



COUNCIL MINUTES

for the meeting

Tuesday 12 May 2020



Present - 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.

Acknowledgement of Country

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

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

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

Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

Prayer

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

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

Memorial Silence

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

Apologies and Leave of Absence

Nil

Confirmation of Minutes

1. Item 6 - Confirmation of Minutes – 14/4/2020 & 22/4/2020 [C]

Moved by Deputy Lord Mayor (Councillor Hyde),

Seconded by Councillor Knoll –

That the Minutes of the meeting of the Council held on 14 April 2020, and the Minutes of the Special meeting of the Council held on 22 April 2020, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputation

2. Item 7 – Deputation – Jason Redman - Adelaide Rainbow Circuit [C]

Jason Redman addressed the Council to:

- To discuss the Adelaide Rainbow Circuit (ARC), the concept and its benefits.

During the presentation, Councillor Khera left the meeting at 5.42pm and re-entered at 5.46pm.

The Lord Mayor thanked Jason Redman for his presentation.

The Lord Mayor requested Members to identify reports between Items 9.2 to Item 12.5 for further discussion. Item 9.1 - Advice of the Adelaide Park Lands Authority – 7/5/2020, was not required, Items 12.3 & 12.5 were identified for discussion.

3. Reports - En Bloc [C]

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

That Items 9.2, 11.1, 12.1, 12.2 and 12.4 on the Agenda for the meeting of the Council held on 12 May 2020 be adopted namely:

Item 9.2 - Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020 [2018/04062] [C]

Report of the Audit Committee – 17 April 2020 & 1 May 2020

THAT COUNCIL

1. Notes the report of the meetings of the Audit Committee held on 17 April 2020 and 1 May 2020.

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

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 12 May 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 12 May 2020).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 12 May 2020 be included in the Minutes of the meeting.

Item 12.1 – Environmental Health Management Policy [2017/01627] Presented to Committee 5/5/2020 [C]

That Council:

1. Approves the Environmental Health Management Policy as at Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 12 May 2020.

Item 12.2 – Temporary revisions to Community Consultation Policy in response to the COVID-19 Public Health Emergency [2018/00448] Presented to Committee 5/5/2020 [C]

That Council:

1. Adopts the temporary amendments to the Community Consultation Policy as set out in Attachment A to Item 12.2 on the Agenda for the meeting of the Council held on 12 May 2020 for the period ending 28 days after the cessation of all relevant declarations relating to the COVID-19 public health emergency.

Item 12.4 – Progress of Motions by Elected Members [2018/04074] [C]

That Council:

1. Notes the report.

Carried

Lord Mayor's Reports

4. Item 10.1 – Lord Mayor's Report [2018/04064] [C]

The Lord Mayor addressed the meeting as follows:

'Hello everyone.

Voting in the supplementary election for the Central Ward vacancy closed yesterday. Thank you to all the candidates for putting themselves forward for election, and for wanting to represent their communities.

The online candidate forum was a unique way for the community to connect with the candidates during these unusual times and was well attended. Thank you to the team from my office, the governance team and IT for doing a fantastic job of pulling off a quite challenging technical feat – well done.

The election vote count will be undertaken tomorrow. I look forward to welcoming the new Councillor, following their investiture, at the Committee meeting on the second of June. A report on the election will be brought to Council on the ninth of June.

I take this opportunity to thank the Electoral Commission of South Australia – Mick Sherry and his team – for undertaking this election under challenging circumstances which saw them having to take a whole range of special measures. We sincerely appreciate their partnership.

As we move from containment to recovery phase, I have been meeting through a variety of online platforms with many of our city stakeholders to have candid conversations about what we all need to do and how we can support one another in a realistic and practical sense.

I recently hosted a session of the Hindley Street Round Table with west end stakeholders where the impact of COVID-19 on businesses was openly discussed.

In recent weeks, I've also met with the Premier Steven Marshall, Minister David Ridgeway, AHA, Restaurant and Catering, Study Adelaide and will be meeting with Festivals Adelaide about supporting businesses and the roadmap to recovery.

Council recently hosted a forum to provide an update on the progress of the City Wide Business model, an important project to support our local businesses and promote our unique experiences to attract more visitors.

Earlier today I took part in a webinar organised by David Pearson and the Australian Alliance to End Homelessness on Adelaide's COVID-19 response to street homelessness and advocacy of the Council of Capital City Lord Mayors to the Federal Government. As I stated in my opinion piece in The Advertiser recently - Homelessness is complex, yet we know a great deal on how to prevent it and in some ways the solution is simple. Housing is the answer - provide safe short-term and permanent accommodation along with wrap-around health and support services. This action must be part of the post COVID-19 recovery and I will continue to advocate and work productively with other levels of government and service providers to see this to fruition.

Finally, Congratulations to Councillor Anne Moran on her 25 years of dedicated service to the community.'

It was then -

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

That the report be received and noted.

Carried

Reports for Council (Chief Executive Officer's Reports)

5. Item 12.3 – 2019-20 Quarter 3 Financial and Performance Report [2018/03947] Presented to Committee 5/5/2020 [C]

Moved by Councillor Martin,
Seconded by Deputy Lord Mayor (Councillor Hyde),

That Council:

- Notes the 2019-20 Quarter 3 Financial and Performance Report (the report), including the proposed 2019-20 Quarter 3 Revised Forecast, Quarter 3 Treasury report update and updated Long Term Financial Plan (Attachment A to Item 5.1 on the Agenda for the meeting of the City of Adelaide Audit Committee held on 1 May 2020).
- Approves the project, capital works, infrastructure project, major project and commercial variances as immediate measures to mitigate the financial impact of COVID-19 and the proposed revised forecast as summarised in Attachment A to Item 12.3 on the Agenda for the meeting of the Council held on 12 May 2020.
- Notes that the Administration will continue to update Council on the financial impacts of the COVID-19 pandemic, with a discussion on the response levers and options available to Council to be scheduled for 26 May 2020.

Discussion ensued, during which Councillor Abrahamzadeh entered the meeting at 6.00pm.

The motion was then put and carried

6. Item 12.5 – Culture Investigation [2020/00703] [C]

Moved by Councillor Martin,
Seconded by Deputy Lord Mayor (Councillor Hyde),

THAT COUNCIL

- Approves the draft scope of work for the culture investigation in Attachment A to Item 12.5 on the Agenda for the meeting of the Council held on 12 May 2020, as prepared by the Independent Audit Committee Members' Working Group.
- Appoints EMA Legal to undertake the culture investigation as recommended by the Independent Audit Committee Members' Working Group.

Discussion ensued, during which Councillor Moran left the meeting at 6.37pm and re-entered at 6.38pm.

The motion was then put and carried

Item 12.5, distributed separately is attached for reference at the end of the Minutes of this meeting.

Discussion ensued

Council Meeting - Minutes - 12 May 2020

Questions on Notice

7. Item 13.1 – Councillor Martin – Question on Notice – COVID 19 Rent Relief [C]

The Question and Reply were taken as read.

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

8. Item 13.2 – Councillor Martin – Question on Notice – Park Lands Lease/Licence Holders [C]

The Question and Reply were taken as read.

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

9. Item 13.3 – Councillor Martin – Question on Notice – Park Lands Lease/Licence Holders [C]

The Question and Reply were taken as read.

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

Question without Notice

Discussion ensued, during which:

- Councillor Khera left the meeting at 6.49pm and re-entered at 6.53pm.

CEO undertaking - COVID Rule Relaxations [C]

In response to the following Questions without Notice from Councillor Martin, the CEO gave an undertaking to provide Council Members with further information:

In the wake of the relaxation of Federal and State guidelines for physical distancing, could the Administration advise;

1. What is the policy for the locations from which and the conditions under which staff will be required to work and has there been or will there be genuine consultation with the Australian Services Union?
2. Under what conditions and when will Council facilities including Town Hall, libraries, community centres and the Aquatic Centre reopen?
3. If and when it is expected any of the Council's remaining six scheduled voting meetings for 2020 will be conducted at Town Hall and at which location?

CEO Undertaking - Upark ticket validation [C]

In response to a Question without Notice asked by Councillor Couros, the CEO gave an undertaking to provide Council members with an update on the motion brought forward by Houssam Abiad in March 2019 asking Council to implement a Upark ticket validation for the businesses in the City of Adelaide, the concept was to give businesses the ability to offer free parking when a customer spends in their business.

Motions on Notice

10. Item 15.1 – Councillor Simms – Motion on Notice – Promoting Cycling in the City [2019/00951] [C]

Moved by Councillor Simms,
Seconded by Councillor Donovan –

That:

1. Council recognises the potential for increased bikeways in the city to boost community health and wellbeing and stimulate the local economy as part of the coronavirus recovery;
2. Requests Federal Government funding for a city-wide bikeway network;
3. Requests that administration investigate short-term measures to accommodate additional cycling on city streets, including the establishment of 'pop-up' bike lanes.

Amendment –

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Knoll –

That Part 3 of the motion be amended to read as follows:

- '3. Council acknowledges its commitment to a city wide bikeway network connected to the Adelaide metropolitan area and includes this in the above correspondence.'

Discussion ensued

The amendment was then put and carried

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

Division

For (7):

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

Against (3):

Councillors Donovan, Martin and Simms.

The division was declared in favour of the amendment

Discussion continued

The motion, as amended, was then put and carried

11. Item 15.2 – Councillor Martin – Motion on Notice – On Street Parking [2019/00551] [C]

Moved by Councillor Martin,
Seconded by Councillor Simms –

That Council:

Noting the decision of the majority of Councillors at its April meeting did not extend free on and off street parking to non-health related essential care workers keeping South Australians safe during the current pandemic, and that a formal request from the Police Association has been received, now asks the Administration to immediately implement a scheme to provide such free parking for essential care workers, including but not limited to eligible Police, Health and Fire Brigade workers.

Much discussion ensued, during which:

- Deputy Lord Mayor (Councillor Hyde) left the meeting at 7.23pm and re-entered at 7.31pm
- Councillor Moran left the meeting at 7.35pm and re-entered at 7.45pm

The motion was then put and lost
on the casting vote of the Lord Mayor

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

Division

For (5):

Councillors Donovan, Hou, Martin, Moran and Simms.

Against (6):

Deputy Lord Mayor (Councillor Hyde) and Councillors Abrahamzadeh, Couros, Khera and Knoll
Lord Mayor (Sandy Verschoor) cast against the motion

The division was declared against the motion

12. Item 15.3 – Councillor Moran – Motion on Notice – Use of Communication Devices [2018/04053] [C]

Moved by Councillor Moran,
Seconded by Councillor Martin –

That Council:

requests the CEO investigate whether any Council provided communication devices have been used by elected members of this Council during the course of this Council term to contact any official employed by the Saudi Arabian Government or member of the Saudi royal family.

Discussion ensued, during which Councillor Khera left the meeting at 8.00pm and re-entered at 8.02pm
It was then –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Hou –

That the motion be put.

Carried

The motion was then put and lost

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

Division

For (3):

Councillors Donovan, Martin and Moran.

Against (7):

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

The division was declared against the motion

13. Item 15.4 – Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Flooding on South Terrace [2018/04053] [C]

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Couros –

That Council:

1. Notes the recently completed creek works in the South Park Lands were intended to fix flooding issues along South Terrace and this has been unsuccessful and flooding occurs frequently.
2. Requests the administration prepare designs and costings to remedy these flooding events as stormwater management is core business of local government.
3. Requests that the CEO offer solutions and an adequate level of service to defend affected properties from flooding events until these issues are remedied permanently.

Discussion ensued, during which Councillor Khera left the meeting at 8.07pm and re-entered at 8.10pm.

The motion was then put and carried

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

Division

For (10):

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

Against (0):

Nil

The division was declared in favour of the motion

The meeting **adjourned at 8.15pm** for a 30-minute break **and reconvened at 8.45pm** with the following Council Members present:

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

14. Item 15.5 – Councillor Simms – Motion on Notice – Channel 44 [2019/01425] [C]

Moved by Councillor Simms,
Seconded by Councillor Martin –

That Council:

1. Recognises the important role of Adelaide's community media broadcaster, Channel 44 in telling local stories, showcasing local talent and keeping our community connected.
2. Notes that Channel 44 faces an uncertain future with its current free-to-air broadcast licence due to expire on 30 June 2020.
3. Calls on the Federal Government to extend Channel 44's licence.
4. Requests that the Lord Mayor write to the Federal Minister for Arts and Communications, the Hon Paul Fletcher MP to advise of the above resolution.

Discussion ensued, during which:

- Part 4 of the motion was varied to include the words 'and table any response received in reply' after the word 'resolution'.

- Deputy Lord Mayor (Councillor Hyde) re-entered the meeting at 8.49pm

The motion, as varied, was then put and carried

Councillor Couros re-entered the meeting at 8.50pm

15. Item 15.6 – Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Engaging Key Stakeholders in the City of Adelaide [2019/01923] [C]

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Couros –

That Council:

Requests the Lord Mayor hold a series of round table meetings with precinct property owners and/or potential investors in the City, at her earliest convenience, with a view to engaging these key stakeholders and in particular seeks to elicit feedback on how the City can unlock private sector investment and renewals in our precincts.

Discussion ensued

Amendment –

Moved by Councillor Simms,
Seconded by Councillor Martin –

That the motion be amended to read as follows:

‘That Council:

Requests the Lord Mayor hold a series of round table meetings with precinct property owners and/or potential investors in the City, along with resident groups at her earliest convenience, with a view to engaging these key stakeholders and in particular seeks to elicit feedback on how the City can unlock private sector investment and renewals in our precincts.’

Discussion ensued, during which Councillor Moran left the meeting at 8.56pm, re-entered at 8.56pm, left at 8.57pm and re-entered at 9.00pm

The amendment was then put and lost

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

Division

For (4):

Councillors Donovan, Martin, Moran and Simms.

Against (6):

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

The division was declared against the amendment

Discussion continued, during which Councillor Moran left the meeting at 9.06pm and re-entered at 9.06pm

The motion was then put and carried

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

Division

For (7):

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

Against (3):

Councillors Martin, Moran and Simms.

The division was declared in favour of the motion

16. Item 15.7 – Councillor Martin – Motion on Notice – COVID 19 Small Business Assistance [C]

Moved by Councillor Martin,
Seconded by Councillor Simms –

That Council:

Acknowledges the leadership of the Prospect Council and asks the Administration to prepare for consideration at a Special Meeting of Council on May 26th at 5.30pm a package of measures like that adopted by the neighbouring LGA to assist small business and residents that;

1. Allows businesses employing 100 people or fewer forced to close by Federal or State Government direction to apply to have their rates waived (or refunded, if previously paid) for the duration of their full closure. Tenants of the City of Adelaide who have received rental relief will not be eligible for the rate relief while also receiving free rent.
2. Extends to businesses employing 100 people or fewer, which have continued to trade and can demonstrate a decline in trade of 30% or more, a waiving of 50% of rates (or refund, if previously paid) for the duration of the decline and/or up to September 30th, 2020. Tenants of the City of Adelaide who have received rental relief will not be eligible for the rate relief while also receiving free rent.
3. Waives Park Lands lease and licence fees for all amateur sporting clubs or community groups until September 30th, 2020.
4. Provides food vouchers to the value of \$30 each week for use at City and North Adelaide restaurants and cafes for residents who apply for such vouchers and who are identified as “vulnerable” or “needy”. The measure should operate until September 30, 2020 and the total expenditure for such food assistance should not exceed \$1 million.

Discussion ensued, during which:

- Deputy Lord Mayor (Councillor Hyde) left the meeting at 9.08pm and re-entered at 9.10pm
- Councillor Simms disclosed a perceived conflict of interest in Item 15.7 [Councillor Martin – Motion on Notice – COVID 19 Small Business Assistance], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because his employer is a Park Lands lessee, withdrew his Chair and left the meeting at 9.18pm.
- With the withdrawal of Councillor Simms, Councillor Hou seconded the motion.
- Councillor Moran left the meeting at 9.20pm, re-entered at 9.24pm, left at 9.27pm, re-entered at 9.27pm and left at 9.32pm.
- With the consent of the mover, the seconder and the meeting, the motion was varied to delete Part 4 and by the reference to ‘a Special Meeting of Council on May 26th’ being altered to read ‘the Meeting of Council on June 9th’.

The motion, as varied, was then put and carried

Councillor Couros then requested that a division be taken on the motion, as varied

Division

For (6):

Deputy Lord Mayor (Councillor Hyde) and Councillors Couros, Donovan, Hou, Khera and Martin.

Against (2):

Councillors Abrahamzadeh and Knoll.

The division was declared in favour of the motion, as varied

Item 15.7, Administration comment, distributed separately is attached for reference at the end of the Minutes of this meeting.

Councillor Simms re-entered the meeting at 9.38pm

Councillor Khera left the meeting at 9.39pm

17. Item 15.8 – Councillor Knoll – Motion on Notice – Free Public Transport [2019/000951] [C]

Moved by Councillor Knoll,
Seconded by Councillor Hou –

That Council:

1. Notes the success of the free City Connector bus in servicing a number of locations within the City of Adelaide;
2. Notes the popularity of the free city tram service within the City of Adelaide boundary;
3. Requests the Lord Mayor write to the State Government requesting all Adelaide Metro Bus and Tram services operate free of charge within the City of Adelaide boundary.

Discussion ensued, during which Councillor Khera re-entered the meeting at 9.41pm

The motion was then put and carried

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

Division

For (8):

Deputy Lord Mayor (Councillor Hyde) and Councillors Abrahamzadeh, Couros, Donovan, Hou, Knoll, Martin and Simms.

Against (1):

Councillor Khera.

The division was declared in favour of the motion

18. Item 15.9 – Councillor Martin – Motion on Notice – Amendment to Standing Orders [2018/04066] [C]

Moved by Councillor Martin,
Seconded by Councillor Simms –

That Council:

Noting that the last scheduled voting meeting of Council began at 5.30 pm on Tuesday April 14th and concluded at around 3.20 am on Wednesday April 15th, resolves that Standing Orders be amended to include that:

1. Scheduled evening meetings of Council and Committee shall conclude no later than 5 hours after commencing, with a resolution of Council required for a 15-minute extension of time to complete Council business for that particular meeting.
2. Allows any meeting to be reconvened on the next or another day nominated by the CEO for the consideration of any remaining business Agenda Items that have not been finalised within the meeting timeframe at 1. above.

Discussion ensued

The motion was then put and lost

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

Division

For (4):

Councillors Couros, Donovan, Martin and Simms.

Against (5):

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

The division was declared against the motion

19. Item 15.10 – Councillor Martin – Motion on Notice – Socially Distanced Dining Options [2019/00551] [C]

Moved by Councillor Martin,
Seconded by Councillor Simms –

That Council;

Having regard to the eventual reopening of hospitality venues, asks the Administration to provide advice on the feasibility and costs of;

1. Offering to, where possible, extend the footprint currently allocated to outdoor dining areas for food sellers including cafes and restaurants to allow the placement of tables and chairs to assist in boosting patronage in a manner that accommodates mandated social distancing.
2. Closing streets in the City and North Adelaide, for example, Rundle Street and O'Connell Street, for socially distanced dining on one or multiple occasions to mark the reopening of venues and to assist hospitality businesses.

Councillor Couros identified an actual conflict of interest in Item 15.10 [Councillor Martin – Motion on Notice – Socially Distanced Dining Options] pursuant to Sections 75 & 75A of the Local Government Act 1999, on the basis that she has businesses on O'Connell Street, and advised the meeting of her intention to remain in the meeting, participate in the debate but as a result of the actual conflict not participate in the vote.

Discussion ensued, during which:

- Councillor Donovan left the meeting at 10.19pm and re-entered at 10.21pm.
- Councillor Hou left the meeting at 10.21pm and re-entered at 10.24pm.

Amendment –

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Abrahamzadeh –

That the motion be amended to read as follows:

‘That Council:

1. Having regard to the eventual reopening of hospitality venues, asks the Administration to provide advice on the feasibility and costs of outdoor hospitality activations on appropriate city streets and particularly City laneways, in consultation with and with broad endorsement from the traders local to each individual activation.
2. Requests the above is presented alongside other recovery initiatives the administration are undertaking work on.’

Discussion ensued

The amendment was then put and carried

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

Division

For (6):

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

Against (3):

Councillors Donovan, Martin and Simms.

The division was declared in favour of the amendment

Discussion continued

The motion, was then put and carried

Item 15.10, Administration comment, re-distributed separately is attached for reference at the end of the Minutes of this meeting.

20. Item 15.11 – Deputy Lord Mayor (Councillor Hyde) - Motion on Notice – Supporting the Homeless [2019/01425] [C]

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Couros –

That Council:

1. Includes in its upcoming integrated business plan funding to fight homelessness that is equivalent to the funding which remained unspent per the decision of Council on 12 March 2019 that allocated \$200,000 towards implementing the findings of Dame Louise Casey’s IGH report.
2. Places the same requirement for co-contributions from the State Government to be provided to enliven the delivery of this funding.

Discussion ensued

Amendment –

Moved by Councillor Simms,
Seconded by Councillor Martin –

That the motion be amended by the deletion of Part 2.

Discussion ensued

The amendment was then put and lost

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

Division

For (3):

Councillors Donovan, Martin and Simms.

Against (6):

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

The division was declared against the amendment

Discussion continued

The motion was then put and carried

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

Division

For (9):

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

Against (0):

Nil.

The division was declared in favour of the motion

Item 15.11, Administration comment, re-distributed separately is attached for reference at the end of the Minutes of this meeting.

21. Item 15.12 – Councillor Donovan – Motion on Notice - Power Undergrounding [2018/04053] [C]

Moved by Councillor Donovan,
Seconded by Deputy Lord Mayor (Councillor Hyde) –

That Council requests administration to:

1. undertake a review of the existing City of Adelaide power undergrounding strategy, including: levels of service, safety, ranking and priority to address the new DDA compliance requirements of the Act and to identify a potential forward works plan for the city and funding options available to main streets, commercial and residential zones.
2. seek external funding for any future undergrounding of overhead power lines via any means possible including the ESCOA – Power Line Environment Committee co-funding scheme where they meet the project guidelines.

Discussion ensued, during which Councillor Hou left the meeting at 11.06pm and re-entered at 11.07pm

The motion was then put and carried

22. Item 15.13 – Deputy Lord Mayor (Councillor Hyde) – Motion on Notice - Continuous Park Lands Trail [C]

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Couros –

That Council:

1. Notes that there has been the development of a proposal for a continuous walking and cycling track throughout the Adelaide Park Lands which, in addition to unlocking physical and mental wellbeing benefits, aims to heighten the cultural, artistic and heritage standing of the Park Lands, potentially unlocking significant tourism benefits and increasing usage by South Australian locals.
2. Requests the Administration engage with the progenitor(s) of this proposal and assist with its further development with a view to strengthening it and presenting it alongside and as a part of the vital economic recovery planning work being undertaken by the City of Adelaide.

Discussion ensued

The motion was then put and carried

Item 15.13, Administration comment, distributed separately is attached for reference at the end of the Minutes of this meeting.

The meeting **adjourned at 11.20pm** for a 10-minute break **and reconvened at 11.31pm** with the following Council Members present:

The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding), Councillors Couros, Donovan, Hou, Khera, Knoll, Martin and Simms.

23. Item 15.14 – Councillor Couros – Motion on Notice – All Year Round Festival Events [C]

Moved by Councillor Couros,
Seconded by Councillor Knoll –

That Council

1. Notes that South Australia is a host to many vibrant events and festivals which are an important driver for economic development.

2. Notes that these events run intensely and consecutively from January to March each year.
3. Investigates ways the City of Adelaide can be host to more events that showcase the best of our state's food, wine, fashion, art, music and sport all year round throughout the winter months and includes events and festivals that support not only the CBD but also the North and South parts of the city.
4. Ensures events provide support to all the main streets throughout the city and to be included as part of the recovery.
5. Asks the State Government to help support and fund this initiative to support the business community.

Discussion ensued, during which:

- Councillor Abrahamzadeh re-entered the meeting at 11.32pm
- Deputy Lord Mayor (Councillor Hyde) re-entered the meeting at 11.35pm

The motion was then put and carried

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

Division

For (7):

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

Against (2):

Councillors Martin and Simms.

The division was declared in favour of the motion

Item 15.14, Administration comment, distributed separately is attached for reference at the end of the Minutes of this meeting.

24. Item 15.15 – Councillor Couros – Motion on Notice – Christmas in July [2019/01425] [C]

Moved by Councillor Couros,
Seconded by Deputy Lord Mayor (Councillor Hyde) –

That Council:

Investigate the holding of a Christmas in July event, within the City of Adelaide and to include the north and south precinct main streets, to add vibrancy and activation and to provide support to the business community.

Discussion ensued, during which with the consent of the mover, seconder and the meeting the motion as varied to replace the words 'Christmas in July' with the words 'Winter Lights'.

The motion, as varied, was then put and carried

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

Division

For (7):

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

Against (2):

Councillors Martin and Simms.

The division was declared in favour of the motion, as varied

Item 15.15, Administration comment, re-distributed separately is attached for reference at the end of the Minutes of this meeting.

25. Item 15.16 – Councillor Couros – Motion on Notice – Amendment to Standing Orders [2018/04066] [C]

Moved by Councillor Couros,
Seconded by Councillor Abrahamzadeh –

That Council:

Requests the CEO to update the order of the Council meeting agenda so that all CEO reports (public and confidential) are listed first, after procedural meeting matters including Deputations. The Council Member business (Lord Mayor's report, Council Member report, Motions and Questions on and without notice) will then be listed following the CEO reports.

Discussion ensued, during which:

- Councillor Donovan left the meeting at 12.08am

- Councillor Khera left the meeting at 12.08am and re-entered at 12.19am

The motion was then put and carried

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

Division

For (6):

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

Against (2):

Councillors Martin and Simms.

The division was declared in favour of the motion

26. Item 15.17 – Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Hutt Street [C]

Mark Goldstone, Chief Executive Officer, City of Adelaide preambled the item.

Councillor Abrahamzadeh disclosed a material conflict of interest in Item 15.17 [Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Hutt Street], pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), because he is a member of the Council Assessment Panel, withdrew his Chair and left the meeting at 12.24am.

It was then -

Moved by Deputy Lord Mayor (Councillor Hyde),
Seconded by Councillor Knoll –

That Council:

- Notes:
 - the recent decision of the City's Council Assessment Panel to grant approval for a Development Application to the Hutt Street Centre;
 - that at the meeting serious questions as to the current and historical compliance of the Centre's approved land use were raised by objectors and their representors; and,
 - that the CAP Members did not feel they were in a position to rule on whether the land use was compliant with one saying *"the representors' expectations of what this panel is able to decide... in terms of things like land use, behaviour and the operation of the Centre is probably above what we actually can [decide]"*
- Requests the Administration commission an independent and comprehensive legal review of:
 - The current and historical development approvals, particularly the intensity of the land use, of the Hutt Street Centre;
 - The impact of the land use on surrounding businesses and residents and council's responsibility in regulating that impact; and
 - Whether an increase in the intensity of the land use has extinguished historical existing use rights under previous approvals.
- Per the above requests that the review:
 - Is undertaken by experienced planning law experts;
 - Is completely independent and is conducted at arms' length from the council staff who made or had influence on the recommendation that went to CAP, from the objectors and from the Centre (including any of their corporate or private supporters)
- Requests this review is brought back to council for noting in the public agenda, in acknowledgment of the public's right to know of the lawfulness of the land use at this site.

Discussion ensued, during which:

- Councillor Khera left the meeting at 12.30am and re-entered at 12.31am
- Councillor Martin left the meeting at 12.40am and re-entered at 12.40am

The motion was then put and carried

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

Division

For (5):

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

Against (2):

Councillors Martin and Simms.

The division was declared in favour of the motion

Item 15.17, Administration comment, distributed separately is attached for reference at the end of the Minutes of this meeting.

Motions without Notice

Discussion ensued

Councillor Simms left the meeting at 12.48am

Exclusion of the Public**27. Item 17.1 – Exclusion of the Public [2018/04291] [C]**

For the following report of the Audit Committee seeking consideration in confidence

18.1.1 Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020 [s 90(3) (b), (d), (e) & (i)]

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

18.2.1. 2019-20 Quarter 3 Commercial Operations Report [s 90(3) (b)]

18.2.2. Membership of the Heritage Promotion Advisory Group [s 90(3) (a)]

ORDER TO EXCLUDE FOR ITEM 18.1.1:

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

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b), (d), (e) & (i) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/5/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020] 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 commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on persons with whom the council is conducting business and prejudice the commercial position of the council. The item addresses matters affecting the security and safety of the council, members and employees of the council, and the safety of persons in our community.

The disclosure of information in this presentation could reasonably prejudice the commercial position of the Council as it identifies Council's risk exposure and forecasts the financial impact of the COVID-19 pandemic. It outlines safety and financial measures which have workforce and contractual implications, disclosure of which at this point in time may confer a commercial advantage on a third party, prejudice the ability for Council to undertake/participate in future discussions or negotiation and prejudice the Council's commercial position and opportunity to discuss or negotiate options yet to be determined by Council at this point in time.

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

More specifically, the disclosure of certain information in this update could reasonably prejudice the commercial position of Council given that it relates to the potential direction for Council's assets and strategic land holdings.

This Item is confidential nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

The Audit Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to actual litigation of council.

Public Interest

The Audit Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in release of information prior to a determination of the Council in the matter of its medium and long-term response to the COVID-19 pandemic. The disclosure of scenarios related to Council's commercial position may severely prejudice Council's ability to discuss/participate or influence proposals for the benefit of the Council and the community. Disclosure of the safety and financial measures which have workforce and contractual implications may further cause unnecessary concern to members of the community and employees of the council.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances given that information within this update relates to the potential future direction for Council's assets and strategic land holdings. The release of such information may confer a commercial advantage on a third party and severely prejudice the Council's ability to maximise opportunity for the benefit of the Council and the community in this matter.

- Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/5/2020 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 [Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b), (d), (e) & (i) of the Act.

Discussion ensued

The motion was then put and carried

ORDER TO EXCLUDE FOR ITEM 18.2.1:

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

THAT COUNCIL:

- Having taken into account the relevant consideration contained in s 90(3) (b) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/5/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.1 [2019-20 Quarter 3 Commercial Operations Report] 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 includes commercial information of a confidential nature where consideration in confidence is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 30 June 2020.

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

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information to competitors in advance may be to Council's commercial detriment.

- Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/5/2020 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 18.2.1 [2019-20 Quarter 3 Commercial Operations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) of the Act.

Discussion ensued

The motion was then put and carried

ORDER TO EXCLUDE FOR ITEM 18.2.2:

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

THAT COUNCIL:

- Having taken into account the relevant consideration contained in s 90(3) (a) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/5/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.2 [Membership of the Heritage Promotion Advisory Group] 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 personal information about the nominees for membership of the Heritage Promotion Advisory Group.

Ensuing discussion could result in further disclosure of personal affairs which if discussed in public could be unreasonable.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/5/2020 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 18.2.2 [Membership of the Heritage Promotion Advisory Group] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (a) of the Act.

Carried

The public and members of Corporation staff not directly involved with Items 18.1.1, 18.2.1 and 18.2.2 left the meeting at 12.55am.

Confidential Item 18.1.1

Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020

Section 90 (3) (b), (d), (e) & (i) of the *Local Government Act (SA) 1999*

Page 17

Confidential Item 18.2.1

2019-20 Quarter 3 Commercial Operations Report

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

Page 17

Confidential Item 18.2.2

Membership of the Heritage Promotion Advisory Group

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

Pages 17-18

The meeting re-opened to the public at 1.09am.

Confidentiality Orders

Minute 28 - Item 18.1.1 - Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020 [C]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999* and on the grounds that Item 18.1.1 [Advice/Recommendation of the Audit Committee – 17/4/2020 & 1/5/2020] listed on the Agenda for the meeting of the Council held on 12 May 2020 was received, discussed and considered in confidence pursuant to Section 90(3)(b), (d), (e) & (i) of the *Local Government Act 1999*, this meeting of the Audit Committee, do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2027.
2. The confidentiality of the matter be reviewed in December 2021.
3. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 29 - Item 18.2.1 - 2019-20 Quarter 3 Commercial Operations Report [C]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.2.1 [2019-20 Quarter 3 Commercial Operations Report] listed on the Agenda for the meeting of the Council held on 12 May 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2027.
2. The confidentiality of the matter be reviewed in December 2021.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 30 - Item 18.2.2 - Membership of the Heritage Promotion Advisory Group [C]

Resolution

That Council:

1. Appoints the following external members to the Heritage Promotion Advisory Group:
 - Mr Keith Conlon, Chair of the South Australian Heritage Council
 - Ms Katina Vangopoulos, Director of Flamboyance Tours
 - Mr Jeffrey Newchurch, Chairperson of the Kurna Yerta Aboriginal Corporation
 - Mr Greg Mackie, Chief Executive Office of the History Trust of South Australia or delegate
 - Mr Rodney Twiss, Co-Director of North Adelaide Heritage Group
2. Approves the updated Terms of Reference for the Heritage Promotion Advisory Group as included in Attachment A to Item 18.2.2 on the Agenda for the meeting of the Council held on 12 May 2020.
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 18.2.2 [Membership of the Heritage Promotion Advisory Group] listed on the Agenda for the meeting of the Council held on 12 May 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
 - 3.1. the resolution and report become public information and included in the Minutes of the meeting.
 - 3.2. the discussion and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2027.
 - 3.3. the confidentiality of the matter be reviewed in December 2021.
 - 3.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

The report, considered in confidence and released to the public is attached for reference at the end of the Minutes of this meeting.

Closure

The meeting closed at 1.09am

Mark Goldstone,
Chief Executive Officer

Sandy Verschoor,
Lord Mayor.

Documents Attached for Reference

Minute 6 - Item 12.5 – Culture Investigation, Distributed Separately

Minute 7 - Item 13.1 - Councillor Martin – Question on Notice – COVID 19 Rent Relief, Tabled Reply

Minute 8 - Item 13.2 – Councillor Martin – Question on Notice – COVID 19 Financial Response, Tabled Reply

Minute 9 - Item 13.3 – Councillor Martin – Question on Notice - Park Lands Lease/Licence Holders, Tabled Reply

Minute 16 - Item 15.7 – Councillor Martin – Motion on Notice – COVID 19 Small Business Assistance, Administration comment distributed separately

Minute 19 - Item 15.10 – Councillor Martin – Motion on Notice – Socially Distanced Dining Options, Administration comment redistributed

Minute 20 - Item 15.11 – Deputy Lord Mayor (Councillor Hyde) - Motion on Notice – Supporting the Homeless, Administration comment redistributed

Minute 22 - Item 15.13 – Deputy Lord Mayor (Councillor Hyde) – Motion on Notice - Continuous Park Lands Trail, Administration comment distributed separately

Minute 23 - Item 15.14 – Councillor Couros – Motion on Notice – All Year Round Festival Events, Administration comment distributed separately

Minute 24 - Item 15.15 – Councillor Couros – Motion on Notice – Christmas in July, Administration comment redistributed

Minute 26 - Item 15.17 – Deputy Lord Mayor (Councillor Hyde) – Motion on Notice – Hutt Street, Administration comment distributed separately

Minute 30 – Item 18.2.2 - Membership of the Heritage Promotion Advisory Group, Considered in Confidence and Released to the Public

Culture Investigation

ITEM 12.5 12/05/2020
Council

2020/00703
Public

Program Contact:
Rudi Deco, Manager
Governance, 8203 7442

Approving Officer:
Mark Goldstone, Chief Executive
Officer

EXECUTIVE SUMMARY

This report responds to the decision of Council on 14 April 2020 and the subsequent decision of the Audit Committee on 1 May 2020, on an urgent culture investigation to be commissioned.

This report seeks Council approval of the draft scope of work and the appointment of a suitable independent consultant to conduct the review, following the recommendation of the Independent Audit Committee Members' Working Group.

RECOMMENDATION

THAT COUNCIL

1. Approves the draft scope of work for the culture investigation in Attachment A to Item 12.5 on the Agenda for the meeting of the Council held on 12 May 2020, as prepared by the Independent Audit Committee Members' Working Group.
 2. Appoints EMA Legal to undertake the culture investigation as recommended by the Independent Audit Committee Members' Working Group.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities Not as a result of this report
Policy	Not as a result of this report
Consultation	In context of the role of the Audit Committee as per its Terms of Reference, the Audit Committee discussed the Council's decision at its meeting on 1 May 2020. In execution of the subsequent decision of the Audit Committee, the Independent Audit Committee Members' Working Group met on 6 and 7 May 2020 to consider and finalise its recommendation to Council
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	General operating budget – Estimated \$20k-\$25k
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)	Pending total expenditure, a Budget Reconsideration may be required
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 held on 14 April 2020 Council resolved:

'That Council

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.'*

2. In context of its role as per its terms of reference, the City of Adelaide Audit Committee discussed this Council decision at its 1 May 2020 meeting and resolved:

'That the Audit Committee notes the decision of Council at its 14 April 2020 meeting:

'That Council

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.'*

and authorises the Audit Committee Chair, in consultation with its independent Audit Committee Members, to prepare a draft scope of work and recommend to Council a suitable party to undertake the review.'

3. An Independent Audit Committee Members' Working Group, consisting of the independent Audit Committee Chair and the two independent Members (the Working Group), has met on 6 May 2020 and 7 May 2020 to implement the decision of the Audit Committee meeting.
4. At these meetings, the Working Group prepared a scope of work as included in **Attachment A**.
5. The Working Group subsequently invited three independent legal consulting firms with Workplace Health and Safety (WHS) expertise to submit a proposal, to include proposed methodology and approach, relevant applicable standards and legislation, estimated costs and hourly rate, timeframes and availability, details of the resources proposed, and previous experience in similar work.
6. Following the review of these submissions, the Working Group recommends the appointment of [EMA Legal](#).

DATA & SUPPORTING INFORMATION

Link 1 – EMA Legal website

ATTACHMENTS

Attachment A – Proposed Scope of Work

- END OF REPORT -

Scope of work as proposed by the Independent Members of the Audit Committee Working Group:

Context:

14 April 2020 decision of Council, following a Motion on Notice:

That Council:

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.*

And the subsequent decision of the Audit Committee at its meeting on 1 May 2020:

That the Audit Committee notes the decision of Council at its 14 April 2020 meeting:

'That Council

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.'*

and authorises the Audit Committee Chair, in consultation with its independent Audit Committee Members, to prepare a draft scope of work and recommend to Council a suitable party to undertake the review.

Scope of work:

The consultant will independently assess identified conduct and behaviours of current Council Members with potential consequential impact on Administration (including health and wellbeing impact) and will assess the extent of such impact.

The consultant will present a report on the findings and recommendations to Council as soon as possible.

The investigation may require interviews with the Executive and Associate Directors and any other parties the consultant deems relevant and will require a review of relevant communication and meeting recordings.

The consultant will be asked to report back to the Audit Committee Chair after conclusion of the initial interviews process (stage 1 – interviews, initial review of relevant documentation and recommendations on next steps) before potentially continuing the process (stage 2 – further review of documentary evidence and associated assessment and reporting) and provide regular updates to the Audit Committee Chair throughout.

COVID 19 Rent Relief

ITEM 13.1 12/05/2020
Council

Council Member
Councillor Martin

2020/00150
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director Culture

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'On March 23rd the City of Adelaide approved a \$4 million COVID 19 assistance package including a 3 month rent exemption for tenants of Council owned properties, including stallholders at the Adelaide Central Market. Could the Administration advise tenants currently working on their business plans if that was the only assistance they will receive or will it be extended?'

REPLY

1. Council on the 23 March 2020 approved \$4 million COVID-19 assistance package which included the following measures relating to rent / lease support:
 - 1.1. 100% rent free for three months for lessees of Council-owned buildings (small business operators);
 - 1.2. 100% rent free for three months for community leases of council-owned buildings;
 - 1.3. 100% rent free for three months for Adelaide Central Market Tenants.
2. On the 3 April 2020, the Federal Government (National Cabinet) announced that states and territories would implement a mandatory Code of Conduct (the Code) relating to Small Medium Enterprises - **SME COMMERCIAL LEASING PRINCIPLES DURING COVID-19.**
3. The objective of the Code is to share, in a proportionate, measured manner, the financial risk and cashflow impact during the COVID-19 period, while seeking to appropriately balance the interests of tenants and landlords.
 - 3.1. It is intended that landlords will agree tailored, bespoke and appropriate temporary arrangements for each SME tenant, taking into account their particular circumstances on a case-by-case basis.
 - 3.2. The purpose of the Code is to impose a set of good faith leasing principles for application to commercial tenancies (including retail, office and industrial) between owners/operators/other landlords and tenants, in circumstances where the tenant is a small-medium sized business (annual turnover of up to \$50 million) and is an eligible business for the purpose of the Commonwealth Government's Job Keeper programme.
 - 3.3. Landlords must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 100% of the amount ordinarily payable, on a case-by-case basis, based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.

- 3.4. Rental waivers must constitute no less than 50% of the total reduction in rent payable under principle #3.3 (listed above) over the COVID-19 pandemic period and should constitute a greater proportion of the total reduction in rent payable in cases where failure to do so would compromise the tenant's capacity to fulfil their ongoing obligations under the lease agreement. Regard must also be had to the Landlord's financial ability to provide such additional waivers. Tenants may waive the requirement for a 50% minimum waiver by agreement.
- 3.5. Payment of rental deferrals by the tenant must be amortised over the balance of the lease term and for a period of no less than 24 months, whichever is the greater, unless otherwise agreed by the parties.
4. We have implemented Council's City Support package which came into effect on the 1 April 2020.
5. The support provided is above and beyond that currently prescribed in the Code for rental waivers and Council has no intent to seek recovery or to defer payments. This assistance is in place up to the 30 June 2020 and has been gratefully received by tenants.
6. We recommend to Council that it monitors the current restrictions and impacts prior to any extension of the current package.
7. A report will be brought to Council on the 14 July 2020 for consideration which will outline those tenants who are operational and non-operational, the current restrictions that they work under, and the financial impact of any extension of the current package. The July 2020 invoices will not be distributed until after Council determines its position on 14 July 2020.

- END OF REPORT -

COVID 19 Financial Response

ITEM 13.2 12/05/2020
Council

Council Member
Councillor Martin

2020/00150
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director Culture

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'On May 1st 2020, the Administration presented to the Audit Committee a range of budget measures with substantial impacts for Council borrowings, for Council staffing, for Council projects cancelled or postponed and for ratepayers whose assets will not be maintained or upgraded in the manner of past years for several financial years to come.

For the information of elected members and stakeholders, could the Administration provide the names of external financial advisers and the nature of any advice it sought from external advisers in preparing the strategy presented to the Audit Committee and subsequently the Committee of Council and the Council meeting of May 12th?'

REPLY

1. We prepare a Quarterly Financial and Performance Report for consideration by the Audit Committee and Council at the conclusion of each quarter. These reports include the year to date financial results, and latest income and expenditure forecasts for the financial year, proposed budget adjustments and a revised Long-Term Financial Plan.
2. The 2019-20 Quarter 3 Financial and Performance Report ("The Report") was presented to Audit Committee on 1 May 2020 and the Committee on 5 May 2020 in preparation for consideration by Council in this evening's agenda. The Report incorporates the forecast financial impact of Covid-19 on the 2019-20 Financial Year and the Long-Term Financial Plan.
3. We have provided regular updates to Council and Audit Committee regarding the financial implications of COVID-19 through:
 - 3.1. CEO briefings on 23 March 2020, 31 March 2020 and 15 April 2020
 - 3.2. Special Council Meeting on 22 April 2020
 - 3.3. Audit Committee on 27 March 2020 and Special Audit Committee on 17 April 2020.
4. The Report includes the forecasted reduction in Council's income and measures considered by Council on the 22 April to reduce operational and capital expenditure to manage cash flow in the fourth quarter of 2019-20, and for further consideration as part of the 2020-21 Business Plan and Budget process.
5. The Council Administration have proposed these measures after extensive consideration by the Executive following input from the Leadership Team, and the Finance and Infrastructure Teams.
6. Unrelated to the strategy, we sought independent advice on:
 - 6.1. the assumptions and approach to our financial modelling and Long-Term Financial Plan from Dean Newbery & Partners Chartered Accountants, and

- 6.2. cash flow analysis and Long-Term Financial Plan forecasting from financial advisory firm BRM Advisory.
7. Strategic Projects, the Infrastructure Program and resourcing requirements for the 2020-21 financial year will be considered by Council as part of the 2020-21 Business Plan and Budget. This process will recommence on 26 May 2020.

- END OF REPORT -

Park Lands Lease/Licence Holders

ITEM 13.3 12/05/2020
Council

Council Member
Councillor Martin

2012/00565
Public

Contact Officer:
Ian Hill, Director Growth

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'On 23 March the City of Adelaide approved a \$4 million COVID 19 assistance package, including a 3-month fee free period for Council's Park Lands lease holders, including sporting organisations.

Could the Administration advise if it required the head lease holders to pass the exemption to what are often many sub-lease/licence holders who pay fees and;

1. If not, why not?
2. If the transfer of the rent-free period was required, what has the Administration done to publicise the measure?
3. If the transfer of the rent-free period was required, what has the Administration done to ensure compliance?
4. If compliance was required, how many sub lease/licence holders have benefitted?'

REPLY

1. The Administration has enacted Council's Covid-19 assistance package and communicated with Park Lands Lease and Licence holders via an electronic letter on Tuesday 31 March 2020. This letter was also posted out via Australia Post services.
2. This letter outlined Council's decision of 23 March 2020, that in recognition of the current challenging economic circumstances arising from COVID-19 and the impact on businesses, that Council had resolved to provide small business operators and community leases of Council owned buildings (excluding educational institutions) with a three-month rent-free period commencing on 1 April 2020 and expiring 30 June 2020. The rent-free period was not conditionally granted and was provided in good faith given the unprecedented circumstances.
3. We are currently not aware of any instances where the waiver has not been passed on. As with all leasing relationships that the City of Adelaide holds, legally, we (acting as Lessor) do not intervene with Lessee and Sub-lessee matters, other than to provide consent to such arrangements if and when they exist.
4. Should Council request, the Administration can enquire of its lessees how they have provided assistance to their sub-lessees.

- END OF REPORT -

COVID 19 Small Business Assistance

ITEM 15.7 12/05/2020
Council

Council Member
Councillor Martin

2020/00150
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director Culture

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:

Acknowledges the leadership of the Prospect Council and asks the Administration to prepare for consideration at a Special Meeting of Council on May 26th at 5.30pm a package of measures like that adopted by the neighbouring LGA to assist small business and residents that;

1. Allows businesses employing 100 people or fewer forced to close by Federal or State Government direction to apply to have their rates waived (or refunded, if previously paid) for the duration of their full closure. Tenants of the City of Adelaide who have received rental relief will not be eligible for the rate relief while also receiving free rent.
2. Extends to businesses employing 100 people or fewer, which have continued to trade and can demonstrate a decline in trade of 30% or more, a waiving of 50% of rates (or refund, if previously paid) for the duration of the decline and/or up to September 30th, 2020. Tenants of the City of Adelaide who have received rental relief will not be eligible for the rate relief while also receiving free rent.
3. Waives Park Lands lease and licence fees for all amateur sporting clubs or community groups until September 30th, 2020.
4. Provides food vouchers to the value of \$30 each week for use at City and North Adelaide restaurants and cafes for residents who apply for such vouchers and who are identified as "vulnerable" or "needy". The measure should operate until September 30, 2020 and the total expenditure for such food assistance should not exceed \$1 million.

ADMINISTRATION COMMENT

1. Due to the nature of Covid-19 restrictions, it is difficult to determine how many businesses have been forced to close by State or Federal Government restrictions, have chosen to close by their own choice, or who are pivoting their business to tap into new revenue streams.
 - 1.1 Based on information available sourced from the Australian Bureau of Statistics (ABS), we are unable to determine the number of businesses that employee less than 100 employees.
 - 1.2 A medium size business is classified as 20-199 employees and there are 654 businesses that fall into this category in the City of Adelaide.
2. Information around businesses who have experienced a decline in trade of 30% or more is difficult to determine without additional resources being expended if deemed useful to collect.

- 2.1 The State Government is already awarding \$10,000 Emergency Cash Grants for small businesses and not-for-profit entities that employ South Australians who have been highly impacted by the COVID-19 pandemic to support the operation of their business. The grant is being funded from the State Government's \$650 million Jobs Rescue Package.
- 2.2 The City of Adelaide's current rates hardship provisions allow all ratepayers to make an application for rate relief. A rates waiver could be considered, if agreed by Council as a policy decision during Covid-19 and based on evidence provided by the applicant as part of the hardship application process.
3. We continue to monitor the impact of the COVID-19 restrictions and the advice provided by the Federal and State Governments in terms of future relaxation of the current restrictions. Prior to any extension of the current City Support package, a report will be brought back to Council on the 14 July 2020 for consideration which will reflect those tenants who are operational and non-operational, the current restrictions that they work under and the financial impact of any decision of Council. July 2020 invoices will be placed on hold until Council determines its position.
4. We have been working with established charities and service organisations whose main purpose is to identify and assist 'vulnerable' people through the provision of essential meals or food items. These organisations already have connections with those identified as 'vulnerable' or 'needy' within our community and are set up to deliver services that provide appropriate support. Council can support these organisations to deliver their services through the provision of Quick Response Grants up to \$2,000 to each organisation.
 - 4.1. Administration has been connecting our more vulnerable residents with Human Appeal Australia (Good Social Café) who have been providing free hampers that include essential items.

- END OF REPORT -

Socially Distanced Dining Options

ITEM 15.10 12/05/2020
Council

Council Member
 Councillor Martin

2019/00551
 Public

Contact Officer:
 Clare Mockler, Deputy CEO &
 Director Culture

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;

Having regard to the eventual reopening of hospitality venues, asks the Administration to provide advice on the feasibility and costs of;

1. Offering to, where possible, extend the footprint currently allocated to outdoor dining areas for food sellers including cafes and restaurants to allow the placement of tables and chairs to assist in boosting patronage in a manner that accommodates mandated social distancing.
2. Closing streets in the City and North Adelaide, for example, Rundle Street and O'Connell Street, for socially distanced dining on one or multiple occasions to mark the reopening of venues and to assist hospitality businesses.'

ADMINISTRATION COMMENT

1. In anticipation of the Government restrictions being lifted, we have been in discussions with the State Government and recently wrote to the CEO of the Department of Premier and Cabinet advising that we are exploring a number of options for hospitality venues and seeking their support in facilitating them. The options we are discussing with State Government include:
 1. options for small bars and businesses, who may have limited indoor space, to be able to use outside space adjacent their premises so that they can reopen and adhere to social distancing requirements.
 2. activating laneways and/or temporarily closing sections of streets to allow for outdoor dining, shopping, entertainment and other activities.
 3. supporting businesses to adhere to social distancing requirements and comply with liquor licensing regulations by temporarily altering the number of patrons able to gather outside a licenced venue.
2. The Recovery and Reimagine working group will explore activating city streets and laneways, building on our history of successful activations using road closures in support of city businesses (e.g. East End Unleashed), subject to the relaxation of social distancing regulations.
3. Notwithstanding that we can only speculate at this stage what the parameters of the reduced restrictions will be and whether extending the outdoor dining footprint will meet them, extending the outdoor dining footprint for hospitality businesses on the footpath is feasible in locations where there is space to safely do so and where the adjacent business is supportive (noting that in some locations the adjacent business may also be a hospitality venue). In circumstances where extending the footprint on the footpath is not feasible, the road

would need to be used but there may be some locations where this is not feasible to do safely either. We would assess this on a case by case basis with the view to supporting an extended footprint wherever possible.

4. Given we do not currently charge outdoor dining fees, there would be no cost associated with extending the outdoor dining footprint, except in the event of the road needing to be used as there would be costs associated with partial or full road closures.
5. Should any or all of these initiatives proceed, we can provide Council with the costs associated with implementing them.

- END OF REPORT -

Supporting the Homeless

ITEM 15.11 12/05/2020
Council

Council Member
Deputy Lord Mayor (Councillor
Hyde)

2019/01425
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director Culture

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. Includes in its upcoming integrated business plan funding to fight homelessness that is equivalent to the funding which remained unspent per the decision of Council on 12 March 2019 that allocated \$200,000 towards implementing the findings of Dame Louise Casey's IGH report.
2. Places the same requirement for co-contributions from the State Government to be provided to enliven the delivery of this funding.'

ADMINISTRATION COMMENT

1. The City of Adelaide has a Strategic Partnership with the Don Dunstan Foundation to deliver project coordination for the Adelaide Zero Project that ends on 31 December 2020. The value of this partnership is \$477,000 over three years.
2. In February 2019, Dame Louise Casey released a service review making recommendations for improvement of the homelessness system in the City and to strengthen the Adelaide Zero Project's progress towards its goal of Functional Zero street homelessness. In March 2019, Council agreed to contribute \$200,000 towards implementing these recommendations. This funding was contingent on additional State Government funding to enable all the report recommendations to be implemented - this additional funding was not supported by the State Government.
3. The City of Adelaide subsequently committed a total of \$105,000 for two related projects:
 - 3.1. \$45,000 to fund a feasibility for inner city service coordination (co-funded with the State Government - \$45,000 each)
 - 3.2. \$60,000 to support the Adelaide Zero Project to progress work on supporting mobile Aboriginal communities.
4. The remaining \$95,000, which was unallocated and unspent, is an identified saving in the City of Adelaide Quarter Three Financial and Performance Report to help offset reduced income as a result of COVID-19 and manage Council's cashflow.
5. If this motion is supported, \$95,000 will need to be allocated in the 20/21 Integrated Business Plan and budget.
6. We will also notify State Government about this decision and seek further financial contributions to enable the implementation of the recommendations in Dame Louise Casey's IGH report.

- END OF REPORT -

Continuous Park Lands Trail

ITEM 15.13 12/05/2020
Council

Council Member
Deputy Lord Mayor (Councillor
Hyde)

2019/00951
Public

Contact Officer:
Klinton Devenish, Director Place

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 there has been the development of a proposal for a continuous walking and cycling track throughout the Adelaide Park Lands which, in addition to unlocking physical and mental wellbeing benefits, aims to heighten the cultural, artistic and heritage standing of the Park Lands, potentially unlocking significant tourism benefits and increasing usage by South Australian locals.
2. Requests the Administration engage with the progenitor(s) of this proposal and assist with its further development with a view to strengthening it and presenting it alongside and as a part of the vital economic recovery planning work being undertaken by the City of Adelaide.'

ADMINISTRATION COMMENT

1. The Park Lands Trail is an approximately 18-kilometre long path that circulates the city and North Adelaide through the Park Lands. Most of the trail is a shared use path through the Park Lands, designed for use by people walking and riding bikes. There are also short sections of quiet streets in North Adelaide that connect between Park Lands.
2. The Park Lands Trail was constructed in ten stages, each costing between \$300k and \$600k, with the final stage completed in 2016/17. In general, funding for the construction has been shared equally between the City of Adelaide and the State Government, with Council responsible for undertaking ongoing maintenance and asset renewal.
3. The trail is well used by the community for recreation, with some sections of the trail also forming important commuter connections. The trail is promoted on Council's website and on maps as a means of exploring the city in a safe and relaxing way.
4. The Park Lands trail currently offers significant health and wellbeing benefits the community by offering an opportunity to be active in a safe environment and connecting directly to nature by experiencing a variety of Park Land environments.

5. Whilst the Park Lands Trail currently provides a continuous path around the Park Lands, there are a series of issues that impact the user experience, such as road safety concerns, lack of legibility and condition of the path. The user experience would be improved if these issues were addressed. Consideration of complementary elements (such as seating, lighting, artwork and local cultural and environmental information) would enhance the user experience further and could elevate the Park Lands Trail into an iconic tourism and recreation experience.
6. The Adelaide Park Lands Management Strategy 2015-2025 (APLMS) describes the Park Lands Trail as 'one of the most important unifying elements that ties the Park Lands together'. The APLMS includes a Park Lands Trail 'Big Move' to 'Complete the trail and improve the route and crossing points and wayfinding signage. Provide avenue planting, lighting and activity hubs at appropriate points along the route'.
7. The APLMS also includes a strategy (2.1) to 'Improve the Park Lands Trail linking all parks and providing a pleasant and convenient cycling and walking route', and a series of actions to achieve this. Actions include completing the Park Land Trail to a consistently high standard along its entire length, provide supporting facilities along the trail and improve legibility.
8. If this motion is supported, we will:
 - a. Engage with the third party that has developed the proposal to develop and enhance the Park Lands Trail.
 - b. Work to develop a plan to further strengthen the Park Lands Trail so that it may develop its full potential as an iconic recreation and tourism experience for the city. This plan would be consistent with the Big Move, strategies and actions in the APLMS.
 - c. Integrate the Park Lands Trail development into the recovery planning work being undertaken by the City of Adelaide. The plan would also be consistent with Council's Integrated Biodiversity Management Plan 2018-2023, in particular Objective 2, "To connect people with nature".
 - d. Continue working with the State Government to develop a funding strategy for the enhancement of the Trail.

- END OF REPORT -

All Year Round Festival Events

ITEM 15.14 12/05/2020
Council

Council Member
Councillor Couros

2019/01425
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director Culture

MOTION ON NOTICE

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

'That Council

1. Notes that South Australia is a host to many vibrant events and festivals which are an important driver for economic development.
2. Notes that these events run intensely and consecutively from January to March each year.
3. Investigates ways the City of Adelaide can be host to more events that showcase the best of our state's food, wine, fashion, art, music and sport all year round throughout the winter months and includes events and festivals that support not only the CBD but also the North and South parts of the city.
4. Ensures events provide support to all the main streets throughout the city and to be included as part of the recovery.
5. Asks the State Government to help support and fund this initiative to support the business community.'

ADMINISTRATION COMMENT

1. The City of Adelaide hosts on average 750 events per annum within its Park Lands, Squares and Streets, with some of these being held within the North and South of the City. Between April and December there are approximately 390 events and 130 between January and March hosted in the City.
2. Through the City of Adelaide Events and Festivals sponsorship program Council provided \$1.67 million in funding to support 24 events throughout 2018/19. Of these, 17 events were held between April and December. Components of some of the events sponsored by Council were held in North and South parts of the city. Combined, these events brought over five million people into the city and generated an economic benefit in excess of \$450m.
3. The summer cluster of arts festivals is nationally dominating due, in part, to the Adelaide Fringe being the largest arts festival in the Country. Clustering events together is proven to create impact and is encouraged, particularly in both winter and spring.
4. We encourage event organisers to work with the Precinct groups to identify opportunities for events to be held within their precinct and support businesses to benefit from these events.
5. We will continue to work closely with the State Government to identify any new events that may be able to be hosted in the City of Adelaide.
6. We will use the Recover + Reimagine project to find opportunities for activation and event activity across the city.

- END OF REPORT -

Christmas in July

ITEM 15.15 12/05/2020
Council

Council Member
Councillor Couros

2019/01425
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director Culture

MOTION ON NOTICE

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

'That Council:

Investigate the holding of a Christmas in July event, within the City of Adelaide and to include the north and south precinct main streets, to add vibrancy and activation and to provide support to the business community.'

ADMINISTRATION COMMENT

1. Prior to Covid-19, we commenced planning a Splash Adelaide series of winter activations throughout the City, titled 'Winter Warmers'. The scope includes the north and south precinct main streets, with a focus on adding vibrancy and activation and providing support to the City's business community.
 - 1.1. The Recovery & Re-imagine project is reviewing our events calendar and is investigating opportunities to accelerate events where possible.
2. If this Motion is supported, and subject to the relaxation of State and Federal Government COVID-19 health and safety regulations, we can re-name the 'Winter Warmers' project as 'Christmas in July'.

- END OF REPORT -

2019/00951
Public**Council Member**
Deputy Lord Mayor (Councillor
Hyde)**Contact Officer:**
Klinton Devenish, Director
Place

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:
 - a. the recent decision of the City's Council Assessment Panel to grant approval for a Development Application to the Hutt Street Centre;
 - b. that at the meeting serious questions as to the current and historical compliance of the Centre's approved land use were raised by objectors and their representors; and,
 - c. that the CAP Members did not feel they were in a position to rule on whether the land use was compliant with one saying *"the representors' expectations of what this panel is able to decide... in terms of things like land use, behaviour and the operation of the Centre is probably above what we actually can [decide]"*
2. Requests the Administration commission an independent and comprehensive legal review of:
 - a. The current and historical development approvals, particularly the intensity of the land use, of the Hutt Street Centre;
 - b. The impact of the land use on surrounding businesses and residents and council's responsibility in regulating that impact; and
 - c. Whether an increase in the intensity of the land use has extinguished historical existing use rights under previous approvals.
3. Per the above requests that the review:
 - a. Is undertaken by experienced planning law experts;
 - b. Is completely independent and is conducted at arms' length from the council staff who made or had influence on the recommendation that went to CAP, from the objectors and from the Centre (including any of their corporate or private supporters)
4. Requests this review is brought back to council for noting in the public agenda, in acknowledgment of the public's right to know of the lawfulness of the land use at this site.'

ADMINISTRATION COMMENT

1. The Council Assessment Panel (CAP) is an independent body that is set up under the provisions of the *Planning Development and Infrastructure Act 2016* to assess and make decisions on Development Applications based on the relevant provisions of the City of Adelaide Development Plan. Preliminary legal advice notes that it is not the role of Council to investigate the decision-making process of the Council Assessment Panel. Additionally, there is no need for the Council to undertake any immediate legal review. To be involved in the process may be deemed inappropriate given CAP's independent role.
2. Administration has received legal advice that it would be inappropriate to release legal advice in a public council agenda. Irrespective of the contents or basis upon or purposes for which any legal advice is being released (i.e. public interest), the release will waive council's legal privilege. Publishing any legal advice may also compromise other third parties that may decide to pursue the matter through the courts system.
3. Should Council resolve to commission a comprehensive legal review, then Administration will engage an independent experienced planning lawyer or barrister in accordance with the scope of work identified in item 2 of the Motion on Notice.

- END OF REPORT -

Membership of the Heritage Promotion Advisory Group

ITEM 18.2.2 12/05/2020
Council

2019/00218

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

Program Contact:

Shanti Ditter, AD Planning,
Design & Development 8203
7756

Approving Officer:

Klinton Devenish, Director Place

EXECUTIVE SUMMARY

On 7 November 2019, Council approved the Draft Heritage Strategy and Action Plan 2020 – 2035 for the purposes of targeted engagement. At that meeting, and as a part of the Strategy, Council also approved the initial Terms of Reference for a new Heritage Promotion Advisory Group (the Group) to be established, with the exception of the membership of the Group which is to be endorsed by Council.

This report seeks the appointment of six (6) members to the Group noting that the Lord Mayor is an ex officio member of the Group. The report also seeks to amend the Terms of Reference.

Consideration in confidence is sought because disclosure of information in this report prior to a resolution being determined by Council maybe of potential harm to the nominee's reputation in the business community

RECOMMENDATION

That Council:

1. Appoints the following external members to the Heritage Promotion Advisory Group:
 - Mr Keith Conlon, Chair of the South Australian Heritage Council
 - Ms Katina Vangopoulos, Director of Flamboyance Tours
 - Mr Jeffrey Newchurch, Chairperson of the Kaurna Yerta Aboriginal Corporation
 - Mr Greg Mackie, Chief Executive Office of the History Trust of South Australia or delegate
 - Mr Rodney Twiss, Co-Director of North Adelaide Heritage Group
2. Approves the updated Terms of Reference for the Heritage Promotion Advisory Group as included in Attachment A to Item 18.2.2 on the Agenda for the meeting of the Council held on 12 May 2020.
3. In accordance with Section 91(7) & (9) of the Local Government Act 1999 (SA) and because Item 18.2.2 [Membership of the Heritage Promotion Advisory Group] listed on the Agenda for the meeting of the Council held on 12 May 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the Local Government Act 1999 (SA), this meeting of the Council do order that:
 - 3.1. the resolution and report become public information and included in the Minutes of the meeting.
 - 3.2. the discussion and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2027.
 - 3.3. the confidentiality of the matter be reviewed in December 2021.
 - 3.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable The conservation and celebration of the City's heritage is a strong theme in all sections of the Strategic Plan. The HSAP supports the objectives relating to using heritage to grow the City's economy, its role in the tourism market, sustainable reuse of buildings and the aesthetics of the City.
Policy	Not as a result of this report
Consultation	Other than with the suggested members, no consultation has occurred in relation to this report.
Resource	Not as a result of this report
Risk / Legal / Legislative	The Group is established as a CEO Working Group, pursuant to Standing Order 140.
Opportunities	The opportunities that arise relate to engaging with Council's wider heritage, business and tourism community to pursue the heritage agenda.
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 Advisory Group is established for an initial term of 2 years, to November 2021.
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

GROUNDS AND BASIS FOR CONSIDERATION IN CONFIDENCE

Grounds

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

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

Basis

This Item is confidential as it contains personal information about the nominees for membership of the Heritage Promotion Advisory Group.

Ensuing discussion could result in further disclosure of personal affairs which if discussed in public could be unreasonable.

Minute 30 - Item 18.2.2 - Published in Confidence and Released to the Public

DISCUSSION

1. On 7 November 2019, Council approved the Draft Heritage Strategy and Action Plan 2020 – 2035 for the purposes of targeted engagement. At that meeting, and as a part of the Strategy, Council also approved the Terms of Reference for a new Advisory Group to be established: the Heritage Promotion Advisory Group, with the exception of the membership of the Group which is to be endorsed by Council.
2. The purpose of this report is to seek appointments to the Group to enable it to be established.
3. The purpose of the Group is to assist with the development of a City of Adelaide based heritage promotion strategy and action plan. The purpose, operation and roles and responsibilities of the Group was approved by Council at its meeting on 19 November 2019 through the approval of the initial Terms of Reference (Link 1 view [here](#)).
4. The approved initial Terms of Reference stated that the Group will consist of 7 members, whose appointment will align with the term of the Advisory Group, as follows:
 - 4.1. The Lord Mayor
 - 4.2. One Council Member
 - 4.3. One representative from the South Australian Heritage Council
 - 4.4. One representative from the Tourism industry
 - 4.5. One representative from the Kurna community
 - 4.6. One representative from The History Trust of South Australia
 - 4.7. One representative from the Business community
5. The following people are suggested as suitable members who would be bring valuable knowledge and skills to the Group.
 - 5.1. South Australian Heritage Council - Mr Keith Conlon has been suggested as an appropriate member. Mr Conlon OAM is the Chair of South Australian Heritage Council. He is well known as a retired radio and TV current affairs presenter in Adelaide, with a well-recognised passion for South Australia's heritage and history stories. He maintains his keen interest in heritage by contributing to History Trust of South Australia programs, leading History Month tours and other events, membership of the SANFL History Committee and researching and presenting Fringe shows on Adelaide's history. A keen photographer, he regularly promotes heritage stories on social media.
 - 5.2. Tourism – Ms Katina Vangopoulos, Director of Flamboyance Tours. Flamboyance Tours offers daily walking tours of the City in English and Mandarin. Ms Vangopoulos operates on a 'tips only' basis, beginning the tours in the Mall with visits to and stories about Adelaide landmarks. Adelaide born, Ms Vangopoulos has experience in Europe guiding tours in many countries. Ms Vangopoulos is young, vocal, engaged and a passionate entrepreneur and would offer valuable insights.
 - 5.3. Kurna community - Mr Jeffrey Newchurch has been put forward as the Kurna rep for the Advisory Group. Jeffrey is Narungga Kurna man and respected Elder, born and raised in Point Pearce. Jeffrey is currently the Chairperson of the Kurna Yerta Aboriginal Corporation (KYAC). KYAC is the Prescribed Body Corporate in charge of managing Kurna's Native Title rights and interests. He is also Chair of The Kurna Nation Cultural Heritage Association and the Kurna representative on the City of Adelaide Reconciliation Committee. Over the past 12 years Jeffrey has worked closely with archaeologists, the museum and the State Government on the Aboriginal repatriation program. Jeffrey has an unwavering passion and commitment to working together to achieve reconciliation outcomes for the Kurna community.
 - 5.4. The History Trust of South Australia – Mr Greg Mackie has been suggested. Mr Mackie OAM is a cultural advocate, entrepreneur and leader who has worked to promote the arts and culture in South Australia and more broadly. He is currently the CEO of the History Trust of South Australia. Mr Mackie was co-founder and was managing director of independent bookshop Imprints Booksellers (1984—2007), served on many public bodies, including Arts SA, the Adelaide City Council (2000-2003) and Adelaide Writers' Week, and founded the Adelaide Festival of Ideas in 1999.
 - 5.4.1. Mr Mackie has nominated as a candidate for the Central Ward Supplementary Election. Should he be successful in this election, it is recommended another representative from the History Trust of South Australia be appointed as a delegate.

- 5.5. Business community – Mr Rodney Twiss has been suggested. Rodney and Regina Twiss own and operate the North Adelaide Heritage Group which consists of 19 unique heritage self-contained, luxury Adelaide accommodation properties, situated in North Adelaide. The Group offers premium boutique hotel and bed and breakfast experiences for visitors. Each boutique owner-hosted accommodation is based around the architecture and era of the properties.
6. This report also seeks to amend the existing initial Terms of Reference for the Group. The amended Terms of Reference can be found at **Attachment A**. The revisions to the Terms of Reference are in red text or have been 'struck through' to indicate their intended removal.

DATA & SUPPORTING INFORMATION

Link 1 - The Lord Mayor's Heritage Promotion Advisory Group - Terms of Reference as approved in November 2019

ATTACHMENTS

Attachment A – Amended Terms of Reference for the Lord Mayor's Heritage Promotion Advisory Group.

- END OF REPORT -

Heritage Promotion Advisory Group Terms of Reference

Established by **Council**

PURPOSE

The Heritage Promotion Advisory Group (the Group) is established under Standing Order 140 as a CEO working group to assist with the development of a City of Adelaide based heritage promotion strategy and action plan. The Group will support the future direction, activities and opportunities to promote and celebrate the City's heritage.

In accordance with Standing Order 141.1, the Group is established for an initial term of 2 years, to November 2021, and will not be subject to the meeting and/or informal gathering provisions of the *Local Government Act 1999*, pursuant to Standing Order 141.3.

OPERATION

The Group will aim to lift the profile and visibility of the City of Adelaide's heritage assets and the services it provides:

1. by working with stakeholders to support the creation of new heritage promotional product offerings.
2. by increasing the profile of the promotional activities carried out by Council regarding its heritage assets.
3. through promotional activities, articulating the value of heritage, to encourage investment and activation of heritage places.

ROLES & RESPONSIBILITIES

The Group will provide reports and advice to the Chief Executive Officer on the following matters:

1. Representing key heritage promotion stakeholder interests in the development of a Heritage Promotion Strategy and Action Plan for the City, following the development of the State Heritage Tourism Strategy and Action Plan.
2. Identifying and advocating for opportunities to promote the City's heritage.
3. Help define and develop the heritage promotion narrative.
4. Collaboration with relevant stakeholders, including Council's Administration, to ensure promotional outcomes are consistent with industry and stakeholder views and expectations.

The Chief Executive Officer will present reports and recommendations of the Advisory Group to the Council for decision, where relevant.

COMMUNICATIONS

It is expected that members will communicate meeting outcomes and updates back to their respective organisations and networks that they have been appointed to represent where appropriate.

Discussion and information presented at the Group will be treated as confidential if reasonably determined by the Group by consensus or by determination by the Chief Executive Officer.

~~It is each member's responsibility to make it clear where a matter shall remain confidential and not for discussion outside of the Advisory Group. When sharing documents and information, members should make it clear if there is a particular restriction as to circulation beyond the Advisory Group (including recording in minutes).~~

Meeting outcomes will be reported to Council's Chief Executive Officer.

MEMBERSHIP

The Group will consist of up to 7 members, whose appointment term will align with the term of the Group, unless determined otherwise by the Chief Executive Officer or Council:

- The Lord Mayor (also Chair of the Group)
- One Council Member
- One representative from the South Australian Heritage Council
- One representative from the Tourism industry
- One representative from the Kurna community
- One representative from The History Trust of South Australia
- One representative from the Business community

The Council Member will be appointed to the Advisory Group through resolution of Council.

All other members will be appointed by the Chief Executive Officer on advice from the Lord Mayor.

The Chief Executive Officer, Directors and other CoA employees may attend any meeting as observers and a City of Adelaide administrative resource will be present to provide administrative and advisory support. ~~or be responsible for preparing papers or providing advice to the Advisory Group.~~

~~Individuals invited to provide specialised heritage promotion or tourism knowledge or business or community representation may attend meetings, however, will not have voting rights.~~

Other parties or experts can be invited from time to time to provide specific information or expertise to inform the Group.

SITTING FEES

Any member of a working group, other than a Council member or an executive or staff member of the Corporation of the City of Adelaide, may be offered a sitting or other fee, as the Chief Executive Officer may determine appropriate. (Standing Order 142).

MEETINGS

Meetings will be chaired by the Lord Mayor or delegate.

Meetings will be held every 8 weeks, or as determined by the Group.

Any recommendations made at a meeting must be made by majority vote.

The quorum necessary for the endorsement of recommendations will be 4 members. A meeting may proceed with less than 4 members present, but no recommendations may be made to the Chief Executive Officer in that case.

Should a meeting proceed without quorum, recommendations may be made to the Chief Executive Officer following the meeting, provided the additional members required to make quorum have provided agreement in writing to any proposed

recommendations after having received the same supportive information to inform the recommendation.

Any meeting papers will be distributed to members in a reasonable length of time before a meeting and are to be approved by the Group at its next scheduled meeting.

The Group will be supported by Council staff and accurate records of meetings will be maintained. Minutes will be distributed within a week of each meeting.

Enquiries or agenda suggestions outside of meetings should be directed to Council staff providing executive support to the Group.

PROXIES END OF MEMBERSHIP

~~A Member of the Advisory Group may nominate a proxy should they be unable to attend a meeting. The Member must notify the nominated Council staff member of their proxy at least 1 hour prior to the meeting.~~

~~A proxy may vote on any matter before the Advisory Group.~~

~~A person will cease to be a member of the Group by Chief Executive Officer decision, or following resignation, or following absence for more than 3 consecutive meetings without notification.~~

~~Any member may resign by given written notification to the Chief Executive Officer.~~

Contact:

For further information contact the Spatial Planning & Heritage Team

City of Adelaide
25 Pirie Street, Adelaide, SA
GPO Box 2252 ADELAIDE SA 5001
+61 8 8203 7241
r.hutchins@cityofadelaide.com.au