



COUNCIL MINUTES

for the meeting

Tuesday 8 June 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 – 11/5/2021 & 18/5/2021 [C]

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

That the Minutes of the meeting of the Council held on 11 May 2021 and the Special meeting of the Council held on 18 May 2021, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputation

2. Item 7.1 - Deputation – Samira Fateh – Pigeon Population [C]

Samira Fateh addressed the Council:

- Control pigeon population humanely rather than using non effective inhumane lethal methods.

During the address Councillor Hyde entered the Council Chamber at 5.39 pm

The Lord Mayor thanked Samira Fateh for her deputation.

Report of Adelaide Park Lands Authority

3. Item 9.1 - Advice of the Adelaide Park Lands Authority – 20 May 2021 [2018/04062] [C]

Moved by Councillor Martin,
Seconded by Councillor Mackie –

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

1. Advice 1 – Adelaide Park Lands Regulations 2006 (SA)

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES THE STATE GOVERNMENT AND COUNCIL:

That the Adelaide Park Lands Authority:

1. Recommends that, following their expiry on 1 September 2021, the *Adelaide Park Lands Regulations 2006 (SA)* be re-drafted so that Regulation 6 allows for the inclusion of sub-leases rather than their exclusion, so as to identify all rights of use in the Adelaide Park Lands.

Carried

Reports for Council (Chief Executive Officer's Reports)

4. Item 10.13 - Adelaide Central Market Authority Charter Review [2016/03926] Presented to Committee on 1/6/2021 [C]

Councillor Hyde disclosed a material conflict of interest in Item 10.13 [Adelaide Central Market Authority Charter Review], pursuant to Sections 73 & 74 of the *Local Government Act 1999 (SA)*, because he is an Adelaide Central Market Authority Board Member, withdrew his Chair and left the Council Chamber at 5.41pm.

Councillor Knoll identified an actual conflict of interest in Item 10.13 [Adelaide Central Market Authority Charter Review], pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, because he is a trader in the Central Market, withdrew his Chair and left the Council Chamber at 5.41pm.

It was then -

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

That the matter be deferred for further work.

Discussion ensued

The motion was then put and lost,
on the casting vote of the Lord Mayor

It was then -

Moved by Councillor Moran,
Seconded by Councillor Mackie –

THAT COUNCIL

1. Adopts the amended Charter of the Adelaide Central Market Authority as set out in Attachment A to Item 10.13 on the Agenda for the meeting of the Council held on 8 June 2021, subject to:
 1. Charter
Amendment to Clause 3.5.5 to expand on Trader Advisory Group (TAG) definition to include:
"to establish a Traders' Advisory Group and to actively engage with and communicate with the Traders' Advisory Group in relation to the activities of the Authority"
 1. Operating Agreement
Amendment to Clause 8.1.3 and replace with:
"CoA, through Upark will work collaboratively with ACMA to reach mutual agreement on any changes to car parking fees for the Market Car Park"

1. Operating Agreement
Amendment to Clause 8.5 adding:
“to ensure that the Market is maintained at all times in a state of repair which a prudent investor would maintain the same to ensure a maximum level of amenity for customers and occupancy by traders and a maximum level of rent return”
2. Notes that the amendments will be effective from the date the Charter is published in the Government Gazette.
3. Authorises the Acting Chief Executive Officer to make any necessary or desirable typographical or syntactical revisions to the draft Charter as set out in Attachment A to Item 10.13 on the Agenda for the meeting of the Council held on 8 June 2021, before any publication is made in the Gazette. If any such revisions are made, then it is the version as revised which will become the Charter upon the publication in the Gazette.
4. Notes the Charter (as amended) will be provided to the Minister for Planning and Local Government.
5. Adopts the amended Head Lease between the City of Adelaide and the Adelaide Central Market Authority as set out in Attachment B to Item 10.13 on the Agenda for the meeting of the Council held on 8 June 2021.
6. Adopts the draft Operating Agreement between the City of Adelaide and the Adelaide Central Market Authority as set out in Attachment C to Item 10.13 on the Agenda for the meeting of the Council held on 8 June 2021.
7. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the amended Adelaide Central Market Head Lease and any other items to give effect to that document.

Discussion continued

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

Division

For (6):

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

Against (2):

Deputy Lord Mayor (Councillor Couros) and Councillor Abrahamzadeh.

The division was declared in favour of the motion

Councillor Knoll re-entered the Council Chamber at 6.08pm

Adoption of Items

5. Adoption of Items 10.3, 10.4, 10.5, 10.8, 10.9, 10.10, 10.12, 10.14, 10.15 [C]

Discussion ensued

Councillor Hyde re-entered the Council Chamber at 6.10pm

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

That the following Items 10.3, 10.4, 10.5, 10.8, 10.9, 10.10, 10.12, 10.14, 10.15 be adopted as presented, namely –

Item 10.3 - Stretch Reconciliation Action Plan 2021-2024 (Final Endorsement) [2018/04431] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Notes that the development of the Stretch Reconciliation Action Plan 2021-2024 is the result of extensive consultation and engagement with Aboriginal and Torres Strait Islander communities, community partners, Traditional Owners, the Kaurna peoples, the City of Adelaide Reconciliation Committee, wider non-Aboriginal community members, City of Adelaide administration and Reconciliation Australia, as the core strategic document that will guide the City of Adelaide's reconciliation activity from 1 July 2021 - 30 June 2024.

2. Approves the Stretch Reconciliation Action Plan 2021 – 2024 as contained in Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 8 June 2021, subject to acceptance by Reconciliation Australia.

Item 10.4 - The Stables of Victoria Park – Lease Assignment [2013/00354] [C]

THAT COUNCIL

1. Approves the Deed of Assignment of Lease, as a result of the sale of business, from The Stables of Victoria Park Pty Ltd (Lessee) to LaDolce Vita Event Management and Catering Pty Ltd (Purchaser) for the leased and licensed area in Victoria Park/Pakapakanthi (Park 16).
2. Authorises the Chief Executive Officer to execute all documentation to give effect to the Assignment of Lease.
3. Authorises The Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Deed of Assignment and associated documentation.

Item 10.5 - Quarterly Forward Procurement Report Q1 2021/2022 [2020/00150] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Notes the Procurements set out in Attachment A to Item 10.5 on the Agenda for the meeting of the Council held on 8 June 2021 which will be released to the market during Quarter 1 of the 2021/2022 financial year.

Item 10.8 - Adelaide's Christmas Festival Action Plan 2021-2024 [2021/00590] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Adopts the City of Adelaide Christmas Festival Action Plan 2021 to 2024, as set out in Attachment A to Item 10.8 on the Agenda for the meeting of the Council held on 8 June 2021.

Item 10.9 - City Connector Promotion [2019/02429] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Notes the options developed for promotion of the City Connector service.
2. Approves, in partnership with DIT, the progression of the promotional options that can be undertaken at no additional cost to Council.
3. Notes that for any paid promotions, Council would be responsible for 100% of the cost.
4. Notes that assessment of the success of any campaign will be difficult due to the lack of ticketing information for the City Connector service and recent fluctuations in patronage.

Item 10.10 - Heritage Incentives Scheme Allocation over \$50,000 [HIS/19/2021 & HIS/20/2021] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Approves an allocation of \$96,000 for conservation works to 235A Rundle Street and \$96,000 for conservation works to 235 Rundle Street as contained in Attachment A to Item 10.10 on the Agenda for the meeting of the Council held on 8 June 2021, in accordance with the Heritage Incentive Scheme Operating Guidelines.

Item 10.12 - Adelaide Park Lands Regulations 2006 [2006/00219] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Endorses the following submission to be made to the Attorney-General of South Australia:
That, following their expiry on 1 September 2021, the Adelaide Park Lands Regulations 2006 be re-drafted so that Regulation 6 allows for the inclusion of sub-leases rather than their exclusion, so as to identify all rights of use in the Adelaide Park Lands.

Item 10.14 - Procurement Policy [20202/00313] Presented to Committee on 1/6/2021 [C]

THAT COUNCIL

1. Adopts the new Procurement Policy as at Attachment A to Item 10.14 on the Agenda for the meeting of the Council held on 8 June 2021.

2. Adopts the Social Procurement Action Plan 2021-22 that identifies key deliverables and actions including targets as at Attachment B to Item 10.14 on the Agenda for the meeting of the Council held on 8 June 2021.

Item 10.15 - Progress of Motions by Elected Members [2018/04074] [C]

THAT COUNCIL

1. Notes the report.

Carried

Reports for Council (Chief Executive Officer's Reports)

6. Item 10.1 - Toy Library [2021/00932] Presented to Committee on 1/6/2021 [C]

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Hyde –

THAT COUNCIL

1. Approves capital funding of \$15,000 in the 2020/21 financial year to establish a unique Adelaide UNESCO City of Music focused Toy Library within the City of Adelaide Library and Community Centre Service.
2. Approves the introduction of annual Toy Library membership fees:
 - 2.1 Toy Library Annual Membership of \$30.00 (inc GST)
 - 2.2 Toy Library Annual Concession of \$15.00 (inc GST)
3. Approves funding of \$2,000 per annum to maintain and replenish the toy stock with the income from membership fees used to offset this expenditure.

Amendment -

Moved by Councillor Martin,
Seconded by Councillor Mackie –

That part 2.2 of the motion be amended to read as follows:

'2.2 Toy Library Annual Concession – No fee'

Discussion ensued

The amendment was then put and lost

Councillor Moran requested that a division be taken on the amendment

Division

For (4):

Councillors Donovan, Mackie, Martin and Moran.

Against (6):

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

The division was declared against the amendment

The motion was then put and carried unanimously

7. Item 10.2 - Community Impact Grants and Strategic Partnerships Operating Guidelines [2020/00900] Presented to Committee on 1/6/2021 [C]

Moved by Councillor Moran,
Seconded by Councillor Martin –

THAT COUNCIL

1. Adopts the Community Impact Grants and Strategic Partnerships Operating Guidelines as per Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 8 June 2021.
2. Notes the 2021/22 Draft Integrated Business Plan and Budget includes an allocation of \$746,000 to continue funding this program of works.

3. Requests that Strategic partnerships which are valued between \$25k and \$50k require Council approval.

Discussion ensued

The motion was then put and lost

Councillor Moran requested that a division be taken on the motion

Division

For (5):

Councillors Hou, Khera, Mackie, Martin and Moran.

Against (5):

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

The division was declared against the motion,
with the casting vote of the Lord Mayor

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Adopts the Community Impact Grants and Strategic Partnerships Operating Guidelines as per Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 8 June 2021.
2. Notes the 2021/22 Draft Integrated Business Plan and Budget includes an allocation of \$746,000 to continue funding this program of works.

Carried

Deputy Lord Mayor (Councillor Couros) 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,

8. Item 10.6 - Rebuilding Adelaide's Night Life [2013/01378] Presented to Committee on 1/6/2021 [C]

Moved by Councillor Hyde,
Seconded by Councillor Khera –

THAT COUNCIL

1. Notes a review of the Noise Management Program is underway and Council Members will be provided with an update on the outcomes of the review by November 2021.
2. Notes the importance of continuing to advocate for the small venue liquor license and its role in the reactivation of the Adelaide CBD and the NTE.
3. Requests a comparison of other international jurisdictions with nightlife advocates, including their method of appointment, roles and responsibilities, is made and presented to Council Members for feedback as a Committee Workshop, with a view to the Council providing further direction to the Administration on the method of appointment, roles and responsibilities of any City of Adelaide nightlife advocate.

Discussion ensued

The motion was then put and carried

Councillor Hyde requested that a division be taken on the motion

Division

For (10):

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

Against (0)

The division was declared in favour of the motion

9. Item 10.7 - COVID-19 Financial Impact [2020/01920] Presented to Committee on 1/6/2021 [C]

Moved by Councillor Hyde,
Seconded by Councillor Abrahamzadeh –

That Council

1. Notes the report.

During discussion Councillor Mackie left the Council Chamber at 7.02pm

The motion was then put and 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, Hyde, Khera and Knoll.

Against (2):

Councillors Martin and Moran.

The division was declared in favour of the motion

10. Item 10.11 - Rating Policy 2021-22 [2021/00122] Presented to Committee on 1/6/2021 [C]

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Adopts the proposed Rating Policy for 2021-22 contained in Attachment A to Item 10.11 on the Agenda for the meeting of the Council held on 8 June 2021, to be included as part of the 2021-22 Business Plan and Budget which has been amended from the draft Rating Policy approved for public consultation to reflect feedback from community consultation. Changes are to:
 - 1.1. Remove the 1% discount for upfront payment in full.
 - 1.2. Retain an increased rate for long-term vacant land.
 - 1.3. Retain the Special Discretionary Rebate at 10%.
 - 1.4. Remove the Pensioner and Self-funded Retiree rebate.

Amendment -

Moved by Councillor Martin,
Seconded by Councillor Moran –

That part 1.4 of the motion be amended to read as follows:

- '1.4 Retain the Pensioner and Self funded Retiree rebate and authorises the Chief Executive Officer to update the Policy accordingly.'

During discussion -

- Councillor Khera left the Council Chamber at 7.04pm and re-entered at 7.07pm
- Councillor Mackie re-entered the Council Chamber at 7.04pm

The amendment was then put and lost

Councillor Moran requested that a division be taken on the amendment

Division

For (4):

Deputy Lord Mayor (Councillor Couros) and Councillors Mackie, Martin and Moran.

Against (6):

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

The division was declared against the amendment

Discussion continued

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

Division

For (6):

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

Against (4):

Deputy Lord Mayor (Councillor Couros) and Councillors Mackie, Martin and Moran.

The division was declared in favour of the motion

11. Item 10.16 - CEO Selection Panel update [2018/00459] [C]

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

THAT COUNCIL

1. Notes the report.

Discussion ensued

The motion was then put and carried

12. Item 10.17 - Review of Council Delegations [2018/04004] [C]

Moved by Councillor Martin,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Revokes all previous delegation of powers and functions of the Council to the Chief Executive Officer.
2. Hereby delegates on this day 8 June 2021, pursuant to the power contained in Section 44 of the *Local Government Act 1999* (SA), the powers and functions under the following legislation contained in the proposed Instruments of Delegation, as set out in Attachment A to Item 10.17 on the Agenda for the meeting of the Council held on 8 June 2021, to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation:
 - 2.1. *Burial and Cremation Act 2013*
 - 2.2. *Burial and Cremation Regulations 2014*
 - 2.3. *Community Titles Act 1996*
 - 2.4. *Cost of Living Concessions Act 1986*
 - 2.5. *Crown Land Management Act 2009*
 - 2.6. *Disability Inclusion Act 2018*
 - 2.7. *Disability Inclusion Regulations 2019*
 - 2.8. *Dog and Cat Management Act 1995*
 - 2.9. *Dog and Cat Management Regulations 2017*

- 2.10. *Electricity Act 1996*
- 2.11. *Electricity (Principles of Vegetation Clearance) Regulations 2010*
- 2.12. *Environment Protection Act 1993*
- 2.13. *Environment Protection Regulations 2009*
- 2.14. *Environment Protection (Air Quality) Policy 2016*
- 2.15. *Environment Protection (Noise) Policy 2007*
- 2.16. *Environment Protection (Used Packaging Materials) Policy 2012*
- 2.17. *Environment Protection (Waste to Resources) Policy 2010*
- 2.18. *Expiation of Offences Act 1996*
- 2.19. *Fines Enforcement and Debt Recovery Act 2017*
- 2.20. *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
- 2.21. *Freedom of Information Act 1991*
- 2.22. *Freedom of Information (Fees and Charges) Regulations 2018*
- 2.23. *Gas Act 1997*
- 2.24. *Independent Commissioner Against Corruption Act 2012*
- 2.25. *Independent Commissioner Against Corruption Regulations 2013*
- 2.26. *Labour Hire Licensing Act 2017*
- 2.27. *Land and Business (Sale and Conveyancing) Act 1994*
- 2.28. *Landscape South Australia Act 2019*
- 2.29. *Landscape South Australia (General) Regulations 2020*
- 2.30. *Landscape South Australia (Water Management) Regulations 2020*
- 2.31. *Liquor Licensing Act 1997*
- 2.32. *Local Government Act 1999*
- 2.33. *Local Government (Elections) Act 1999*
- 2.34. *Local Government (Building Upgrade Agreements) Regulations 2017*
- 2.35. *Local Government (Financial Management) Regulations 2011*
- 2.36. *Local Government (General) Regulations 2013*
- 2.37. *Local Government (Members Allowances and Benefits) Regulations 2010*
- 2.38. *Local Government (Procedures at Meetings) Regulations 2013*
- 2.39. *Local Government (Forestry Reserves) Act 1944*
- 2.40. *Local Nuisance and Litter Control Act 2016*
- 2.41. *Local Nuisance and Litter Control Regulations 2017*
- 2.42. *Magistrates Court Rules 1992*
- 2.43. *Mining Act 1971*
- 2.44. *Mining Regulations 2011*
- 2.45. *Natural Resources Management Act 2004*
- 2.46. *Natural Resources Management (Financial Provisions) Regulations 2005*
- 2.47. *Ombudsman Act 1972*
- 2.48. *Ombudsman Regulations 2020*
- 2.49. *Private Parking Areas Act 1986*
- 2.50. *Real Property Act 1886*
- 2.51. *Roads (Opening and Closing) Act 1991*

- 2.52. *Road Traffic Act 1961*
- 2.53. *Road Traffic (Miscellaneous) Regulations 2014*
- 2.54. *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*
- 2.55. *South Australian Public Health Act 2011*
- 2.56. *South Australian Public Health (Fees) Regulations 2019*
- 2.57. *South Australian Public Health (General) Regulations 2013*
- 2.58. *South Australian Public Health (Legionella) Regulations 2013*
- 2.59. *South Australian Public Health (Wastewater) Regulations 2013*
- 2.60. *State Records Act 1997*
- 2.61. *State Records Regulations 2013*
- 2.62. *Strata Titles Act 1988*
- 2.63. *Water Industry Act 2012*
- 2.64. *Water Industry Regulations 2012*

- 3. Notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 44 and 101 of the *Local Government Act 1999 (SA)* as the Chief Executive Officer sees fit, unless indicated herein or in the Schedule of conditions contained in each proposed Instrument of Delegation.

Supported Residential Facilities Act 1992

- 4. Hereby delegates, in exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, from 8 June 2021, to the person occupying the office of Chief Executive Officer, the powers and functions under *the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 1994* contained in the proposed Instrument of Delegation contained within Attachment A to Item 10.17 on the Agenda for the meeting of Council held on 8 June 2021, subject to the conditions and/or limitations contained in the proposed Instrument of Delegation.
- 5. Provides that such powers and functions delegated under paragraph (4) of the recommendation may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the proposed Instrument of Delegation.

Food Act 2001

- 6. In exercise of the powers contained in Section 91 of the *Food Act 2001*, hereby delegates, from 8 June 2021, to the person occupying the office of Chief Executive Officer (“the head of the enforcement agency” for the purposes of the *Food Act 2001*), the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation contained within Attachment A to Item 10.17 on the Agenda for the meeting of Council held on 8 June 2021, subject to the conditions and/or limitations contained in the proposed Instrument of Delegation.
- 7. Provides that such powers and functions delegated under paragraph (6) of the recommendation may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the proposed Instrument of Delegation.

Heavy Vehicle National Law (South Australia) Act 2013

- 8. In exercise of the powers contained in Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013*, hereby delegates, from 8 June 2021, to the person occupying the office of Chief Executive Officer, the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation contained within Attachment A to Item 10.17 on the Agenda for the meeting of Council held on 8 June 2021, subject to the conditions and/or limitations contained in the proposed Instrument of Delegation.
- 9. Provides that such powers and functions delegated under paragraph (8) of the recommendation may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the proposed Instrument of Delegation.

Adelaide Central Market Authority

10. Hereby delegates, In exercise of the power contained in Section 44 of the *Local Government Act 1999 (SA)*, from 8 June 2021, to the Adelaide Central Market Authority, the powers and functions under the *Local Government Act 1999 (SA)*, and specified in the proposed Instrument of Delegation contained in Attachment B to Item 10.17 on the Agenda for the meeting of Council held on 8 June 2021, subject to the conditions and/or limitations contained in the proposed Instrument of Delegation.

Adelaide Economic Development Agency

11. Hereby delegates, in exercise of the power contained in Section 44 of the *Local Government Act 1999 (SA)* from 8 June 2021, to the Adelaide Economic Development Agency, the powers and functions under the *Local Government Act 1999 (SA)* and the *City of Adelaide Act 1998*, and specified in the proposed Instrument of Delegation contained in Attachment C to Item 10.17 on the Agenda for the meeting of Council held on 8 June 2021, subject to the conditions and/or limitations contained in the proposed Instrument of Delegation.

Road Traffic Act 1961 General Approval

12. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument'), contained in Attachment D to Item 10.17 on the Agenda for the meeting of the Council held on 8 June 2021, the Council revokes previous authorisation and hereby authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:
- 12.1. Julie Bellwood
 - 12.2. Anna McDonald
 - 12.3. Hugh Gallagher
 - 12.4. Nadia Yeoman
 - 12.5. Amy Smith
 - 12.6. Darren Mitchell
13. In accordance with Clause A.7 of the Instrument (Attachment D, to Item 10.17 on the Agenda for the meeting of the Council held on 8 June 2021), the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:
- 13.1. Julie Bellwood
 - 13.2. Anna McDonald
 - 13.3. Hugh Gallagher
 - 13.4. Nadia Yeoman
 - 13.5. Justine Austin
 - 13.6. Amy Smith
 - 13.7. Darren Mitchell
14. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Sub-Delegation set out at Attachment D, to Item 10.17 on the Agenda for the meeting of the Council held on 8 June 2021 is hereby sub-delegated this 8 June 2021 to the person occupying the office of Chief Executive Officer of the Council subject to:
- 14.1. the conditions contained in the Instrument; and
 - 14.2. any conditions contained in this Resolution or in the Instrument of Sub-Delegation; and
 - 14.3. the creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.

15. In accordance with Clause E.2 of the Instrument (Attachment D to Item 10.17 on the Agenda for the meeting of the Council held on 8 June 2021), the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

- 15.1. Julie Bellwood
- 15.2. Anna McDonald
- 15.3. Hugh Gallagher
- 15.4. Nadia Yeoman
- 15.5. Justine Austin
- 15.6. Amy Smith
- 15.7. Darren Mitchell

Discussion ensued

The motion was then put and carried

Councillor Hyde requested that a division be taken on the motion

Division

For (9):

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

Against (1):

Councillor Hyde.

The division was declared in favour of the motion

Councillor Moran left the Council Chamber at 7.28pm

13. Item 10.18 - Consultation Outcomes - Draft LTFP and SAMP [2020/01920] [C]

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Notes the report and Attachment A (Verbatim Comments – Consultation on the Draft Long Term Financial Plan and Draft Strategic Asset Management Plan) to Item 10.18 on the Agenda for the meeting of the Council held on 8 June 2021.
2. Notes that this feedback is being considered in finalising the Long-term Financial Plan and the Strategic Asset Management Plan and will be presented to Council for adoption prior to the end of June 2021.

During discussion Councillor Moran re-entered the Council Chamber at 7.31pm

The motion was then put and carried

Exclusion of the Public

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

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

- 12.1.1.** Cycling Infrastructure Opportunities [s 90(3) (g)]
- 12.1.2.** Contract Renewal - Christmas Decorations [s 90(3) (b) & (d)]
- 12.1.3.** Gawler Place Upark – Priority Works [s 90(3) (i)]

ORDER TO EXCLUDE FOR ITEM 12.1.1

Moved by Councillor Knoll,
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (g) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8 June 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 [Cycling Infrastructure Opportunities] listed on the Agenda.

Grounds and Basis

This Item contains matters that must be considered in confidence in order to ensure that the Council does not breach any law, any duty of confidence, or other legal obligation or duty.

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the City of Adelaide Act 1998 which has provided for a State/Capital City intergovernmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and legal obligation or duty as a member of the inter-governmental forum. The disclosure of information in this report would be acting contrary to the Capital City Committee operational provisions and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or Adelaide City Council evaluation and deliberation.

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 - the proposed project list - has been developed with the State Government and is currently 'cabinet in confidence'.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 8 June 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 [Cycling Infrastructure Opportunities] 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) (g) of the Act.

Discussion ensued

The motion was then put and 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, Knoll Mackie.

Against (3):

Councillors Hyde, Martin and Moran.

The division was declared in favour of the motion

ORDER TO EXCLUDE FOR ITEM 12.1.2

Moved by Councillor Knoll,
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8 June 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1.2 [Contract Renewal - Christmas Decorations] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This report contains reference to 'commercial in confidence' information, disclosure of which at this point in time may confer a commercial advantage on a third party, prejudice the ability for Council to undertake/participate in future discussion or negotiation and prejudice the Council's commercial position and opportunity to discuss or negotiate an option yet to be determined by the Council at this point in time.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in release of information prior to the finalisation of 'commercial in confidence' negotiations and a competitor receiving the information to the detriment of the interested parties and the person who supplied the information at this point in time (and for approximately three years from the date of this report) and because the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence the variation for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 8 June 2021 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 12.1.2 [Contract Renewal - Christmas Decorations] 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) & (d) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 12.1.3

Moved by Councillor Knoll,
Seconded by Councillor Abrahamzadeh –

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 8 June 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.1.3 [Gawler Place Upark – Priority Works] listed on the Agenda.

Grounds and Basis

This Item is confidential in 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 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 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 8 June 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 12.1.3 [Gawler Place Upark – Priority Works] 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

The public and members of Corporation staff not directly involved with Items 12.1.1, 12.1.2 & 12.1.3 left the Council Chamber at 7.48pm.

Confidential Item 12.1.1

Cycling Infrastructure Opportunities

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

Page 16

Confidential Item 12.1.2

Contract Renewal - Christmas Decorations

Section 90 (3) (b) & (d) of the *Local Government Act (SA) 1999*

Page 17

Confidential Item 12.1.3

Gawler Place Upark – Priority Works

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

Page 17

The meeting re-opened to the public at 8.13 pm

Deputy Lord Mayor (Councillor Couros) left the Council Chamber at 8.13pm

Confidentiality Orders

Minute 15 - Item 12.1.1 - Cycling Infrastructure Opportunities [C]

In accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 12.1.1 [Cycling Infrastructure Opportunities] listed on the Agenda for the meeting of the Council held on 8 June 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (g) 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 16 - Item 12.1.2 - Contract Renewal - Christmas Decorations [C]

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.1.2 [Contract Renewal - Christmas Decorations] listed on the Agenda for the meeting of the Council held on 8 June 2021 was received discussed and considered in confidence pursuant to Section 9(3)(b) & (d) 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 17 - Item 12.1.3 - Gawler Place Upark – Priority Works [C]

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.1.3 [Gawler Place Upark - Priority Works] listed on the Agenda for the meeting of the Council held on 8 June 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (i) litigation 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

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

The Lord Mayor addressed the meeting as follows:

'It's been a productive month and we have continued to play a leadership role as a capital city.

On 14 May, we had our Kaurna Kardla Parranthi/ trial Cultural Burn in Carriageway Park/Tulthangga which is in Park 17. This is one of the outcomes of Council's Stretch Reconciliation Plan 2015 – 2018 to include Kaurna knowledge into the land management of the Adelaide Park Lands and was initially meant to be held last year and was rescheduled due to COVID-19.

It was the first time in more than 200 years that the Kaurna community had publicly practised cultural burning techniques in the Park Lands and it was a very moving and important event.

The Kaurna people as the first caretakers of the lands, there is much to be gained from respectfully and appropriately tapping into their knowledge and practices for sustainable care for the land.

His Excellency Mr Shingo Yamagami, Ambassador of Japan and Mr Junji Shimada, Consul General of Japan undertook their first official visit to South Australia on 13 May and it was excellent to meet with them both and discuss opportunities for South Australia and the City of Adelaide.

Our Capital City Committee held its annual forum at the Adelaide Town Hall on 21 May.

I gave an address about opportunities for recovery and growth in the CBD. We also heard from the Premier of South Australia and the Adelaide Economic Development Agency chair Nikki Govan.

That afternoon, I visited St Mary's College and spoke to Year 12 students about Local Government and gender equality.

On 23 May, I unveiled a beautiful community mural in Charlotte Place inspired by native animals and plants. It was created by local artists Lucinda and Max and driven by the local residents who were supported by the City of Adelaide Public Art Grants scheme.

On 26 May, I flew to Canberra with Council of Capital City Lord Mayors Sally Capp of Melbourne, Anna Reynolds of Hobart and Adrian Schrunner of Brisbane.

Together we advocated for our cities and discussed the importance of city recovery, international students, residential growth, affordable housing policy, climate change, transport, digital infrastructure, waste, the arts and events with Federal Ministers and Shadow Ministers.

I also celebrated National Volunteers Week (17 – 23 May) and attended a parade to thank all the hard-working volunteers who give their time so generously to our city.'

During the verbal report –

- Councillor Hyde left the Council Chamber at 8.15pm
- Councillor Abrahamzadeh re-entered the Council Chamber at 8.16pm
- Deputy Lord Mayor (Councillor Couros) re-entered the Council Chamber at 8.16pm

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

THAT COUNCIL:

1. Receives and notes the Lord Mayor's verbal report.

Carried

Councillors' Reports

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

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

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 8 June 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 8 June 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 8 June 2021 be included in the Minutes of the meeting.

Councillor Knoll provided a verbal report on attendance at the Prevention and Management of Bullying/Harassment In or Out of the Chamber workshops.

Councillor Martin provided a verbal report on attendance at the Prevention and Management of Bullying/Harassment In or Out of the Chamber workshops and attendance at a community meeting on 23 May with community members who expressed a strong preference for a new design for 88 O'Connell Street in line with what they said was Councils original commitment to the guiding principles for the development.

The motion was then put and carried

Questions on Notice

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

- 15.1. Councillor Mackie – Question on Notice – Council Voter Roll [2021/00832]
- 15.2. Councillor Martin – Question on Notice – Central Market Arcade Air Rights [2015/00903]
- 15.3. Councillor Martin – Question on Notice – Service Provision [2021/00359]
- 15.4. Councillor Martin – Question on Notice – Pride Walk Work [2018/04053]
- 15.5. Councillor Hyde – Question on Notice – Speaking Publicly [2018/04053]

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.

Questions without Notice

Acting CEO Undertaking – Re Item 15.2 - Central Market Arcade Air Rights [2015/00903] [C]

In response to Councillor Martin, the Acting CEO undertook to clarify the further query -

'Why did the Prudential report show the difference between the cost of the returnable works at the Central Market Arcade which are \$54.7 million dollars, and the payable air rights land fee is subject to GST?'

Acting CEO Undertaking – Re Item 15.3 - Service Provision – Reduced Cleaning [2021/00359] [C]

In response to Councillor Martin, the Acting CEO undertook to clarify the further query - 'In reference to reduced street cleaning have any of those locations mentioned in paragraph 2 of the reply had the number of cleanings within any single day also reduced and which of the certain locations are now cleaned only 5 days per week?'

The meeting **adjourned at 8.24 pm** for a 20-minute break **and reconvened at 8.51 pm** with the following Council Members -

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

Motions on Notice

21. Item 17.6 - Councillor Martin – Motion on Notice – North Adelaide Local Heritage [2018/04053] [C]

Moved by Councillor Martin,
Seconded by Councillor Moran -

That Council:

Notes the Administration has been asked to provide technical advice to the State Planning Department on a 5-level apartment development proposed for the corner of Brougham Place and Brougham Court and resolves:

1. That the City of Adelaide is committed to the preservation of the locally listed heritage properties including the two-storey dwelling at 92 Brougham Place formerly occupied by the Royal Institute for the Blind
2. That the City of Adelaide is also committed to protecting the heritage value of surrounding listed properties in Historic Areas where development occurs, including locations such as Brougham Court.

Discussion ensued

It was then -

Moved by Councillor Hyde,
Seconded by Councillor Hou -

That the question lie on the table.

Carried

Councillor Martin requested that a division be taken on the formal motion

Division

For (5):

Councillors Abrahamzadeh, Hou, Hyde, Khera and Knoll.

Against (4):

Deputy Lord Mayor (Councillor Couros) and Councillors Mackie, Martin and Moran.

The division was declared in favour of the formal motion

22. Item 17.1 - Councillor Martin – Motion on Notice – Release Draft Master Plan North Adelaide Golf Course [2021/00818] [C]

Moved by Councillor Martin,
Seconded by Councillor Moran -

That Council:

Noting the Administration's advice that it no longer recommends Council proceeds with the GHDWoodward/Graeme Marsh Draft completed in July 2018, asks the Acting CEO under the authority granted to her in 2018 to lift the confidentiality order on the document and make it available for public viewing on the City of Adelaide website.

Discussion ensued

The motion was then put and lost

Councillor Hyde requested that a division be taken on the motion

Division

For (2):

Councillors Martin and Moran.

Against (7):

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

The division was declared against the motion

23. Item 17.2 - Councillor Knoll – Motion on Notice – Car Parking Fees on Bonython Park Commuter Car Park [2021/00710] [C]

Moved by Councillor Knoll,
Seconded by Councillor Hou -

That Council:

Notes the recent Council decision that Volleyball South Australia (VSA) will seek to relocate beach volleyball facilities to the former netball courts/temporary car park within Bonython Park. Considers the introduction of a parking fee in recognition of the large number of cars currently using the site as a commuter car park.

Requests the Administration present a report that reflects the intent of the motion, including but not limited to:

1. Fees to apply during key commuter times only.
2. Supporting continued access to the Park for those visiting for recreation and event purposes.
3. Temporary in nature only until such time that VSA are able to develop the site or another appropriate use for the site is identified.
4. Financial viability and affordability, including a reference to establishment costs.
5. Reinvesting the net revenue into Park Lands enhancements consistent with Council's Strategic Plan.

During discussion Councillor Moran left the Council Chamber at 9.16pm, re-entered at 9.20pm and left the Council Chamber at 9.24pm

The motion was then put and carried

Councillor Moran re-entered the Council Chamber at 9.24pm

24. Item 17.3 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Greening of Jeffcott Street [2018/04053] [C]

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

That Council:

1. Notes the extensive work along Jeffcott Street to address drainage issues involving renewals of stormwater pits and heritage bluestone kerbing.
2. Notes that this is a large-scale project and was delivered in stages to minimise disruption to residents and traders.
3. Notes that Jeffcott Street is a major street in North Adelaide and goes around the sides of Wellington Square continuing through to Montefiore Road over River Torrens into CBD.
4. Begins working with the community on Jeffcott Street to identify spots that need greening and extra plantings for the street to have some consistency in greening on the whole of Jeffcott Street.
5. Asks Administration to prepare a costing for the nature strip which was not included in the budget for the greening of Jeffcott Street. This is to be implemented once the work is complete. Administration to provide the costing prior to the finalisation of the 2021/22 budget.

Discussion ensued

The motion was then put and carried unanimously

25. Item 17.4 - Councillor Knoll – Motion on Notice – West End Youth Hub [2020/01167] [C]

Moved by Councillor Knoll,
Seconded by Councillor Hyde -

That Council:

- Notes that one of Council's Strategic Priorities is to 'develop diverse places and facilities with and for young people'.
- Notes that the West End has a number of services, facilities and entertainment venues that attract young people.
- Notes the work of Youth Inc, an Adelaide-based learning alternative located on Hindley Street that is designed specifically for young people aged 17-24.
- Requests Administration to investigate a youth hub (for young people aged 17-24) in the West End of the city in collaboration with Youth Inc, Headspace, HYPA and other relevant organisations.

During discussion, Councillor Moran left the Council Chamber at 9.35pm

The motion was then put and carried unanimously

26. Item 17.5 - Councillor Martin – Motion on Notice – Central Market Precinct Strategy [2015/00903] [C]

Councillor Hyde disclosed a material conflict of interest in Item 17.5 [Central Market Precinct Strategy], pursuant to Sections 73 & 74 of the *Local Government Act 1999 (SA)*, because he is an Adelaide Central Market Authority Board Member and the matter has not been discussed by the Board, withdrew his Chair and left the Council Chamber at 9.36pm.

Councillor Knoll identified a possible perceived conflict of interest in Item 17.5 [Central Market Precinct Strategy], pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, because of his association with the Arcade although having given notice of vacating his place in the Arcade will not receive any benefit from the Strategy and therefore would remain in the Council Chamber and participate in debate and the vote.

Councillor Moran re-entered the Council Chamber at 9.36pm

It was then -

Moved by Councillor Martin,
Seconded by Councillor Mackie -

That Council:

Noting on 9 April 2019 it adopted the following motion moved by former Councillor Houssam Abiad:

“That Council:

1. Notes the Central Market Arcade Redevelopment is likely to commence in September 2020.
2. Requests a detailed management plan to mitigate the impacts on the Central Market Arcade Traders, Central Market Traders and neighbouring precincts including, but not limited to, transport movements, pedestrian access, marketing, leases and car park operations.
3. Requests a report on a potential relocation strategy for Central Market Arcade Traders”.

And now asks the Administration to table no later than the August meeting the requested strategy document, including full details of ingress and egress for the Central Market and for the Central Market Arcade construction site.

Discussion ensued

The motion was then put and lost
(Councillor Knoll voted against the motion)

Councillor Abrahamzadeh requested that a division be taken on the motion

Division

For (3):

Councillors Mackie, Martin and Moran.

Against (5):

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

The division was declared against the motion

Councillor Hyde re-entered the Council Chamber at 9.47pm

27. Item 17.7 - Councillor Hyde – Motion on Notice – Non-Consumption of Alcohol [2018/04053] [C]

Councillor Moran left the Council Chamber at 9.48pm

Moved by Councillor Hyde,
Seconded by Councillor Abrahamzadeh -

That Council:

1. Bans all alcohol from Councillors offices and the member’s lounge.
2. Authorises administration to update Clause 102 of the City of Adelaide Standing Orders 2019 to reflect that ‘Non-alcoholic’ beverages and tea and coffee making facilities for the use of Council Members, and their guests and visitors, shall be provided in the Members’ Room.

Discussion ensued

Amendment -

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

That part 1 of the motion be amended to read as follows:

- ‘1. Ban the consumption of any alcohol prior to and during council meetings in the councillors offices and members lounge till the completion of all council workshops, committees and meetings.’

Discussion continued

The amendment was then put and carried

Councillor Hyde requested that a division be taken on the amendment

Division

For (5):

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

Against (3):

Councillors Hyde, Mackie and Martin.

The division was declared in favour of the amendment

Councillor Mackie left the Council Chamber at 9.59pm

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

28. Item 17.8 - Councillor Hyde – Motion on Notice – Tool Library [2020/01167] [C]

Moved by Councillor Hyde,
Seconded by Councillor Abrahamzadeh -

That Council:

Investigates the establishment of a tool library in the City of Adelaide to service our ratepayers.

Discussion ensued

The motion was then put and carried unanimously

29. Item 17.9 - Councillor Hyde – Motion on Notice – Enterprise Bargain Agreements [2021/00600] [C]

Moved by Councillor Hyde,
Seconded by Councillor Abrahamzadeh -

That Council:

Requests the Chief Executive Officer undertake a detailed review of all EBAs for City of Adelaide Employees which includes a comparison of the final remuneration, including other benefits, of our employees with the National awards for the same roles.

Discussion ensued

The motion was then put and carried

Councillor Martin requested that a division be taken on the motion

Division**For (6):**

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

Against (1):

Councillor Martin.

The division was declared in favour of the motion

Motions without Notice

Nil

Closure

The meeting closed at 10.16pm

Clare Mockler,
Acting Chief Executive Officer

Sandy Verschoor,
Lord Mayor

Documents Attached for Reference

Minute 20 – Item 15.1 – 15.5 – Question on Notice Replies, distributed separately

Council Voter Roll

ITEM 15.1 08/06/2021
Council

Council Member
Councillor Mackie

2021/00832
Public

Contact Officer:
Amanda McIlroy, Chief
Operating Officer, Corporate
Services

QUESTION ON NOTICE

Councillor Mackie will ask the following Question on Notice:

“Can Council be advised the detail of a reported error in the details provided to prospective electors for updating the Council Voter Roll ahead of the forthcoming Supplementary Election for Area Councillor?”

Can Council be advised approximately how many prospective enrolments have been rendered invalid as a result of not having been received before the deadline?

REPLY

1. The City of Adelaide began marketing the first phase of the supplementary election, “Enrol”, on the 16 April 2021, following advice of the election from ECSA on 1 April. Our marketing activities have included:
 - 1.1. Social media (Facebook, LinkedIn, Twitter)
 - 1.2. Digital screens across the City
 - 1.3. Advertising in online newsletters
 - 1.4. Flyer distribution
 - 1.5. Advertising within rates notices
 - 1.6. Targeted mail out letter
2. The targeted mailout letter was sent on the 21 April 2021 by Australia Post to 21,791 building occupiers. Unfortunately, the email address referred to in the body of the letter was missing an “.au” from the end, however the correct email address was included in the header of the letter. The letter included the correct address for the City of Adelaide Elections website and a hyperlink to an online form to contact the Rates Team directly.
3. There were approximately 20 enrolments received post deadline (which is considered usual based on previous elections). 18 of these were received through the online form.

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

- END OF REPORT -

Central Market Arcade Air Rights

ITEM 15.2 08/06/2021

Council

Council Member
Councillor Martin

2015/00903
Public

Contact Officer:
Tom McCready, Acting Director
City Shaping

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Paragraph 6.2.1 of Prudential Report on Council's investment in the redevelopment of the Central Market Arcade states that the forecast cost to undertake Council's so called Returnable Works is \$54, 736, 269.00 "less the amount of \$27, 000, 000 payable by the Developer to Council for the Air Rights Land ...". Could the Administration advise:

1. Where is the \$27 million payable by the Developer to Council in the Long Term Financial Plan (LTFP) and in what year?
2. If not, why does it not appear in the LTFP?
3. Is the Developer required to pay to the Council GST on the \$27 million Air Rights Land Fee?
4. Why the Prudential Report shows the difference between the \$54, 736, 269 and the payable Air Rights Land Fee is subject to GST, but not for the entire \$54, 736, 269 and is this correct?
5. Has the Council management of the transaction met all State and Federal accounting standards and legal obligations?'

REPLY

1. The transaction has been accounted for on a net basis in the LTFP to reflect the impact on Council asset base and borrowings. The detail below will describe how this transaction has impacted the balance sheet only.
2. The Project Delivery Agreement (PDA) between ICD Property and the City of Adelaide states that the \$27m for Air Rights is not a cash payment but a deduction against the returnable works cost. The only cash payment required is for the returnable works contribution (being the net payment by the City of Adelaide of \$27.74m) not the returnable works cost.
3. All values in the PDA exclude GST. The contract is explicit in the \$27m being GST-free under a margin scheme. Any GST payable on the returnable works contribution will be claimable from the ATO and present a net nil impact on Council and as such have been excluded from the financial implications.
4. The following table shows how the PDA details the transaction to be carried out and how this has been reflected in the LTFP:

Value \$	Payment required & by who	Reflected in LTFP Balance Sheet
\$54,736,269 (exclusive of GST)	Returnable works cost – value of the construction works that will be handed back to CoA. PDA states	No Impact on LTFP for this one item. No payment required, therefore no recognition of asset

	that this amount is adjusted by the Air Rights payment and is a cost forecast for design and construction.	based on the fact this is a cost forecast.
\$27,000,000 (GST Free – margin scheme)	Value of Air Rights Land fee to be deducted from the value of Returnable Works Cost – no physical payment required by either party	No Impact on LTFP for this one item. No payment required, therefore no recognition of asset based on the fact this is a cost forecast.
\$27,736,269 (excluding GST)	This is the physical payment required from CoA. Calculated as the returnable works cost less the value of the Air Rights Land Fee	This is recorded over two years (2021-22 and 2022-23) in the LTFP as payment from borrowings and creation of a partial asset.
\$72,000,000 (No GST applies given valuation only)	This is the value of the asset once constructed. While the returnable works cost forecast is \$54.74m, CoA holds an external valuation on the completed returnable works development of \$72m.	Due to fair value accounting standards, the value of the asset is recognised after completion (2023-24) at its estimated value of \$72m as an asset on the balance sheet. The adjustment different from the returnable works forecast is allocated to a Changes in Revaluation Surplus on the income statement

5. The prudential review confirms that this transaction and financial treatment is in accordance with financial management regulations.
6. The contract for the Central Market Arcade redevelopment is currently being reviewed by the City of Adelaide's external auditors in accordance with Section 129 of the *Local Government Act 1999*.

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

- END OF REPORT -

Service Provision

ITEM 15.3 08/06/2021

Council

Council Member
Councillor Martin

2021/00359

Public

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

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could Administration advise on the following, based on a comparison to the first week in February 2020 and the first week in February 2021 (following any changes to service provision as a consequence of staff and budget constraints):

1. The nature and detail of any reductions in street cleaning operations?
2. The nature and detail of any reductions in the cleaning of council-owned buildings?
3. The nature and detail of any reductions in rubbish removal from public bins?
4. The nature and detail of any reductions to the maintenance of and/or repairs to the Park Lands?
5. The nature and detail of any reductions to the maintenance of and/or repairs to the North Adelaide Golf Course?
6. The nature and detail of increases in processing times associated with planning or permit applications?
7. The average time between complaints about the state of repair of footpaths and maintenance work?
8. The response time to request to remove all graffiti?

REPLY

1. The City of Adelaide's service provision to operate, maintain, repair and renew the city's public spaces is constantly being reviewed and monitored to ensure the provisions meet the expectations of the community and can be completed cost effectively and efficiently. This process has driven some change between Feb 2020 and Feb 2021 as outlined below.
2. During this period cleaning schedules have been reviewed across the City. This includes adjusting the number of times we attend some locations for footpath scrubbing and or street sweeping. Certain locations that were cleaned seven days a week in February 2020 have now been adjusted/reduced to be cleaned five or six times a week, and still kept to a high standard. These locations include sections of O'Connell Street, Grote Street, Gouger Street, Grenfell Street and Currie Street.
3. Day to day cleaning operations on Council owned buildings were not affected. Some small adjustments were applied to services such as periodic window cleaning. To ensure a safe and clean work environment during COVID restrictions, additional cleaning regimes were applied to buildings and workspaces.
4. There has been no change or reduction in the level of service regarding rubbish removal from public bins.

5. Operations within the Park Lands were reviewed and streamlined across the service and overall, there has been some increase in response times and site visits in some areas eg Parks 20 through to Park 25. Some functions have been reviewed and re-assigned to other teams and there has been a reduction in Capital works by the Park Lands teams over the period.
6. There has been no reduction of maintenance and/or repairs to the North Adelaide Golf Course. Due to increased popularity of Golf between February 2020 and February 2021, maintenance and repairs increased to ensure service levels remained consistent.
7. The processing times for planning and permits has been relatively consistent. From a processing time perspective:
 - 7.1. 83% of all permit applications were processed within service level in February 2020, which increased to 93% processed within service level in February 2021 (noting each permit category may have a different service level timeframe).
 - 7.2. The average assessment time for Development Applications completed in the first week of February 2020 was 38 days, which reduced to a 29-day average turnaround time in the first week of February 2021.
8. The average time between when a complaint is raised about the state of repair of a footpath, and subsequent repairs are undertaken varies dependant on the severity of the issue. Our actions are determined by risk and this is categorised into High, Medium and Low. High risk footpath issues are addressed and made safe within one working day with a resolution of the issue determined and treatment carried out accordingly. Medium risk defects are addressed within seven working days.
9. In February 2020 the turnaround time for Graffiti removal was approximately 14 days which increased to 40-45 days in late 2020. Our current turnaround time to attend general graffiti removal is approximately 25 to 30 days. Graffiti that contains offensive images or language are considered high priority; these continue to be generally attended to in 24 hours. To note, between 50% and 60% of reported graffiti incidents in the City are on private property not council assets.

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

- END OF REPORT -

Pride Walk Work

ITEM 15.4 08/06/2021
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 of the status of the upgrade to the Pride Walk on Light Square to include the State Government's removal of the "Gay Panic Defence" and the passage of legislation to clear the records of people convicted of historic homosexual offences and when the work will be completed?

REPLY

1. Status of the upgrade to the Pride Walk on Light Square:
 - 1.1. Wording for the additional milestone is currently under review by representatives of the LGBTIQ community. Once approval received the installation will commence.

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

- END OF REPORT -

Speaking Publicly

ITEM 15.5 08/06/2021

Council

Council Member
Councillor Hyde2018/04053
PublicContact Officer:
Clare Mockler, Acting Chief
Executive Officer

QUESTION ON NOTICE

Councillor Hyde will ask the following Question on Notice:

'Could the Administration please confirm whether Councillor Martin was, as he stated publicly in The Advertiser on 24 May 2021, "threatened with either fines or some other punishment for speaking publicly" about the 88 O'Connell Street development?'

REPLY

1. The *Local Government Act 1999* (Section 62) outlines the general duties and code of conduct requirements for members of Council. In summary, a member of Council:
 - 1.1 Must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties.
 - 1.2 Must not make improper use of their position as a member of Council to gain, directly or indirectly, an advantage for themselves, for another person, or to cause detriment to the Council.
 - 1.3 Must not make improper use of information acquired by virtue of their position as a member of Council to gain, directly or indirectly, an advantage for themselves, for another person, or to cause detriment to the Council.
 - 1.4 Must not disclose information or a document where there is an order of Council requiring the information or document to be treated confidentially.
2. With the support of Council, the City of Adelaide is investing in the development of Eighty Eight O'Connell. This \$250 million project will fully realise the potential of this catalyst site to revitalise North Adelaide, and facilitate the recovery and reinvigoration of the City of Adelaide economy.
3. By a resolution of Council, the Land Facilitation Agreement for the Eighty Eight O'Connell development is subject to strict confidentiality obligations.
4. All members of Council are made aware of their roles and responsibilities as public officers, and the relevant legislation that they must comply with, through a comprehensive induction process. Additional learning and development workshops and training are routinely provided to help members of Council more fully understand these requirements and obligations. Advice is also provided on request where clarification is sought from individual members of Council.

- 5. At no time has Councillor Martin been threatened with either fines or some other punishment for speaking publicly about the 88 O'Connell Street development by the Acting Chief Executive Officer of the City of Adelaide.
- 6. All employees of the City of Adelaide are respectful in their interactions with members of Council, consistent with the City of Adelaide code of conduct for employees and the organisation's values.

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

- END OF REPORT -

Minute 17 - Item 15.1 to 15.5 - Reply's - Distributed Separately