



COUNCIL MINUTES

for the meeting

Tuesday 9 February 2021

in the Council Chamber,
Adelaide Town Hall



Present - 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.

Acknowledgement of Country

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

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

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

Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

Councillor Abrahamzadeh entered the Council Chamber at 5.33 pm

Prayer

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

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

Memorial Silence

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

Apologies and Leave of Absence

Nil

Confirmation of Minutes

1. Item 6 - Confirmation of Minutes – 28/1/2021 [C]

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Mackie –

That the Minutes of the meeting of the Council held on 28 January 2021, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputations

2. Item 7.1 – Deputation – Ms Rachel Healy - Adelaide Festival 2021 Program [C]

Rachel Healy addressed the Council:

- To present the Adelaide Festival 2021 Program.

The Lord Mayor thanked Rachel Healy for her deputation.

3. Item 7.2 – Deputation – Ms Kari Allen & Ms Rose Kentish – Sparkke at the Whitmore – Council road work, North West Corner of Whitmore Square [C]

Kari Allen & Rose Kentish addressed the Council:

- To speak about the significant business interruption of Sparkke at the Whitmore due to Council road works on the North West corner of Whitmore Square.

The Lord Mayor thanked Kari Allen and Rose Kentish for her deputation.

4. Item 7.3 – Deputation - Mrs Debbie Sterrey – Tennis SA Centre Court Development Stage 2 Project [C]

Debbie Sterrey addressed the Council:

- To provide a brief overview of the Tennis SA Centre Court Development Stage 2 Project and its benefits to the City of Adelaide and the State.

The Lord Mayor thanked Debbie Sterrey for her deputation.

5. Item 7.4 – Deputation - Dr Sandra Egege & Ms Heather Oxenham – Place of Courage [C]

Dr Sandra Egege & Heather Oxenham addressed the Council:

- To speak in support of the Place of Courage tribute to domestic and family violence victims and survivors.

The Lord Mayor thanked Dr Sandra Egege & Heather Oxenham for their deputation.

The Lord Mayor advised the meeting that Item 17.6 – Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Place of Courage, would be brought forward to be considered after Item 9.1 - Advice/Recommendations of the Audit Committee Meeting – 5 February 2021.

Advice from Audit Committee

6. Item 9.1 - Advice/Recommendations of the Audit Committee Meeting – 5 February 2021 [2018/04062] [C]

Moved by Councillor Martin,
Seconded by Councillor Knoll –

1. Report of the Audit Committee – 5 February 2021

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 5 February 2021.

2. 2020-2021 Quarter 2 Finance Report

THAT COUNCIL

1. Adopts the 2020-21 Quarter 2 Finance Report, including the proposed 2020-21 Quarter 2 Revised Forecast as summarised in Attachment A to Item 5.1 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.
2. Approves a further extension of the rates hardship assistance measures, which have been made available to all City ratepayers on application through the City Support Package, until 30 June 2021.
3. Notes the 2020-21 Quarter 2 Finance Report includes adjustments of (\$0.99) million of increased operating costs as a result of Council decisions in Quarter 2.
4. Notes the updated Long Term Financial Plan, shown in appendix 2 in the Quarter 2 Finance Report as Attachment A to Item 5.1 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

3. Audit Committee Terms of Reference

THAT COUNCIL

1. Adopts the Terms of Reference as included in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

Discussion ensued

The motion was then put and carried

Item 9.1, distributed separately is attached for reference at the end of the Minutes of this meeting.

Motion on Notice

7. **Item 17.6 - Deputy Lord Mayor (Councillor Couros) - Motion on Notice – Place of Courage Memorial [C]**

Moved by Deputy Lord Mayor (Councillor Couros),
Seconded by Councillor Abrahamzadeh -

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 funding raising towards the development of the artwork.

Discussion ensued

Amendment –

Moved by Councillor Hyde,
Seconded by Councillor Khera –

That the motion be amended by the inclusion of an additional Part 3 to read as follows:

- '3. Flags its intention to the State Government that it will provide funding for the capital expense of the Place of Courage of \$100,000 on the condition that matched dollar for dollar funding is received from the State Government or any other Government.'

Acting CEO Undertaking

In response to queries from Councillor Martin, the Acting CEO gave an undertaking to update Council Members on the status of the Terrance Plowright sculpture.

The amendment was then put and carried

Councillor Hyde requested that a division be taken on the amendment

Division

For (9):

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

Against (2):

Councillors Martin and Moran

The division was declared in favour of the amendment

Councillor Knoll left the Council Chamber at 6.28 pm

Amendment –

Moved by Councillor Moran,
Seconded by Councillor Mackie –

That the motion be amended by the inclusion of an additional Part 4 to read as follows:

- '4. If the matched funding is unable to be secured the balance of the public art budget of \$70,000 be donated to the Place of Courage art installation.'

Discussion ensued, during which Councillor Knoll re-entered the Council Chamber at 6.32 pm

The amendment was then put and carried unanimously

Discussion continued

The motion, as amended, was then put and carried unanimously

Adoption of Items

8. Adoption of Items 10.4, 10.5, 10.6, 10.10 & 10.11 [C]

Discussion ensued, during which:

- Deputy Lord Mayor (Councillor Couros) left the Council Chamber at 6.39 pm and re-entered at 6.41 pm
- Councillor Khera left the Council Chamber at 6.39 pm and re-entered at 6.42 pm

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

That the following Items 10.4, 10.5, 10.6, 10.10 & 10.11 be adopted as presented, namely -

Item 10.4 - Playhouse Lane and Gilles Arcade partial road closure for the Queen's Theatre Fringe Hub 2021 [2020/02199] Presented to Committee on 2/2/2021 [C]

THAT COUNCIL

1. Approves GWB Entertainment to close a portion of Playhouse Lane and Gilles Arcade to support the delivery of the Queen's Theatre Fringe Hub during the Adelaide Fringe Festival 2021 from 8.00am on Monday 15 February 2021 to 6.00pm on Monday 22 March 2021.
2. Authorises the Chief Executive Officer to take all necessary steps to implement the required road closure, as set out in Image 1 of this report, under Section 33 of the *Road Traffic Act 1961 (SA)*.
3. Authorises the Chief Executive Officer or delegate to take all necessary steps to prepare and execute a permit to enable GWB Entertainment to utilise the relevant portion of Playhouse Lane and Gilles Arcade, as set out in Image 1 of this report, for a business purpose under Section 222 of the *Local Government Act 1999 (SA)*.

Item 10.5 - Proposed Event in the Park Lands – Air Groove 2021 [2020/01931] Presented to Committee on 2/2/2021 [C]

THAT COUNCIL

1. Approves Midnight Oats Pty Ltd to operate the Air Groove 2021 event between Friday 2 July 2021 and Sunday 25 July 2021 in Rymill Park / Murlawirrapurka (Park 14) – East of Kiosk site.
2. Approves the Air Groove 2021 event to operate beyond 12:00 am (midnight) until 2:00 am on Friday and Saturday nights during the event period.
3. Authorises the Chief Executive Officer to approve any further changes required to the event application where the change is necessary in order to fulfil a COVID Management Plan or COVID Safe Plan approved by SA Health.

Item 10.6 - Regulated Tree Removal (retrospective) – Peppermint Park / Wita Wirra (Park 18) [2002/00456] Presented to Committee on 2/2/2021 [C]

THAT COUNCIL

1. Approves in its capacity as having care and control of the land, the removal of one *Ulmus hollandica* (Dutch Elm) located in Peppermint Park / Wita Wirra (Park 18).

Item 10.10 - Progress of Motions by Elected Members [2018/04074] [C]

THAT COUNCIL

1. Notes the report.

Item 10.11 - Council Representation on External Bodies [2018/04054] [C]

THAT COUNCIL

1. Appoints Council Members to represent the City of Adelaide on the following external bodies for a period commencing on 26 February 2021 for the remainder of the 2018-2022 Council term:
 - 1.1. Adelaide Airport Consultative Committee (one Council Member and one proxy Council Member)
 - 1.2. Adelaide Convention Bureau Board (one Council Member and one proxy Council Member)
 - 1.3. Adelaide High School Governing Council (one Council Member)
 - 1.4. Adelaide Horse Trial Management Inc Board (one Council Member)
 - 1.5. Royal South Australia Regiment Council Inc (one Council Member)

1.6. Royal Adelaide Hospital Auxiliary Executive Committee (one Council Member)

Carried

Reports for Council (Chief Executive Officer's Reports)**9. Item 10.1 - City Connector Consultation Outcomes [2019/02429] Presented to Committee on 2/2/2021 [C]**

Moved by Councillor Martin,
Seconded by Councillor Mackie –

That Council

1. Receives the consultation report included in Attachment A to Item 10.1 on the Agenda for the meeting of the Council held on 9 February 2021, including outcomes from community and stakeholder workshops, intercept surveys, telephone surveys and the YourSay platform, which received almost 750 responses.
2. Approves, subject to Council's support for the continuation of the service, a budget reconsideration of \$45,000 in QF3 to cover a funding shortfall resulting from DIT's new service contract, resulting in an annual budget of \$1.1m, indexed.
3. Notes the public support for the service and for the existing routes to remain unchanged.
4. Ask the administration to review and to report to Council by the end of June 2021 on proposals, in partnership with DIT, to better promote the service.

Discussion ensued, during which:

- Councillor Simms left the Council Chamber at 6.43 pm and re-entered at 6.45 pm
- With the consent of the mover, seconder and the meeting the motion was varied to include an additional Part 5 to read as follows:
 - '5. Requests administration prioritise work to locate a low impact layover stop to mitigate the liveability impact of the current layover on Halifax Street adjacent Hurtle Square.'

Acting CEO Undertaking

In response to queries from Councillor Hyde, an undertaking was given by the Acting CEO to provide Council Members with the cost per loop of running the Adelaide Connector.

The motion, as varied, was then put and carried

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

Division**For (10):**

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

Against (1):

Councillors Khera

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

Councillor Hou left the Council Chamber at 7.05 pm

10. Item 10.2 - Recreation and Sport Grants Program – Round 1 Programs and Events [2016/03310] Presented to Committee on 2/2/2021 [C]

Moved by Councillor Martin,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Approves a 2020-21 Recreation and Sport Grant allocation of \$20,000 to One Culture Football Ltd for the delivery of the 'Football3 for Social Change' program in the City as per Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 9 February 2021.
2. Notes the request by One Culture Football Ltd for multi-year funding for the delivery of the 'Football3 for Social Change' program over three years for a total of \$60,000.

3. Notes that based on assessment under the existing Recreation and Sport Grants 2020-21 Program Guidelines, Administration would ordinarily recommend funding of: Year One (\$20,000), Year Two (\$17,500), Year Three (\$15,000), subject to Council approval of a budget allocation in each respective financial year.

Discussion ensued

The motion was then put and carried

11. Item 10.3 - Tennis SA Centre Court Development – Stage 2 [2018/03439] Presented to Committee on 2/2/2021 [C]

Moved by Councillor Moran,
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

1. Approves the enhancement of facilities leased by Tennis SA at the Memorial Drive Tennis Centre in Tantanya Wama (Park 26) as per the Tennis Centre Court Concept Plan and Demolition Plan shown in Attachment A and Attachment B to Item 10.3 on the Agenda for the meeting of the Council held on 9 February 2021, subject to the project incorporating 'green landscape' initiatives.
2. Authorises amendments being undertaken to the existing 42 year lease agreement between the City of Adelaide and Tennis SA Inc, including:
 - 2.1. A market rent review to recognise the improvements which are capable of accommodating expanded uses and or increased use of the facilities.
 - 2.2. Changes to the Lease Plan to recognise additional built form and the reconfiguration of courts in the care and control of Tennis SA.
3. Notes that a statutory consultation process on the existing 42 year lease agreement occurred in 2017 and there are no requirements to undertake additional community consultation nor place the lease before both Houses of Parliament as a result of these amendments to the existing lease agreement.

Discussion ensued, during which Councillor Hou re-entered the Council Chamber at 7.07 pm

The motion was then put and carried unanimously

12. Item 10.7 - 2021 LGA Ordinary General Meeting [2018/04054] Presented to Committee on 2/2/2021 [C]

Councillor Simms disclosed a perceived conflict of interest in Item 10.7 [2021 LGA Ordinary General Meeting], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because his employer may be affected by the motion, withdrew his Chair and left the Council Chamber at 7.14 pm.

Councillor Moran left the Council Chamber at 7.14 pm

It was then -

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Notes that the Local Government Association of South Australia (LGA) Ordinary General Meeting is scheduled for 30 April 2021.
2. Appoints a Council Delegate for the 2021 LGA Ordinary General Meeting on 30 April 2021.
3. Appoints a Deputy Council Delegate for the 2021 LGA Ordinary General Meeting on 30 April 2021.
4. Approves submission of the following proposed Item of Business to the Greater Adelaide Regional Organisation of Councils / LGA Board of Directors for consideration for inclusion on the agenda of the LGA Ordinary General Meeting:
 - 4.1. That the Annual General Meeting:
 - 4.1.1. Calls for the State Government to undertake a comprehensive review of statutory rate rebates and exemptions.

- 4.1.2. Requests that the LGA urgently progresses the key action in the LGA Advocacy Plan for 2019-2023 (Financial Sustainability theme) that the LGA work with interested councils to undertake analysis and prepare an issues paper to inform and advocate for a review of the mandatory rate rebates that councils are compelled to provide.
- 4.1.3. Requests that following preparation of the issues paper and consultation with interested councils, the LGA seeks to engage an appropriate economic advisory consultancy to prepare a report for government advocating for changes to statutory rate rebates and exemptions in SA.

Carried

Councillor Hyde requested that a division be taken on the motion

Division

For (8):

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

Against (1):

Councillor Martin

The division was declared in favour of the motion

The Lord Mayor called for nominations for the positions of Council Delegate and Deputy Council Delegate for the 2021 LGA Ordinary General Meeting on 30 April 2021.

Deputy Lord Mayor (Councillor Couros) nominated the Lord Mayor for the position of Council Delegate, who accepted the nomination.

Councillor Abrahamzadeh nominated Deputy Lord Mayor (Councillor Couros) for the position of Deputy Council Delegate, who accepted the nomination.

It was then –

Moved by Councillor Hyde,
Seconded by Councillor Abrahamzadeh –

That the Lord Mayor be appointed as Council Delegate and the Deputy Lord Mayor (Councillor Couros) be appointed as Deputy Council Delegate for the 2021 LGA Ordinary General Meeting on 30 April 2021.

Carried

Councillor Simms re-entered the Council Chamber at 7.17 pm

13. Item 10.8 - 2020-2021 Quarter 2 Finance Report [2020/00150] Presented to Committee on 2/2/2021 [C]

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Adopts the 2020-21 Quarter 2 Finance Report, including the proposed 2020-21 Quarter 2 Revised Forecast as summarised in Attachment A to Item 10.8 on the Agenda for the meeting of the Council held on 9 February 2021.
2. Approves a further extension of the rates hardship assistance measures, which have been made available to all City ratepayers on application through the City Support Package, until 30 June 2021.
3. Notes the 2020-21 Quarter 2 Finance Report includes adjustments of (\$0.99) million of increased operating costs as a result of Council decisions in Quarter 2.
4. Notes the updated Long Term Financial Plan, shown in appendix 2 in the Quarter 2 Finance Report as Attachment A to Item 10.8 on the Agenda for the meeting of Council held on 9 February 2021.

Much discussion ensued, during which:

- Councillor Moran re-entered the Council Chamber at 7.22pm
- Deputy Lord Mayor (Councillor Couros) left the Council Chamber at 7.41 pm

Acting CEO Undertaking

In response to queries from Council Members, the Acting CEO gave the following undertakings:

- To provide Council Members with information on the 2 additional items listed for completion in the Quentin Kenihan Play Space.
- To provide Council Members with information on the \$13k for urgent bridge works

The motion was then put and carried

Councillor Hyde requested that a division be taken on the motion

Division

For (7):

Councillors Abrahamzadeh, Donovan, Hou, Hyde, Khera, Knoll, and Mackie

Against (3):

Councillors Martin, Moran and Simms

The division was declared in favour of the motion

Councillor Moran left the Council Chamber at 7.44 pm

14. Item 10.9 - Ratings Policy 2021-22 [2020/00150] Presented to Committee on 2/2/2021 [C]

Councillor Simms disclosed a perceived conflict of interest in Item 10.9 [Ratings Policy 2021-22], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because his employer may be affected by the motion and therefore would remain in the meeting but not participate in the debate or vote.

It was then -

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Approves the proposed Rating Policy for 2021-22 contained in Attachment A to Item 10.9 on the Agenda for the meeting of the Council held on 9 February 2021, to be included as part of the 2021-22 Business Plan and Budget consultation process.
2. Notes that \$35.5m in potential rate revenue will not be realised this financial year as a result of properties within City of Adelaide boundaries which are exempt from paying rates under federal and state legislation, including universities, schools, churches and hospitals, because they are deemed to be "for public purposes on public land".
3. Notes that the Chief Executive Officer will canvas a number of options in consultation with key stakeholders to ensure that in future the responsibility for contributing rates income which funds essential local government services is shared equitably.

Much discussion ensued, during which:

- Deputy Lord Mayor (Councillor Couros) and Councillor Moran re-entered the Council Chamber at 7.45 pm
- Councillor Simms disclosed a perceived conflict of interest in Item 10.9 [Ratings Policy 2021-22], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because his employer may be affected by the motion, didn't participate in the debate and then withdrew his Chair and left the Council Chamber at 7.55 pm.
- Councillor Hyde left the Council Chamber at 8.00 pm and re-entered at 8.02 pm
- Councillor Moran left the Council Chamber and re-entered at 8.05 pm

The motion was then put and carried

Councillor Martin requested that a division be taken on the motion

Division

For (7):

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

Against (3):

Councillors Mackie, Martin and Moran

The division was declared in favour of the motion

Councillor Simms re-entered the Council Chamber at 8.09 pm

15. Item 10.11 - Council Representation on External Bodies [2018/04054] [C]

The Lord Mayor called for nominations for the position of Council Member on the Adelaide Airport Consultative Committee.

Councillor Hyde self nominated

Councillor Simms nominated Councillor Martin, who accepted the nomination.

There being two nominations for one position, two ballots were conducted resulting in a tied vote, whereupon lots were drawn, resulting in Councillor Martin being selected for appointment.

Councillor Hyde was selected for appointment to the position of proxy Council Member on the Adelaide Airport Consultative Committee.

The Lord Mayor called for nominations for the position of Council Member on the Adelaide Convention Bureau Board.

Councillor Simms nominated Councillor Martin, who declined the nomination

Councillor Abrahamzadeh nominated Deputy Lord Mayor (Councillor Couros), who accepted the nomination

Councillor Simms nominated Councillor Donovan, who accepted the nomination

There being two nominations for one position, a ballot was conducted resulting in Deputy Lord Mayor (Councillor Couros) being selected for appointment.

Councillor Donovan was appointed to the position of proxy Council Member on the Adelaide Convention Bureau Board.

Councillor Moran left the Council Chamber at 8.22 pm

The Lord Mayor called for nominations to the Adelaide High School Governing Council

Councillor Simms nominated Councillor Hyde, who declined the nomination

Councillor Martin nominated Councillor Abrahamzadeh, who declined the nomination

Councillor Moran re-entered the Council Chamber at 8.22 pm

Councillor Simms nominated Councillor Hou, who declined the nomination

Councillor Abrahamzadeh nominated Councillor Simms, who declined the nomination

It was then –

Moved by Councillor Moran,
Seconded by Councillor Martin –

THAT COUNCIL

1. Appoints the following Council Members to represent the City of Adelaide on the following external bodies for a period commencing on 26 February 2021 for the remainder of the 2018-2022 Council term:
 - 1.1. Adelaide High School Governing Council (the CEO or the CEO's delegate).

Carried

The Lord Mayor called for nominations to the Adelaide Horse Trial Management Inc Board.

Councillor Hyde nominated Deputy Lord Mayor (Councillor Couros), who declined the nomination.

Deputy Lord Mayor (Councillor Couros) nominated Councillor Hyde, who accepted the nomination.

Councillor Hyde was appointed to the Council member position on the Adelaide Horse Trial Management Inc Board.

The Lord Mayor called for nominations to the Royal South Australia Regiment Council Inc.

Councillor Hyde self nominated and in the absence of any other nominations was appointed to the Council member position on the Royal South Australia Regiment Council Inc.

The Lord Mayor called for nominations to the Royal Adelaide Hospital Auxiliary Executive Committee.

Councillor Martin self nominated and in the absence of any other nominations was appointed to the Council member position on the Royal Adelaide Hospital Auxiliary Executive Committee.

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Appoints the following Council Members to represent the City of Adelaide on the following external bodies for a period commencing on 26 February 2021 for the remainder of the 2018-2022 Council term:

- 1.1 Adelaide Airport Consultative Committee (Councillor Martin, Council Member and Councillor Hyde, proxy Council Member)
- 1.2 Adelaide Convention Bureau Board (Deputy Lord Mayor (Councillor Couros), Council Member and Councillor Donovan, proxy Council Member)
- 1.3 Adelaide High School Governing Council (the CEO or the CEO's delegate)
- 1.4 Adelaide Horse Trial Management Inc Board (Councillor Hyde, Council Member)
- 1.5 Royal South Australia Regiment Council Inc (Councillor Hyde, Council Member)
- 1.6 Royal Adelaide Hospital Auxiliary Executive Committee (Councillor Martin, Council Member)

Carried

The meeting **adjourned at 8.27 pm** for a 20-minute break **and reconvened at 8.52 pm** with the following Council Members present:

The Right Honourable the Lord Mayor, Sandy Verschoor (Presiding), Deputy Lord Mayor (Councillor Couros) and Councillors Abrahimzadeh, Donovan, Hou, Hyde, Khera, Knoll and Martin.

Exclusion of the Public

16. Item 11.1 – Exclusion of the Public [2018/04291] [C]

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

- 12.1.1. Recommendations/Advice of the Audit Committee in Confidence – 5 February 2021
Recommendation/Advice 1 - Update on Activities of the Strategic Risk and Internal Audit Group Meetings [s 90(3) (i)]

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

- 12.2.1 Capital City Committee Update [s 90(3) (j)]

ORDER TO EXCLUDE FOR ITEM 12.1.1

Moved by Councillor Knoll,
Seconded by Councillor Abrahimzadeh –

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 February 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.1.1 [Advice/Recommendations of the Audit Committee in Confidence – 5 February 2021] listed on the Agenda.

Grounds and Basis

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

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

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 February 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 [Advice/Recommendations of the Audit Committee in Confidence – 5 February 2021] 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) (i) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 12.2.1

Moved by Councillor Hyde,
Seconded by Councillor Khera –

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 9 February 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.1 [Capital City Committee Update] 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* 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 9 February 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 12.2.1 [Capital City Committee Update] 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.

Carried

The public and members of Corporation staff not directly involved with Items 12.1.1 & 12.2.1 left the Council Chamber at 8.53 pm.

Confidential Item 12.1.1

Advice/Recommendations of the Audit Committee in Confidence – 5 February 2021

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

Pages 12 to 14

Confidential Item 12.2.1

Capital City Committee Update

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

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The meeting re-opened to the public at 8.54 pm

Councillor Simms re-entered the Council Chamber at 8.54 pm

Confidentiality Orders

Minute 17 - Item 12.1.1 - Advice/Recommendations of the Audit Committee in Confidence – 5 February 2021 [C]

Resolution & Confidentiality Order

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 5 February 2021.
2. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 12.1.1 [Audit Committee Report – 5 February 2021] listed on the Agenda for the meeting of the Council held on 9 February 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (i) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
 - 2.1. The resolution become public information and included in the Minutes of the meeting.
 - 2.2. The report, the discussion and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
 - 2.3. The confidentiality of the matter be reviewed in December 2022.
 - 2.4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 18 - Item 12.1.2 - Capital City Committee Update [C]

Resolution & Confidentiality Order

THAT COUNCIL

1. Notes the report and that the next Capital City Committee meeting has been scheduled for 24 March 2021.
2. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 12.2.1 [Capital City Committee update] listed on the Agenda for the meeting of the Council held on 9 February 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (j) of the *Local Government Act 1999 (SA)*, this meeting of the Council orders that:
 - 2.1. The resolution becomes public information.
 - 2.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
 - 2.3. The confidentiality of the matter be reviewed in December 2021.
 - 2.4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Lord Mayor's Reports

19. Item 13 – Lord Mayor's Report [2018/04064] [C]

The Lord Mayor addressed the meeting as follows:

'Shin nee-an kwai le – Happy Chinese New Year!

We have well and truly hit the ground running for 2021.

Since our last meeting, the City of Adelaide has officially been certified as carbon neutral. This is a huge achievement and one of Council's key strategic outcomes.

This is great step forward in our efforts to address climate change.

On Sunday (7 February), I attended the unveiling of the Vietnamese Boat Peoples Monument on the corner of Victoria Drive and Kintore Avenue beside the the Karrawirra Parri / River Torrens.

This is an important project honouring the story of so many of our Vietnamese community members, who came to Australia as refugees, and have made a life and a home here.

Council has proudly partnered with the Vietnamese Boat Peoples Monument Association over the past three and a half years to bring this project to fruition.

This monument demonstrates the power of art to tell stories, to engage, connect and unite communities.

Public art helps shape our experience of the City.

It creates places for people and reflects our unique identity, our people and our stories, along with adding vibrancy and beauty to the City.

On 4 February, I participated in a Property Council panel session discussing their latest Office Market Report.

It showed that projects such Market Square and 88 O'Connell will make a big difference for the city, despite the difficulties the CBD continues to experience due to the impacts of COVID-19.

In addition to jobs created during construction, it is predicted Market Square will bring an additional 1 million visitors each year. Other developments were noted including Charter Hall's King William St development will bring 2200 workers to the city by 2023.

I have also had several meetings over the past couple of weeks with the State Government including with the Premier, Deputy Premier and Minister Wingard to discuss city shaping projects and initiatives. I also met this morning with the Federal Minister for Local Government Mark Coulton to discuss the impact of COVID-19 to our city and Federal Government funding opportunities.'

During the presentation, Councillors Mackie and Moran re-entered the Council Chamber at 8.56 pm

It was then -

Moved by Councillor Simms,
Seconded by Councillor Mackie -

That the report be received and noted.

Carried

Councillors' Reports

20. Item 14.1 – Reports from Council Members [2018/04064] [C]

Moved by Councillor Knoll,
Seconded by Councillor Mackie -

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 9 February 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 9 February 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 9 February 2021 be included in the Minutes of the meeting.

Deputy Lord Mayor (Councillor Couros) addressed the meeting to present the Lord Mayor with a framed certificate received to celebrate the City of Adelaide gaining Carbon Neutral status.

Acting CEO Undertaking – Carbon Credits

In response to queries from Councillor Martin, an undertaking was given by the Acting CEO to provide Council Members with information on the number of carbon credits purchased to achieve carbon neutral status.

The motion was then put and carried

Questions on Notice

21. Item 15.1 to Item 15.5 – Questions on Notice [C]

- 15.1 Councillor Martin – Question on Notice - Central Market Arcade Redevelopment [Page 165]
- 15.2 Councillor Martin – Question on Notice – 88 O'Connell Street Development Return [Page 166]
- 15.3 Councillor Martin – Question on Notice – Adelaide Central Market Foundational Documents [Page 167]
- 15.4 Councillor Martin – Question on Notice – Central Market Arcade Redevelopment Costs [Page 168]
- 15.5 Councillor Martin – Question on Notice – 88 O'Connell Public Realm [Page 169]

The Questions and Replies having been distributed and published prior to the meeting were taken as read.

The tabled Reply's for Items 15.1 – 15.5 are attached for reference at the end of the Minutes of this meeting.

Question without Notice

Discussion ensued

Acting CEO Undertaking

In response to queries from Councillor Martin, the Acting CEO gave an undertaking to provide Council Members with details around the cost of construction of the Adelaide Central Market Arcade redevelopment in relation to Part 1 of the administration comment for Item 15.4 (\$27.74m v \$54m).

Councillor Donovan - Question without Notice – East-West Bikeway [C]

In response to Councillor Donovan's Question without Notice below, the Acting CEO gave an undertaking to provide Council Members with an answer.

Noting the YourSay consultation on the East-West bikeway opened in recent days:

1. why does the consultation:
 - a. include the question, 'Do you have any comments on the design approach for a two-way separated bikeway in the centre of the street as proposed by the City of Sydney?', noting:
 - no information has been provided on a feasible East-West route where a transport planner has suggested this design option;
 - it provides a lower level of safety to bike riders on roads with multiple intersections due to the increased risk of vehicular collision, often due to confusion at intersections;
 - a two-way bikeway in the centre of the street takes up *more* road space than a bidirectional kerbside cycleway for the same bikeway width (because it needs the separation width on both sides);
 - it provides a lower level of service to bike riders because it is more difficult to access intersecting streets and businesses along the streets;
 - it decreases patronage of local shops and cafes because it is harder for people on bikes to stop;
 - it creates more problems for emergency vehicles ;
 - the reference street of the City of Sydney consultation refers to a very specific case of Oxford Street on which there are very few intersections to consider because right turns are banned on most intersections;
 - b. provide the comment (in the supporting document *East-West Bikeway Design Guide* page 5): 'The City of Sydney has recently consulted with their community on a proposal to build a two-way bikeway in the centre of Oxford Street. The innovative design has been proposed to better manage the kerbside space on a busy city street (including bus lanes and stops, loading and parking) whilst improving safety and level of service for bike riders', noting the latter part of this comment, "whilst improving safety and level of service for bike riders" is not stated anywhere in the City of Sydney's consultation document, is factually incorrect, and is blatantly misleading both in general, and in the context of this consultation.
2. how does Administration propose to remediate this factually incorrect and misleading information?

During the discussion:

- Councillor Moran left the Council Chamber at 9.17 pm
- Councillor Simms left the Council Chamber at 9.18 pm

Motions on Notice

22. Item 17.2 - Councillor Mackie - Motion on Notice - City of Adelaide's Coat of Arms [C]

Moved by Councillor Mackie,
Seconded by Councillor Simms -

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.

Much discussion ensued, during which Councillor Moran left the Council Chamber at 9.25 pm, re-entered at 9.26 pm, left at 9.43 pm and re-entered at 9.43 pm

The motion was then put and lost

Councillor Moran requested that a division be taken on the motion

Division

For (5):

Councillors Donovan, Mackie, Martin, Moran and Simms

Against (6):

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

The division was declared against the motion

23. Item 17.1 - Councillor Moran – Motion on Notice – Revoke Decisions of 11 December 2018 and 10 March 2020 relating to Council Member appointments [C]

Moved by Councillor Moran,
Seconded by Councillor Simms -

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

1. The decision of Council on 11/12/2018 in relation to the **Division** 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.'

Discussion ensued, during which Councillor Moran left the Council Chamber at 9.49 pm and re-entered at 9.49 pm

The motion was then put and lost

Councillor Hyde requested that a division be taken on the motion

Division

For (5):

Councillors Donovan, Mackie, Martin, Moran and Simms

Against (6):

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

The division was declared against the motion

Councillor Moran left the Council Chamber at 10.07 pm

The meeting **adjourned at 10.08 pm** for a 5-minute break **and reconvened at 10.14 pm** with the following Council Members present:

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

24. Item 17.3 - Councillor Martin - Motion on Notice – Roller Shutter Policy for Business Frontages [C]

Councillor Martin withdrew his Motion on Notice from consideration.

25. Item 17.4 - Councillor Martin - Motion on Notice – Wage Theft Policy [C]

Moved by Councillor Martin,

Seconded by Councillor Mackie -

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.

Discussion ensued, during which:

- Councillor Hyde re-entered the Council Chamber at 10.16 pm
- With the consent of the mover, seconder and the meeting, the motion was varied to read as follows:

'That Council

1. Affirms the right of all workers in the City of Adelaide and beyond to feel safe in their workplace and to enjoy protections against wages exploitation.
2. Requests the Administration, 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.'

- Deputy Lord Mayor (Councillor Couros) and Councillor Moran re-entered the Council Chamber at 10.18 pm

Acting CEO Undertaking – FunTea [C]

In response to queries from Councillor Martin, the Acting CEO gave an undertaking to provide Council Members with information on whether the owner of the FunTea shop on Gouger Street has received any financial support from Council such as CCTV funding, rent relief etc.

Amendment –

Moved by Councillor Hyde,
Seconded by Councillor Hou -

That the motion be amended to read as follows:

'That Council:

1. Affirms the right of all workers in the City of Adelaide and beyond to feel safe in their workplace and to enjoy protections against wages exploitation.
2. Notes the complexity of industrial relations law and that many considerations factor into individual arrangements, including the type of employment (full time, part time, casual), the relevant award(s), common law employment agreements and enterprise bargaining agreements.
3. Requests the administration engages Business SA, who the City of Adelaide already has a partnership with, to implement urgent efforts to combat wage theft in the CBD and North Adelaide through educating businesses on their obligations of being a responsible employer, including through, but not limited to, activities such as disseminating information, providing education through workshops and seminars, and through other communications, including multilingual communications.'

Discussion ensued, during which with the consent of the mover, seconder and the meeting Part 3 of the motion was varied to include the words 'and workers on their rights' after the word 'employer'.

The amendment, as varied, was then put and carried

Councillor Moran requested that a division be taken on the amendment, as varied

Division

For (7):

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

Against (4):

Councillors Mackie, Martin, Moran and Simms

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

Discussion ensued, during which with the consent of the mover and seconder, the Lord Mayor advised the meeting that the motion, as amended, would be taken in parts.

Part 1 of the motion, as amended, was then put and carried

Part 2 of the motion, as amended, was then put and carried

Councillor Simms requested that a division be taken on Part 2 of the motion, as amended

Division**For (6):**

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

Against (5):

Councillors Donovan, Mackie, Martin, Moran and Simms

The division was declared in favour of Part 2 of the motion, as amended

Part 3 of the motion, as amended, was then put and carried

Councillor Hyde requested that a division be taken on Part 3 of the motion, as amended

Division**For (7):**

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

Against (4):

Councillors Mackie, Martin, Moran and Simms

The division was declared in favour of Part 3 of the motion, as amended

26. Item 17.5 - Councillor Hyde - Motion on Notice – Gum trees [C]

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

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.

Much discussion ensued, during which:

- Councillor Moran left the Council Chamber at 11.14 pm and re-entered at 11.15 pm
- With the consent of the mover, seconder and the meeting Part 2 of the motion was varied to delete the words 'and also removes any other gumtrees planted on or adjacent to city's streets and six parks' after the word 'Road'.

The motion, as varied, was then put and lost

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

Division**For (3):**

Deputy Lord Mayor (Councillor Couros) and Councillors Hyde and Khera

Against (8):

Councillors Abrahamzadeh, Donovan, Hou, Mackie, Knoll, Martin, Moran and Simms

The division was declared against the motion, as varied

27. Item 17.7 - Councillor Hyde – Motion on Notice – Financial Decisions [C]

Councillor Hyde withdrew his Motion on Notice from consideration.

Closure

The meeting closed at 11.47 pm

Clare Mockler,
Acting Chief Executive Officer

Sandy Verschoor,
Lord Mayor

Documents Attached for Reference

Minute 6 - Item 9.1 - Advice/Recommendations of the Audit Committee Meeting – 5 February 2021, distributed separately

Minute 21 – Item 15.1 – 15.5 – Question on Notice, Replies, distributed separately

Minute 7, 22 - 27 - Item 17.1 – 17.7 - Motions on Notice, Administration Comments, distributed separately

Audit Committee Report – 5 February 2021

ITEM 9.1 09/02/2021
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Rudi Deco, Manager Governance
8203 7442

2018/04062
Public

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY

The Audit Committee plays a critical role supporting the Council and Chief Executive Officer in the financial reporting framework of Council, by overseeing and monitoring the participation of management and external auditors in the financial reporting process. It also addresses issues such as the approach being adopted by Council and management to address business risks, corporate and financial governance responsibilities and legal compliance.

The Audit Committee held a meeting on Friday, 5 February 2021 and is required to report to Council after every meeting to identify and present advice and recommendations.

A precis of the matters considered by the Audit Committee is presented within this report.

The Recommendation below is in response to the deliberation of the Audit Committee on 2020-2021 Quarter 2 Finance Report.

RECOMMENDATION

1. Report of the Audit Committee – 5 February 2021

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 5 February 2021.

2. 2020-2021 Quarter 2 Finance Report

THAT COUNCIL

1. Adopts the 2020-21 Quarter 2 Finance Report, including the proposed 2020-21 Quarter 2 Revised Forecast as summarised in Attachment A to Item 5.1 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.
2. Approves a further extension of the rates hardship assistance measures, which have been made available to all City ratepayers on application through the City Support Package, until 30 June 2021.
3. Notes the 2020-21 Quarter 2 Finance Report includes adjustments of (\$0.99) million of increased operating costs as a result of Council decisions in Quarter 2.
4. Notes the updated Long Term Financial Plan, shown in appendix 2 in the Quarter 2 Finance Report as Attachment A to Item 5.1 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

3. Audit Committee Terms of Reference

THAT COUNCIL

1. Adopts the Terms of Reference as included in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

DISCUSSION

1. The Audit Committee met on Friday, 5 February 2021. The Agenda with Reports for the public component of the meeting can be viewed [here](#).
2. The following matters were subject of deliberations:
 - 2.1. **Presentation - Capitalisation Update**
 - 2.2. **Presentation - Strategic Asset Management Plan**
 - 2.3. **Presentation - 2021 – 2022 Business Plan and Budget – Setting the Scene**
 - 2.4. **Presentation - Service Planning and Performance**
 - 2.5. **Internal Audit Progress Update**

THAT THE AUDIT COMMITTEE

1. Notes the Internal Audit Progress Update report.

2.6. **2020/21 End of Year Financial Reporting Process & Proposed Timetable**

THAT THE AUDIT COMMITTEE

1. Endorses the proposed 2020/21 End of Year Financial Reporting process and external audit timetable as contained in Attachment C to Item 5.2 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.
2. Notes that the external audit plan as contained in Attachment C to Item 5.2 on the Agenda for the meeting of the Audit Committee held on 5 February 2021 is consistent with the scope of the External Audit engagement and relevant legislation and standards.
3. Notes the external auditor's independence declaration in relation to the audit engagement for the year ended 30 June 2021 as detailed in Attachment A to Item 5.2 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.
4. Approves the External Audit terms of engagement as contained in Attachments A and B to Item 5.2 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

2.7. **2020-2021 Quarter 2 Finance Report**

THAT THE AUDIT COMMITTEE RECOMMENDS TO COUNCIL

That Council

1. Adopts the 2020-21 Quarter 2 Finance Report, including the proposed 2020-21 Quarter 2 Revised Forecast as summarised in Attachment A to Item 5.1 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.
2. Approves a further extension of the rates hardship assistance measures, which have been made available to all City ratepayers on application through the City Support Package, until 30 June 2021.
3. Notes the 2020-21 Quarter 2 Finance Report includes adjustments of (\$0.99) million of increased operating costs as a result of Council decisions in Quarter 2.
4. Notes the updated Long Term Financial Plan, shown in appendix 2 in the Quarter 2 Finance Report as Attachment A to Item 5.1 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

2.8. **Audit Committee Terms of Reference**

THAT THE AUDIT COMMITTEE RECOMMENDS TO COUNCIL

That Council

1. Adopts the Terms of Reference as included in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 5 February 2021.

2.9. **2021 Audit Committee Meeting Schedule and Work Plan**

THAT THE AUDIT COMMITTEE

1. Adopts the following meeting schedule for the City of Adelaide Audit Committee to be held in the Colonel Light Room, Town Hall, Adelaide at 8.30am on:

- 1.1 Friday 26 March 2021 (finance reports only)
 - 1.2 Friday 30 April 2021
 - 1.3 Friday 18 June 2021
 - 1.4 Friday 30 July 2021
 - 1.5 Friday 1 October 2021 (finance reports only)
 - 1.6 Friday 29 October 2021
 - 1.7 Friday 4 February 2022
2. Approves the forward 2021 Work Plan as included in Attachment A to Item 5.4 on the Agenda for the meeting of the Audit Committee held on 5 February 2021 to assist the Administration in bringing forward reports as appropriate.

- END OF REPORT -

Central Market Arcade Redevelopment

ITEM 15.1 09/02/2021

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:

'The Administration advised Council on January 28th that approximately 260 car parks, profits from which accrue to the Central Market, would be lost during construction of the new Central Market Arcade and towers above the site. Could the Administration advise:

1. What is the anticipated lost income and over what period?
2. Will such income be reimbursed by Council to the Central Market Authority?
3. Is this amount to be included in the total costs to Council for the project?
4. What, if any, will be impact on Council's long-term Financial Plan?
5. What measures are proposed to assist visitors to the Central Market with parking during the redevelopment?'

REPLY

1. The loss of 260 car parks could potentially impact revenue at the Central Market in a range between \$0.4m up to \$1.0m annually, depending on budget assumptions. The construction period is estimated to be in the range of 24 – 30 months.
2. The Adelaide Central Market Authority (ACMA) is a subsidiary of Council, Council can determine to either recognise the budgeted position or to subsidise loss of revenue.
3. The potential revenue impact will be reflected in the ACMA budget as submitted as part of the 21/22 Business Plan & Budget process.
4. The potential impact will vary depending on a wide range of factors and mitigation strategies implemented. Administration proposes to support the Central Market traders and visitors with additional paid car parks to be made available within Grote Street carpark, Current Bus Station and the vacant lot (Old Bus Station).
5. It is anticipated that these additional parks and other operational strategies will offset most, if not all the potential impacts within the overall budget, therefore it is not anticipated that there would be any required changes at present to the Long-Term Financial Plan.

6. To support visitors to the Central Market during the redevelopment it is proposed Administration will provide additional spaces at alternative sites close to the Market. Modelling has been undertaken on the adjacent Grote Street site and we can achieve 120 spaces (open-air car park) and additional 90 spaces within Grote UPark bus concourse. In addition, the precinct has over 3,700 on and off-street parking bays to support Central Market and the surrounding precinct.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4.5 hours.
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- END OF REPORT -

88 O'Connell Street Development Return

ITEM 15.2 09/02/2021
Council

Council Member
Councillor Martin

2018/02324
Public

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

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Noting that the Prudential Report prepared for the 88 O'Connell Street development advises that C & G will, on completion of the project in some years, pay to the City of Adelaide \$300, 000 less than the book value of \$25.8 million dollars, could the Administration advise why the payment of the lesser amount was considered appropriate?'

REPLY

1. The Land is carried in the City of Adelaide (CoA) Balance Sheet at a value of \$25.8 million.
2. CoA recognised the sale of the Land on signing the Land Facilitation Agreement (LFA) on the 16 December 2020 as per a decision of Council on 8 December 2020.
3. The contracted sale proceeds of \$25.5 million are less than the carrying value of the asset, this will result in a reduction of \$0.300 million being brought to account within the 2020/21 period.
4. To inform CoA in their deliberations regarding the original purchase of the Land, independent valuation was obtained.
5. The Land is valued in Council's Financial Statements at an amount higher than the most recent (current) valuation of the Land undertaken to assist Council in its deliberation and decision making.
6. In addition to the \$25.5 million received through the LFA, Council has already received a \$10 million funding grant from the State Government in support of the transaction, reflecting a total return on the acquisition of land of \$35.5 million.
7. It is estimated that the completed scheme will generate \$0.541 million per annum in additional revenue (in perpetuity) from Council Rates and will have a positive impact on Council's financial position.
8. In addition, the economic benefits of the scheme were assessed based on the future potential built form and focussed on quantifying the future potential economic activity on the site. It was estimated that the scheme would attract annually a turnover of \$53.8 million and create employment numbers in the region of 571 (employees).
9. The level of household expenditure from the scheme is estimated to generate turnover for local businesses of approximately \$10 million per annum within the City of Adelaide.

- 10. The targeted commercial terms provide for full cost recovery while concurrently achieving many of the non-financial outcomes for the project, such as addressing 30 years of inactivity, diversity of land use mix, activation, precinct economic stimulus and public accessible parking.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4 hours.
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- END OF REPORT -

Minute 21 - Item 15.1 - 15.5 - Replies - Distributed Separately

Adelaide Central Market Foundational Documents

ITEM 15.3 09/02/2021
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:

'At its meeting on January 28th, Council endorsed Item 17.9, Motion on Notice – Adelaide Central Market Foundational Documents. In the absence of any advice from the Administration accompanying the January motion, could it now advise what will be the impacts to the Council's Long Term Financial Plan if the Principles, and especially those at paragraph 3, are formally adopted?'

REPLY

1. In response to the decision of Council on 28 January 2020, consideration will need to be given to the following items contained within Item 3 of the Motion on Notice (MoN), namely *"One Market" and "Asset Management Plan"*.
2. *"One Market"* if established would see the business operations of the Central Market Arcade being integrated into the operations of Adelaide Central Market.
3. Whilst this change within the Charter would be beneficial in terms of management and marketing, the Prudential Report for the Central Market Arcade Redevelopment clearly indicates the importance of the revenue generated from the Arcade and how this is utilised to offset the capital and operating cost of the 'Returnable Works' overtime.
4. Retail lease revenue for the Central Market Arcade has been estimated to be \$6.57 million per annum, which is the average of the range provided by Council's commercial advisor, JLL with a range of between \$6.04 million and \$7.09 million per annum and has been recognised as returning to Council.
5. *"Asset Management Plan"* as presented within the MoN indicates that Council will be solely responsible for the funding of capital works on capital infrastructure which is otherwise under the management of the Authority. The current Charter does not envisage this and states under clauses 1.8.2 and 1.8.3.
 - 5.1. The Authority must establish a Capital Enhancement Fund and must pay into the Capital Enhancement Fund all surplus funds accumulated by the Authority, and any such surplus funds accumulated in the Capital Enhancement Fund must be expended by the Authority for the purposes of capital enhancement as approved by the Council in accordance with clause 4.5.2.
 - 5.2. For the purpose of complying with its obligations under clause 1.8.1.14 the Authority must create a Capital Renewal Fund to provide for the cost of undertaking capital expenditure in relation to the maintenance and upkeep of existing improvements and infrastructure in the Market.

6. While the endorsed change could be viewed as adding an additional cost burden to Council, if these costs are in the LTFP adopted by the Authority, then they should already be reflected in the Council's LTFP.
7. Similarly, as the Authority is required to operate under the Charter in a financially sustainable manner these costs would be offset by the forecast revenue generated by the Authority which should therefore offset any additional cost to Council for future Capital Expenditure.
8. A workshop is scheduled to be held with Council Members on 16 February 2021 which will outline the process and next steps relating to any required amendments to the Charter, Head Lease and Community Land Management Plan. A subsequent report will be prepared and presented to Council for its consideration in April 2021.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5 hours.
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- END OF REPORT -

Central Market Arcade Redevelopment Costs

ITEM 15.4 09/02/2021
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 how much of the construction costs, including provision for contingency, associated with the Returnable Works it is anticipated will need to be borrowed, what, if any, the interest costs are over the term/s of the loan/s and will they be incorporated in the costs of the project?'

REPLY

1. The Central Market Arcade Redevelopment construction costs allocated to Council are contracted at \$27.74m with a contingency of \$1.39m (if required) as authorised by Council on 28 November 2019.
2. These proceeds will be brought to account progressively to part fund the Returnable Works. This is anticipated to occur in FY21/22 at \$14.9m and in FY22/23 at \$14.2m (inclusive of contingency).
3. As part of the approval process on 28 November 2019, Council was presented with a Prudential Report which provided a number of financial scenarios linked to borrowing and the sell down of underperforming building assets.
4. The Prudential Report incorporated a selection of short-term asset sales identified through the Strategic Property Review, the sale of which would realise the capital expenditure requirements associated with the Central Market Arcade Redevelopment.
5. Council considered and approved the Strategic Property Review on 14 April 2020 and received a subsequent Strategic Property Action Plan report on 15 December 2020 detailing and recommending the sale of a number of underperforming assets.
6. We have now commenced that process and the proceeds of sale will be allocated to the Future Fund established for the purpose of funding income generating assets such as the Central Market Arcade Redevelopment.
7. Should these proceeds not be realised during the term of construction, either in part or in full, borrowing will be enacted to fund the project, with the future sale of underperforming assets offset against the draw down.
8. The current rate of interest is 1.35% and would equate to circa \$200k of annual interest payments in 2021/22 and approximately \$400k annual in 2022/23, depending on when payments are required, and will be recognised within the Long-Term Financial Plan.
9. The Prudential Report notes the end market value (saleable value) of Council's Returnable Works is \$72m resulting in a \$64.88m increase in the City of Adelaide's saleable property assets (above the current \$7.12m building value).

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4.5 hours.
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- END OF REPORT -

Minute 21 - Item 15.1 - 15.5 - Replies - Distributed Separately

88 O'Connell Public Realm

ITEM 15.5 09/02/2021
Council

Council Member
Councillor Martin

2018/02324
Public

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

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'The Prudential report into the development of the 88 O'Connell Street site refers to the creation of "the Community Corporation" under which "responsibility for future repair, maintenance or replacement (of public realm elements) will lie.

Could the Administration advise:

1. What are those public realm assets?
2. What accountability and transparency principles and practices will apply to the Community Corporation?
3. What mechanism/s will Council adopts if (at page 24 6.2.2.4) the Community Corporation does not fulfil its obligations?'

REPLY

1. The appointment of Commercial & General (C&G) as the developer and the design concept was approved by Council on 8 December 2020 which included areas of public open space and areas of publicly accessible space.
2. In the design concept an area at ground level (corner of O'Connell Street and Tynte Street) has been allocated as public open space to be vested to Council, and in addition, a roof terrace will be accessible to the public. The detailed design of the open space is in progress.
3. The Land Facilitation Agreement (contract executed by the City of Adelaide and C&G on 16 December 2020) addresses matters pertaining to the future division of the land. The contract stipulates that the Developer acknowledges and agrees that the required open space and public accessible spaces is to be created, described and must be incorporated into any Community Scheme Documents.
4. The Community Corporation is formed on the deposit of the plan of division and their functions are outlined within the *Community Titles Act 1996 (SA)*. These functions include the administration and maintenance of the common property, the enforcement of by-laws and the management of development contracts.
5. The land division created will recognise the new commercial and residential community titles. The conditions that the Community Corporation will operate under will explicitly express and take into account the appropriate measures such as accountability, associated principles and ongoing practices.
6. Matters contained within the Land Facilitation Agreement are under contract and should there be a breach there are various mechanisms in place to seek restitution.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4 hours.
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- END OF REPORT -

Minute 21 - Item 15.1 - 15.5 - Replies - Distributed Separately

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 -

Minute 7, 22 - 27 - Item 17.1 - 17.7 - Administration Comments - Distributed Separately