



# COUNCIL MINUTES

for the meeting

Tuesday 13 July 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, Knoll, Mackie, Martin and Moran.

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### 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 Kaurna 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 Kaurna 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.

Councillor Moran entered the Council Chamber at 5.32 pm.

### Apologies and Leave of Absence

Apology:

Councillor Kherra

### Confirmation of Minutes

#### 1. Item 6 - Confirmation of Minutes – 8/6/2021 & 29/6/2021 [C]

Moved by Councillor Abrahamzadeh,

Seconded by Councillor Deputy Lord Mayor (Councillor Couros) –

That the Minutes of the meeting of the Council held on 8 June 2021 and the Special meeting of the Council held on 29 June 2021, be taken as read and be confirmed as an accurate record of proceedings, subject to:

- The motion contained in Minute 6 of the Minutes of the meeting held on 8 June 2021 relating to Item 10.1 – Toy Library [2021/00932] Presented to Committee on 1/6/2021 [C], being amended to include part 4 as follows:
  - '4. Provide an update to council highlighting lessons learnt, membership uptake, member feedback, potential partnerships going forward and other statistics and information after 12 months of operating.'

- The list of Council Members indicating who was present on page 20 of the Minutes of the meeting held on 8 June 2021 being amended to include Councillor Hyde.

Carried

### Deputations

#### 2. **Item 7.1 - Deputation – Ian Vagg – Maintaining Heritage in North Adelaide [C]**

Ian Vagg addressed the Council:

- To speak in support of the Petition – “Maintaining Heritage in North Adelaide”.

The Lord Mayor thanked Ian Vagg for his deputation.

#### 3. **Item 7.2 - Deputation – Richard Hockney– Item 10.1 – Bunday’s Paddock / Tidlangga (Park 9) Community Engagement Findings [C]**

Richard Hockney, Chair Prince Alfred College addressed the Council:

- To make submissions on the 21 year term of the lease and inconsistent wording in the Community Land Management Plan.

The Lord Mayor thanked Richard Hockney for his deputation.

#### 4. **Item 7.3 - Deputation – Jeanette Stott and Heather Oxenham – The Place of Courage [C]**

Jeanette Stott and Heather Oxenham addressed the Council:

- To comment on The Place of Courage decision.

The Lord Mayor thanked Jeanette Stott and Heather Oxenham for their deputation.

### Petitions

#### 5. **Item 8.1 - Petition – Maintaining Heritage in North Adelaide [2018/04073] [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Martin –

#### THAT COUNCIL

1. Receives the petition containing 35 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 13 July 2021, petitioning and encouraging Council to maintain heritage in North Adelaide.

Carried

### Adoption of Items

#### 6. **Adoption of Items 9.1, 10.5, 10.7, 10.8, 10.10, 10.15 [C]**

Discussion ensued

It was then -

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll –

That the following Items 9.1, 10.5, 10.7, 10.8, 10.10, 10.15 be adopted as presented, namely -

#### **Item 9.1 - Advice of the Adelaide Park Lands Authority – 24 June 2021 [2018/04062] [C]**

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

##### 1. **Advice 1 – The Place of Courage Location**

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the location of The Place of Courage public artwork within Bonython Park/Tulya Wardli (Park 27), adjacent to the model boat lake.
2. Supports the inclusion of the Catherine House Rose as planting incorporated into The Place of Courage public artwork design.

**2. Advice 2 – Event in Bonython Park/Tulya Wardli (Park 27)**

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the application from ATA Entertainment Pty Ltd to hold 'Channing Tatum presents Magic Mike Live' in Bonython Park/Tulya Wardli (Park 27) from 16 April 2022 to 10 July 2022. Bump in from 4 April 2022 and bump out by 12 July 2022.

**3. Advice 3 – Bunday's Paddock/Tidlangga (Park 9) – Community Engagement Findings**

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Notes the Community Engagement Summary as shown in Attachment A to Item 7.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 June 2021.
2. Supports the Sports Building Concept for Bunday's Paddock/Tidlangga (Park 9) as shown in Attachment B to Item 7.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 June 2021, subject to:
  - 2.1. The two existing buildings being removed and all landscape treatments completed with six months of finalising construction of the new building.
  - 2.2. All toilets being plumbed to GAP and consideration of a rooftop solar panel system.
  - 2.3. No doorways being provided on the northern side of the social space.
  - 2.4. The lessee funding the project including all shown landscape treatments.
3. Supports the Park Lands Lease Agreement for Bunday's Paddock/Tidlangga (Park 9) between Prince Alfred College and the City of Adelaide as shown in Attachment C to Item 7.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 June 2021, with the following changes:
  - 3.1 The offer of a 21 year lease between Council and Prince Alfred College.
  - 3.2 The insertion of a performance review every 5 years.
4. Supports the Community Land Management Plan Chapter for Bunday's Paddock/Tidlangga (Park 9) as shown in Attachment D to Item 7.3 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 June 2021.

**4. Advice 4 – Review of APLA Charter**

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

That the Adelaide Park Lands Authority:

1. Supports the amendments to the Adelaide Park Lands Authority (APLA) Charter as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 24 June 2021.
2. Notes that following approval by Council and then approval from the Minister, the revised APLA Charter will be gazetted.

**Item 10.5 - Event in Bonython Park/Tulya Wardli (Park 27) [2021/00644] Presented to Committee on 6/7/2021 [C]**

THAT COUNCIL

1. Approves ATA Entertainment Pty Ltd to hold 'Channing Tatum presents Magic Mike Live' in Bonython Park/Tulya Wardli (Park 27) from 16 April 2022 to 10 July 2022, with bump in from 4 April 2022 and bump out by 12 July 2022.
2. Authorises the Chief Executive Officer to approve any further changes required to the event application where the change is necessary in order to fulfil a COVID Management Plan or COVID Safe Plan approved by SA Health.

**Item 10.7 - The Place of Courage Location [2020/01287] Presented to Committee on 6/7/2021 [C]**THAT COUNCIL

1. Notes that at the meeting of the Adelaide Park Lands Authority held on 24 June 2021 the Board agreed to support the installation of The Place of Courage public artwork within Tulya Wardli/Bonython Park (Park 27) adjacent to the model boat lake, including the incorporation of the Catherine House Rose as planting in the artwork design.
2. Approves the location of The Place of Courage public artwork within Tulya Wardli/Bonython Park (Park 27) adjacent to the model boat lake, subject to full site investigation.
3. Approves release of \$5,000 from City of Adelaide's proposed budget contribution to Spirit of Woman to engage an artist / landscape team to develop a concept design that meets the Spirit of Woman's desired outcomes for the artwork, budget and delivery in this Park Land location.

**Item 10.8 - 2021/22 Events and Festivals Sponsorship Program Funding Recommendations [2021/00778] Presented to Committee on 6/7/2021 [C]**THAT COUNCIL

1. Approves the following funding recommendations for the Events and Festivals Sponsorship Program for the total amount of \$125,000 in 2021/22:
  - 1.1 Adelaide Film Festival – 2021 Adelaide Film Festival: \$70,000 in 2021/22.
  - 1.2 The Nature Conservation Society of South Australia Inc (NCSSA) – 2021 Nature Festival of South Australia: \$45,000 in 2021/22.
  - 1.3 Art Gallery of South Australia – 2021 Tarnanthi Art Fair: \$10,000 in 2021/22.
2. Notes that the 2021/22 sponsorship budget balance of \$60,000 may be used to support suitable requests that have not yet engaged with the sponsorship process and timelines and/or meet additional operational requirements of the program.

**Item 10.10 - Strategic Plan 2020-2024 – Year One Update [2021/01226] Presented to Committee on 6/7/2021 [C]**THAT COUNCIL

1. Notes the progress updates provided for year one (2020-21) of the City of Adelaide 2020-2024 Strategic Plan, Attachment A to Item 10.10 on the Agenda for the meeting of the Council held on 13 July 2021.

**Item 10.15 - Representation Review – Options Paper 2 [2018/04004] [C]**THAT COUNCIL

1. Notes the Representation Review Options Paper as per Attachment A to Item 10.15 on the Agenda for the meeting of the Council on 13 July 2021, for the purposes of public consultation.
2. Notes the Chief Executive Officer may make editorial amendments or formatting changes of a minor nature to the Representation Options Paper as part of the preparation for public consultation (if required).

Carried

**Advice/Recommendations of the Audit Committee****7. Item 9.2 - Audit Committee Report – 18 June 2021 [2018/04062] [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

**1. Report of the Audit Committee – 18 June 2021**THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 18 June 2021.

## 2. Internal Audit Plan 2021-22

### THAT COUNCIL

1. Approves the City of Adelaide one-year Internal Audit Plan, contained in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 18 June 2021 subject to the addition of a review of credit cards.

Carried

Councillor Moran requested that a division be taken on the motion

### **Division**

#### **For (6):**

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

#### **Against (3):**

Councillors Mackie, Martin and Moran.

The division was declared in favour of the motion

### Reports for Council (Chief Executive Officer's Reports)

#### **8. Item 10.1 - Bunday's Paddock/Tidlangga (Park 9) – Community Engagement Findings [2015/00666] Presented to Committee on 6/7/2021 [C]**

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Hyde –

### THAT COUNCIL

1. Receives the Community Engagement Summary as shown in Attachment A to Item 10.1 on the Agenda for the meeting of the Council held on 13 July 2021
2. Approves the Sports Building Concept for Bunday's Paddock/Tidlangga (Park 9) as shown in Attachment B to Item 10.1 on the Agenda for the meeting of the Council held on 13 July 2021, subject to:
  - 2.1. The two existing buildings being removed and all landscape treatments completed within six months of finalising construction of the new building.
  - 2.2. All toilets being plumbed to GAP and consideration of a rooftop solar panel system.
  - 2.3. No doorways being provided on the northern side of the social space.
  - 2.4. The lessee funding the project including all shown landscape treatments.
3. Authorises the Chief Executive Officer to finalise the 21 year Park Lands Lease Agreement for Bunday's Paddock/Tidlangga (Park 9) between Prince Alfred College and the City of Adelaide as shown in Attachment C to Item 10.1 on the Agenda for the meeting of the Council held on 13 July 2021, subject to the lease being laid before both Houses of Parliament and the granting of the lease is not disallowed, with the following changes:
  - 3.1. Remove the 10+11 renewal option from the 21 year lease between Council and Prince Alfred College.
  - 3.2. The insertion of a performance review every 5 years.
4. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Park Lands Lease Agreement.
5. Adopts the Community Land Management Plan Chapter for Bunday's Paddock/Tidlangga (Park 9) as shown in Attachment D to Item 10.1 on the Agenda for the meeting of the Council held on 13 July 2021.

Discussion ensued during which with the consent of the mover, seconder and the meeting part 3 of the motions was varied to include part 3.3 as follows:

- '3.3 The insertion of a clause into the lease to ensure approved hirers such as women's and children's sporting groups will have access to changeroom facilities.'

The motion as varied was then put and carried

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

**Division**

**For (6):**

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

**Against (3):**

Councillors Donovan, Martin and Moran.

The division was declared in favour of the motion as varied

**9. Item 10.2 - Home Buyer's Rate Remission Scheme [2021/00084] Presented to Committee on 6/7/2021 [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

1. Approves the draft Home Buyer's Rate Remission Scheme, allowing eligibility into the Scheme for key city workers buying new and off-the-plan apartments, for the purposes of liaison with the State Government.
2. Notes that a formal request will be made to the State Government, seeking support and complementary measures, subject to Council approval of the draft Home Buyer's Rate Remission Scheme.
3. Authorises the Chief Executive Officer to finalise and implement the Home Buyer's Rate Remission Scheme, subject to the outcome of the City of Adelaide's request to the State Government to provide complementary incentives with the following amendments to Home Buyer's Rate Remissions Scheme Operating Guidelines:
  - Remove Eligibility Criteria number 1 and "Key Workers" from the glossary
  - Add a new eligibility criterion which reads: "You do not already own and occupy a residence within the City of Adelaide"
  - Amend Eligibility Criteria number 5 from "apartment" to "dwelling"
  - Amend the income and asset limits to the following:
    - Singles
      - Your gross income (before tax) is less than \$100,000
      - Combined net assets are less than \$482,500
    - Couples or family
      - Your gross income (before tax) is less than \$200,000
      - Combined net assets are less than \$965,000

Discussion ensued

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 (3):**

Councillors Mackie, Martin and Moran.

The division was declared in favour of the motion

**10. Item 10.3 - Golden Wattle Parklet [DA/12/2021] Presented to Committee on 6/7/2021 [C]**

Councillor Abrahamzadeh disclosed a material conflict of interest in Item 10.3 [Golden Wattle Parklet [DA/12/2021], pursuant to Sections 73 & 74 of the *Local Government Act 1999 (SA)*, because he is Council Assessment Panel Member, withdrew his Chair and left the Council Chamber at 6.29 pm.

It was then -

Moved by Councillor Hyde,  
Seconded by Councillor Knoll –

**THAT COUNCIL**

1. Notes the local stakeholder consultation results regarding the impact to on-street parking, and the internal referral comments provided through the application process regarding the design of the parklet.
2. Notes the work underway on a broader review of the Parklet Operating Guidelines.
3. Requests that as part of the broader Parklet review, Administration include minimum standards for engaging stakeholders within the vicinity of a proposed parklet, which include businesses and/or residents located above and below ground floor levels.
4. Approves the Golden Wattle to occupy on-street parking spaces in Pirie Street for the purposes of a parklet, as detailed in Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 13 July 2021 and subject to final approval via the Development Application process.
5. Notes fees will be charged in line with existing permit fee schedule.

Discussion ensued

The motion was then put and carried

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

**Division**

**For (5):**

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

**Against (3):**

Councillors Hou, Martin and Moran.

The division was declared in favour of the motion

Councillor Abrahamzadeh re-entered the Council Chamber at 6.34 pm.

**11. Item 10.4 - AEDA Advisory Committee Terms of Reference [2021/01016] Presented to Committee on 6/7/2021 [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

**THAT COUNCIL**

1. Notes the report *Stakeholder Engagement AEDA Advisory Committee Terms of Reference & Membership* as per Attachment A to Item 10.4 on the Agenda for the meeting of the Council held on 13 July 2021.
2. Approves the Terms of Reference for the Adelaide Economic Development Agency Advisory Committee as per Attachment B to Item 10.4 on the Agenda for the meeting of the Council held on 13 July 2021.
3. Notes that the precinct group collective referred to in the Terms of Reference is undefined and there is no method of selection for their representative.
4. Requests AEDA develop threshold criteria for defining precinct groups which may include but should not be limited to:
  - a. A minimum number of business members
  - b. Consistent fulfillment of their obligations under their governance structure, including financial acquittals to Council; and
  - c. Demonstrate a strong track record of delivery of activities that benefit their members and precinct in line with funding agreements.

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, Donovan, Hou, Hyde and Knoll.

**Against (3):**

Councillors Mackie, Martin and Moran.

The division was declared in favour of the motion

**12. Item 10.6 - Reimagined Adelaide's New Year's Eve [2021/84441] Presented to Committee on 6/7/2021 [C]**

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

THAT COUNCIL

1. Approves the proposed event model for New Year's Eve 2021.
2. Notes that if recommendation one is approved, funding to support the delivery of a reimagined NYE will come from the 2021/22 Integrated Business Plan and Budget.
3. Notes that an update on the event planning will be provided to Council in October 2021.
4. Affirms its commitment to holding midnight fireworks on NYE.

Discussion ensued during which Councillor Moran left the Council Chamber at 6.52 pm and re-entered at 6.54 pm.

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

**Division**

**For (7):**

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

**Against (2):**

Councillors Martin and Moran.

The division was declared in favour of the motion

**13. Item 10.9 - Heritage Listed Property Insurance [2020/000150] Presented to Committee on 6/7/2021 [C]**

Moved by Councillor Martin,  
Seconded by Councillor Hyde –

THAT COUNCIL

1. Notes the report.

Discussion ensued

Acting CEO Undertaking – Re Item 10.9 – Heritage Listed Property Insurance [C]

In response to the meeting, the Acting CEO gave an undertaking that administration will liaise with Councillor Martin to ensure there is clarity on the intent of the Council decision of 28 January 2021 and rework the report for presentation at a future meeting.

Councillor Hou left the Council Chamber at 7.07 pm.

The motion was then put and carried

Councillor Hyde requested that a division be taken on the motion

**Division**

**For (7):**

Councillors Abrahamzadeh, Donovan, Hyde, Knoll, Mackie, Martin and Moran.

**Against (1):**

Deputy Lord Mayor (Councillor Couros).

The division was declared in favour of the motion

**14. Item 10.11 - Council Member Elections – Diversity and Gender Equity [2021/00832] Presented to Committee on 6/7/2021 [C]**

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

THAT COUNCIL

1. Notes the measures undertaken to encourage diversity of nominations for the supplementary election.
2. Notes that the administration will develop a strategy for promoting diversity and gender equity for encouraging candidacy for the general elections in November 2022, and an induction and support framework for successful candidates who will form the elected membership of Council for the 2022 to 2026 term of office.

Discussion ensued

The motion was then put and carried unanimously

**15. Item 10.12 - Review of APLA Charter [2020/02211] Presented to Committee on 6/7/2021 [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

1. Approves the amendments to the Adelaide Park Lands Authority (APLA) Charter as contained in Attachment A to Item 10.12 on the Agenda for the meeting of the Council held on 13 July 2021 to proceed to consultation with the Minister.
2. Notes that following approval by Council and then approval from the Minister, the required gazettal notice will be published.

Discussion ensued during which Councillor Hou entered the Council Chamber at 7.10 pm.

The motion was then put and carried

Councillor Martin requested that a division be taken on the motion

**Division**

**For (8):**

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

**Against (1):**

Councillor Martin.

The division was declared in favour of the motion

Councillor Mackie left the Council Chamber at 7.13 pm.

**16. Item 10.13 - Community Land Revocation – Pirie Street Volleyball Courts Land (Pirie Street land) [2021/00828] [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Moran –

THAT COUNCIL

1. Approves to revoke the Pirie Street Volleyball Courts land (Pirie Street land) as defined within Attachment A to Item 10.13 on the Agenda for the meeting of the Council held on 13 July 2021 and described as Allotment 6 in Deposited Plan 21138 as contained within Certificate of Title Volume 5471 Folio 983 from the classification as community land pursuant to section 194(3)(b) of the *Local Government Act 1999 (SA)*.
2. Authorises the Lord Mayor and the Chief Executive Officer to execute and affix the common seal to all necessary documents to give effect to the revocation of the community land classification of the Pirie Street land.

Discussion ensued during which:

- Acting CEO Undertaking – Community Land Management Plan [C]  
In response to Councillor Moran, the Acting CEO undertook to provide an explanation offline of what Council land requires and does not require a community land management plan.
- Councillor Mackie re-entered the Council Chamber at 7.16 pm.
- Acting CEO Undertaking – Volleyball SA [C]  
In response to Councillor Martin, the Acting CEO undertook to step through the conversations, commitments and undertakings that have been provided to Volleyball SA over the last few years.

The motion was then put and carried unanimously

**17. Item 10.14 - 2021 LGA Annual General Meeting [2018/04054] [C]**

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Mackie –

THAT COUNCIL

1. Notes the LGA Conference and Annual General Meeting are scheduled for 28-29 October 2021.
2. Endorses the submission of the proposed motion contained in this report for referral to the Greater Adelaide Regional Organisation of Councils (GAROC) or the LGA Board of Directors to consider their inclusion as items of strategic importance in the LGA AGM agenda.
3. Notes that the Lord Mayor will continue as Council's standing Delegate and Deputy Lord Mayor, Councillor Couros, will continue as Deputy Delegate for the 2021 LGA Annual General Meeting on 29 October 2021.

Discussion ensued during which with the consent of the mover, seconder and the meeting part 2 of the motion was varied to read as follows:

- '2. If endorsed by Council, the submission of the proposed motion contained in this report for referral to the Greater Adelaide Regional Organisation of Councils (GAROC) or the LGA Board of Directors to consider their inclusion as items of strategic importance in the LGA AGM agenda.'

The motion as varied was then put and carried

The meeting **adjourned at 7.27 pm** for a short break **and reconvened at 7.38 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, Knoll, Mackie, Martin and Moran.

**Exclusion of the Public****18. 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.** Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointments [s 90(3) (a)]
- 12.1.2.** Whitmore Square Tenancy [s 90(3) (b) & (d)]
- 12.1.3.** Gawler UPark Priority Works [s 90(3) (i)]

### ORDER TO EXCLUDE FOR ITEM 12.1.1

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll –

#### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 13 July 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 [Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointments] listed on the Agenda.

#### Grounds and Basis

This Item contains information that must be considered in confidence in order to protect the personal affairs of the nominees.

Public discussion and disclosure of information in this report prior to a resolution being determined by Council may potentially implicate the nominees' reputations in the business community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 13 July 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 [Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointments] 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) (a) of the Act.

Carried

### ORDER TO EXCLUDE FOR ITEM 12.1.2

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll –

#### 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 13 July 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 [Whitmore Square Tenancy] 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 because it contains commercial information of a confidential nature of a third party, the disclosure of which could prejudice the commercial position of the person who supplied the information and prejudice the commercial position of the Council with regard to its commercial dealing on the asset.

#### 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 prior to a determination of the Council as it may prejudice Council's further commercial dealing with regard to the asset. On this basis, the disclosure of such information may severely prejudice Council's ability to influence the proposal for the benefit of the Council and the community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 13 July 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 [Whitmore Square Tenancy] 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.

Discussion ensued

The motion was then put and 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 13 July 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 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.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 13 July 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 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 7.41 pm.

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Confidential Item 12.1.1

Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointments

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

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Confidential Item 12.1.2

Whitmore Square Tenancy

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

Pages 12 - 14

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Confidential Item 12.1.3

Gawler UPark Priority Works

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

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The meeting re-opened to the public at 8.02 pm

### Confidentiality Orders

#### **Minute 19 - Item 12.1.1** - Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointments

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 12.1.1 [Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointments] listed on the Agenda for the meeting of Council held on 13 July 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution and report [excluding the candidate CVs and applications in Linked documents 2 and 3 of the report] remain confidential and become public information upon confirmation of the appointments by the Brown Hill and Keswick Creeks Stormwater Board.
2. The discussion, the candidate CVs and applications in Linked documents 2 and 3 of the report and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
3. The confidentiality of the matter be reviewed in December 2022.
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 20 - Item 12.1.2** - Whitmore Square Tenancy

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.1.2 [Whitmore Square Tenancy] listed on the Agenda for the meeting of the Council held on 13 July 2021 was received, discussed and considered in confidence pursuant to Section 90(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 21 - Item 12.1.3** - Gawler UPark Priority Works

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.1.3 [Gawler UPark Priority Works] listed on the Agenda for the meeting of the Council held on 13 July 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

#### **22. Item 13 – Lord Mayor's Report [2018/04064] [C]**

The Lord Mayor addressed the meeting as follows:

'The City has more than 50 events taking place across the CBD and North Adelaide this winter.

The City of Adelaide is working closely with the Adelaide Economic Development Agency and the State Government to attract people to the city during the winter months and give our arts, tourism and hospitality sectors a much-needed boost.

On 25 June, I joined Premier Steven Marshall and the Property Council for his announcement of FOMO Fridays, which will create street parties and activities in the city each Friday in September with the aim being to encourage city workers to work in the office on a Friday.

The Van Gough Alive exhibit is now underway at Eighty Eight O'Connell and I attended the launch on 29 June. This event forms part of Illuminate Adelaide, Adelaide's new annual winter festival. It's proving to be a drawcard to O'Connell street with traders including the Archer Hotel reporting a significant increase in patrons and people on the street.

Our Light Up O'Connell initiative is supporting the traders to maximise this opportunity, with the support of the O'Connell Street SPOC.

In addition, we have our Winter Weekends events taking place every Friday and Saturday night across the city and North Adelaide until October. This is being delivered in partnership with the State Government and the Adelaide Economic Development Agency.

I attended the opening of Light Creatures at the Adelaide Zoo as part of Illuminate Adelaide on 8 July.

Last week we also marked NAIDOC Week. I hosted a morning tea in the Adelaide Town Hall and had the honour of presenting my Lord Mayor's NAIDOC Award to Auntie Yvonne Agius, my co-chair on the City of Adelaide Reconciliation Committee and a remarkable woman who has fought for Aboriginal rights for more than 40 years.

I also attended our NAIDOC in the Mall event and unveiled this year's artwork created by Aboriginal artist Keisha Milera. Keisha also created the beautiful t-shirts that we handed out at the event as well as in the Customer Centre that were worn during the NAIDOC week march through the city.

On 2 July, I spoke at the Business SA State Business Luncheon about city recovery and our 2021/2022 Business Plan and Budget including our major city shaping projects such as Eighty Eight O'Connell and Market Square.

On 9 June, I attended the G7 Urban Summit on 'Cities Unlocking Recovery and Renewal'.

I met with the Mayor of Christchurch Lianne Dalziel over Zoom to discuss celebrations for the 50th anniversary of our sister city agreement in 2022 on 1 July.

I held a Residents Forum on 1 July to speak with the resident groups and keep them informed about our progress on our Strategic Plan as well as the Business Plan and Budget and hear their feedback.

On 30 June, I announced the City of Adelaide and the State Government had signed a new agreement for the City Connector bus with the Hon Rachel Sanderson MP, the Member for Adelaide. This is fantastic news for the community and a much-loved service in the city and North Adelaide.

I was in Canberra for the Australian Local Government Conference on June 21 -23 with Councillor Donovan. The conference included several important keynotes including on COVID-19 and provided an opportunity for Mayors from around Australia to share information and insights.

We had a Citizenship Ceremony on 18 June and welcomed 50 new citizens from 17 countries of origin to Adelaide with guest speaker His Excellency Governor Hieu Van Le.'

It was then -

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Hou -

#### THAT COUNCIL:

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

Carried

### Councillors' Reports

#### **23. Item 14.1 – Reports from Council Members [2018/04064] [C]**

Councillor Knoll provided a verbal report on attendance at the SA Italian Association launch of the 70<sup>th</sup> Anniversary History book and presented a copy of the book to the Lord Mayor.

It was then -

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

#### 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 13 July 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 13 July 2021).



3. Notes that reports from Council Members tabled at the meeting of the Council held on 13 July 2021 be included in the Minutes of the meeting.

Deputy Lord Mayor (Councillor Couros) provided a verbal report to thank the administration for their work done in collaboration with the State Government in bring the Van Gogh exhibition to North Adelaide.

The motion was then put and carried

### Questions on Notice

#### 24. Item 15.1 to Item 15.3 – Questions on Notice [C]

- 15.1. Councillor Martin – Question on Notice – Councillor Emails  
 15.2. Councillor Martin – Question on Notice – Grote Street Towers  
 15.3. Councillor Martin – Question on Notice – Service Provision [2021/00359]

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

The tabled Replies for Items 15.1 – 15.3 are attached for reference at the end of the Minutes of this meeting.

### Questions without Notice

#### Acting CEO Undertaking – Re Item 15.1 – Councillor Emails [2018/04053] [C]

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

‘Whether emails of all Councillors were viewed on the two occasions when there was an investigation labelled Potential Breaches of the Local Government Act or none?’

#### Acting CEO Undertaking – Re Item 15.3 – Legal Costs Culture Investigation [2018/04053] [C]

In response to Councillor Martin, the Acting CEO undertook to ensure that the information that will be presented to the August Council meeting in relation to the Legal Costs Culture Investigation will be made available to the public where appropriate.

### Motions on Notice

#### 25. Item 17.1 - Councillor Moran – Motion on Notice – Parking on Palmer Place [2018/04053] [C]

Moved by Councillor Moran,  
 Seconded by Councillor Mackie -

That Council:

1. Notes that on-street parking control changes occurred in Palmer Place, North Adelaide in September 2020, resulting in the parking controls changing from a 2-hour time limit to a 3-hour time limit.
2. Notes that there has recently been negative community feedback from local residents and businesses in regard to the change in parking controls.
3. Requests the administration to review the 3-hour parking restrictions and report back to Council.

Discussion ensued during which with the consent of the mover, seconder and the meeting part 3 of the motion was varied to read as follows:

- ‘3. Requests the administration to review, without the use of consultants, the 3-hour parking restrictions and report back to Council.’

The motion as varied was then put and carried

#### 26. Item 17.2 - Councillor Moran – Motion on Notice – MacKinnon Parade Pedestrian Refuge [2018/04053] [C]

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

That Council:

Amend the budget to include \$40k to build a pedestrian refuge on MacKinnon Parade outside MacKinnon Parade Childcare Centre to ensure the safety of parents and young children and babies using the centre. The funds be funded from the renewal budget.

Discussion ensued during which with the consent of the mover, seconder and the meeting the motion was varied to read as follows:

'That Council:

Amend the budget to include \$40k to build a pedestrian refuge on MacKinnon Parade outside MacKinnon Parade Childcare Centre to ensure the safety of parents and young children and babies using the centre. The funds be funded from the City of Adelaide 2021/22 budget as soon as possible.'

The motion as varied was then put and carried unanimously

**27. Item 17.3 - Councillor Abrahamzadeh – Motion on Notice – Sister City Relationships [2018/04053] [C]**

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Hou -

That Council:

1. Notes the strategic importance of its sister city relationships.
2. Requests administration to review Council's existing sister city arrangements, including alignment of the sister city's strategic plan with the City of Adelaide's 2020-2024 Strategic Plan and report back to Council on potential opportunities to further strengthen and leverage community, cultural, economic and trade exchanges with Council's existing sister cities.
3. As part of the report, evaluates any new strategic international partnership opportunities that could potentially be developed for the benefit of the City of Adelaide.

Discussion ensued during which Councillor Moran left the meeting at 8.43 pm

The motion was then put and carried

**28. Item 17.4 - Councillor Knoll – Motion on Notice – Voters Roll [2018/04053] [C]**

Moved by Councillor Knoll,  
Seconded by Councillor Hyde -

That the Lord Mayor write to the Minister for Local Government to propose an amendment to the Local Government Elections Act 1999 to make it a requirement that, when a person, body corporate or group is submitting an application for enrolment in respect of an area or ward in accordance with the Act, an email address should be provided for inclusion on the voters roll.

Discussion ensued during which with the consent of the mover, seconder and the meeting the motion was varied to read as follows:

'That the Lord Mayor write to the Minister for Local Government to propose an amendment to the Local Government Elections Act 1999 to provide an option that, when a person, body corporate or group is submitting an application for enrolment in respect of an area or ward in accordance with the Act, an email address could be provided for inclusion on the voters roll.'

The motion as varied was then put and carried

**29. Item 17.5 - Councillor Martin – Motion on Notice – Neighbour Day [2018/04053] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Mackie -

That Council:

Holds a civic reception at Town Hall on Friday 25 March 2022 to celebrate Neighbour Day to thank the volunteers who helped to organise the 2022 and previous Neighbour Day events in the City and to launch on Neighbour Day the North Adelaide V4V Community Cookbook.

Discussion ensued during which with consent of the mover and seconder the motion was withdrawn.

**30. Item 17.6 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – Increase Voter Turnout [2018/04053] [C]**

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

That the administration investigates and provides advice about the processes that will be implemented for the different constituencies in the City of Adelaide, including residents, business, and different cultural and social groups, to encourage and assist increased voter turnout at the general elections in November 2022.

Discussion ensued

The motion was then put and carried

**31. Item 17.7 - Councillor Martin – Motion on Notice – Protecting Heritage Listed Buildings in the City of Adelaide [2021/01236] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Hyde -

That Council:

Notes the content of the petition on heritage buildings and historic zones presented to this meeting and requests that the Lord Mayor writes to the Minister for Planning and SCAP:

1. including the tabled petition, advising there is community concern in the City of Adelaide that the provisions in Planning Laws and regulations related to the protection of heritage buildings and historic zones should be upheld;
2. the City of Adelaide will take whatever action is permitted or possible to stop the demolition of any local or state heritage listed building.

Discussion ensued during which with the consent of the mover, seconder and the meeting the motion was varied to read as follows:

'That Council:

Notes the content of the petition on heritage buildings and historic zones presented to this meeting and requests that the Lord Mayor writes to the Minister for Planning, Minister for Environment and Water, State Member for Adelaide and SCAP:

1. including the tabled petition, advising there is community concern in the City of Adelaide that the provisions in Planning Laws and regulations related to the protection of heritage buildings and historic zones should be upheld;
2. the City of Adelaide will take whatever action is permitted or possible to stop the demolition of any local or state heritage listed building.'

The motion as varied was then put and carried

**32. Item 17.8 - Councillor Knoll – Motion on Notice – Former Bus Station Site [2017/04450] [C]**

Moved by Councillor Knoll,  
Seconded by Councillor Hyde -

That Council:

Requests that Administration presents a report to Council regarding the viability of developing the former Bus Station site with the following considerations:

- a) The lead times for the Central Market Arcade Redevelopment and the provision of temporary car parking on the site.
- b) The potential option for a joint partnership with Council/private with the Council retaining part ownership.

Discussion ensued

Amendment -

Moved by Councillor Donovan,  
Seconded by Councillor Martin -

That the motion be amended by the inclusion of part c as follows:

- 'c) Opportunities to support existing tenants of The Joinery.'

Discussion continued

The amendment was then put and carried on the casting vote of the Lord Mayor Councillor Martin requested that a division be taken on the amendment

### Division

#### For (4):

Councillors Donovan, Knoll, Mackie and Moran.

#### Against (4):

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

The division was declared in favour of the amendment on the casting vote of the Lord Mayor Discussion continued during which Councillor Hyde left the Council Chamber at 9.36 pm

The motion as amended was then put and carried unanimously

### Motions without Notice

#### 33. Item 18.1 – Deputy Lord Mayor (Councillor Couros) – Motion without Notice – Moonta Street [C]

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

That Council:

1. Notes that work is underway and half way through for the Moonta Street upgrade.
2. Notes the expected estimated finish is in October 2021.
3. Requests administration to investigate installation of atmospheric lights to be installed before the opening scheduled this year and to ensure that the existing light installation lights up consistently.
4. Requests administration work with key stakeholders that have been meeting regularly regarding the Moonta Street Upgrade.

Discussion ensued

The motion was then put and carried

### Closure

The meeting closed at 9.39 pm

Clare Mockler,  
Acting Chief Executive Officer

Sandy Verschoor,  
Lord Mayor

### Documents Attached for Reference

Minute 24 – Item 15.1 – 15.3 – Question on Notice Replies, distributed separately

## Councillor Emails

ITEM 15.1 13/07/2021  
Council

**Council Member**  
Councillor Martin

2018/04053  
Public

**Contact Officer:**  
Amanda Mcilroy, Chief  
Operating Officer, Corporate  
Services

## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

Could the Administration advise if the CEO or their delegate has the authority, separate to the direction of any integrity agency, to view the emails of City of Adelaide elected members between each other and to and from external parties on the City's Outlook email system and, if so,

1. What is the criteria used to determine such emails will be viewed?
2. With whom is the Administration permitted to share the emails it has viewed?
3. Are records of such viewings kept?
4. In the event this happens and that records are kept, in the term of the current Council, how many emails have been viewed and when and, if this happens and in the circumstance no records are kept, what is the estimated number of emails and occasions on which they have been viewed?
5. What is the total number of elected members whose emails have been viewed?

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## REPLY

1. In accordance with statutory obligations, including under the *Independent Commissioner Against Corruption Act 2012 (SA)*, the *Work, Health and Safety Act 2012*, the *Local Government Act 1999 (SA)*, and the *City of Adelaide Act 1998 (SA)*, the CEO and nominated delegates have the authority to conduct investigations on the basis of allegations of potential breaches of these Acts.
2. The scope of such investigations can extend to official records kept by the City of Adelaide and may include emails of City of Adelaide elected members between each other and to and from external parties on the City's Outlook email system. Only authorised officers are permitted to conduct these preliminary investigations. Where there is evidence of conduct that could reasonably be suspected to constitute a breach of these Acts, including corruption, serious or systemic misconduct or maladministration, then a report is made to the relevant agency, consistent with the statutory reporting obligations of public officers. These reports may include official records kept by the City of Adelaide.
3. It is not the practice of the City of Adelaide's CEO or delegates to view the emails of City of Adelaide elected members between each other and to and from external parties on the City's Outlook email system except where it is required or authorised by law and in accordance with these statutory obligations.
4. City of Adelaide authorised officers maintain a confidential log of preliminary investigations conducted but not the detail of which official records may have been viewed.

5. In the term of the current Council, two preliminary investigations have been conducted into potential breaches of the *Local Government Act 1999* (SA) and both have been closed. Neither of these investigations focused on any specific Council Member.

### Contextual Information

6. Council is an 'agency' under the *State Records Act 1997* (SA). It is an obligation of Council to ensure the official records made by members, in giving effect to their roles and responsibilities under the *Local Government Act 1999*, are preserved for future reference, in compliance with the *State Records Act 1997*. This includes emails pertaining to Council business.
7. The *City of Adelaide Standing Orders June 2019* (Part 6 – Record Keeping and Access Rights) stipulate that:
- 7.1 The *State Records Act 1997* (SA) places statutory obligations on the Corporation of the City of Adelaide to retain its official records for continuing administrative and legal purposes, and to dispose of them only in accordance with General Disposal Schedule 20, or an authority issued by State Records under the Act.
- 7.2 The *Independent Commissioner Against Corruption Act 2012* (SA), *Freedom of Information Act 1991* (SA), the *Ombudsman Act 1972* (SA) and the *Evidence Act 1929* (SA), contain provisions in relation to access to official records and/or obligations to make such records available in legal proceedings.
- 7.3 Council Members' written and electronic records that concern the Corporation of the City of Adelaide business, functions or activities are classified as 'official records' under the *State Records Act 1997* (SA) and must be retained. Council Members have an obligation to ensure the records created or used by them in the course of performing their official functions and duties are retained and incorporated in the Corporation of the City of Adelaide's records, including:
- 7.3.1 Social media accounts and receipt or response to official business, which are to be forwarded to a City of Adelaide email address, or the relevant City of Adelaide social media account, tagged to enable the Council record keeping process to be utilised.
- 7.3.2 The obligation for Council Members to retain records does not apply to those items that are personal or private, or documents which the Corporation of the City of Adelaide has itself created and stored such as Council agendas, minutes or briefing notes.
8. As outlined in an email from the Acting Chief Executive Officer to all Council Members on 12 March 2021:
- 8.1 The use of private email accounts to conduct Council business is likely to lead to a breach of Council's obligations under the *State Records Act 1997*, as these records are unable to be captured and stored in the records management system. In addition, the destruction of any record by an elected member would be in breach of that Act. This includes personal emails that may have been used to transact Council business.
- 8.2 This issue has been the subject of previous investigations, and adverse findings, by the Ombudsman. The Ombudsman has also found that in addition to its obligations under the *State Records Act 1997*, a council also has an obligation to provide access to records under legislation such as *Freedom of Information Act 1991*, for risk management and for legal processes such as disclosure and subpoenas. Other persons or bodies such as the Independent Commissioner Against Corruption, the Minister, the Courts or auditors may also require access to records.
- 8.3 To ensure records are appropriately captured into the Council's records management system, members must use the corporate email account provided to transact Council business, which necessarily includes emails between members with regards to matters that will be the subject of Council's consideration.
- 8.4 If this does not occur, it would be difficult, if not impossible, for Council to ensure the official records made by members, in giving effect to their roles and responsibilities under the *Local Government Act 1999*, are preserved for future reference, in compliance with the *State Records Act 1997*.
9. The *Independent Commissioner Against Corruption Act 2012* (SA) requires public officers, public authorities and inquiry agencies to report to the OPI any conduct they reasonably suspect involves corruption in public administration or serious or systemic misconduct or maladministration in public administration. Public officers, including police officers have no discretion about the type of corruption that should be reported. All corruption must be reported. This includes all theft, assault, fraud, and dishonesty offences. Public officers must also report any misconduct or maladministration they consider to be serious or systemic. The reporting obligations of public officers are outlined in the Commissioner's Directions and Guidelines.

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

Minute 24 - Items 15.1 to 15.3 - Replies - Distributed Separately

# Grote Street Towers

ITEM 15.2 13/07/2021

Council

**Council Member**  
Councillor Martin

2015/00903  
Public

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

## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

'Noting that SCAP has approved the construction of a 33 level tower on the site of the old La Boheme which the Advertiser reported will "face" Council's Central Market Arcade Redevelopment (CMAR), could the Administration advise whether:

1. There are any heritage issues arising from the new proposal and, if so, how it is proposed Council could or should deal with them?
2. What competitive considerations Council faces given that the newly approved facing tower could obscure some views and also provide a similar offering of commercial and residential units, together with car parking?
3. Whether it is in Council's interest to assist the competing development by agreeing to any acquisition of land in Council hands and what action/s are recommended?'

## REPLY

1. During the assessment process both Heritage South Australia and Council's Heritage Advisor provided comments on the proposal, in relation to the adjacent heritage places. Together with comments from the Government Architect, this resulted in changes to the lower-level façade treatment, particularly introducing a brick podium element to provide an improved relationship with the adjacent heritage places as well as the Central Market Arcade Redevelopment (CMAR).
2. There are no perceived competitive considerations relating to the Central Market Arcade Redevelopment as a result of this tower development.
3. The CMAR is a transformational project, it was envisaged that this redevelopment would act as a catalyst supporting further investment within the market district. In this regard, projects such as the tower proposal on the old La Boheme site will support activation, demand and foot traffic within the market district.
4. If an application was made to acquire Council land this would be brought to Council and no action is required at this time.

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 Costs Culture Investigation

**ITEM 15.3** 13/07/2021  
**Council**

**Council Member**  
Councillor Martin

2018/04053  
Public

**Contact Officer:**  
Clare Mockler, Acting Chief  
Executive Officer

## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

'Could the Administration advise what were the total costs of the Independent Culture Investigation and Reporting conducted by EMA Legal and any and all other legal costs incurred by the Administration on behalf of elected members, members of staff or the Executive as a consequence of or related to that Investigation and Reporting?'

## REPLY

1. A report will be presented at the 10 August 2021 meeting of Council that will address the Council resolution of 14 April 2020:

*That Council:*

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members.*
  2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
  3. *Request an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.*
2. This report will include a summary of the total legal costs incurred to date by the Corporation of the City of Adelaide in relation to this matter.

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 -