



COUNCIL MINUTES

for the meeting

Tuesday 11 May 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 and Moran.

Acknowledgement of Country

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

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

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

Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

Prayer

Upon the completion of the Acknowledgement of Colonel Light by the Lord Mayor, the 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 – 13/4/2021, 20/4/2021 & 27/4/2021 [C]

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

That the Minutes of the meeting of the Council held on 13 April 2021 and the Special meetings of the Council held on 20 April 2021 and 27 April 2021, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputation

2. Item 7.1 - Deputation – Kelly Henderson – Colonel William Light Ceremony & Civic Collection Items [C]

Councillor Mackie left the Council Chamber at 5.35 pm

Kelly Henderson addressed the Council:

- To discuss the Colonel William Light Commemoration Ceremony and related civic collection items.

The Lord Mayor thanked Kelly Henderson for her deputation.

Petitions

3. Item 8.1 - Petition - Greening of Travers Place - North Adelaide [2018/04073] [C]

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

THAT COUNCIL

1. Receives the petition containing 6 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 11 May 2021, petitioning and encouraging Council to green the location of Travers Place, North Adelaide by the planting of trees to line the street.

Carried

Councillor Mackie re-entered the Council Chamber at 5.41 pm

Adoption of Items

4. Adoption of Items 9.1, 9.2, 9.3, 10.1, 10.5, 10.6, 10.8, 10.10, 10.13, 10.14 [C]

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

That the following Items 9.1, 9.2, 9.3, 10.1, 10.5, 10.6, 10.8, 10.10, 10.13, 10.14 be adopted as presented, namely

Item 9.1 - Advice of the Adelaide Park Lands Authority – 22 April 2021 [2018/04062] [C]

THAT COUNCIL NOTES THE FOLLOWING ADVICE OF THE ADELAIDE PARK LANDS AUTHORITY:

1. Advice 1 – Site for City Beach

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports a section of the former netball courts in Bonython Park/Tulya Wardli (Park 27) being repurposed into a beach volleyball facility as per the City Beach Site Plan for Bonython Park/Tulya Wardli (Park 27) shown in Attachment A to Item 5.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 22 April 2021, subject to Volleyball SA receiving sufficient funding from the State Government and further consideration of the existing and proposed amenities to service use of the entire park.
2. Recommends a significant portion of land be returned to greenspace and landscaping integrated with the volleyball facility.

2. Advice 2 – Tennis SA – Sunken Show Court – Roof Proposal

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the Tennis SA Sunken Show Court roof design (Attachment A to Item 5.2 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 22 April 2021) so that their application may progress through the required statutory assessment process.
2. Notes that with the Board and Council's approval, the development application for the Tennis SA Sunken Show Court roof design will proceed to the statutory assessment process.
3. Notes that any lease variations will be the subject of a separate report to Adelaide Park Lands Authority and Council.

Item 9.2 - Audit Committee Report - 30 April 2021 [2018/04062] [C]

1. Report of the Audit Committee – 30 April 2021

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 30 April 2021.

2. 2020-2021 Quarter 3 Finance Report

THAT COUNCIL

1. Adopts the 2020-21 Quarter 3 Finance Report, including the proposed 2020-21 Quarter 3 Revised Forecast as summarised in Attachment A to Item 4.1 on the Agenda for the meeting of the Audit Committee held on 30 April 2021.
2. Notes the 2020-21 Quarter 3 Finance Report includes additional adjustments requested by Council resulting in additional spend of \$0.195m and the removal of East-West Bikeway of \$5.6m. The additional spend has been offset by other savings and increased income adjustments put forward.
3. Notes the draft 2021-22 to 2030-31 Long Term Financial Plan (LTFP) is currently being consulted on with our community from the 16 April 2021 to 31 May 2021. The impacts of the Quarter 3 Revised Forecast on our LTFP will be updated for the final adoption of the LTFP in July 2021.

Item 9.3 - Recommendations of the Reconciliation Committee – 5 May 2021 [2018/04062] [C]

1. Recommendation 1 – Stretch Reconciliation Action Plan – 2021 – 2024 final draft

That Council:

1. Notes that the draft Reconciliation Action Plan 2021-2024 approved by the Reconciliation Committee has been submitted to Reconciliation Australia for consultation before providing the final, designed document to Council for endorsement in June 2021.

2. Recommendation 2 - Selection of Dual and Deputy Chairperson

That Council

1. Notes the appointment of Lord Mayor, Sandy Verschoor and Ms Yvonne Agius as dual Chairpersons of the City of Adelaide Reconciliation Committee for a period of two years.
2. Notes the appointment of Mr Ivan-Tiwu Copley as Deputy Chairperson of the City of Adelaide Reconciliation Committee for a period of two years.

Item 10.1 - Partial Road Closure of Chesser Street [2020/00761] Presented to Committee on 4/5/2021 [C]

THAT COUNCIL

1. Notes the results of the public consultation for the proposed closure as shown in Attachment A to Item 10.1 on the Agenda for the meeting of the Council held on 11 May 2021.
2. Approves, in accordance with Section 32 of the *Road Traffic Act 1961*, the closure of a portion of road known as Chesser Street, Adelaide ('the Road'), between Grenfell Street and French Street to all motor vehicles other than those specified below.
3. Approves the following vehicles to be exempted from the closure:
 - 3.1 Vehicles which have permission from an officer or employee of the City of Adelaide including utility and service vehicles.
 - 3.2 Emergency vehicles including SA Police, SA Ambulance Service and Metropolitan Fire Service.
 - 3.3 Vehicles driven by employees of City of Adelaide during the course of their work.
4. Authorises the Chief Executive Officer to cause notice of the closure to:
 - 4.1 Be published in 'The Advertiser' and 'Government Gazette'.
 - 4.2 Be given by post each ratepayer of land immediately abutting and within 50 metres of the portion of the Road the subject of the closure.
 - 4.3 Be published on the City of Adelaide's internet website.
 - 4.4 Be made available at City of Adelaide's Customer Centre, Libraries and Community Centres.
5. Authorises the Chief Executive Officer to, after observing any relevant requirements of the *Road Traffic Act 1961*, cause to be erected, installed, operated maintained and removed, on behalf of Council, any traffic control device necessary to give effect to the closure.

Item 10.5 - City Connector Deed of Agreement [2019/02429] Presented to Committee on 4/5/2021 [C]

That Council

1. Notes the report.

Item 10.6 - Heritage Strategy and Action Plan [2019/00218] Presented to Committee on 4/5/2021 [C]THAT COUNCIL

1. Adopts the Heritage Strategy and Action Plan as shown in Attachment A to Item 10.6 on the Agenda for the meeting of the Council held on 11 May 2021.

Item 10.8 - 2020-21 Quarter 3 Commercial Operations Report [2021/00850] Presented to Committee on 4/5/2021 [C]THAT COUNCIL

1. Notes the 2020-21 Quarter 3 commercial operations report as detailed in Attachment A to Item 10.8 on the Agenda for the meeting of the Council to be held on 11 May 2021.

Item 10.10 - Interest Rate Sensitivities [2020/01920] Presented to Committee on 4/5/2021 [C]THAT COUNCIL

1. Notes the sensitivity analysis of interest rates movements and the implications for the Long Term Financial Plan.

Item 10.13 - Community Land Revocation – Pirie Street Volleyball Courts Land [2021/00828] [C]THAT COUNCIL

1. Notes the submissions, including written objections, received during the public consultation of the proposed revocation of the community land classification of the Pirie Street Volleyball Courts land (Pirie Street land) as provided at Attachment A to Item 10.13 on the Agenda for the meeting of the Council held on 11 May 2021.
2. Notes that respondents will be provided with a summary of the key concerns raised within formal submissions to the public consultation process together with responses to such concerns.
3. Approves to proceed with the revocation of the community land classification of the Pirie Street land having considered the submissions, including written objections, as well as the response to the submissions.
4. Approves that a report on the proposed revocation be submitted to the Minister in accordance with Section 194 (3) (a) of the *Local Government Act 1999 (SA)* seeking approval to the revocation of the Pirie Street land comprising Allotment 6 in Deposited Plan 21138 as contained within Certificate of Title Volume 5471 Folio 983 from the classification as community land.
5. Notes that a final report will be presented to Council once the Minister's decision regarding the proposed revocation has been received.

Item 10.14 - South Australian Public Health Council Nominations [2018/04054] [C]THAT COUNCIL

1. Approves the nomination of up to two Council Members or staff members to the South Australian Public Health Council.

Carried

Reports for Council (Chief Executive Officer's Reports)**5. Item 10.2 - Site for City Beach [2011/00972] Presented to Committee on 4/5/2021 [C]**

Moved by Councillor Hyde,
Seconded by Councillor Martin –

THAT COUNCIL

1. Approves a section of the former netball courts in Bonython Park/Tulya Wardli (Park 27) being repurposed into a beach volleyball facility as per the City Beach Site Plan for Bonython Park/Tulya Wardli (Park 27) shown in Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 11 May 2021, subject to:
 - 1.1. Volleyball SA receiving sufficient funding to complete the project;
 - 1.2. further consideration of consolidating existing and proposed amenities where practical, to service use of the entire park;
 - 1.3. a significant portion of the area returned to greenspace; and
 - 1.4. landscaping integrated with the beach volleyball facility.

2. Authorises the Chief Executive Officer to write to Volleyball SA stating Council's intention to enter into direct lease negotiations with them for the enhancement and occupation of the former netball courts in Bonython Park/Tulya Wardli (Park 27) to enable them to seek funding, noting the exceptional circumstances to operate outside of the City of Adelaide Park Lands Leasing and Licensing Policy determined by the decision of Council on 28 January 2021.

Discussion ensued

The motion was then put and carried

6. Item 10.3 - Tennis SA – Sunken Show Court – Roof Proposal [2018/03439] Presented to Committee on 4/5/2021 [C]

Councillor Abrahamzadeh disclosed a perceived conflict of interest in Item 10.3 [Tennis SA – Sunken Show Court – Roof Proposal], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because he is a member of the City of Adelaide Council Assessment Panel and participating in the debate on this matter may in his view give rise to a reasonable presumption of pre-judging a development proposal or application, which would be a breach of the CAP Code of Conduct, withdrew his Chair and left the Council Chamber at 5.48 pm.

It was then -

Moved by Councillor Moran,
Seconded by Councillor Martin –

THAT COUNCIL

1. Approves the Tennis SA Sunken Show Court Roof Designs, Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 11 May 2021, so that their application may progress through the required statutory assessment process.
2. Notes that with Council's approval, the development application for the Tennis SA Sunken Show Court Roof Designs will proceed to Council's administration assessment.
3. Notes that any lease variations will be the subject of a separate report to Adelaide Park Lands Authority/Council.

Carried

Councillor Abrahamzadeh re-entered the Council Chamber at 5.49 pm

7. Item 10.4 - Illuminate Adelaide Public Artwork [2021/00407] Presented to Committee on 4/5/2021 [C]

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

THAT COUNCIL

1. Notes the City of Adelaide has commissioned a permanent light-based public artwork by Jason Sims as a contribution to the inaugural Illuminate Adelaide 2021 event, as shown in Attachment A to Item 10.4 on the Agenda for the meeting of the Council held on 11 May 2021.

Discussion ensued

The motion was then put and carried

8. Item 10.7 - Review of YourSay Adelaide [2018/00448] Presented to Committee on 4/5/2021 [C]

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

THAT COUNCIL

1. Notes the report of the Review of YourSay Adelaide.
2. Notes that there are pending changes to the *Local Government Act 1999* (SA) including the introduction of an Engagement Charter to apply to all councils and that this will require changes to Council's Community Engagement Policy.

Carried

Councillor Hyde requested that a division be taken on the motion

Division

For (7):

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

Against (3):

Councillors Hyde, Martin and Moran.

The division was declared in favour of the motion

9. Item 10.9 - 2020-2021 Quarter 3 Finance Report [2020/00150] Presented to Committee on 4/5/2021 [C]

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Adopts the 2020-21 Quarter 3 Finance Report, including the proposed 2020-21 Quarter 3 Revised Forecast as summarised in Attachment A to Item 10.9 on the Agenda for the meeting of the Council held on 11 May 2021.
2. Notes the 2020-21 Quarter 3 Finance Report includes additional adjustments requested by Council resulting in additional spend of \$0.195m and the removal of East-West Bikeway of \$5.6m. The additional spend has been offset by other savings and increased income adjustments put forward.
3. Notes the draft 2021-22 to 2030-31 Long Term Financial Plan (LTFP) is currently being consulted on with our community from the 16 April 2021 to 31 May 2021. The impacts of the Quarter 3 Revised Forecast on our LTFP will be updated for the final adoption of the LTFP in July 2021.

Discussion ensued

The motion was then put and carried

10. Item 10.11 - Environment Protection Authority Board [2018/04054] [C]

Moved by Councillor Knoll,
Seconded by Councillor Mackie –

THAT COUNCIL

1. Approves the nomination of up to two Council Members or staff members to the Environment Protection Authority Board.

Carried

The Lord Mayor called for nominations to the Environment Protection Authority Board.

Councillor Hyde nominated Councillor Abrahamzadeh, who accepted the nomination.

Councillor Mackie nominated Councillor Donovan, who accepted the nomination.

Councillor Knoll nominated Councillor Hyde, who accepted the nomination.

There being 3 nominations for 2 position, a ballot was conducted resulting in Councillors Abrahamzadeh and Hyde selected for appointment.

Councillors Abrahamzadeh and Hyde identified an actual conflict of interest in Item 10.11 [Environment Protection Authority Board] pursuant to Sections 75 & 75A of the Local Government Act 1999, because of remuneration associated with an appointment to the position, withdrew their chairs and left the Council Chamber at 6.04 pm.

It was then -

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

That Council approves the nomination of Councillors Abrahamzadeh and Hyde to the Environment Protection Authority Board.

Carried

Councillors Abrahamzadeh and Hyde re-entered the Council Chamber at 6.05 pm

11. Item 10.12 - Culture Allegations [2021/00600] [C]

Moved by Councillor Mackie,
Seconded by Councillor Moran –

THAT COUNCIL

- Notes the report.

Discussion ensued

Carried

12. Item 10.14 - South Australian Public Health Council Nominations [2018/04054] [C]

The Lord Mayor called for nominations to the South Australian Public Health Council.

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

Councillor Mackie nominated Councillor Donovan, who accepted the nomination.

Councillor Hyde nominated Councillor Abrahamzadeh, who accepted the nomination.

Councillors Donovan and Abrahamzadeh identified an actual conflict of interest in Item 10.14 [South Australian Public Health Council Nominations] pursuant to Sections 75 & 75A of the Local Government Act 1999, because of remuneration associated with an appointment to the position, withdrew their chairs and left the Council Chamber at 6.07 pm.

It was then -

Moved by Councillor Mackie,
Seconded by Councillor Moran –

That Council approves the nomination of Councillors Donovan and Abrahamzadeh to the South Australian Public Health Council.

Carried

Councillors Donovan and Abrahamzadeh re-entered the Council Chamber at 6.08 pm

Exclusion of the Public**13. Item 11.1 – Exclusion of the Public [2018/04291] [C]**

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

- 12.1.1.** Audit Committee Report in Confidence – 30 April 2021 [s 90(3) (e) & (i)]

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

- 12.2.1.** Physical Security Contract Extension [s 90(3) (b)]
- 12.2.2.** City Connector Deed of Agreement [s 90(3) (d)]
- 12.2.3.** 2020-21 Quarter 3 Confidential Commercial Operations Report [s 90(3) (b)]

ORDER TO EXCLUDE FOR ITEM 12.1.1

Moved by Councillor Mackie,
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

- Having taken into account the relevant consideration contained in section 90(3) (e) & (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11 May 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1.1 [Audit Committee Report in Confidence – 30 April 2021] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Workshop – Service Contestability

This item is of a confidential nature as the disclosure of information within this report could reasonably impact the employees of the council where a service and or function that the employees deliver is discussed within the presentation.

Service Planning and Performance Workshop: Service Contestability Update and Approach

This item is of a confidential nature as the disclosure of information within this report could reasonably impact the employees of the council where a service and or function that the employees deliver is discussed within the presentation.

Activities of the Strategic Risk and Internal Audit Group Meetings

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

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

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 11 May 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 [Audit Committee Report in Confidence – 30 April 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) (e) & (i) of the Act.

Discussion ensued

The motion was then put and carried

ORDER TO EXCLUDE FOR ITEM 12.2.1

Moved by Councillor Khera,
Seconded by Councillor Hyde –

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11 May 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 [Physical Security Contract Extension] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The confidential information in this Report contains information that could prejudice the commercial position of the Council in respect of its intended procurement activities.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed because it may prejudice Council's ability to undertake a competitive procurement process and achieve value for money for its ratepayers.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 11 May 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 [Physical Security Contract Extension] 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) (b) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 12.2.2

Moved by Councillor Knoll,
Seconded by Councillor Khera –

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11 May 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.2[City Connector Deed of Agreement] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as information relates to operation costs and contractual arrangements between the Department for Infrastructure and Transport and its bus contractors.

The disclosure of information in this report could reasonably be expected to prejudice the commercial position of the contractors that supplied the information through a tender process.

Public Interest

Release of the information is contrary to the public interest as it could jeopardise the relationship between the City of Adelaide (CoA) and DIT and between DIT and its bus contractors and presents a legal risk to Council in context of commercial in confidence information being disclosed. DIT has advised the Deed contains specific financial information regarding one of the contractors that is commercial in confidence.

The 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 could be commercially damaging to the bus contractors involved.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 11 May 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 12.2.2 [City Connector Deed of Agreement] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (d) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 12.2.3

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11 May 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.3 [2020-21 Quarter 3 Confidential Commercial Operations Report] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as it includes commercial information of a confidential nature where confidence consideration is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 31 March 2021.

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

Public Interest

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 11 May 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 12.2.3 [2020-21 Quarter 3 Confidential Commercial Operations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

Carried

The public and members of Corporation staff not directly involved with Items 12.1.1, 12.2.1, 12.2.2 & 12.2.3 left the Council Chamber at 6.12pm.

Confidential Item 12.1.1

Audit Committee Report in Confidence – 30 April 2021
Section 90 (3) (e) & (i) of the *Local Government Act (SA) 1999*
Pages 10-11

Confidential Item 12.2.1

Physical Security Contract Extension
Section 90 (3) (b) of the *Local Government Act (SA) 1999*
Pages 10-11

Confidential Item 12.2.2

City Connector Deed of Agreement
Section 90 (3) (d) of the *Local Government Act (SA) 1999*
Pages 10-11

Confidential Item 12.2.3

2020-21 Quarter 3 Confidential Commercial Operations Report
Section 90 (3) (b) of the *Local Government Act (SA) 1999*
Pages 10-11

The meeting re-opened to the public at 6.14 pm

Confidentiality Orders

Minute 14 - Item 12.1.1 - Audit Committee Report in Confidence – 30 April 2021 [C]

Resolution & Confidentiality Order

THAT COUNCIL:

1. Notes the report of the meeting of the Audit Committee held on 30 April 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 – 30 April 2021] listed on the Agenda for the meeting of the Council held on 11 May 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (e) & (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 14 - Item 12.2.1 - Physical Security Contract Extension [C]

Confidentiality Order

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.2.1 [Physical Security Contract Extension] listed on the Agenda for the meeting of the Council held on 11 May 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
2. The confidentiality of the matter be reviewed in December 2022.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 14 - Item 12.2.2 - City Connector Deed of Agreement [C]

Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 12.2.2 [City Connector Deed of Agreement] listed on the Agenda for the meeting of the Council held on 11 May 2021 was received, discussed and considered in confidence pursuant to Section 90 (3) (d) of the *Local Government Act 1999 (SA)*, the meeting of Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2027.
2. The confidentiality of the matter be reviewed in December 2022.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 14 - Item 12.2.3 - 2020-21 Quarter 3 Confidential Commercial Operations Report [C]

Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 12.2.3 [2020-21 Quarter 3 Commercial Operations Report] listed on the Agenda for the meeting of the Council held on 11 May 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.

2. The confidentiality of the matter be reviewed in December 2022.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Lord Mayor's Reports

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

The Lord Mayor addressed the meeting as follows:

'This month we've continued to make strides for our city and play our role as a capital city council to shape national agendas.

I hosted the Council of Capital City of Lord Mayors in Adelaide last week. Hosted over three days, the visit was attended by Lord Mayors Sally Capp of Melbourne, Adrian Schinnerer of Brisbane and Anna Reynolds of Hobart as well as ACT Chief Minister Andrew Barr and City of Sydney chief executive Monica Barone along with other senior local government figures.

I took them on a visit to the Central Market where they were given an overview of our upcoming \$400 million redevelopment of the Central Market Arcade, Market Square.

We also toured Lot 14 and the Space Discovery Centre, and it was fantastic to be given a presentation by Di Dixon of the Lot 14 plans for growth and our thriving innovation sector.

Later this month, I will be meeting with Federal Ministers with CCCLM in Canberra to discuss city shaping projects including advocating for funding city infrastructure projects.

Last week, we had a Freedom of Entry Ceremony for No 24 Squadron with air force personnel marching through the city to mark the 70th anniversary of the Squadron being granted its 'City of Adelaide' name.

Freedom of Entry dates back to medieval times when military forces were granted permission to enter a city with their swords drawn, drums beating, bands playing and colours flying. Without a Freedom of Entry agreement, which indicates peaceful intent, military forces were often turned away at the city gates.

This year's event was the first time a Kaurna welcome and smoking ceremony were conducted by a Kaurna custodian and the RAAF Indigenous Liaison Officer to grant access to the traditional lands of the Kaurna people. It was incredibly moving to witness.

Additionally, last week, we launched our Wellbeing Dashboard which will assist the City of Adelaide to monitor community wellbeing levels.

We know that wellbeing is vital to the long-term prosperity of our city and the City of Adelaide is proud to be working in partnership with the State Government on this through Capital City Committee and launched three new wellbeing projects to support city businesses and residents.

This month we also celebrated Colonel William Light's 235th Birthday with a reception in the Queen Adelaide Room.

We welcomed Tasting Australia and the Adelaide Food Fringe to the city.

I also attended GAROC (Greater Adelaide Region Organisation of Councils) Committee meeting on 3 May.

As we know, our chief executive Mark Goldstone informed us that he has decided to leave the City of Adelaide after more than five years to focus on some health issues.

Mark has led the City of Adelaide through much transformational change and his leadership is characterised by his commitment to boosting economic growth, expanding smart city-based initiatives and fostering strong relationships within the City of Adelaide. He leaves behind a highly engaged team striving to deliver great outcomes for our customers and for a City that is one of the most liveable in the world. I wish Mark and his family all the very best for the future.

Given Mark's departure, we now need to undertake a CEO recruitment process. Can I now please have someone move the following motion to formally enable the process to commence.

It was then -

Moved by Councillor Moran,
Seconded by Councillor Hyde -

THAT COUNCIL:

1. Notes the Lord Mayor's verbal report.
2. Appoints a Selection Panel, comprising the Lord Mayor, the Deputy Lord Mayor and two Councillors to oversee the process leading to appointment of the new City of Adelaide Chief Executive Officer.
3. Appoints Mr William Spurr from the CEO Performance Review Panel to the Selection Panel.

4. Approves the engagement of an independent Recruitment Consultant to be determined by the Selection Panel.
5. Requests a report to the next ordinary meeting of Council providing an update from the Panel and Consultant on the selection process covering:
 - 5.1. Proposed time frames and summary of how all Council Members will be involved in key decision points in the selection process.
 - 5.2. The criteria to be used to select a Chief Executive Officer.
 - 5.3. The range of remuneration to be offered to the successful applicant.
 - 5.4. Proposed Job Description
 - 5.5. The advertising to be undertaken.

Carried

The Lord Mayor then called for nominations to the Selection Panel.

Councillor Hyde nominated Councillors Donovan and Knoll, who accepted the nomination.

It was then –

Moved by Councillor Hyde,
Seconded by Councillor Moran -

That Councillors Donovan and Knoll be appointed to the Selection Panel to appoint the new City of Adelaide Chief Executive Officer.

Carried

Councillors' Reports

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

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

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 11 May 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 11 May 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 11 May 2021 be included in the Minutes of the meeting.

Carried

Questions on Notice

17. Item 15.1 to Item 15.6 – Questions on Notice [C]

- 15.1. Councillor Moran – Question on Notice – Financial Dealings
- 15.2. Councillor Martin – Question on Notice - 88 O'Connell Demonstration Apartment
- 15.3. Councillor Martin – Question on Notice - 88 O'Connell Pty Ltd
- 15.4. Councillor Martin – Question on Notice – Legal Advice and Representation
- 15.5. Councillor Martin – Question on Notice – East West Bikeway Expenditure
- 15.6. Councillor Moran – Question on Notice – Portrait of Dame Roma Mitchell

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 – 15.6 are attached for reference at the end of the Minutes of this meeting.

Councillor Moran left the Council Chamber at 6.20 pm

Questions without Notice

Discussion ensued, during which Councillor Moran re-entered the Council Chamber at 6.23 pm

Acting CEO Undertakings [C]

In response to queries from Councillor Martin, the Acting CEO gave the following undertakings:

- Further to the reply for Item 15.2 – is the carpark mentioned for the exclusive use of the proponent?
- Further to the reply for Item 15.3 – is Jamie McClurg the sole Director?

Motions on Notice

18. Item 17.1 - Councillor Khera – Motion on Notice – Electronic Advertising [2018/04053] [C]

Moved by Councillor Khera,
Seconded by Councillor Hyde -

That the administration provides a workshop, within 4 months of the date of this motion, covering:

- Current powers within which the council may act in relation to the brightness of electronic, LED and other illuminated advertising boards visible on city streets;
- Options for submissions to the state government with respect to legislating for expanded powers for the council to effectively regulate the luminance of such advertising;
- Methods by which luminance intensity may be measured;
- Relevant South Australian and Australian standards for luminance intensity;
- Any other relevant aspects to the issue.

And invite member feedback, with an overall view to enabling the council in future to effectively regulate luminance intensity of electronic, LED or otherwise illuminated screens within our public realm.

Discussion ensued

Acting CEO Undertaking – Item 17.1 - Councillor Khera – Motion on Notice – Electronic Advertising [C]

In response to queries from Councillor Hyde, the Acting CEO gave an undertaking to ensure the luminance intensity and size of the sign on Hutt Street at the corner of Flinders Street is measured.

The motion was then put and carried

Councillor Moran 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 (2):

Councillors Martin and Moran.

The division was declared in favour of the motion

19. Item 17.2 - Councillor Mackie – Motion on Notice – Parking as Demand Driver Stimulus for City Business [2021/00710] [C]

Moved by Councillor Mackie,
Seconded by Councillor Moran -

That Council:

Requests that the Administration prepares a report that seeks to understand and maximise the opportunities associated with parking availability within the Central Business District (CBD), to support city businesses (hospitality and retail) who have been impacted due to the global pandemic recession.

In particular, the report should cover the following items to assist Council in its further deliberations.

1. Parking initiatives and/or incentives, including, but not limited to, free but timed on-street parking campaigns, that could be used as a catalyst to increase visitation to the CBD.
2. Suggested modifications to parking pricing, controls, and locations to ensure availability is prioritised to support hospitality and retail businesses.
3. Options with anticipated revenue generation of expanding the on-street paid parking regime in non-residential predominant locations that are currently used for commuter parking.

4. Case studies providing evidence and outcomes of a variety of On-Street parking initiatives that can support and guide further changes.
5. The gross and net revenue of existing on-street parking fees.
6. The gross and net revenue generated through expiations on:
 - 6.1. timed metered on-street carparking.
 - 6.2. timed non-metered on-street carparking.
7. Current off-street carparking demand for both UPark and On-Street to understand where capacity exists.

Discussion ensued

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

Division

For (7):

Councillors Donovan, Hou, Khera, Knoll, Mackie, Martin and Moran.

Against (3):

Deputy Lord Mayor (Councillor Couros) and Councillors Abrahamzadeh and Hyde.

The division was declared in favour of the motion

20. Item 17.3 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Reviewing Councillors' Offices [2018/04053] [C]

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

That Council:

1. Notes that former Councillor Natasha Malani requested an investigation on the use of the Councillors' offices on the 19 July 2016 and for the space to be opened to the public.
2. Requests Administration provides a report on the investigation to Council by end of June 2021.
3. Requests the Administration conducts a workshop no later than July 2021 to discuss options of alternate uses for Council Members' rooms and offices. This may include having the offices/members' area open to the public, to develop as a gallery or other publicly accessible spaces and may require moving the councillors' offices, creating hot desk spaces or other Members' facilities in another area within the Town Hall.

Discussion ensued, during which Councillor Khera left the Council Chamber at 7.09 pm and re-entered at 7.09 pm

The motion was then put and carried

Councillor Hyde requested that a division be taken on the motion

Division

For (6):

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

Against (4):

Councillors Khera, Mackie, Martin and Moran.

The division was declared in favour of the motion

21. Item 17.4 - Councillor Knoll – Motion on Notice – Cycling Infrastructure Strategic Action Plan [2018/04053] [C]

Moved by Councillor Knoll,
Seconded by Councillor Hyde -

That Council:

1. Requests Administration to prepare a Cycling Infrastructure Strategic Action Plan, that will seek to create a network of routes that will make bicycle transport easier and safer and will encourage more people to visit and enjoy the city by bike.

2. The Cycling Infrastructure Strategic Action Plan should:
 - Be consistent with the Thriving Communities outcome of our Strategic Plan 2020-2024, to create 'A safe, affordable, accessible, well-connected city for people of all ages and abilities, and all transport modes'.
 - Be consistent with the draft City Access Strategy that is currently being developed.
 - Identify a proposed cycling network within the city and Park Lands that connects to existing and developing bikeways in neighbouring suburbs.
 - Specify the appropriate type(s) of infrastructure/treatment on each route/street.
 - Include a prioritised list of projects to enable better planning for future Council investment and external funding bids.
 - Identify any initiatives that could be implemented to support people to ride.
3. Engagement with stakeholder groups and the wider community should be undertaken to inform the development of the Cycling Infrastructure Strategic Action Plan.

Much discussion ensued, during which:

- Acting CEO Undertaking – Item 17.4 - Councillor Knoll – Motion on Notice – Cycling Infrastructure Strategic Action Plan [C]

In response to queries from Councillor Donovan, the Acting CEO gave an undertaking to provide Council Members with further information on the 4 key transport related projects recently announced by the State Government.

- Councillor Hyde left the Council Chamber at 7.36 pm and re-entered at 7.38 pm
- Councillor Khera left the Council Chamber and re-entered at 7.41 pm

The motion was then put and carried

Deputy Lord Mayor (Councillor Couros) requested that a division be taken on the motion

Division

For (9):

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

Against (1):

Councillor Moran.

The division was declared in favour of the motion

The meeting **adjourned at 7.49 pm** for a 20-minute break **and reconvened at 8.08 pm** with the following Council Members present:

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

22. Item 17.5 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Reviewing of Greening Policy [2018/04053] [C]

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

That Council

1. Asks the Acting CEO to organise a workshop by the end of June 2021 to discuss the current Green City Plan.
2. Requests a report on the current status of greening efforts to increase tree canopy and potential partnership opportunities with State Government and other agencies to assist with greening initiatives, as per former Deputy Lord Mayor Councillor Abiad's motion on 12 March 2019:

Item 11.10 - Deputy Lord Mayor (Councillor Abiad) – Motion on Notice - Greening opportunities in Central and South West precincts [2019/00464] [C]

That Council:

- 1) Notes that the canopy of the South West and North West of the City is 18.79% and 9.21% respectively.

- 2) Endorsed the increase in the canopy to 20% by 2021.
 - 3) Investigates potential partnership funding from the State Government to assist with meeting the tree canopy targets.
3. Requests administration to investigate ways to increase colour and vibrancy with flowers or plants on Melbourne Street and O'Connell Street in preparation for Spring 2021.

Discussion ensued

Amendment –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Hou -

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

- '4. Noting current greening efforts and initiatives, requests administration to investigate ways to increase greening opportunities in the North West of the Adelaide CBD. Various options can be presented.'

Discussion ensued, during which Councillor Moran left the Council Chamber at 8.11 pm

The amendment was then put and carried

Councillor Hyde entered the Council Chamber at 8.12 pm

The motion, as amended, was then put and carried

23. Item 17.6 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Cultural Report [2013/01266] [C]

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

That Council:

1. Notes the Cultural Report was asked for by Council in April 2020 to investigate the relationship between elected members and administration.
2. Notes the Council received a confidential briefing from legal counsel on Thursday, 15 April 2021.
3. Requests the Acting CEO engage an independent legal practitioner in order to take any steps necessary to make the Cultural Report suitable for consideration on the public agenda of Council.
4. Resolves that the final report described above be brought back to Council on a public agenda by the end of June.

Councillor Martin disclosed a perceived conflict of interest in Item 17.6 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Cultural Report, pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), because he may be the subject of discussion within the mentioned report, withdrew his Chair and left the Council Chamber at 8.14 pm.

Discussion ensued, during which with the consent of the mover, seconder and the meeting part 4 of the motion was varied to include 2021' after the word 'June'.

Amendment –

Moved by Councillor Donovan,
Seconded by Councillor Mackie -

That the motion be amended to read as follows:

'That Council:

1. Notes the Cultural Report was asked for by Council in April 2020 to investigate the relationship between elected members and administration.
2. Notes the Council received a confidential briefing from legal counsel on Thursday, 15 April 2021.
3. Notes the Acting CEO has engaged an independent legal practitioner in order to take any steps necessary to make the Cultural Investigation Report suitable for consideration on the public agenda of Council.
4. Resolves that the legal practitioner present findings back to Council on a public agenda by the end of June 2021.'

Discussion ensued

The amendment was then put and lost

Councillor Mackie requested that a division be taken on the amendment

Division

For (2):

Councillors Donovan and Mackie.

Against (6):

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

The division was declared against the amendment

Discussion continued, during which the motion was varied to read as follows:

That Council:

1. Notes the Cultural Investigation Report was asked for by Council in April 2020 to investigate the relationship between elected members and administration.
2. Notes the Council received a confidential briefing from legal counsel on Thursday, 15 April 2021.
3. Notes the Acting CEO has engaged an independent legal practitioner in order to take any steps necessary to make the Cultural Investigation Report suitable for consideration on the public agenda of Council.
4. Resolves that the final report described above be brought back to Council on a public agenda by the end of June 2021.

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

Councillors Martin and Moran re-entered the Council Chamber at 8.44 pm

24. Item 17.7 - Councillor Martin – Motion on Notice – Audit Committee Advice [2021/00600] [C]

Councillors Hyde and Hou left the Council Chamber at 8.45 pm

It was then -

Moved by Councillor Martin,
Seconded by Councillor Moran -

That Council:

Noting the timeline for approval of the 2021/22 Long Term Financial Plan and the discussions of the Audit Committee, asks the Administration to bring the final consultation summary report to Audit Committee and Council. This report should include a review by the External Auditor of changes made to the LTFP and any recommendations or commentary they may have regarding any impacts on accuracy and compliance in the matters approved by Council on April 13th, 2021 in the motions on notice moved by Councillor Hyde listed as Item 17.13, Item 17.14, Item 17.15, Item 17.16, Item 17.18 and Item 10.1.

Discussion ensued, during which:

- Councillor Hyde re-entered the Council Chamber at 8.46 pm
- Councillor Hou re-entered the Council Chamber at 8.47 pm
- Councillor Moran left the meeting at 8.53 pm

The motion was then put and lost

25. Item 17.8 - Councillor Martin – Motion on Notice – Release Draft Master Plan North Adelaide Golf Course [2021/00818] [C]

Councillor Martin withdrew the motion from consideration

26. Item 17.9 - Councillor Martin – Motion on Notice – Greening of Travers Place [2018/04053] [C]

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

That Council:

Noting a petition has been received from residents, asks the Administration to include the planning, selection and planting of the optimum number of trees in Travers Place, North Adelaide funded by the most appropriate "greening" budget in the 21/22 Financial Year.

Discussion ensued

The motion was then put and carried unanimously

27. Item 17.10 - Councillor Martin – Motion on Notice – Council Assets and Elected Members/Staff [2001/05198] [C]

Councillor Knoll disclosed a perceived conflict of interest in Item 17.10 - Councillor Martin – Motion on Notice – Council Assets and Elected Members/Staff, pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), in the context of being a trader at the Adelaide Central Market, a fact which was well known and wouldn't affect his objectivity or impartiality and advised the meeting of his intention to remain in the Council Chamber and vote.

It was then -

Moved by Councillor Martin,
Seconded by Councillor Mackie -

That Council

Requests a report providing the information below for the period July 1st, 2011 to April 30th, 2021 for Council owned assets, Excluding Town Hall, the Pirie Street Administrative Centre and staff car park rental arrangements:

1. How many elected members and/or staff had leases or agreements to rent or otherwise occupy Council and/or Council subsidiary properties, including commercial and residential, and for what period.
2. How many companies, partnerships or other entities in which any and all elected members and/or staff or their relatives had an interest which leased, rented or otherwise occupied Council and/or Council subsidiary properties.
3. The length of such leases or agreements, and
4. whether such leases or agreements were the result of open market/competitive processes or as a result of a private negotiation and if any incentives such as fit, free rent etc were part of those leases or agreements.
5. How many elected members and/or staff and any companies, partnerships or other entities in which any and all elected members and/or staff have purchased Council or Council subsidiary commercial or residential property, together with details of whether such sales were as a result of open market/competitive processes or as a result of a private negotiation.

Councillor Martin with the consent of the seconder, withdrew his motion

28. Item 17.11 - Councillor Mackie – Motion on Notice – Big Santa [2020/01167] [C]

Moved by Councillor Mackie,
Seconded by Councillor Martin -

That Council:

1. Supports the retention of 'Big Santa' as a key element of Christmas in the City and that it explores options for its conservation or fibreglass re-surfacing.
2. Accepts that this is not a liability for the Adelaide Central Market Authority but is taken on as an iconic cultural asset owned by the City of Adelaide and continues to be displayed on the Grote Street tower facade of the Council owned Federal Building that is itself a heritage asset and source of pride and affection by a majority of South Australians.

Discussion ensued

Amendment –

Moved by Councillor Hyde,
Seconded by Councillor Kherra -

That the motion be amended to read as follows:

'That Council:

1. Seeks to gift Big Santa to the History Trust of South Australia in acknowledgement of the substantial cultural significance of Big Santa to the people of South Australia, and the History Trust's role as the primary custodian of our cultural history.'

Following an amendment to the original motion, Councillor Mackie identified an actual conflict of interest in Item 17.11 [Councillor Mackie – Motion on Notice – Big Santa] pursuant to Sections 75 & 75A of the Local Government Act 1999, because he is the CEO of the History Trust, withdrew his chair and left the Council Chamber at 9.26 pm.

Discussion ensued

The amendment was then put and carried
on the casting vote of the Lord Mayor

The motion, as amended, was then put and carried
on the casting vote of the Lord Mayor

Councillor Mackie re-entered the Council Chamber at 9.29 pm

Closure

The meeting closed at 9.29 pm

Clare Mockler,
Acting Chief Executive Officer

Sandy Verschoor,
Lord Mayor

Documents Attached for Reference

Minute 17 – Item 15.1 – 15.6 – Question on Notice Replies, distributed separately

Financial Dealings

ITEM 15.1 11/05/2021

Council

Council Member
Councillor Moran

2018/04053

Public

Contact Officer:
Justin Lynch, Chief Operating
Officer, Corporate Services

QUESTION ON NOTICE

Councillor Moran will ask the following Question on Notice:

'What is the current policy regarding financial dealings between Council members?'

REPLY

1. Rather than there being policy position(s) regarding financial dealings between Council Members various legislation applies depending on the circumstances as it relates to their role as a Council Member (rather than private business).
2. There are various provisions of the *Local Government Act 1999 (SA)* (the LG Act) which Council Members are required to consider and would apply to their financial dealings:
 - 2.1. Section 8 – Principles to be observed by a Council – specifically section 8(j) provides that one of the principles that a Council must observe is to achieve and maintain standards of good public administration.
 - 2.2. Chapter 5, Part 3 – Role of Members – requires the principles of section 8 to be observed.
 - 2.3. Chapter 5, Part 4 – Division 1 – talks to General Duties and Code of Conduct which includes Council Members acting at all times with honesty, reasonable care and diligence. In addition, a Council Member must not make improper use of information acquired by virtue of their position as a Council Member to gain an advantage for themselves or for another person or to cause detriment to the Council. Significant penalties apply.
 - 2.4. Chapter 5, Part 4 – Division 2 and Schedule 3 – Primary/Ordinary returns and Register of Interests – Council Members are required to disclose information on their primary returns and ordinary returns thereby covering financial dealings as they are relevant to their role as a Council Member which is comprehensively explained in Schedule 3. Council Members are required to advise of any changes/variations in the information provided on the return within 1 month of the change or variation.
 - 2.5. Chapter 5, Part 4 – Division 3 talks to Conflicts of Interest and provides definitions on material, actual and perceived conflict of interests which could apply based on Council Member's financial dealings and the matters being presented for consideration and decision by Council.
3. The above legislative provisions are included in the City of Adelaide Standing Orders as verbatim extracts from the legislation. Chapter 3 talks to General Duties and Code of Conduct for Council Members and Chapter 4 talks to Disclosure of Interests.

4. From a complaint perspective, which may arise from allegations arising from Council Member financial dealings and depending on the specific circumstances, the following applies:
 - 4.1. Section 263 of the LG Act states there are grounds for a complaint to be made against a Council Member if there has been a contravention or non-compliance with Chapter 5, Part 4 (Members of Council – Conduct and disclosure of interests).
 - 4.2. Section 263A of the LG Act talks to the investigation of a complaint by the Ombudsman and then the process of a complaint lodged with SACAT (SA Civil and Administrative Tribunal).
 - 4.3. The Code of Conduct for Council Members (as required by section 63 of the LG Act) has a 'Complaints' section and is supported by Chapter 3, Part 3 of the Standing Orders which details the Complaint Handling Procedure.
5. In addition to the LG Act section 5 of the *Independent Commissioner Against Corruption Act 2012* (ICAC Act) defines misconduct and maladministration. Depending on the specifics of the financial dealings of Council Members and if there are breaches of the Code of Conduct (misconduct) or an irregular/unauthorised use of public money/resources or mismanagement in relation to the performance of official functions (maladministration), then provisions of the ICAC Act would apply.
6. There is clear information on the ICAC website relating to how complaints and reports can be made and are managed. Standing Order 31 draws attention to this.

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 Demonstration Apartment

ITEM 5.2 11/05/2021
Council

Council Member
Councillor Martin

2018/02324
Public

Contact Officer:
Tom McCready, Acting Director
City Shaping

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Noting that work begins this month on the construction of a demonstration apartment to drive pre sales of residences in the proposed development at 88 O'Connell Street, could the Administration advise:

1. What will be dimensions of the entire site, including associated parking and fenced areas, to be occupied by the demonstration apartment?
2. Who will pay for the cost of the construction and the supply of services for the demonstration apartment?
3. Will Commercial and General pay Council rates for the land to be occupied by the demonstration apartment and, if so, what is the anticipated amount?
4. For how long will the demonstration apartment occupy the site and is there an agreed end date in the event of a delay to the commencement of construction of the proposed development at 88 O'Connell St?
5. Will the City of Adelaide or Commercial and General be responsible for the removal or demolition of demonstration apartment and are there any guarantees in respect of this if Commercial and General decides to not proceed with the proposed development at 88 O'Connell Street?'

REPLY

1. The matters regarding construction, occupancy costs, time periods and decommissioning are dealt with under the Land Facilitation Agreement, the terms of which are confidential.
2. The sales centre and associated car park will utilise approximately 1000m² of the site with access to the carpark via Archer Street.
3. The demonstration apartment and sales centre proposal has been progressed in accordance with the development application process.

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 -

88 O'Connell Pty Ltd

ITEM 15.3 11/05/2021

Council

Council Member
Councillor Martin2018/02324
PublicContact Officer:
Tom McCready, Acting Director
City Shaping

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'The Prudential Report into the arrangements to develop 88 O'Connell Street noted that Commercial and General Pty Ltd, with whom Council said it had "entered into an agreement", would establish an entity called "88 O'Connell Street Pty Ltd " for the specific purpose of development of the scheme. Could the Administration advise the names of the Directors of 88 O'Connell Street Pty Ltd and the amount of its paid-up capital as advised to the Australian Securities and Investments Commission at close of business on May 4th, 2021?'

REPLY

1. The project is the conditional sale of 88 O'Connell Street North Adelaide to 88 O'Connell Pty Ltd which is an entity established by Commercial & General Pty Ltd for the specific purpose of developing the scheme.
2. The entity is a Special Purpose Vehicle (SPV) and the use of a SPV is a common approach by businesses when carrying out a development.
3. As noted in the Prudential Report, Commercial & General Pty Ltd established 88 O'Connell Pty Ltd for the specific purpose of the development. The director is Jamieson James McClurg. As at the date of entering into the Land facilitation Agreement, it had a paid-up capital of \$1 according to the Australian Security Investment Commission (ASIC) records.

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 -

Legal Advice and Representation

ITEM 15.4 11/05/2021

Council

Council Member
Councillor Martin

2018/04053

Public

Contact Officer:
Justin Lynch, Chief Operating
Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration advise what is the policy of the Council regarding the provision of legal advice and/or legal representation to any elected member or any staff who are required to answer questions to appear before any integrity agency?'

REPLY

1. Pursuant to section 78A of the *Local Government Act 1999 (SA)*, the City of Adelaide Standing Orders 90 – 93 provide the policy position relating to the provision of independent legal advice for Council Members.
2. The relevant Standing Orders are:
 90. *In liaison with the Chief Executive Officer (or delegate), Council Members will have access to independent and confidential legal advice at the cost of Council regarding any question or matter arising in relation to the Council Member's role or legal responsibilities, or rights in relation to, or arising out of, his or her capacity as a Council Member.*
 91. *The right to legal advice under Standing Order 90 does not extend to the provision of ongoing legal representation in relation to any legal issue or matter without a resolution of Council to that effect.*
 92. *The right to legal advice under Standing Order 90 does not extend to actions arising out of the private business, or a private matter, of a Council Member.*
 93. *Council Members shall select a legal provider from the legal panel appointed by the Corporation of the City of Adelaide, unless another legal provider is approved by the Chief Executive Officer, on a reasonable basis, taking into account the circumstances of the matter.*
3. With respect to legal advice and/or legal representation for City of Adelaide staff, this is at the discretion of the Chief Executive Officer (or their delegate).
4. A key distinction that must be made in the seeking and obtaining of legal advice in this context relates to the proper identification of who the client is in any given circumstance. In particular, ensuring the distinction between a solicitor acting for the Council as a legal entity as distinct from a solicitor acting for any individual employee. Legal advice is sought and provided in circumstances where the advice is necessary for and pertains to the proper exercise of an employee of a particular statutory role, function, duty or obligation that the employee has by virtue of them being an employee of the Council. This is separate and distinct from the advice that an employee may require in a personal capacity as a result of a matter that has arisen at work.

5. An example where legal advice could be appropriately sought by City of Adelaide staff is in determining whether an employee has specific reporting or management obligations under the *Public Interest Disclosure Act 2018* or the *Independent Commissioner Against Corruption Act 2012* in respect of conduct which they have become aware of in the course of their duties (whether because of their own observations or because of a complaint made to them). Advice in this context would (for example) cover the existence (or not) of the duty to report, the action to be taken in respect of the report and the provision of information in whatever form to a relevant external agency (including in writing or verbally at an interview). In this context, the client is the Council and the advice is sought and provided to ensure the Council (through its employees) complies with all relevant legal duties and obligations and the relevant employee is able to lawfully discharge their obligations.
6. An example of circumstances where it would be less usual for the Council to fund the provision of legal advice for an employee would be if particular allegations of misconduct were made against a particular employee regarding their behaviour at work. For example, where an external agency was investigating the appropriateness or lawfulness of the behaviour of an individual employee. In the case of an investigation into behaviour, it would often be the case that (absent some particular decision of the Council, the Chief Executive Officer or some other duly authorised delegate to the contrary) any legal advice would be provided to the employee by a solicitor engaged and funded by the employee themselves rather than a solicitor acting for the Council. In such a case Council's solicitors would separately provide advice to the Council (through other employees) regarding that behaviour.
7. Importantly, seeking advice regarding the proper discharge of powers, functions or duties does not give rise to any conflict of interest considerations. It is not a conflict for an employee to seek advice regarding the proper or lawful exercise of powers, functions or duties in the course of their official duties; it is a routine purpose for which advice from the Council's solicitors is sought and a fundamental requirement for ensuring standards of good administrative practice and governance are maintained.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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- END OF REPORT -

East West Bikeway Expenditure

ITEM 15.5 11/05/2021

Council

Council Member
Councillor Martin

2018/04053
Public

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

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration advise the total costs associated with the various plans since 2017 for an East West Bikeway, the last proposal for which was voted down on March 23rd, 2021, including:

1. All detailed sets of plans prepared.
2. All international, interstate and local consultant fees.
3. All public consultations.
4. Staff salaries directly attributable to the project.
5. Any other relevant costs?'

REPLY

1. The total costs incurred for the East-West Bikeway project for the years 2016-17 to 2020-21 inclusive are as follows:

	Expenditure Ex GST
Engagement	\$31,745
Engineering & design	\$241,753
Prudential Report & Economics Analysis	\$35,451
Internal staff costs and overheads	\$113,083
Total	\$422,032

2. This total includes expenditure on consultant fees of approximately \$304,000.
3. All costs incurred in developing options for consideration by Council have been developed under the conditions of the Adelaide Bikeways Infrastructure Project Deed and with the intent of determining an East West Separated Bikeway route and design that satisfies Councils resolution/s.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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- END OF REPORT -

Portrait of Dame Roma Mitchell

ITEM 15.6 11/05/2021

Council

Council Member
Councillor Moran2020/01167
PublicContact Officer:
Tom McCready, Acting Director
City Shaping

QUESTION ON NOTICE

Councillor Moran will ask the following Question on Notice:

1. 'Why is the City of Adelaide commissioning a portrait of Dame Roma Mitchell to be hung in the main chamber of the Council?
2. Why isn't one of the very few women (only 17) that have been on Council such as Dame Esther Jacobs 1946 to 1978 or the wonderful Rosemary Boucaut 1980 to 1995 being recognised?'

REPLY

1. At its meeting on 28 January 2020, Council discussed and approved:

Item 12.5 - Honouring Female Leaders in the City of Adelaide [2009/00789] Presented to Committee 3/3/2020 [C]

That Council:

1. *Approves the development of an ongoing Civic Collection curation program in the Council Chamber, that facilitates the recognition and celebration of female leaders with historical significance to the State and City of Adelaide.*
 2. *Approves the commissioning of a female local artist to produce a framed portrait painting of Adelaide's first female Lord Mayor, Wendy Chapman AM.*
 3. *Approves the commissioning of a female local artist to produce framed portrait paintings of the following five female leaders (or for Administration to enter into long-term loan agreements for suitable existing portrait paintings)*
 - 3.1 *Dame Roma Mitchell AC, DBE, CVO, QC*
 - 3.2 *Aunty Shirley Peisley AM*
 - 3.3 *Mary Lee*
 - 3.4 *Catherine Helen Spence*
 - 3.5 *Ivarrityi*
 4. *Notes that the commissioning costs will be funded from the Public Art capital budget and that re-curation costs of up to \$15,000 over two years will be considered in the FY2020/21 and FY2021/22 budgets.*
2. The six portraits approved represent our founding females, women of historical significance to the City and the State including Aboriginal and Kaurna Elders past and present, widely acknowledged for the long-term impact of their leadership, influence and social reform.

3. Any additional female leaders nominated would need to meet the selection criteria and budget would need to be allocated.
4. In 2014 the Lady Esther Lipman Jacobs Room in the Town Hall was so named to honour the first female Councillor elected to the City of Adelaide Council – a first for the state of South Australia – and Council's first female Deputy Lord Mayor.

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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