for the use of the land on the Gladys Elphick Park, Specifically, the Karen Rolton Oval, Oval #1 as an overflow car parking facility.

Thank you very much for your assistance during this time

Regards

Chris

Chris Barber A/FCHSM, GAICD, MBA
Commissioning Manager, Optimisation
Royal Adelaide Hospital 7D271

Mob 0401 136098

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