



COUNCIL AGENDA & REPORTS

for the meeting

Thursday 28 January 2021
at 5.30pm

in the Council Chamber,
Adelaide Town Hall



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

1. Acknowledgement of Country

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

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

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

2. Acknowledgement of Colonel William Light

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

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

3. Prayer

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

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

4. Memorial Silence

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

5. Apologies and Leave of Absence

Nil

6. Confirmation of Minutes – 15/12/2020, 23/12/2020 & 30/12/2020

That the Minutes of the meeting of the Council held on 15 December 2020 and the Special meetings of Council held on 23 December 2020 & 30 December 2020, be taken as read and be confirmed as an accurate record of proceedings.

7. Deputations

Granted at time of Agenda Publication – 22/1/2021

Nil

8. Petitions

Nil

9. Advice from Adelaide Park Lands Authority

- 9.1** Advice of the Adelaide Park Lands Authority – Special Meeting - 27 January 2021 [2018/04062]
Advice 1 Tennis SA Centre Court Development – Stage 2
To be distributed separately

10. Reports for Council (Chief Executive Officer's Reports)

Strategic Alignment – Strong Economies

10.1. Waive Land Management Agreement [DA/516/2020] [Page 5]

Strategic Alignment – Enabling Priorities

10.2. Community Land Revocation – James Place Public Toilets [2020/00594] [Page 8]

11. Exclusion of the Public

11.1. Exclusion of the Public [2018/04291] [Page 18]

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

12.1.1. Contract Award Report – Supply of Sweepers [s 90(3) (d)]

12.1.2. Capital City Committee Annual Report 2019-20 [s 90(3) (j)]

12. Confidential Reports

12.1. Confidential Report/s for Council (Chief Executive Officer's Reports)

Strategic Alignment – Dynamic City Culture

12.1.1. Contract Award Report – Supply of Sweepers [2020/00150] [Page 21]

Strategic Alignment – Enabling Priorities

12.1.2. Capital City Committee Annual Report 2019-20 [2013/00423] [Page 30]

13. Lord Mayor's Reports

14. Councillors' Reports

14.1 Reports from Council Members [2018/04064] [Page 51]

15. Questions on Notice

15.1. Councillor Martin – Question on Notice – City of Adelaide Job Losses [2019/00551] [Page 54]

15.2. Councillor Martin – Question on Notice – Team Adelaide [2018/04162] [Page 55]

15.3. Councillor Martin – Question on Notice – Central Market [2015/00903] [Page 56]

15.4. Councillor Hyde – Question on Notice – Central Market Arcade [2015/00903] [Page 57]

15.5. Councillor Abrahamzadeh – Question on Notice – Motions on Notice by Elected Members [2018/04053] [Page 58]

15.6. Councillor Mackie – Question on Notice – The Aboriginal Flag [Page 59]

15.7. Councillor Knoll – Question on Notice – Central Market Arcade [2015/00903] [Page 60]

16. Questions without Notice

17. Motions on Notice

17.1. Councillor Martin – Motion on Notice – E-News [2020/00185] [Page 61]

17.2 Councillor Moran – Motion on Notice – Cleansing Regime – King William Street [2018/03956] [Page 63]

17.3. Councillor Hyde – Motion on Notice - A new home for beach volleyball in the City [2020/01167] [Page 65]

17.4. Councillor Simms – Motion on Notice - Pride Walk on Light Square [2018/04053] [Page 67]

17.5 Councillor Mackie – Motion on Notice – Crest of the City of Adelaide [Page 69]

17.6. Councillor Martin – Motion on Notice – Heritage Listed Property Insurance [2020/00150] [Page 70]

17.7. Councillor Martin – Motion on Notice – Sale of Property Assets [2017/04450] [Page 71]

17.8. Councillor Martin – Motion on Notice – 88 O'Connell Street [2018/02324] [Page 73]

17.9. Councillor Hyde – Motion on Notice – Adelaide Central Market Foundational Documents [Page 75]

18. Motions without Notice

19. Closure

Waive Land Management Agreement

ITEM 10.1 28/01/2021
Council

Strategic Alignment - Strong Economies

DA/516/2020
Public

Program Contact:
Stephen Zaluski, Associate
Director, Regulatory Services
8203 7641

Approving Officer:
Klinton Devenish, Director
Services, Infrastructure &
Operations

EXECUTIVE SUMMARY

On 9 November 2009, Council agreed to enter into a Land Management Agreement (LMA) with Marl SA Pty Ltd to ensure the land known as 125-135 MacKinnon Parade and 73-95 Finniss Street, North Adelaide would be developed in accordance with the plans granted Development Approval (DA/358/2008).

This report provides an overview of the history of this LMA, subsequent development on the site and outlines how the current Development Application is not in accordance with the LMA. The applicant has subsequently requested Council waive the requirements of the LMA.

The purpose of this report is to seek a Council decision (allowed by Clause 3 of the LMA) to waive compliance with the LMA to facilitate consideration of the proposed development.

RECOMMENDATION

THAT COUNCIL

1. Notes Development Application DA/516/2020 is not substantially in accordance with the original Development Plan Consent (in regard to the proposed height, roof deck, streetscape presentation, roof form, setbacks and fencing) that forms part of the Land Management Agreement (LMA) affecting the subject site (Lot 9 MacKinnon Parade, North Adelaide); and
 2. Approves waiving compliance with the LMA for those elements identified in Part (1) above, notwithstanding the merits of the Development Application are to be assessed as part of the development assessment process.
 3. Notes the planning merits of Development Application DA/516/2020 will be assessed through Council's Assessment Panel.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Strong Economies Reduce red tape and streamline processes
Policy	The Development Application will be assessed against the relevant provisions of the Adelaide (City) Development Plan
Consultation	The Development Application will be subject to Category 2 public notification as part of the planning assessment process
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
20/21 Budget Allocation	Not as a result of this report
Proposed 21/22 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
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. On 9 November 2009, Council agreed to enter into an LMA with Marl SA Pty Ltd to ensure the land known as 125-135 MacKinnon Parade and 73-95 Finnis Street, North Adelaide would be developed in accordance with approved Development Application (DA/358/2008).
2. The primary purpose of the LMA was to allow a land division to occur with the assurance the land be developed in a coordinated manner and in accordance with particular built form outcomes as approved in Development Application DA/358/2008 (notwithstanding other built form outcomes may be considered appropriate on the land).
3. In particular, the LMA was entered into by Council to ensure the Finnis Street allotments (which were approved at a smaller size than would otherwise be supported under the Development Plan), were designed and developed in a holistic and integrated manner. All allotments, apart from Lot 9 which fronts MacKinnon Parade, have been developed.
4. Council has previously agreed to waive this LMA for dwellings proposed on other allotments that are covered by the LMA. The dwellings incorporated variations from the LMA relating to setbacks, heights, plot ratio and other design features.
5. Development Application 516/2020 does not satisfy the LMA in terms of the proposed height, roof deck, streetscape presentation, roof form, setbacks and fencing. Consequently, Council has received a request to waive the LMA (Link 1 view [here](#)). The LMA (Link 2 view [here](#)) is registered on the relevant Certificate of Titles and prevents an owner from breaching any obligations of the LMA except with written consent of Council.
6. Council has received a Development Application (DA/516/2020) proposed on Lot 9 (subject to the LMA) for a two storey detached dwelling with a roof deck (proposal plans - Link 3 view [here](#)). The development is proposed not only on Lot 9 but also the adjacent allotment to the west at 137 MacKinnon Parade which is not subject to the LMA. This adjacent property was previously a Local Heritage Place; however, the property was delisted when the Adelaide (City) Development Plan was consolidated on 30 May 2017.
7. The previous Development Plan Consent (DPC), which is referred to in the LMA, allows for a two storey detached dwelling on Lot 9 with height and setback requirements. The proposal is generally in accordance the requirements; however it proposes a dwelling over both Lot 9 and the adjacent property at 137 MacKinnon Parade. This form of development was never anticipated in the LMA.
8. The purpose of this report is to seek a Council decision (allowed by Clause 3 of the LMA) to waive compliance with the LMA to facilitate the proposed development.
9. Should Council agree to waive the LMA, the proposal will be assessed and a decision whether to approve or refuse the application will ultimately be made by the Council Assessment Panel. If Council does not agree to waive the LMA, Development Application 516/2020 would need to be amended, withdrawn or refused.

DATA AND SUPPORTING INFORMATION

Link 1 - Request to waive LMA

Link 2 - LMA

Link 3 - Proposal Plans for DA/516/2020

ATTACHMENTS

Nil

- END OF REPORT -

Community Land Revocation – James Place Public Toilets

ITEM 10.2 28/01/2021
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Tom McCready, Associate
Director, Strategic Property &
Commercial 8203 7313

2020/00594
Public

Approving Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

EXECUTIVE SUMMARY

Public consultation on the proposal to revoke the Community Land classification of the James Place Public Toilet land at 23-25 James Place, Adelaide, was held from 19 November to 18 December 2020.

The public consultation resulted in a total of 7 submissions of which 2 were supportive, 4 objected and 1 was neutral in response to the proposed Community Land revocation.

It is considered that concerns raised by respondents have been sufficiently addressed within existing contractual arrangements with the purchaser of the James Place Public Toilet land and will continue to be addressed into the future.

It is recommended that a report be submitted to the Minister for Planning & Local Government requesting approval to revoke the James Place Public Toilet land at 23-25 James Place, Adelaide, from its classification as Community Land.

RECOMMENDATION

THAT COUNCIL

1. Notes the submissions, including written objections, received during the public consultation of the proposed revocation of the Community Land classification of the James Place Public Toilet land as provided at Attachment A to Item 10.2 on the Agenda for the meeting of Council held on 28 January 2021.
2. Notes that individual responses will be provided to respondents addressing the matters set out within their submissions to the proposed Community Land revocation of James Place Public Toilet land.
3. Approves to proceed with the revocation of the Community Land classification of the James Place Public Toilet land having considered the submissions, including written objections, received from the public consultation process.
4. Approves that a report on the proposed revocation be submitted to the Minister for Planning & Local Government (the Minister) in accordance with Section 194 (3) (a) of the *Local Government Act 1999 (SA)* seeking approval to the revocation of the James Place Public Toilet land comprising Allotment 123 in Filed Plan 181775 as contained within Certificate of Title Volume 5883 Folio 435 from the classification as Community Land.
5. Notes that a final report will be presented to Council once the Minister's decision regarding the proposed revocation has been received.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities 5.04 Implement the Strategic Property Review
Policy	The public consultation process for the proposed Community Land revocation exceeded the minimum 21 day notification requirement as set out within Council's Public Communication and Consultation Policy.
Consultation	Public consultation was undertaken using a variety of mediums exceeding the requirements within Council's Public Communication and Consultation Policy.
Resource	The next steps as outlined within this report will be undertaken by the Strategic Property & Commercial Program.
Risk / Legal / Legislative	The Community Land revocation process will be undertaken in accordance with Section 194 of the <i>Local Government Act 1999 (SA)</i> . The revocation of the Community Land classification is subject to approval by the Minister.
Opportunities	Sale and redevelopment of the land will enable an improved retail frontage supporting activity and amenity within James Place. Proceeds from the sale of the James Place Public Toilet land will be transferred to the City of Adelaide's future fund for the purpose of funding the future purchase of new income generating assets or to fund new capital works of a strategic nature for broader community benefits.
20/21 Budget Allocation	The Strategic Property and Commercial Program's 2020/21 budget incorporates \$100,000 for the implementation of strategic property activities.
Proposed 21/22 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.
20/21 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (e.g. maintenance cost)	The proposed sale of the James Place Public Toilet land and the provision of replacement public toilets by the adjoining owner will enable operational cost savings to the City of Adelaide in perpetuity.
Other Funding Sources	The adjoining owner/purchaser will fund the construction and operation of replacement public toilet facilities including male, female, accessible and changing places facilities. The purchaser will also fund the provision of temporary facilities during construction.

DISCUSSION

Background

1. The James Place Public Toilet land has a site area of 126m² and is located at 23-25 James Place, Adelaide, identified as Allotment 123 in Filed Plan 181775 within Certificate of Title Volume 5883 Folio 435. The land is currently the subject of a Community Land Management Plan with the site plan for the James Place Public Toilet land available (Link 1 view [here](#)).
2. The site accommodates a three-storey building containing ground floor public conveniences, a vacant first floor and plant at level two. Although the ground floor provides public conveniences the two upper floors are restricted due to existing structural arrangements resulting in an under-utilisation of the asset. In this regard, the limited site area and the structural nature of the improvements restrict future enhancement opportunities for the land.
3. On 9 June 2020 Council considered a proposal for the sale of the James Place Public Toilet land to an adjoining owner (the purchaser).
4. Council resolved at the above meeting of 9 June 2020 (among other matters) to:
 - 4.1. Approve the proposal to proceed with the process for revocation of the James Place Public Toilets land from the classification as Community Land pursuant to Section 194 of the Act.
 - 4.2. Approve the 'Proposal to revoke the James Place Public Toilet as Community Land' report forming the basis of the public consultation information as available (Link 2 view [here](#)).
 - 4.3. Note that Council will review the results (including submissions received) of the public consultation process at a future meeting to determine its position on the proposed Community Land revocation.
5. Sale of the James Place Public Toilet land would enable the land to form part of a significant redevelopment adjacent to the Rundle Mall precinct with improved retail frontage adding value to the retail experience supporting activity and public amenity within the James Place connection.
6. The above sale is subject to the purchaser providing replacement public toilets within the redevelopment (being consistent with the existing facilities) as well as alternate temporary toilet facilities during the construction of the new public conveniences.
7. It is noted that in accordance with contractual arrangements the purchaser of the James Place Public Toilet land will be required to:
 - 7.1. Construct replacement public toilets (consistent with the existing facilities) as part of its redevelopment including the James Place Public Toilet land.
 - 7.2. Consult with the City of Adelaide and seek its approval with regard to the design of the replacement public toilets.
 - 7.3. Own, maintain and operate the replacement public toilets at its cost in accordance with agreed key performance indicators.
 - 7.4. Operate the replacement public toilets in accordance with the opening hours for the existing facilities.
 - 7.5. Provide temporary toilet facilities until such time as the replacement toilet facilities are constructed and operational.
8. The above arrangements will be secured via contractual documentation including a legal instrument to be registered on the land to protect the interests of the City of Adelaide.

Community Land Revocation

9. As of 1 January 2000, under the *Local Government Act 1999 (SA)* (the Act), all local government land (except roads) that is owned by a Council or is under the care, control and management of a council is classified as Community Land.
10. Since 1 January 2003, removal from the classification as Community Land can only proceed by revocation under Section 194 of the Act. The proposal to revoke land requires a Council to undertake public consultation in accordance with its Public Communication and Consultation Policy with approval to be given by the Minister.
11. Land that is Community Land cannot be disposed of, i.e. sold or transferred, unless it has been excluded from this classification or revoked.

Public Consultation Process

12. Public consultation for the Community Land revocation commenced on 19 November 2020 with submissions originally required to be received by 5pm on 11 December 2020.
13. COVID-19 restrictions were implemented within South Australia on 19 November 2020 and were scaled back on 22 November 2020. As a result, the close date for public submissions was extended by one week and closed at 5pm on 18 December 2020. This consultation period was beyond the minimum 21-day notification period within Council's Public Communication and Consultation Policy.
14. The following information was made available as part of the public consultation process:
 - 14.1. The 'Proposal to revoke the James Place Public Toilet as Community Land' prepared pursuant to Section 194 of the Act.
 - 14.2. Your Say consultation pack providing supporting information, frequently asked questions, timeline and public submission forms.
15. The public submission form incorporated the following questions:
 - 15.1. Overall, do you support Council's proposal to revoke the Community Land classification of the James Place Public Toilet land for the purpose of sale and redevelopment (incorporating replacement public toilets)?
 - 15.2. Does the information provided include sufficient detail to allow you to understand why Council is proposing to revoke the Community Land classification of the James Place Public Toilet land?
16. The public consultation documents noted that sale and redevelopment was subject to the purchaser providing:
 - 16.1. Replacement public toilets within the redevelopment being consistent with existing facilities incorporating male, female, accessible and changing places toilets.
 - 16.2. Alternate temporary public toilet facilities during construction of the new public toilets noting that this may not allow for a changing places facility.
17. Activities associated with the public consultation process comprised:
 - 17.1. Notice published on the City of Adelaide website and SA Government Gazette.
 - 17.2. Public notice placed within *The Advertiser*.
 - 17.3. Signage display at the James Place Public Toilet building.
 - 17.4. Poster/signage at the City of Adelaide Customer Centre, libraries and community centres with consultation packs also made available.
 - 17.5. Email to Council's Access and Inclusion Advisory Panel.
 - 17.6. Notice made available on the Rundle Mall Management Authority (RMMA) website with RMMA email distribution to Rundle Mall traders.
 - 17.7. Display of consultation material on the Your Say website.
 - 17.8. Social media including posts during November and December 2020 via City of Adelaide Facebook and Twitter resulting in a reach of over 19,000 people with 144 link clicks.
18. The Your Say website was the primary website to support the public consultation. A total of 235 people visited the Your Say website for the James Place Public Toilet land revocation consultation with 60 of these visitors exploring the consultation materials more closely.
19. A total of 7 submissions were received prior to the submission close. These submissions are provided verbatim within the table at **Attachment A**.

Submissions – Community Land Revocation

20. The 7 responses to the Community Land revocation comprised:
 - 20.1. 2 submissions in support of the Community Land revocation (Strongly Agree/Agree).
 - 20.2. 4 submissions objecting to the Community Land revocation (Strongly Disagree/Disagree).
 - 20.3. 1 submission was recorded as being neutral in their response.

21. The key themes relating to respondent submissions and associated outline responses are provided below:

21.1. **Loss of public conveniences** – Some respondents expressed concern that the sale of the James Place Toilet land will result in a loss of public conveniences.

Outline Response:

- 21.1.1. The purchaser of the James Place Public Toilets land is required to provide replacement public facilities consistent with the existing facilities including male, female, accessible and changing places facilities.
- 21.1.2. Arrangements will also be made with regard to the provision of alternate public toilets during the construction of the new public conveniences.
- 21.1.3. The purchaser will need to consult with the City of Adelaide and seek its approval in relation to the design of the replacement public toilets.
- 21.1.4. The above requirements will be secured by contractual documentation including a legal instrument to be registered on the land to protect the interests of the City of Adelaide.

21.2. **Expense incurred by previous refurbishment** – There was some concern that the existing public conveniences were refurbished at significant public expense resulting in lost monies given the proposed sale.

Outline Response:

- 21.2.1. The James Place Public Toilet land incorporates ground floor public conveniences, a vacant first floor and plant/ servicing at level two. The upper floors are restricted by the building structure and are under-utilised providing limited value to the community.
- 21.2.2. The purchaser will be required to provide replacement public toilets consistent with the existing facilities and will be responsible for ongoing ownership and management of the replacement public facilities. This will provide ongoing financial benefit to the City of Adelaide.
- 21.2.3. Proceeds from the sale of the James Place Public Toilet land will be transferred to the City of Adelaide's future fund for the purpose of funding the future purchase of new income generating assets or to fund new capital works of a strategic nature for broader community benefits.
- 21.2.4. More broadly, the sale and redevelopment of the land will enable an improved retail frontage adding value to the retail experience supporting activity and public amenity within the James Place connection.

21.3. **Concerns about private ownership/ loss of public control** – Concern was expressed that Council would have no control over the outcome whether that be the design of the replacement toilets or their ongoing operation.

Outline Response:

- 21.3.1. The purchaser is required to provide replacement public toilets consistent with the existing facilities including male, female, accessible and changing places toilets. The purchaser will need to consult with the City of Adelaide and seek its approval in relation to the design of the replacement public toilets.
- 21.3.2. The purchaser will be responsible for the ongoing ownership and management of the replacement facilities in accordance with agreed key performance indicators.
- 21.3.3. Requirements relating to safety, security, cleansing, maintenance, opening hours and other operational matters will be secured with Council. In this regard, the replacement facility will continue to be appropriately maintained and operated in line with Council's standards.
- 21.3.4. The above requirements will be secured by contractual documentation including a legal instrument to be registered on the land to protect the interests of the City of Adelaide.

21.4. **Level of service and convenience** – Respondents raised a range of accessibility aspects including the provision of accessible and changing places facilities as well as the extent of public access including hours of operation. Some respondents noted that this may result in greater inconvenience to users.

Outline Response:

- 21.4.1. The purchaser of the James Place Public Toilets land is required to provide replacement public facilities consistent with the existing facilities including male, female, accessible and changing places facilities.
 - 21.4.2. The replacement public toilets will remain accessible for local and public use. In this regard, the opening hours for the replacement public toilets will be consistent with the existing facilities.
 - 21.4.3. The purchaser will need to consult with the City of Adelaide and seek its approval in relation to the design of the replacement public toilets. Review of the design will consider matters such as safety, security and public accessibility.
 - 21.4.4. Arrangements will also be made with regard to the provision of alternate public toilets during the construction of the new public conveniences. These alternate facilities will incorporate accessible toilets however as mentioned within the public consultation documents this may not allow for a changing places facility during the construction period. These alternate facilities will be situated in a location which is able to service the Rundle Mall precinct with suitable locations currently being explored.
 - 21.4.5. Operational hours will be consistent with the current promoted hours and in addition the facility will remain open in support of the 'Home Zone' initiative from Friday 7:00am through to midnight and Saturday 8:00am through to 8:30pm Sunday.
22. Concerns raised by respondents have been considered as part of the contractual negotiations and associated arrangements for the sale of the James Place Public Toilet land. In this regard, it is considered that the concerns have been sufficiently addressed within existing contractual arrangements. Notwithstanding, these concerns will be front of mind as we progress through the next steps.
23. Individual correspondence will be provided to each respondent addressing the matters raised within their submission. A summary of individual submissions and associated outline responses is available ([Link 3 view here](#)).
24. It is recommended that a report on the proposed revocation be submitted to the Minister in accordance with Section 194 (3) (a) of the Act seeking approval for the revocation of the Community Land classification of the James Place Public Toilet land. This will pertain to the land within Allotment 123 in Filed Plan 181775 as contained within Certificate of Title Volume 5883 Folio 435.

Next Steps

- 25. Section 194 of the Act specifies that the City of Adelaide must submit a report on the proposed revocation with all public submissions received to the Minister for approval to revoke the land from Community Land classification.
- 26. On this basis, a report is proposed to be submitted to the Minister with a request to approve the revocation of the Community Land classification of the James Place Public Toilet land. This report will set out the proposal, the consultation process and submissions received.
- 27. It is noted that a further resolution of Council will be needed to revoke the Community Land classification of the James Place Public Toilet land following and subject to approval by the Minister.
- 28. A response will be prepared to each respondent with an update on the decision of Council. In addition, the decision of Council will be placed on the Your Say website.

DATA AND SUPPORTING INFORMATION

Link 1 - James Place Public Toilet land

Link 2 - Proposal to revoke the James Place Public Toilet as Community Land

Link 3 - Responses to public submissions

ATTACHMENTS

Attachment A – Public Submissions

- END OF REPORT -

James Place Public Toilet Land – Proposed Community Land Revocation

Public Submissions

Respondent	Q1. Do you support the Community Land revocation?	Q1. Comment	Q2. Do you have sufficient detail to understand why Council is proposing the revocation?	Q2. Comment
1.	Strongly Agree	It is a shame to lose truly public conveniences, but the facilities are outdated, and the proposed development makes a much greater contribution to James Place and the city generally. The council should require the replacement to be as accessible (in terms of hours of access) as possible.	Yes	-
2.	Neutral	You just refurbished them at significant public expense recently. What a waste of money. Very convenient location.	Yes	Will the toilets only be open during business hours?
3.	Strongly Disagree	I am not confident that the proposed new public toilets will have the same level of accessibility than the current ones. I also feel that it further inconveniences retail employees within City Cross Arcade who are already forced to rely on these toilets.	No	It is still unclear as to whether the proposed new toilets will be as accessible as the current ones or will they be subject to retail operating hours.
4.	Strongly Disagree	Please reproduce these comments in the future agenda paper that informs elected members of the YourSay consultation results. This matter was determined on 9 June 2020 as a confidential item. The public was excluded from the discussion. Council resolved to endorse three matters (which remain secret), but a fourth part relating to a decision to 'proceed with the process for revocation' was lifted from the order (Item 12.1.1, page 19 of Minutes). It had to be, to allow for the consultation. Respondents only have as background the text provided by the YourSay package. The YourSay text is presented in a way to encourage respondents to endorse the revocation, regardless of the content of secret agreements made with the developer, which will remain confidential under the existing order until 31 December 2027. This date will effectively mean that the adjacent development will be completed before ratepayers can learn what undertakings council made with the developer, which depend on public endorsement of revocation. This is not a transparent process, nor is it a fair one. It appears that council has made undertakings with developer Charter Hall to sell the toilet facility title to Charter Hall so that the land can become part of a whole development site. This was subsequently (but obliquely) confirmed in the media (InDaily, 15 November 2020 [heritage listing matter]: "Minister tells developer hands off; see paragraph "It was revealed doing so would contravene a previous confidential decision relating to a toilet block on James Place..."). This decision to sell is obviously of great convenience to Charter Hall, but of significant negative consequence and major inconvenience to the thousands of CBD users of the toilets and change facilities weekly. Information provided in the YourSay package is clearly misleading and likely to bias responses. A key matter not revealed is that the city council is under no legal requirement to take any notice of objection by the public. The decisions made on 9 June, which remain secret, are likely to apply. The James Place toilets are a very important – and widely used – public facility in an ideal city location, easily accessible, and without any requirement for the public to enter retail premises to access. It has been refurbished since the 2010 CLMP listing at significant expense. There was a sound rationale in 2010 to initiate this Community Land Management Plan (CLMP), and a similarly strong rationale to refurbish the facility after 2010. Council's 2020 YourSay rationale that closing this facility "will fund broader community benefits" is beside the point. Closing will do no such thing. Selling the land will get this (intangible) result, but that also is not the point. The YourSay package claims that the sale of the James Place land is to be subject to the adjoining owner/purchaser providing "replacement public toilets as part of its redevelopment." However, under the Adelaide (City) Development Plan, provision of toilets open to the public is already a planning requirement. Moreover, assessment of the development application will be determined by SPAC, not the council, so the council will not (as is implied) have control over the outcome. The real question is why the James Place land needs to be sold to the developer. The	No	Please reproduce these comments in the future agenda paper that informs elected members of the YourSay consultation results. As detailed in the response to Question 1, council's maintenance of a confidentiality order on 9 June 2020 means that the public cannot access the resolutions passed on that day, in favour of developer Charter Hall. Council has not provided any cogent rationale for the revocation of the CLMP listing. It was put in place in 2010 to protect the site from future attempts to dispose of land from Council's property portfolio. Such matters are always done under cover of confidentiality orders. The CLMP listing was put into place in 2010 to block this procedure, and to underscore the importance of continuity of this public facility. There was support in 2010, both among elected members, and the community responding to the YourSay consultation at that time. The current 2020 YourSay package is silent about this history. To fully address why Council wants to dump this CLMP, the YourSay package needs to demonstrate why the following principles, listed under the current CLMP, are suddenly no longer relevant: 1. "A community facility for local and public use 2. "An appropriately maintained facility in an environmentally sensitive manner 3. "A public convenience, which is safe and free from potential hazards to minimise Council's exposure to complaints and other actions." [Extract from the 2010 CLMP] In relation to point 1, revoking the CLMP may result in provision of an alternative privately run facility (but one that Charter Hall must in any case provide within its new development under the city's Development Plan). However, it would be operated simply at the whim of the property owner. Breaches in operational arrangements would have to be subject to legal action to obtain a remedy. In relation to point 2, there will be no guarantee of an appropriately

	<p>answer is simple, and it has nothing to do with the convenience or otherwise of existing users of the facility. Charter Hall's architects and building contractors are reluctant to progress a massive demolition and building replacement while the existing toilets remain in place. The emphasis is therefore about convenience for a developer, not convenience for long-term users of the council toilets and change facilities. The development is large. The Charter Hall proposal is to "bulldoze the Southern Cross Arcade and Sands and McDougall building and construct a 15-storey tower including 40,000 square-metres of above-ground office space and 3000 square-metres of retail on the ground floor." Source: https://indaily.com.au/news/local/2020/09/07/another-city-heritage-site-under-demolition-threat/ The existing James Place toilets are a fundamental facility supporting retail activity in the city. There are limited toilet and changing facilities elsewhere, and this site appears to be the only one near Rundle Mall that is accessible directly off the street. Where other facilities exist, they are funded and operated at the whim of a retailing lessee. Their respective floor footprints are restricted (significantly less than the James Place facility) and there are few changing facilities for the disabled or young mothers. This respondent has accessed all of these facilities in recent years, and the only facility that has been maintained under rigorous hygiene standards on a consistent basis has been the James Place facility. The James Place site is, as the CLMP states, "A public convenience which is safe and free from potential hazards to minimise Council's exposure to complaints and other actions." Under council ownership this principle endures. But as soon as this facility is sold and demolished, and an alternative established, managed and funded in another place by a private firm, this fundamental principle is at risk. The YourSay package is silent about this. Why? The claim that the facility must be sold and closed "to support an adjacent redevelopment" is illogical. Sale and closure is not needed to support it, but that is the spin that Council is inviting respondents to believe. (The developer has already reconfigured its design once (over a local heritage listing matter. There is much flexibility to do it again.) Clearly, the developer has the capacity to go ahead if the CLMP remains in operation, and the James Place facility remains in place. Planning policy will demand that the developer includes toilet facilities in the new development, regardless of this YourSay city council campaign to revoke a CLMP listing that remains key to continuation of the public facility. The James Place toilets site is at the rear of the Charter Hall project site and takes up minimal space. A YourSay package revocation rationale is that the James Place land site configuration (at its level 2) has unused space. Quote: "The limited site area of 126m2 and the structural nature of the building, particularly at the upper levels) restrict future opportunities for the James Place public toilet land." This is irrelevant, given that there is currently a very important and existing 'opportunity' – ongoing use, protected under a 10-year CLMP listing. The "limited site area" has never been an issue during the decade of facilities use, and this facile rationale is only now being used by administrators to justify selling the James Place title. YourSay statements referring to the benefits of an "adding value" retail concept imply that the provision of vital city public facilities like the James Place toilets is a low-order priority in the city. The following YourSay statement is a good example of the spin written by administrators keen to see this matter finalised. "The disposal will enable an improved frontage to James Place incorporating retail, food & beverage and leisure uses. This will add value to the retail experience supporting activity and public amenity within the James Place connection (between Grenfell Street and Rundle Mall)." This is spin. Retail food and beverage uses currently provide a broad range of offerings to anyone visiting James Place. The existing site – accessible from the street – is a major city benefit, a publicly funded, safe City of Adelaide facility. Key information is also missing from the YourSay information package. For example: - No data have been supplied in relation to the past decade's use of the facility. It is known to have been subject to high demand. Council is silent about that level of demand, silent on improvements made to the site in recent years, and silent about the funds spent then that would be written off if the site were sold. Data on the demand for the changing facilities for young mothers and the disabled is highly relevant to enable respondents to assess the wisdom – or not – of the proposal (and the wisdom of council's agreements with the developer, endorsed in confidence on 9 June 2020). - In regard to Council's proposing to sell the site to the developer, no clear information is provided to YourSay respondents about how soon a replacement site might be put into operation. - The YourSay package claims that substitute facilities will be provided during this period but does not state the exact location. The package's silence about this suggests that no explicit alternative location has been earmarked, nor is a development</p>	<p>managed facility (with legal action being the only remedy). Further, there will be no guarantee that a replacement facility on a private title will be run in an 'environmentally sensitive manner' as currently applies under the CLMP in relation to a council-owned title. In relation to point 3, there will be no guarantee that Charter Hall's toilet facilities will be 'safe and free from potential hazards' (with legal action being the only remedy if they are found to be not safe). The YourSay package fails to address any of these CLMP-related matters. Each could arise after the sale and demolition of the existing James Place toilets and change facilities. Absence of the particulars of the resolutions made on 9 June 2020, but kept secret under confidentiality orders, illustrates that this YourSay consultation is flawed. But Council knows that under the LG Act 1999 while it is required to consult, it is not required at law to consult reasonably or fairly or competently. It is also under no legal requirement to take any notice of responses. Information in this YourSay package remains insufficient, and there is a high probability that its flaws will influence the nature of the public response, which could in turn influence subsequent resolutions by elected members.</p>
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		<p>application prepared for a replacement facility. The existing site is ideal – it is sited between two large retail and food service hubs. Would an alternative be as ideally sited? The YourSay package is silent. - The YourSay package reveals that the changing facilities at the toilet site would not continue to be offered, were the CLMP to be revoked and the land sold. Loss of changing facilities for an undefined period (almost certainly several years) would have significant consequences for current disabled users or young mothers. This potential loss, and lack of any level of concern, reflects a disturbing council indifference to the needs of these groups. This bid is clearly an attempt to dump ongoing responsibility for Council's provision of a vital community facility, to save money, and sack existing maintenance and cleaning staff. This is unconscionable. It is an ill-advised attempt to placate an influential developer's desire to extract the greatest development potential from every square metre of the site. Please do not progress this. Please retain the CLMP listing. Leave the facility, and its funding, in place. The bonus would be that Charter Hall's future provision of additional toilets in its development would deliver even more facilities in this CBD location.</p>		
5.	Agree	<p>I agree as long as the public toilets are replaced. This means an accessible toilet and Changing Places Facility which is open to the public at the same times as the present. The disability community will also need alternative accessible toilets and Changing Places Facility identified so they are not inconvenienced during the building process.</p>	Yes	It is necessary for the sale to proceed.
6.	Strongly Disagree	<p>Once revoked there will be no going back..</p>	Yes	-
7.	Disagree	<p>I have no problem with the sale in principle, but the detailed proposal describes the opening hours of the toilets under the new owners are "to be secured with Council". As such, it is unclear what the hours will actually be, and a reduction to (for example) the opening hours of the neighbouring pub would constitute a notable reduction in the usefulness of the facilities. There is no commercial reason for the new owners to keep the site open much past their own opening hours, so the opening hours need to be a term of the contract of sale.</p>	Yes	Council's reasoning is admirably clear from the wording of the signs at the site (let alone the detailed PDF).

Exclusion of the Public

ITEM 11.1 28/01/2021
Council

Program Contact:
Rudi Deco, Manager
Governance 8203 7442

2018/04291
Public

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.

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

For the following Chief Executive Officer Reports seeking consideration in confidence

- 12.1.1** Contract Award Report – Supply of Sweepers [section 90(3) (d) of the Act]
- 12.1.2** Capital City Committee Annual Report 2019-20 [section 90(3) (j) of the Act]

The Order to Exclude for Items 12.1.1 and 12.1.2

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

ORDER TO EXCLUDE FOR ITEM 12.1.1

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28 January 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1.1 [Contract Award Report – Supply of Sweepers] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report could reasonably prejudice the commercial position and identity of the contractor who supplied 'commercial in confidence' material containing commercial pricing and methodology information. This report contains reference to 'commercial in confidence' tender response documentation, 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 discussion or negotiation and prejudice the Council's commercial position and opportunity to discuss or negotiate an option yet to be determined by the Council at this point in time.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in the release of tenderer commercial pricing and methodology information. This may confer a commercial advantage on a third party which may impact on future tenders and commercial negotiations. Further, the private sector may determine not to submit tenders for projects if Council will not take into account a tenderers' concerns regarding protection of its confidential information. This may have the impact that the private sector does not participate in future procurement opportunities which may be detrimental to Council achieving good procurement outcomes for the community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 28 January 2021 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 12.1.1 [Contract Award Report – Supply of Sweepers] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (d) of the Act.

ORDER TO EXCLUDE FOR ITEM 12.1.2

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (j) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28 January 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1.2 [Capital City Committee Annual Report 2019-20] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report would breach 'Cabinet in confidence' information presented to the Capital City Committee established under the *City of Adelaide Act 1998 (SA)* which has provided for a State/Capital City inter-governmental forum (the Capital City Committee) to operate and the associated duty of confidence and duty as a member of the inter-governmental forum.

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 would divulge information provided on a confidential basis and could undermine the Capital City Committee's operations and prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 28 January 2021 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 12.1.2 [Capital City Committee Annual Report 2019-20] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (j) of the Act.

.....

DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act), directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council, or
 - 4.2 cause a loss of confidence in the council or council committee, or
 - 4.3 involve discussion of a matter that is controversial within the council area, or
 - 4.4 make the council susceptible to adverse criticism.
5. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 12.1.1 – Contract Award Report – Supply of Sweepers
 - 6.1.1 Is not subject to an Existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (d) of the Act
 - (d) Commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest
 - 6.2. Information contained in Item 12.1.2 - Capital City Committee Annual Report 2019-20
 - 6.2.1 Is a Cabinet in Confidence Matter and is not subject to an Existing Confidentiality Order.
 - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (j) of the Act
 - (j) information the disclosure of which—
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest.

ATTACHMENTS

Nil

Confidential Item 12.1.1
Contract Award Report – Supply of Sweepers
Section 90 (3) (d) of the *Local Government Act 1999 (SA)*
Pages 21 to 29

Confidential Item 12.1.2
Capital City Committee Annual Report 2019-20
Section 90 (3) (j) of the *Local Government Act 1999 (SA)*
Pages 30 to 50

Reports from Council Members

ITEM 14.1 28/01/2021
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Rudi Deco, Manager Governance
8203 7442

2018/04064
Public

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY:

This report is presented to:

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

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

RECOMMENDATION:

THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 14.1 on the Agenda for the meeting of the Council held on 28 January 2021).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 14.1 on the Agenda for the meeting of the Council held on 28 January 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 28 January 2021 be included in the Minutes of the meeting.

ATTACHMENTS

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

Attachment B – Summary of meeting attendance



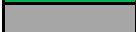

- END OF REPORT -

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 10 December 2020 - 20 January 2021			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillors Couros (Deputy Lord Mayor) & Hyde	28/12/2020	184th Proclamation Day Commemoration	Annual Proclamation Day Ceremony
Councillors Couros (Deputy Lord Mayor) & Hyde	10/01/2021	Greek Orthodox Epiphany Celebrations	Annual Blessing of the Waters
Councillor Couros (Deputy Lord Mayor)	17/01/2021	Adelaide Pongal 2021	Harvest Festival - Receiving trophy on behalf of CoA
COUNCIL MEMBER MEETINGS ATTENDED : 10 December - 20 January 2021			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Hyde	11/12/2020	Adelaide Central Market Authority Strategic Planning Session	Attended as Council Representative
Councillor Hyde	17/12/2020	Adelaide Central Market Authority Board Meeting	Attended as Council Representative
Councillor Hyde	17/12/2020	Capital City Committee	Attended as Council Representative
Councillor Hyde	7/01/2021	Adelaide Central Market Authority Finance & Audit Committee	Attended as Council Representative
Councillor Hyde	7/01/2021	Adelaide Central Market Authority Governance Meeting	Attended as Council Representative
Councillor Hyde	11/01/2021	Adelaide Central Market Authority Governance & Strategy	Attended as Council Representative
Councillor Knoll	21/12/2020	Rundle Mall Management Authority Board Meeting	Attended as Council Representative
Councillor Hou	17/12/2020	Capital City Committee	Attended as Council Representative
Councillor Hou	7/01/2021	Australia Day Council of South Australia Panel Members	Attended as Council Representative - State Citizen of the year selection panel
Councillor Hou	13/01/2021	Australia Day Council of South Australia Board Meeting	Attended as Council Representative
Councillor Couros (Deputy Lord Mayor)	12/12/2020	Australian International - 3-day event Board Meeting	Attended as Council Representative
Councillor Couros (Deputy Lord Mayor)	17/01/2020	Adelaide Convention Bureau Board Meeting	Attended as Council Representative

Meeting attendance

	Council 15 December 2020	Council Assessment Panel 21 December 2020	Council - Special Meeting 23 December 2020	Council - Special Meeting 30 December 2020	Meetings held	Meetings attended
Lord Mayor Sandy Verschoor	✓		✓	✓	3	3
Councillor Arman Abrahamzadeh	✓	✓		✓	4	3
Councillor Mary Couros (Deputy Lord Mayor)	✓			✓	3	2
Councillor Helen Donovan	✓		✓		3	2
Councillor Simon Hou	✓			✓	3	2
Councillor Alex Hyde	✓		✓	✓	3	3
Councillor Jessy Khera	✓		✓	✓	3	3
Councillor Franz Knoll	✓			✓	3	2
Councillor Greg Mackie	✓		✓		3	2
Councillor Phillip Martin	✓		✓		3	2
Councillor Anne Moran	✓		✓		3	2
Councillor Robert Simms	✓		✓		3	2
# in Attendance	12	1	8	7		

Key:

	Apology
	Leave
	Not a Member
	Proxy Member

City of Adelaide Job Losses

ITEM 15.1 28/01/2021
Council

Council Member
Councillor Martin

2019/00551
Public

Contact Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration advise;

1. What was the total of people, including trainees, casuals, fixed term staff, contractors, redeployed and any others not captured by those definitions in the employ of the City of Adelaide on 3 February 2020;
2. What was the total of people, including trainees, casuals, fixed term staff, contractors, redeployed and any others not captured by those definitions in the employ of the City of Adelaide at COB on 21 January 2021;
3. What has been the cost of separations so far as a result of the current restructure, excluding leave entitlements, and what costs remain;
4. How many people were advised between 1 July and 31 December 2020 that their positions were being reclassified and that they would be required to reapply for that or another position;
5. How many people were advised in the four weeks leading up to the December Christmas Holidays that their applications (at 4) had been unsuccessful and their employment would not continue;
6. What is the number of people at the City of Adelaide currently serving out periods of notice with their engagements terminating after 21 January 2021;
7. How many people employed by the City of Adelaide will work for the City's Adelaide Economic Development Agency and will that number of people continue to be counted in any of the categories at 1;
8. Have further reductions in jobs not reflected in the foregoing been discussed by the Administration Executive and, if so, how many;
9. Where, according to service area, have positions been cut and what impact does the Administration say such cuts have had on service delivery?'

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

- END OF REPORT -

Team Adelaide

ITEM 15.2 28/01/2021
Council

Council Member
Councillor Martin

2018/04162
Public

Contact Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

‘Could the Lord Mayor explain the basis for her claiming during the City of Adelaide Council meeting on December 15th, 2020 that the term Team Adelaide was “derogatory”?’

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

- END OF REPORT -

Central Market

ITEM 15.3 28/01/2021

Council

Council Member
Councillor Martin

2015/00903
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration advise the nature and value of capital works completed, under construction or proposed for the Central Market which are required to facilitate construction of the Central Market Arcade Redevelopment?'

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

- END OF REPORT -

Central Market Arcade

ITEM 15.4 28/01/2021
Council

Council Member
Councillor Hyde

2015/00903
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

QUESTION ON NOTICE

Councillor Hyde will ask the following Question on Notice:

- '1. Could the Administration please verify the veracity of Cllr Martin's public statements that the Central Market Arcade redevelopment will "...cost the Council bottom-line \$54 million dollars. That is approximately \$28 million dollars in cash and the \$28 million dollars the Council receives from the sale of air rights..."?
2. Could the Administration please advise where circa \$28 million dollars the Council gets from the sale of the air rights is presented as an asset that the council owns?
3. Has this \$28 million 'asset' ever been quantified on Council's balance sheet or presented in quarterly reports?
4. Has this a \$28 million 'asset' ever been considered a "saleable asset" for the purposes of the City's prudential limit?
5. Could the Administration advise what is the projected net "bottom line" result of development of the Central Market Arcade at the end of the development?'

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

- END OF REPORT -

Motions on Notice by Elected Members

ITEM 15.5 28/01/2021
Council

Council Member
Councillor Abrahamzadeh

2018/04053
Public

Contact Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE

Councillor Abrahamzadeh will ask the following Question on Notice:

1. Can the CEO report on the MoN by elected members from January to June 2020 that were published in the Council meeting agendas but then subsequently withdrawn either before or during the meeting, in the same table format of the current Register of Motions and Questions which contains that data for July-December 2020 (note - those MoN that were adjusted and subsequently brought back to the chamber for a later meeting can be excluded)?
2. Can the CEO advise if the Register of Motions and Questions could be added to the Registers page of the City of Adelaide website?

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

- END OF REPORT -

The Aboriginal Flag

ITEM 15.6 28/01/2021
Council

Council Member
Councillor Mackie

Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

QUESTION ON NOTICE

Councillor Mackie will ask the following Question on Notice:

'Recognising the significant historical connection between the City of Adelaide and the first public use of the Aboriginal Flag, can Council Administration engage with the Reconciliation Committee and advise what plans are either already in place, or might be developed with Council support to commemorate 50 Years of the Aboriginal Flag in July 2021.'

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

- END OF REPORT -

Central Market Arcade

ITEM 15.7 28/01/2021

Council

Council Member

Councillor Knoll

2015/00903

Public

Contact Officer:

Clare Mockler, Deputy CEO &
Director City Shaping

QUESTION ON NOTICE

Councillor Mackie will ask the following Question on Notice:

'Noting the Central Market Arcade redevelopment is intended to commence this year with an expected loss of 250 car parks during construction and during Christmas week, overflow car parking was trialled near the bus station between Grote and Franklin Street, is it intended to use this site to house an interim car park for use during the Central Arcade redevelopment in order to cover the decreased car parking spots? If so, when is it envisioned that the site will be ready for use and will this be prior to the commencement of construction considering that promoting and encouraging the use of the car park may take some time?'

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

- END OF REPORT -

Council Member
Councillor Martin

2020/00185
Public

Contact Officer:
Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

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

'That Council;

Asks the Administration to cease using E-News as a means of disseminating final reports and the outcomes or conclusions of formal motions specifically requested by the elected body for the consideration of the elected body and resumes using E-News for the purpose of information about Council and related activities in the manner of the publication prior to this term of Council, unless requested to do otherwise.'

ADMINISTRATION COMMENT

1. E-News is predominantly used by the Administration as an efficient means to provide news, information and updates to Council Members.
2. Each edition of E-News is distributed to Council Members via the Council SharePoint portal which is a safe and secure way to store, organise, share and access information from any device.
3. If a decision of Council specifically requests a report to be presented back to Council Members, then this is done via inclusion in the Council agenda and presented to Council Members as part of a formal Council meeting.
4. Reports requested by Council Members are only disseminated via E-News in exceptional circumstances such as if the matter were urgent or requires immediate attention.
5. The Administration plans on reviewing the frequency of E-News Updates in the coming months to ensure they are provided to Council Members in a convenient and effective manner.
6. A report is presented at every second Council meeting on the progress of motions to keep Members informed of the status and progress of decisions.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not Applicable
External consultant advice	Not Applicable
Legal advice / litigation (eg contract breach)	Not Applicable
Impacts on existing projects	Not Applicable
Budget reallocation	Not Applicable
Capital investment	Not Applicable
Staff time in preparing the workshop / report requested in the motion	Not Applicable
Other	Not Applicable
Staff time in receiving and preparing this administration comment	4 hours

- END OF REPORT -

Cleansing Regime – King William Street

ITEM 17.2 28/01/2021
Council

Council Member
Councillor Moran

2018/03956
Public

Contact Officer:
Klinton Devenish, Director
Services, Infrastructure &
Operations

MOTION ON NOTICE

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

‘That Council:

1. Increases the frequency and improves the cleaning of King William Street to address its dirty condition.
2. Liaises with property owners on King William Street to assist them to improve the cleanliness of their street frontage.’

ADMINISTRATION COMMENT

1. For the purposes of this motion King William St is interpreted to be the section of King William between North Tce and Pirie St.
2. King William Street is currently attended to daily by the City of Adelaide Cleansing Team. The cleaning regime from North Terrace to Victoria Square involves street and footpath sweeping daily, 7 days a week. This work is currently undertaken between the hours of 4am and 7am to avoid business opening hours and minimise disruption to high volumes of pedestrian and vehicular traffic.
3. This process addresses the daily need to remove litter, leaves and debris from the area and keep it presentable to the public.
4. In addition to sweeping and waste removal our Cleansing team also scrub the footpath using a mechanical ride on scrubber to remove stains or materials that cannot be lifted by just sweeping. This is a labour-intensive process and is scheduled twice a week on Monday and Friday
5. The existing cleansing regime has been developed and implemented to maintain appropriate standards across the City, based on current demand and operating capacity. This already includes the servicing of higher profile areas (where occurrence of litter/rubbish is also higher) more frequently.
6. In addition to the programmed services, the cleansing team also undertakes regular responsive street cleaning, which is performed upon request or notification about litter/rubbish at particular locations, as needed. Customer requests received by the City’s Customer Centre result in work orders which are then actioned and closed out.

7. This section of King William Street poses some additional challenges that contribute to the higher frequency cleaning regime. The slate pavers give the desired ceremonial aesthetic to the street however the material absorb stains and is extremely difficult and costly to clean and maintain. Bus stops, high volumes of queuing patrons, varied food outlets, areas of group congregation resulting in localised stains and litter deposits all contribute to the demands on the street. The ability to access areas for cleaning is also impacted by significant clutter on the footpaths with A-frames, signs, controller boxes, bus shelters, seats and business frontages.
8. Monitoring is required to understand all the challenges on the street and prepare a plan to mitigate, we suggest engaging our Community Safety Officers to monitor the area including engaging with the business owners to gain more insight of the street environment.
9. Once we have a collective understanding of the challenges on the street, we can plan a joint approach to improve the King William Street environment, including cleansing, community issues and business requirements.
10. If this motion is successful we will commence engagement with the business owners and prepare a plan for improvements to the street environment.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Increase of service standards (footpath scrubbing frequency) along King William Street will divert resources away from other high-profile areas.
Budget reallocation	Additional costs depend on the specific nature and scope of consultation with property owners.
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -

A new home for beach volleyball in the City

ITEM 17.3 28/01/2021
Council

Council Member
Councillor Hyde

2020/01167
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

MOTION ON NOTICE

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

'That Council:

1. Works with Volleyball South Australia to secure a new location for Volleyball within the City of Adelaide
2. Provides in principle approval, as landlord, for a relocation by Volleyball South Australia to a site within the Park Lands
3. Seeks to ensure the new location will:
 - a. Be visible from a key road.
 - b. Be within walking distance to corporate businesses/universities/schools.
 - c. Be in an area where music will not disturb neighbours.
 - d. Have access to free carparking.
 - e. Have the ability to access the area with vehicles to replenish sand/delivery of stock.
4. Requests the Lord Mayor write to the Minister for Recreation, Sport and Racing seeking funding to support a relocation.'

ADMINISTRATION COMMENT

1. We have worked with Volleyball SA to identify multiple suitable alternatives to their existing site, with Gladys Elphick Park/Narnungga (Park 25) identified as the preferred Park Lands location.
2. The [Adelaide Park Lands Management Strategy](#) envisions a beach sports facility in this park as part of a multi-purpose sport and recreation hub.
3. A concept plan for a beach volleyball facility on the northern side of Park 25 was developed in 2016. The cost estimate to deliver this plan was between \$2m and \$2.5m excluding site remediation requirements.
4. Enhancements to Park 25 in 2017/2018 allowed for the future establishment of a beach volleyball facility, noting that it would require the relocation of an existing war memorial from the proposed location.
5. Funding has been the key issue for Volleyball SA in relocating City Beach.
6. Volleyball SA require a facility that:
 - 6.1. Has a minimum of four sand courts, flood lighting, a licensed kiosk/café, staff facilities, player amenities, storage and car parking
 - 6.2. Is on a site where they can secure a long term lease at a community rate
 - 6.3. Is in a highly visible and accessible location.

7. The Lord Mayor will write to the Minister for Recreation, Sport and Racing to seek their financial support of Volleyball SA for a new beach volleyball facility.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Initially, consultation would be limited to stakeholder engagement. If the project proceeded to proposing a long term lease, community consultation would be required at a cost of approximately \$3,000.
External consultant advice	The revision of concept plans and development of a business case will be required to enable proper consideration of this project at a cost of approximately \$20,000 to \$30,000. Funding could be sought from the Office for Recreation, Sport and Racing to assist Volleyball SA with these costs.
Legal advice / litigation (eg contract breach)	Legal advice would be sought in preparation of a lease agreement.
Impacts on existing projects	Not applicable
Budget reallocation	No budget has been allocated to this work.
Capital investment	Previous estimates indicate a capital investment of \$2m to \$2.5m would be required, excluding site remediation costs, to establish a viable beach volleyball facility for Volleyball SA. Funding from the Office for Recreation, Sport and Racing typically requires matching funding. Volleyball SA does not have the capacity to match these costs.
Staff time in preparing the workshop / report requested in the motion	0.5 hours for drafting a letter for the Lord Mayor to the Minister.
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours

- END OF REPORT -

Pride Walk on Light Square

ITEM 17.4 28/01/2021
Council

Council Member
Councillor Simms

2018/04053
Public

Contact Officer:
Klinton Devenish, Director
Services, Infrastructure &
Operations

MOTION ON NOTICE

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

‘That:

the Pride Walk on Light Square be updated to include the State Parliament’s removal of the ‘Gay Panic Defence’ and the passage of legislation to clear the records of people convicted of historic homosexual offences.’

ADMINISTRATION COMMENT

1. Pride Walk footpath mural located in Light Square celebrates the achievements and recognises the struggles faced by the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual (LGBTQIA) community with a timeline of achievements, key events and major law reform milestones stencilled onto the footpath.
Abolition of the ‘Gay Panic Defence’ and the passing of legislation to clear the records of people convicted of historic homosexual offences by the State Parliament, are considered significant milestones worthy of recognition on Pride Walk.
2. Pride Walk was designed and installed by City of Adelaide therefore consultation with an artist is not required however we would consult with a LGBTQIA community representative to ensure there are no objections to this inclusion.
3. If this Motion is successful, the following steps will be undertaken:
 - 3.1. Appropriate text to be defined and location confirmed by Technical and Design Services in conjunction with Asset Management
 - 3.2. Endorsement of text by LGBTQIA community representative
4. Once endorsed, the stencil can be sent for production.
5. Installation will be undertaken by City Operations staff.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Public consultation with LGBTQIA community representative.
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Budget needs to be allocated
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Approximate cost of \$600 include stencil production, paint supply and text installation.
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 5.5 hours.

- END OF REPORT -

Council Member
Councillor Mackie

Public

Contact Officer:
Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

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

'That Council:

Review the current policy on the use of the official Coat of Arms / Crest of the City of Adelaide by Council Members and update to limit use to official Council business and not political purposes. Following this review, suggested updating wording for the Standing Orders be considered by Council by the end of March 2021. In the meantime, its use should only be limited to the conduct of official Council business or for Council approved or endorsed activities.'

ADMINISTRATION COMMENT

To be distributed separately

- END OF REPORT -

Heritage Listed Property Insurance

ITEM 17.6 28/01/2021
Council

Council Member
Councillor Martin

2020/00150
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

MOTION ON NOTICE

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

'That Council:

Noting owners of heritage listed properties in the City of Adelaide are often charged higher rates to insure buildings because such buildings are listed, asks the Administration to provide a brief report to the March meeting, canvassing options to provide assistance to such ratepayers.'

ADMINISTRATION COMMENT

1. If the Motion is supported by Council, a report will be provided in March for consideration.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

- END OF REPORT -

Sale of Property Assets

ITEM 17.7 28/01/2021
Council

Council Member
Councillor Martin

2017/04450
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

MOTION ON NOTICE

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

'That Council:

Noting media reports claiming the City of Adelaide is planning to sell off 30 assets from a confidential list to improve Council's financial position, asks the CEO to immediately release from confidentiality, in accordance with the authority granted him by Council, any list of assets being considered for sale and the reasons for any proposed sale.'

ADMINISTRATION COMMENT

1. The City of Adelaide continues to review and test its property portfolio to ensure that the asset base provides public value for its ratepayers and the community.
2. As part of the Strategic Property Review 29 building assets have been identified for further exploration and consideration by Council. These investigations will explore opportunities to leverage the City of Adelaide balance sheet and support the objectives of Council's Strategic Plan 2020-2024.
3. Identified assets have been considered on a commercial in confidence basis to ensure that the City of Adelaide can best influence any future property proposal for the benefit of the City of Adelaide, its ratepayers and the community and not prejudice commercial or contractual negotiations.
4. Building or Land asset sale will be publicly available following consideration by Council and in association with a market release or other required mechanisms and processes relating to the asset.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Release of requested information would prejudice existing and future discussions and commercial or contractual negotiations with prospective purchasers, developers and consortiums.
Impacts on existing projects	Release of requested information would prejudice the ability of the City of Adelaide to best influence public value including financial, community and strategic value for its ratepayers and the community.
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	1 hour
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

- END OF REPORT -

Council Member
Councillor Martin2018/02324
Public**Contact Officer:**
Clare Mockler, Deputy CEO &
Director City Shaping

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:

Asks the Administration to immediately publish any reports or documents which provide calculations related to overshadowing associated with the Commercial and General proposal to develop 88 O'Connell Street and, if such calculations have not been made then immediately commission such calculations for publication.'

ADMINISTRATION COMMENT

1. We are unable to provide details relating to the design and the process beyond what has been publicly released as the parties have entered into a formal contract and these details are protected via the mechanism of the contract and are currently deemed as confidential.
2. Commercial & General are in the process of extensive design development prior to lodgement of a development application.
3. Council has been presented with a series of design sessions through Confidential Committee Briefings as part of its final deliberation and appointment of Commercial & General at a formal meeting of Council.
 - 3.1. The Committee on the 18 November 2019 considered the proponent's submission which included a design concept. On the 19 November 2019, Council selected Commercial & General as their preferred proponent to progress the Stage 3 – negotiation process.
 - 3.2. The Committee on the 18 February 2020 considered a design update which reflected Council's comments and feedback from its meeting in November 2019. As part of this presentation, it was noted that setbacks from Centenary Street would be increased (from a 12-metre setback to a 14-metre setback) to minimise impact on residential properties in response to comments from Council Members.
 - 3.3. The Committee on the 17 March 2020 considered a design presentation delivered by Commercial & General and its Lead Architect. This briefing provided Council with further detail on the external appearance of the development, massing and included shadow diagrams for the summer and winter solstice (shadowing).
 - 3.4. Further iterations of the design were presented to the Committee on the 21 July 2020 on the progress of the design concept.
 - 3.5. The Committee and Council considered on the 8 December 2020 key Commercial Terms of the Land Facilitation Agreement, concept design and prudential report and endorsed Commercial & General as the party to develop the site and subsequently the contract was executed on the 16 December 2020.

4. Commercial & General will as part of the development assessment process prepare detailed designs which will reflect the scheme and intent and will include overshadowing diagrams and massing plans.
5. We will explore opportunities with Commercial & General to engage further and expand on the proposal as and when designs are at a point where information can be shared.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable.
External consultant advice	Not applicable.
Legal advice / litigation (eg contract breach)	Release of plans beyond those that have been made publicly available would constitute of breach of contract on Council's behalf. The costs and legal ramifications of such a breach are unknown at this time.
Impacts on existing projects	Potential breach of contract.
Budget reallocation	Not applicable.
Capital investment	Not applicable.
Staff time in preparing the workshop / report requested in the motion	Not applicable.
Other	Not applicable.
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

- END OF REPORT -

Council Member
Councillor Hyde

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

Public

MOTION ON NOTICE

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

'That Council:

1. Requests the Council Administration modernize and finalise all of the redrafted foundational documents for the governance of the Adelaide Central Market Authority in a comprehensive manner, in order to prepare for the imminent construction, completion, and integration of the Adelaide Central Market Arcade into the existing Market.
2. Resolves that all of the relevant documents should be modernised and updated simultaneously, and that all documents should be approved at the same time, including:
 - a. The Adelaide Central Market Authority Charter.
 - b. The Operating Agreement and Roles and Responsibilities for the Adelaide Central Market and the Arcade redevelopment respectively.
 - c. The Head Lease for the Adelaide Central Market.
 - d. The Community Land Management Plan covering the Adelaide Central Market and the Adelaide Central Market Arcade.
3. Requests that the following principles will underpin the redrafting of the new foundational documents:
 - a. 'One Market'
 - i. The Arcade will be integrated into, and complementary to, the Adelaide Central Market, in order to create one Market.
 - ii. The Authority will be responsible for the Arcade's management in the same way that it will manage the Market
 - b. 'Asset Management Plan'.
 - i. Council will be solely responsible for the funding of capital works on the infrastructure which is otherwise under the management of the Authority.
 - ii. The process for the creation of the Asset Management Plan for the infrastructure under the management of the Authority will be specifically outlined in the Charter, and will broadly be determined by the Authority, before then coming through the relevant Council staff and being approved by the Council.
 - iii. The infrastructure within the Market will be condition compliant to occupational health and safety standards at a minimum, noting that compliance may change from time to time.
 - c. 'Accessibility'
 - i. The Authority may devolve itself from management of the Adelaide Central Market U-Park, but that this devolvement would only be accompanied by a guarantee, enshrined in the

foundational documents, that the carpark will continue to primarily support the retail activity in the Market through regular collaborative and uniquely branded promotional activities and that approval of these promotional activities will be made by the Council

- ii. Any proposed permanent changes to traffic management that affects access to the Market will be brought to the Authority's Board before presentation to Council.
- d. 'Trader Engagement and Representation'
 - i. The nature and extent of role of the traders in the management of the Authority will be determined through consultation with the Authority and the traders.
 - ii. The charter will allow for the traders to be engaged in a rigorous way which allows for the dissemination of information between the Authority and whichever governance structure is determine do be appropriate.
 - iii. The charter will address the need to allow the traders to contribute to the Authority's management while mitigating any potential for conflicts of interest in the ordinary course of the Board's work.
- e. 'Executive Accountability'
 - i. That the staff working within the Authority will be primarily guided by the directions of the Authority's Board.
- f. 'Risks and Matters of Concern'
 - i. A delegate of the Authority or its delegate may be included in the Council Administration's Strategic Risk and Internal Audit Committee.
 - ii. The Authority may choose to escalate identified risks or Matters of Concern directly to the Council's Chief Executive Officer and these risks of matters will be brought directly to the attention of the Council's Elected Members.
- g. 'Transparency and Information'
 - i. That all documents and information relating to the above principles will be provided to the Authority for their consideration and to be read alongside the redrafted foundational documents.
- h. 'Transitional arrangements'
 - i. The Council Administration will present, alongside the foundational documents, proposed transitional arrangements in order for the Authority to continue functioning sustainably until the Arcade is completed and management of it is assumed by the Authority.
- 4. Requests the above is completed in time to be approved by Council at its March 2021 meeting.
- 5. Requests that in undertaking the above, the Administration will consult and collaborate extensively with the Authority as well as the trader community.'

ADMINISTRATION COMMENT

To be distributed separately

- END OF REPORT -