

Revoke Decisions of 11 December 2018 and 10 March 2020 relating to Council Member appointments

ITEM 17.1 09/02/2021
Council

Council Member
Councillor Moran

2018/04071
Public

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

MOTION ON NOTICE

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

‘That **the following decisions** containing Council Member appointments:

1. The decision of Council on 11/12/2018 in relation to the Capital City Committee, namely:
"That Council appoints Councillors Abiad (Deputy Lord Mayor) and Hyde and Councillor Dr Donovan as proxy to the Capital City Committee for the 2018-2022 municipal term."
2. The decision of **Council** on 10/03/2020 in relation to the Capital City Committee, namely:
"That Council appoints Councillor Hou to the Capital City Committee for the remainder of the 2018-2022 Council term."
3. The decision of Council on 10/03/2020 in relation to the Australia Day Council, namely:
"That Council appoints Councillor Hou to the Australia Day Council of South Australia for the remainder of the 2018-2022 Council term."
4. The decision of Council on 10/03/2020 in relation to the Adelaide Botanic High School, namely:
"That Council appoints the Lord Mayor as City of Adelaide Representative to the Adelaide Botanic High School Council."
5. The decision of Council on 10/03/2020 in relation to the Adelaide Central Market Authority, namely:
"That Council appoints Deputy Lord Mayor (Councillor Hyde) to the Adelaide Central Market Authority Board for the remainder of the 2018-2022 Council term."

be revoked.’

Contingent upon the decisions of the Council dated 11/12/2018 and 10/03/2020 being revoked, I Councillor Moran, having complied with the Regulations will then move:

‘That Council appoints the following for the remainder of the term of the current Council:

1. Two Council Members and a proxy to the Capital City Committee.
2. A Council Member to the Australia Day Council.
3. A Council Member to the Adelaide Botanic High School.
4. A Council Member to the Adelaide Central Market Authority.’

ADMINISTRATION COMMENT

1. If the Council Member appointment decisions as listed are revoked, then new appointments will be made as part of the motion.
2. As remuneration is payable for the position on the Adelaide Central Market Authority, nominated Council members will be required to declare a material conflict of interest in the matter and leave the Council Chamber while the matter is being discussed and voted on
3. As per usual process with Council Member appointments, the Council Governance team will update the required registers and advise the entities accordingly.
4. A material conflict of interest may arise for a Council Member who is also a Board Member if a matter were to be discussed at a meeting of the Council where the body corporate of which the Council Member is a Board Member would gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting. In that case, the Council Member must inform the Council meeting and leave the room while the matter is being discussed and voted on.

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 -

Council Member
Councillor Mackie

2019/01138
Public

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

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:

Commences the necessary steps to trademark both the Corporation of the City of Adelaide's Coat of Arms (crest), and the Flag of Adelaide, noting that there are currently no safeguards in place to protect them from misuse.'

ADMINISTRATION COMMENT

- Should the Motion be carried, Administration will seek advice whether it is legally possible, and if so in which way, to give effective legal protection to the City of Adelaide Coat of Arms and the Flag of Adelaide.

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)	Engagement of a trademark attorney or intellectual property lawyer to provide advice and if possible, process trade mark application(s) and registration(s). The estimated cost of this activity is between \$3,000 and \$8,000 plus any IP Australia application and registration fees.
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 -

Roller Shutter Policy for Business Frontages

ITEM 17.3 09/02/2021
Council

Council Member
Councillor Martin

2018/04053
Public

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

MOTION ON NOTICE

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

'That Council:

Noting the increasing use by businesses of roller shutters to provide security (the rules for which are advisory and not mandatory), asks the Administration to report to Council by June, 2021 on if and how the principles of the current policy should be fine tuned in the interests of improving the visual amenity, the opportunity for window shopping and for the provision of light for safety in the City after hours.'

ADMINISTRATION COMMENT

1. In most instances, shopfront roller shutters require development approval.
2. The Adelaide (City) Development Plan contains policy in relation to promoting shopfront building and site security.
3. The Council Wide Principle of Development Control 85 states:
Security features should be incorporated within the design of shop fronts to complement the design of the frontage and allow window shopping out of hours. If security grilles are provided, these should:
(a) be transparent and illuminated to complement the appearance of the frontage;
(b) provide for window shopping; and
(c) allow for the spill of light from the shop front onto the street.
Solid shutters with less than 75 percent permeability are not acceptable.
4. All principles within the Adelaide (City) Development Plan are advisory only, not mandatory.
5. Applicants are encouraged to follow the principles through advice from Administration during the development approval process, and via advisory promotional material (example: [Development Information Guide - Shopfront security](#))
6. From 19 March 2021, the Adelaide (City) Development Plan will be replaced by the Phase 3 Planning and Design Code (the Code), under the *Planning, Development and Infrastructure Act 2016*. The final policies in the Code are not yet available to Council Administration.

7. Based on the policies in the Revised Draft Code, it was noted that policies regarding the need for shopfront shutters to be at least 75% permeable are absent from some relevant parts of the Code, and should be reinstated before it is finalised. It is acknowledged that such policies have been included in the Capital City Zone and the City Main Street Zone in response to Council's earlier submission on the Draft Code.
8. If this motion is supported, a report will be developed reviewing any policy changes relating to shopfront shutters within the finalised PDI Act & Code to be launched on 19 March 2021, and provide options for further policy development or suggested Code amendments to provide improved outcomes.

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	Administration are currently working towards business readiness for the go-live date of 19 March 2021 for the Code, and seeking to review the final version as soon as possible to provide suggested amendments.
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Estimated 10 hours
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 -

Wage Theft Policy

ITEM 17.4 09/02/2021
Council

Council Member
Councillor Martin

2021/00346
Public

Contact Officer:
Clare Mockler, Acting CEO

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 its principle City economic advisor, the Adelaide Economic Development Agency, to provide urgent policy advice as to how wage theft in the CBD and North Adelaide should be defined and whether proven complaints against businesses or individuals should prompt punitive action, including but not limited to disqualifying those businesses and individuals from any financial or other material support from any City of Adelaide program.'

ADMINISTRATION COMMENT

1. The role of AEDA, as defined by its Charter, is primarily one supporting growth, the visitor economy and investment in the City of Adelaide (CoA) via stakeholder engagement, facilitation of opportunities, promotion and marketing. It is not to provide policy advice on business related matters, this remains the responsibility of the City of Adelaide.
2. It is not the role of Council to define wage theft.
3. The Legislative Council established a Select Committee in October 2018 to inquire into and report on wage theft in South Australia. An interim report was submitted in July 2020. The report contains various definitions of wage theft and a range of recommendations, including for federal, state/territory and local governments to exclude businesses culpable of wage theft from their procurement and grant payments.
4. The City of Adelaide will comply with any future legislative Act(s) of Parliament arising from the inquiry into wage theft in South Australia, in so far as it extends to local government.

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	Depending on any legislative change following the Legislative Council Select Committee inquiry outcomes, there will be approximately 5 hours of staff time to undertake the review and prepare report for Council consideration.
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 -

Gum Trees

ITEM 17.5 09/02/2021
Council

Council Member
Councillor Hyde

2018/04053
Public

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

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. Notes recent deaths caused by gumtrees in South Australia.
2. Removes the gumtrees recently planted along Grote Street and Prospect Road, and also removes any other gumtrees planted on or adjacent to city's streets and six parks.
3. Replants any viable trees that are removed to suitable areas within the Park Lands
4. Requests the Administration presents council with proposed replacement trees for any gumtrees that have been removed, to be approved at the March meeting of Council.'

ADMINISTRATION COMMENT

1. We note the reference to recent deaths caused by gumtrees in South Australia. In most recent times a 57 year old man in Surrey Downs was tragically killed in December 2020 by a branch from a Red Gum and in a separate incident a woman was tragically killed by the limb of an Eastern Cotton Wood Tree on Main Road Stirling when the tree failed. Both trees were on private land.
2. There are approximately seven thousand street trees within the City of Adelaide. Since the Council decision of September 11, 2018 to approve the Green City Plan (as part of the Adelaide Design Manual) tree selection has been guided by the Tree Management Framework and Adelaide Design Manual Street Tree planting palettes (Link 1 view [here](#)).
3. As part of the scheduled tree maintenance program undertaken by the Council's Horticultural team, tree risks are identified and reported with appropriate remedial action taken to mitigate risks.
4. We continue to strive to deliver on current Council decisions in relation to greening and canopy cover as well as deliver on the City of Adelaide 2020-2024 Strategic Plan, Environmental Leadership key outcomes including:
 - 4.1 Enhanced greening and biodiversity.
Key Action 4.1 Increase street tree canopies and green infrastructure in city hot spots and public spaces (Grote Street has been identified as a hot spot through the State Government and Resilient East Heat Mapping project).
 - 4.2 A climate ready organisation and community.
The Strategic Plan states "Enhancing biodiversity in the City and Park Lands will help to mitigate some of the effects of climate change on the community and the environment. The planting of trees and other greenery increases canopy cover and reduces the urban heat island effect, which can potentially diminish the amenity of the City for its users." (Many Eucalypts have been identified as climate resilient species though the Resilient East Climate Resilient Species Project).

5. There are over 860 different species of 'gum' tree. Each of these species has different height, leaves, flowers, growth form and root attributes. In considering this advice we are referring to the three main genera which are Angophora, Corymbia and Eucalyptus.
6. The recent Grote and Prospect Road developments included the planting of 'gum' trees, this included:
 - 6.1 Grote Street
 - 3 5x Corymbia maculate (spotted gum) (200L)
 - 4 x Corymbia maculata (45L)
 - 6.2 Prospect Road
 - 69 x Corymbia maculata (45L)
7. Our current tree mapping data indicates there are 3 'gum' trees that are planted adjacent to our six parks (assumed to be our city squares). These are all located on Light Square.
8. The selection of Corymbia Maculata on Councils recent street upgrade projects is supported by the Green City Plan for its growth, shape and canopy properties when mature, and there is no research to suggest that Colombia Maculata presents a high risk of failure, noting it presents a lower risk of limb failure than Red Gums.
9. In relation to the request for replanting, it is considered that after a period of 4-5 months, gum trees generally send tap roots for feeding. Once this occurs 'gum' trees in general cannot be successfully replanted. Therefore, in our opinion the trees located on Prospect road and those in Light Square cannot be successfully transplanted and would be lost if removed. There is a possibility that the trees located on Grote street could be successfully transplanted however there is an extremely high mortality rate risk.
10. The estimated costs associated with transplanting the Grote St trees is estimated at between \$750 and \$1500 per tree. Complexities such as traffic management, equipment, services and varying tree size will need to be considered to refine this cost estimate.
11. The removal of other 'gumtrees' in streets and squares within the city would need to be calculated and reported to Council. Considerations would include the tree value calculated using the Urban forest, Tree valuation methodology, removal and disposal costs, site preparation and replacement tree costs, installation costs. True cost estimates will be location dependent.
12. If required, administration could prepare a report in response to this motion that indicates the species that have a higher risk of branch failure, those that have contributed to injury or death, the species used by council, and if there are any commonalities present a draft action plan to address this.
13. If this motion is successful we will attempt to find a location for transplanted trees in the surrounding Park Lands, ensuring they do not conflict other plans that have been supported by Council (e.g. Integrated Biodiversity Management Plan, various redevelopment masterplans).

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	No budget available so another project would need to stop to facilitate
Budget reallocation	There would be budget required to be allocated if action is required.
Capital investment	Removal of trees to another Park Land location and replacement of removed trees would cost between \$162,000 and \$324,000 for the trees identified in this motion
Staff time in preparing the workshop / report requested in the motion	50 hours
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 5.5 hours.

Place of Courage Memorial

ITEM 17.6 09/02/2021
Council

Council Member
Deputy Lord Mayor, Councillor
Courous

2020/01167
Public

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

MOTION ON NOTICE

Deputy Lord Mayor, Councillor Courous will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Works with Spirit of Woman to identify a preferred location for a proposed Place of Courage artwork to acknowledge and raise awareness about the impact of domestic and family violence in our society. Where the site provides:
 - a. Public recognition
 - b. Private reflection
 - c. Space for events and community gatherings
 - d. Access to transport options
 - e. Access to car parking
 - f. Access to amenities
2. Receives a report with preferred location for in principle approval by end May 2021 to enable Spirit of Woman to confidently leverage fund raising towards the development of the artwork.'

ADMINISTRATION COMMENT

1. City of Adelaide has been working with the Spirit of Woman in its exploration of the A Place of Courage artwork since 2016 and in January 2018, Council approved \$15k (as an exemption to policy) to support the development of concept designs.
2. To date, Spirit of Woman has been working towards commissioning A Place of Courage as a high-quality public artwork set within complementary landscaped surrounds, with a working budget of budget \$250k.
3. The City of Adelaide Strategic Plan 2020-2024, Public Art Action Plan 2019-2022 and Public Art Guidelines 2019 support the expansion of public art throughout the city, in collaboration with the private sector.
4. The efforts of Spirit of Woman to fund raise for contributions towards the delivery of the artwork would benefit from Council in-principle support.
 - 4.1. The first step in confirming Council support for the project is the identification and approval of a suitable site in the city.
 - 4.2. Administration will work with Spirit of Woman to identify a suitable site that meets the nominated selection criteria and will return to Council with a report by end May 2021.

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	Spirit of Woman has undertaken extensive community and stakeholder engagement to demonstrate support for the project. Surveys, workshops and one-to-one consultations were completed and over 60 letters of support were received; representing survivors of family and domestic violence; women's and other interested groups, services and agencies; Aboriginal and Torres Strait Islander and culturally and linguistically diverse communities; local and state governments and the wider community .
External consultant advice	Spirit of Woman have undertaken a comprehensive public art planning process, led by Arts South Australia.
Legal advice / litigation (eg contract breach)	Not applicable.
Impacts on existing projects	Not applicable.
Budget reallocation	Not applicable, at this stage.
Capital investment	Not applicable, at this stage.
Staff time in preparing the workshop / report requested in the motion	7 days with input from team members from across Creative City, City Experiences, Park Lands & Sustainability, Technical Services and Infrastructure Delivery.
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 -

Financial Decisions

ITEM 17.7 09/02/2021
Council

Council Member
Councillor Hyde

2017/04450
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:

Noting recent media reports, releases the percentage figure describing the current return on investment of the City Beach and the old Grote St bus station.'

ADMINISTRATION COMMENT

1. The City of Adelaide has undertaken a Strategic Property Review to consider the performance of its property assets, this information was provided to Council in confidence as not to prejudice Council's ability to commercially negotiate a satisfactory outcome.
2. The review includes consideration of the disposal of underperforming assets as well as opportunities to leverage existing property assets for income generating and city shaping initiatives, enabling greater public value for ratepayers and the community.
3. The specific performance of the 211 Pirie Street (City Beach) site and former Old Bus Station site was assessed and currently reflects a Return on Investment (ROI) under <1%.
4. Both sites are located within the Capital City Zone, offering significant development potential, with existing uses not representative of highest and best use.
5. The sites are strategic in nature and provide significant opportunities to act as catalytic investment opportunities for the City.

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)	Information requested is commercial in confidence.
Impacts on existing projects	Release of information may prejudice the Council's ability with regard to its future commercial dealings with respect to the nominated strategic land holdings.

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 -