

# Central Market Arcade Redevelopment Contract

ITEM 15.1 09/06/2020  
Council

**Council Member**  
Councillor Martin

2015/00903  
Public

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

## QUESTION ON NOTICE

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

'Could the administration advise what contractual or common law rights of termination or postponement are available to the City of Adelaide with respect to the Central Market Arcade Redevelopment?'

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## REPLY

1. As advised to Council in response to the Motion on Notice by Councillor Moran for the meeting of Council on 10 March 2020, Council has entered into a legally binding agreement with ICD Property, and Council is therefore legally bound to proceed with the CMAR Project in accordance with the terms of that agreement. Council has no entitlement under that agreement to unilaterally defer commencement of the CMAR Project or otherwise vary its terms, and it cannot do so without the agreement of ICD Property.
2. Any unilateral attempt by Council to defer the CMAR Project may constitute a repudiation by Council of its contractual obligations, potentially exposing Council to a termination of the Project Delivery Agreement, and a substantial claim by ICD Property for loss and damage in respect of the considerable monies already expended by ICD Property, together with future losses including loss of profit on the project. Any defence by Council of such claims would be expensive and would take place in a public forum.
3. Council's reputation as a body that third parties can contract with in the knowledge that Council will comply with its contractual obligations will be significantly adversely affected. That may impact Council's ability to undertake future development activity and may deter third parties from dealing with Council on major projects.

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- END OF REPORT -

# Record of Motions without Notice

ITEM 15.2 09/06/2020  
Council

**Council Member**  
Councillor Martin

2018/04053  
Public

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

## QUESTION ON NOTICE

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

'A number of motions without notice have been raised at the once a month scheduled Council meetings from January to May, inclusive, in 2020. Could the Administration advise the names of the motions and the proposers of those that have been accepted and those that have been refused by the Presiding Member?'

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## REPLY

1. Only motions without notice that are accepted within the provisions of the Standing Orders and regulation 12(6) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), are recorded. If a motion is not accepted it cannot be moved and therefore is not required to be recorded in the minutes of the proceedings of a meeting (Regulation 8).
2. While there is no requirement to minute motions without notice that are requested to be brought on notice during the meeting, notes are often made during the meeting to capture this. These notes indicate that between January and May there were eight motions without notice raised, and of those, two were not accepted but requested to be brought on notice.
3. These eight motions without notice are as follows:

Council Meeting	Topic	Council Member moving the motion	Accepted in meeting
January 28	Bushfires	Cr Martin	Yes
February 11	Release of Legal Advice Congratulate former Cr Abiad Adelaide Park Lands Authority	Cr Simms Cr Martin Cr Martin	Yes Yes No
March 10	'My Adelaide' initiative	Cr Hou	Yes
April 14	Supplementary Election West Franklin Development	DLM DLM	Yes Yes
May 12	Park Lands Lease & Licence holders	Cr Martin	No

4. Note that the above does not include motions without notice that were flagged ahead of the meeting by email where the initiator of the motion subsequently decided to bring the motion on notice to the next meeting.

Council Member  
Councillor Martin

2018/01151  
Public

Contact Officer:  
Clare Mockler, Deputy CEO &  
Director Culture

## QUESTION ON NOTICE

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

'It was reported on May 22<sup>nd</sup> that the Federal Government had allocated \$1.8 billion to local government in Australia for road upgrades and community projects to help to offset the impacts of the coronavirus pandemic.

Could the Administration advise whether any of this funding has been allocated for;

1. an upgrade to the Adelaide Aquatic Centre following a Council's formal letter to gauge Commonwealth interest in supporting the project
2. any other project, including road works in the City of Adelaide which have been severely curtailed due to the City of Adelaide's difficult financial position?'

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## REPLY

1. The Administration can advise that funding requests have been submitted to the following Government agencies in support of a redevelopment and / or upgrade of Council infrastructure. Details of these funding requests were shared in a confidential CEO Briefing held for Councillors on 23 May 2020.
2. Adelaide Aquatic Centre:
  - 2.1. State Government COVID-19 Recovery Stimulus Package.
    - 2.1.1. Through various discussions with State Government, a number of projects have been identified that would deliver shared strategic interests of the City of Adelaide and the State Government, to the benefit of the city and its community, the Adelaide Aquatic Centre being one.
  - 2.2. Council of Capital City Lord Mayors (CCCLM) Economic Stimulus Projects.
    - 2.2.1. Capital City Lord Mayors have created a COVID-19 response nationwide infrastructure task force. Each Capital City is submitting infrastructure priority proposals, there is no specific criteria however 'shovel ready' is desired. The Adelaide Aquatic Centre has been proposed as one of those projects.
3. Councils receive a Financial Assistance Grant annually from Federal Government.
4. This consists of two components: General Purpose and Identified Local Road funding.
  - 4.1. General Purpose funds existing services to the community.
  - 4.2. Identified Local Road funds road infrastructure.
5. Annually we receive approx. \$500k. The Financial Assistance Grant allocation is calculated with population as a base, but then adds "horizontal equalisation" which considers each Council's ability to raise revenue or have above average costs of service provision. Reviewing the allocation of the current General Purpose funds shows that this is distributed consistently across metropolitan councils, however rural councils with a low population (and therefore rate income) and high visitor numbers or social programs (therefore expenditure) receive a grant allocation that is much higher per capita.

6. The Federal Government has brought forward its first Financial Assistance Grant payment for 2020-21 (note this is not additional funding), in response to drought, bushfires and COVID-19.
  - 6.1. City of Adelaide received \$448,866 for:
    - 6.1.1. General Purpose \$275,467
    - 6.1.2. Identified Local Road \$171,399.
7. The remaining pool of funding from Federal Government will be distributed in quarterly payments based on the Local Government Grants Commissions approved 20/21 recommendations.
8. In addition, Council has received a Local Road and Community Infrastructure Grant, a one-off stimulus to assist local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies, to help communities bounce back from the COVID-19 pandemic. The City of Adelaide have been allocated \$337,528.
  - 8.1. The funding is specifically for additional works to the proposed 20/21 program, which can include accelerated projects brought forward from a future work program.
  - 8.2. The Administration will identify a program of works that aligns to the specific criteria (Local Road and Community Infrastructure Grant) to deliver during 20/21 addition to those identified in the draft 2020-21 Business Plan and Budget presented to Council at the Special Committee Meeting on 28 May 2020.

**Council Member**  
Councillor Martin

2019/00951  
Public

**Contact Officer:**  
Klinton Devenish, Director  
Place

## QUESTION ON NOTICE

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

'On Tuesday May 19<sup>th</sup> the Committee was advised in respect of the partnership with the State Government to run the free City Connector service that;

"Current deed with DPTI to run the service was due to expire in December 2023, however, the Minister has provided notice of his intention to terminate the Deed on 30 June 2020."

Could the Administration advise the date on the letter from the Minister and to whom among elected members the correspondence was distributed?'

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## REPLY

1. A letter was sent to the City of Adelaide CEO Mark Goldstone (the CEO) on 31 January 2020 by the Minister for Transport, Infrastructure and Local Government, Hon Stephan Knoll, where Council was notified of the Minister's intention to terminate the Deed on 30 June 2020. The letter also notified Council that the South Australian Public Transport Authority (SAPTA) would work with the Administration to develop new options.
2. Following receipt of the letter, the CEO provided a response to the Hon Stephan Knoll on 20 February 2020 acknowledging the Minister's intention to terminate the Deed. In this letter, the CEO also sought confirmation of the continuation of funding for the service and requested that SAPTA brief Council on the new service when a preferred route was selected.
3. The Minister responded to the CEO on 18 March 2020, advising that SAPTA would contact the Administration to discuss the proposed changes.
4. The consultation process was delayed as a consequence of COVID-19. The Administration was advised of SAPTA's preferred route on 20 April 2020 and Committee was briefed on the proposal on 19 May 2020.

**Council Member**  
Councillor Martin

2018/02976  
Public

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

## QUESTION ON NOTICE

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

'Noting that the schedule for the City of Adelaide budget process circulated to elected members will not be completed until late this year, could the Administration advise;

1. Whether Council will provide access to funding for the City of Adelaide Precinct Groups from July 1<sup>st</sup> to enable them to assist the City in the post COVID Recovery at a main street level
2. If such funding is provided as at 1 above, will 20/21 funding be the same amount as for the current financial year or only part of the latter amount and what will be the process for receiving such funding
3. If such funding for 20/21 is not to be provided outside of the budget schedule to be completed late this calendar year, when and what amount will Council provide to Precinct Groups to enable them to assist in any post COVID City Recovery?'

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## REPLY

1. The draft 2020-21 Budget includes \$25,000 per precinct group, with an extra fund of \$80,000 for Precinct Groups to apply for specific events over and above their \$25,000 funding.
2. This is the same amount of funding as the current financial year and was included in the information pack and presentation discussed at the Special Committee meeting on Thursday 28 May.
3. The proposed 2020-21 precinct group funding will be included as part of the Expenditure Framework to be considered for adopted by Council on 23 June 2020. If the Expenditure Framework is adopted by Council precinct funding can be expended from 1 July 2020.

**Council Member**  
Councillor Martin

2019/00951  
Public

**Contact Officer:**  
Klinton Devenish, Director  
Place

## QUESTION ON NOTICE

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

'The Advertiser newspaper has published drawings of a new structure planned for the Adelaide High School site on Park 24. Could the Administration advise:

1. What is the broad use proposed for the development?
2. Where will it be located in relation to the West Terrace façade of the current structure?
3. Is it suggested that the new structure will increase the High School's buildings footprint on the Park Lands?
4. If the new development has been presented to the City of Adelaide for consideration?'

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## REPLY

1. The intended use for the proposed expanded teaching facilities is to accommodate an additional 300 students transitioning from year seven to high school at the commencement of 2022.
2. The two proposed teaching facilities will be located as follows and as shown in the following aerial image:
  - 2.1. A new building referred to as the 'Central Hive' will be located on the western side of Adelaide High School and within the existing Adelaide High School land parcel (shown in red in the following aerial image) – note this building replaces an old structure
  - 2.2. The rooftop of the southern wing (constructed in 2014) is proposed to be enclosed to provide additional science and general learning space – note part of the southern wing (as shown) sits outside of the existing Adelaide High School land parcel and is subject to a yet to be finalised lease with the City of Adelaide.
3. The proposed new structures will not increase the current footprint of Adelaide High School on the Park Lands.
4. The State Commission Assessment Panel is the relevant authority. Council's role in the planning assessment is confined to providing comment on technical matters such as waste management and traffic movements.
5. The proposed new development:
  - 5.1. Was considered by the Adelaide Park Lands Authority at its meeting on 6 February 2020, in confidence. The Boards advice was provided to the meeting of Council on 11 February 2020.



5.2. Will be presented to Council at a date yet to be confirmed seeking 'landlord consent' as the extension to the southernmost building is partially located on council land (outside the red boundary shown below).

**Aerial Photo showing the land parcel within the Adelaide Park Lands occupied by Adelaide High School and the location of the proposed new teaching facilities**

