



# COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 10 August 2021  
at 5.30pm

in the Council Chamber,  
Adelaide Town Hall



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

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**1. Acknowledgement of Country**

At the opening of the Council Meeting, the Lord Mayor will state:

‘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.’

**2. Acknowledgement of Colonel William Light**

Upon completion of the Kurna Acknowledgment, the Lord Mayor will state:

‘The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six 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.’

**3. Prayer**

Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Chief Executive Officer will ask 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’

**4. Memorial Silence**

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

**5. Apologies and Leave of Absence**

Nil

**6. Confirmation of Minutes – 13/7/2021**

That the Minutes of the meeting of the Council held on 13 July 2021, be taken as read and be confirmed as an accurate record of proceedings.

**7. Deputations**

Granted at time of Agenda Publication – 6 August 2021

Nil

**8. Petitions**

Nil

**9. Advice from Adelaide Park Lands Authority & Advice/Recommendations of the Audit Committee**

**9.1.** Advice of the Adelaide Park Lands Authority – 22 July 2021 [2018/04062] [Page 4]

**9.2.** Audit Committee Report – 30 July 2021 [2018/04062] [Page 5]

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

### Strategic Alignment – Thriving Communities

- 10.1. Request for Park Land Parking in Josie Agius Park / Wikaparntu Wirra (Park 22) [2021/00710] Presented to Committee on 3/8/2021 [Page 8]
- 10.2. Local Government Infrastructure Partnership Program [VS2021/4325] [Page 12]

### Strategic Alignment – Strong Economies

- 10.3. Declare Tavistock Lane a Public Road [2016/01250-4] Presented to Committee on 3/8/2021 [Page 33]

### Strategic Alignment – Environmental Leadership

- 10.4. City of Adelaide Water Infrastructure [2021/00359] Presented to Committee on 3/8/2021 [Page 39]

### Strategic Alignment – Enabling Priorities

- 10.5. Planning & Design Code - Update and Future Priorities [2021/00583] Presented to Committee on 3/8/2021 [Page 43]
- 10.6. Progress of Motions by Elected Members [2018/04074] [Page 92]
- 10.7. Code of Conduct - Outcome [2017/03262] [Page 95]
- 10.8. Results of Supplementary Election  
**To be distributed separately**
- 10.9. COVID-19 Response – Reignite the City [2017/04279] [Page 114]

## 11. Exclusion of the Public

- 11.1. Exclusion of the Public [2018/04291] [Page 123]

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

- 12.1.1. Audit Committee Report – 30 July 2021 [s 90(3) (b) & (i)]

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

- 12.2.1. Open Space and Places for People Grants Submission [s 90(3) (b)]
- 12.2.2. Civic Recognition [s 90(3) (a)]
- 12.2.3. Cultural Investigation [s 90(3) (a), (g) & (h)]

## 12. Confidential Reports

- 12.1. Confidential Report of the Audit Committee meeting
  - 12.1.1. Audit Committee Report – 30 July 2021 [2018/04062] [Page 128]
- 12.2. Confidential Reports for Council (Chief Executive Officer's Reports)

### Strategic Alignment – Thriving Communities

- 12.2.1. Open Space and Places for People Grants Submission [2020/00536] Presented to Committee on 3/8/2021 [Page 131]
- 12.2.2. Civic Recognition [2021/110711] [Page 147]

### Strategic Alignment – Enabling Priorities

- 12.2.3. Cultural Investigation [2021/01167] [Page 154]

## 13. Lord Mayor's Reports

## 14. Councillors' Reports

- 14.1 Reports from Council Members [2018/04064] [Page 178]

## 15. Questions on Notice

- 15.1. Councillor Abrahamzadeh – Question on Notice – Council & Committee Meeting Livestreams [Page 181]
- 15.2. Councillor Martin - Question on Notice – Lost Park Lands [2021/01236] [Page 182]
- 15.3. Councillor Martin - Question on Notice – Torrens Irrigation Water [Page 183]

16. Questions without Notice

17. Motions on Notice

- 17.1. Councillor Martin – Motion on Notice – Revoke the Decision of Council - Adelaide Aquatic Centre Capital Works [2021/00600] [Page 184]
- 17.2. Councillor Martin – Motion on Notice – Weeknight Parking Controls [2018/04053] [Page 186]
- 17.3. Councillor Martin – Motion on Notice – City Connector Lockdown Services [2018/117435] [Page 188]
- 17.4. Councillor Hyde – Motion on Notice – Adelaide Free Wi-Fi [2020/00710] [Page 190]
- 17.5. Councillor Hyde – Motion on Notice – Effects of Historic Asset Sales [2021/00600] [Page 192]

18. Motions without Notice

19. Closure

# Advice of the Adelaide Park Lands Authority – 22 July 2021

**ITEM 9.1** 10/08/2021  
**Council**

**Program Contact:**  
Mick Petrovski, Manager  
Governance 8203 7119

2018/04062  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

The Adelaide Park Lands Authority (APLA) is the principal advisor to both the Council and the State Government on the protection, management, enhancement and promotion of the Adelaide Park Lands.

Future reports to Council on matters considered by APLA will include APLA's advice.

The Board of the Adelaide Park Lands Authority met remotely (see Agenda document [here](#)) on Thursday 22 July 2021 and discussed the request for Park Lands Parking in Josie Agius Park / Wikaparntu Wirra (Park 22).

This matter was presented in a separate report to The Committee on 3 August 2021 for Council consideration and determination on 10 August 2021:

## APLA ADVICE TO NOTE

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

- Advice 1** – Request for Park Lands Parking in Josie Agius Park / Wikaparntu Wirra (Park 22)

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

The Adelaide Park Lands Authority:

- While noting the request from the Royal Agricultural and Horticultural Society is at variance with the Adelaide Park Lands Management Strategy 2015-2025, supports the City of Adelaide providing assistance through the provision of Park Land Parking at Josie Agius Park/ Wikaparntu Wirra (Park 22) for the period the Vaccine Hub is accommodated at the Showgrounds until no later than 31 January 2022 after which time the matter will be reviewed.
- Notes that the current Deed expires in 2026 and requests that City of Adelaide Administration invite the Royal Agricultural and Horticultural Society to brief APLA on how they intend to terminate use of the Park Lands for car parking by the end of lease.

- END OF REPORT -

# Audit Committee Report – 30 July 2021

ITEM 9.2 10/08/2021  
Council

Strategic Alignment - Enabling Priorities

2018/04062  
Public

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

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## EXECUTIVE SUMMARY

The Audit Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate informed decision making in relation to discharging its legislative responsibilities and duties.

The Audit Committee met on Friday, 30 July 2021 and is required to report to Council after every meeting to identify and present advice and recommendations.

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

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 30 July 2021.
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## DISCUSSION

1. The Audit Committee met on Friday, 18 June 2021. The public component of the Agenda with Reports for the meeting can be viewed [here](#). Item 5.4, distributed separate to the Agenda, can be viewed [here](#).

2. The following matters were subject of deliberations:

### 2.1. Presentation - Adelaide Central Market Authority Update

#### 2.2. 2020-21 Preliminary Financial Position

##### THAT THE AUDIT COMMITTEE

1. Receives the 2020-21 Preliminary Financial Position report and notes results are estimates only at this stage.

### 2.3. Presiding Member's Annual Report

##### THAT THE AUDIT COMMITTEE

1. Receives and notes the Presiding Member's Annual Report for the 2020/21 financial year as included in Attachment A to Item 5.2 on the Agenda for the meeting of the Audit Committee held on 30 July 2021.

### 2.4. Annual Report Risk Statement

##### THAT THE AUDIT COMMITTEE

1. Approves the statement to be included in the Annual Report, as outlined in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 30 July 2021.

### 2.5. Internal Audit Progress Report

##### THAT THE AUDIT COMMITTEE

1. Notes the Internal Audit Progress Update report.

### 2.6. Activities of the Strategic Risk and Internal Audit Group Meetings

Considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999 (SA)*

##### THAT THE AUDIT COMMITTEE

1. Notes the report is provided to the next meeting of the Council as part of the confidential report of the Audit Committee meeting.
2. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 10.1 listed on the Agenda for the meeting of the Audit Committee held on 30 July 2021 was received, discussed and considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999 (SA)*, this meeting of the Audit Committee, do order that:
  - 2.1 The resolution become public information and included in the Minutes of the meeting.
  - 2.2 The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
  - 2.3 The confidentiality of this matter be reviewed in December 2022.
  - 2.4 The Chief Executive Officer be delegated 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.

### 2.7. Confidential Discussion with the Internal Auditor

Considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999 (SA)*

In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 10.2 listed on the Agenda for the meeting of the Audit Committee held on 30 July 2021 was received, discussed and considered in confidence pursuant to Section 90 (3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Audit Committee, do order that:

1. The discussion and the Minutes of the 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 received.

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## ATTACHMENTS

Nil

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- END OF REPORT -



# Request for Park Land Parking in Josie Agius Park/Wikapartu Wirra (Park 22)

**ITEM 10.1** 10/08/2021  
**Council**

Strategic Alignment - Thriving Communities

**Program Contact:**

Shaun Coulls, Associate Director,  
Strategic Property and  
Commercial 8203 7036

2021/00710

Public

**Approving Officer:**

Tom McCready, Acting Director  
City Shaping

## EXECUTIVE SUMMARY

The City of Adelaide (CoA) have received a request from the Royal Agricultural and Horticultural Society (RA&HS) to provide assistance through the provision of Park Land Parking in Josie Agius Park/Wikaparntu Wirra (Park 22) for selected events at the Showgrounds.

The Showgrounds are currently accommodating a COVID Vaccination Hub (CVH) at the Goyder Pavilion at SA Health's request. Parking at the Show Grounds is provided free to people attending the CVH.

There are currently four public events scheduled over a total of ten days being staged at the Showground between August and December 2021 when it is predicted parking demand will exceed capacity. The CVH is due to close on 31 January 2022.

This report is presented as the provision of parking on the Park Lands for events held outside the Park Lands does not meet the criteria of the Adelaide Park Lands Management Strategy 2015-2025. The report is being presented due to the exceptional circumstances caused by the COVID pandemic.

## RECOMMENDATION

### THAT COUNCIL

1. Approves the City of Adelaide providing assistance through the provision of Park Land Parking at Josie Agius Park/ Wikaparntu Wirra (Park 22) for the period the COVID Vaccine Hub is accommodated at the Showgrounds, until no later than 31 January 2022 after which time the matter will be reviewed.
2. Notes the Park Lands parking approved is at variance with the Adelaide Park Lands Management Strategy 2015-2025 and is only provided due to the exceptional circumstances caused by the pandemic and as such provided no future precedence.
3. Notes that the current Deed expires in 2026 and requests City of Adelaide Administration invite the Royal Agricultural and Horticultural Society to brief APLA and Council on how they intend to terminate use of the Park Lands for car parking by the end of lease.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Thriving Communities</b> Provision of Park Land Parking to support the accommodation of the CVH aligns with the Outcome Healthy and resilient communities.
Policy	This report is at variance with Strategy 2.8 of the Adelaide Parklands Management Strategy 2015-2025 including: Provide car parking on and adjacent to the Park Lands only where need has been demonstrated and no reasonable alternative exists, through the following actions: <ul style="list-style-type: none"> <li>Require all proposals for car parking on the Park Lands to be informed by a detailed evidence base substantiating the need for users of the Park Lands.</li> </ul> The report is being presented due to reduced parking at the Showgrounds to accommodate a COVID Vaccination Hub at the request of SA Health. This is an unprecedented event that would not have been considered when the APLMS was developed.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Risk of damage to the Park Lands will be mitigated through set up and management of the parking by CoA's UPark team. UPark manage Royal Adelaide Show Parking and other Park Land event parking and are experienced in managing to avoid damage. Parking will only be facilitated when the ground is in suitable condition to sustain car parking and at the conclusion of events adequate remediation will be completed.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Expenses will be allocated to the existing Off-Street Parking general operating budget and off-set by an agreement with RA&HS which will provide at a minimum no net cost to Council.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Selected dates between 14 August 2021 to 31 January 2022.
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. The City of Adelaide (CoA) has received a request from Royal Agricultural and Horticultural Society (RA&HS) to provide assistance over the coming months while they are accommodating an SA Health COVID Vaccination Hub (Link 1 view [here](#)).
2. The Hub is currently vaccinating 12,000 people per week and SA Health plan to double this throughput in coming months. The Hub is due to close on 31 January 2022.
3. Parking is provided to those attending the vaccination hub free of charge at the Adelaide Showgrounds. As a result, there are public events being held at the Showgrounds in coming months where it is predicted car parking demand will exceed supply.
4. The RA&HS have implemented several strategies to maximise available parking at the Showgrounds including reducing parking availability to event participants and reorganising or rescheduling events. Having exhausted such strategies, they still predict there will be times there will be shortage of parking at the Showgrounds.
5. They have requested assistance from CoA to provide Park Land Parking in Josie Agius Park/Wirra Wikaparntu Wirra on a temporary basis due to its proximity to the Adelaide Showgrounds and its known parking location due its regular use as netball parking.
6. CoA have a standing deed with the RA&HS, Royal Adelaide Show Parking, to provide Park Land Parking in the Park Lands for the annual Royal Adelaide Show. This deed includes Josie Agius Park/Wikaparntu Wirra (Park 22) and is expiring in September 2026.
7. On 22 July 2021, the Adelaide Park Lands Authority (APLA) considered this matter and resolved to provide the following advice to Council:

*That the Adelaide Park Lands Authority:*

1. *While noting the request from the Royal Agricultural and Horticultural Society is at variance with the Adelaide Park Lands Management Strategy 2015-2025, supports the City of Adelaide providing assistance through the provision of Park Land Parking at Josie Agius Park/ Wikaparntu Wirra (Park 22) for the period the Vaccine Hub is accommodated at the Showgrounds until no later than 31 January 2022 after which time the matter will be reviewed.*
2. *Notes that the current Deed expires in 2026 and requests City of Adelaide Administration invite the Royal Agricultural and Horticultural Society to brief APLA on how they intend to terminate use of the Park Lands for car parking by the end of lease.*
8. The Vaccine Hub is a temporary measure implemented due to the requirement for mass vaccinations to alleviate the serious impacts of the Covid pandemic. If Council's decision is to provide the requested assistance during this period, and the requirement for a mass vaccination hub exists past 31 January 2021, any request will be presented back to APLA and Council for consideration.
9. It is noted that the current Deed expires in 2026 and an invite will be extended to the RA&HS to brief Council and APLA on how they intend to transition use of the Park Lands for car parking by the end of lease.
10. The Community Land Management Plan (CLMP) for Josie Agius Park/Wikaparntu Wirra (Park 22) allows car parking for both the large-scale netball courts and the Royal Adelaide Show, according to the Deed of Agreement.
11. Any preshow works deemed necessary to ensure the park is safe and able to sustain car parking will be undertaken in preparation for the Royal Adelaide Show scheduled for September 2021. This preparation can be brought forward and completed prior to the first event at the Showgrounds when parking may be required.
12. At this stage four events held over ten days have been identified between August and December 2021, during the period the Vaccine Hub is operating, it is estimated parking demand may exceed capacity, these events are:

Date	Event	Time
Saturday 14 August and Sunday 15 August	Let's go Caravan and Camping Sale	Day
Saturday 16 October	To accommodate Christmas Pageant rehearsals on Main Arena, Home Show and Pet and Animal	Day

	Expo presented at that time	
Saturday 30 October	Supercross	Evening only – from 5.30pm
Wednesday 24 November	Adelaide Symphony Orchestra Festival of Orchestra (FOFO)	Evening only – from 5.30pm
Friday 26 November		
Saturday 27 November		
Wednesday 1 December		
Friday 3 December		
Saturday 4 December		

13. Should parking be approved CoA and RA&HS will consider the requirement for parking support in the lead up to each event, considering ticket sales and results of parking already provided
14. It may be decided Park Lands parking is not required for each event currently identified or additional events may need to be catered for, yet unknown.
15. The provision of parking on the Park Lands does not align with Strategy 2.8 of the Adelaide Park Lands Management Strategy to “*require all proposals for car parking on the Park Lands to be informed by detailed evidence substantiating the need for users of the Park Lands.*” The request from RA&HS is for the provision of Park Land Parking for an event not held in the Park Lands.
16. RA&HS are aware their request is in variance to Adelaide Park Lands Management Strategy but are making the request due to the exceptional circumstances caused by the pandemic.
17. Should Council approve the request, negotiation of an agreement for the provision of Park Land Parking will be required where at a minimum, all costs incurred by CoA will be covered by RA&HS. The Agreement will include any remediation related directly to the provision of Park Land parking for the events requested by RA&HS.
18. CoA’s UPark team, who have experience in the provision of Park Land parking for the Royal Adelaide Show and other events held in the Park Lands, will manage the parking to minimise any impacts to avoid damage to the Park Lands.
19. Parking will only be provided when the ground is considered in a suitable condition to sustain car parking. UPark work closely with CoA’s horticultural team in both the planning and deliver of Park Land parking to minimise Park Lands damage

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## DATA AND SUPPORTING INFORMATION

**Link 1** – Letter of Request from Royal Agricultural and Horticultural Society

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Local Government Infrastructure Partnership Program

**ITEM 10.2** 10/08/2021  
**Council**

Strategic Alignment - Thriving Communities

**Program Contact:**

Garry Herdegen, Associate  
Director, City Operations 8203  
7132

VS2021/4325  
Public

**Approving Officer:**

Klinton Devenish, Director  
Services, Infrastructure &  
Operations

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## EXECUTIVE SUMMARY

This report is to inform Council of the successful grant application for the Local Government Infrastructure Partnership Program. This program was established to support councils to accelerate spending on community infrastructure projects with Council having to contribute 50% funding toward the identified projects

We have targeted projects that contribute to the City of Adelaide's long-term asset management objectives for Transportation Assets. These projects include road resurfacings, footpath renewals and kerb and water table renewals.

A Council resolution is required in order to affix the Common Seal to the Funding Deed.

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## RECOMMENDATION

That Council

1. Notes the successful grant application for the Local Government Infrastructure Partnership Program for the Accelerated Asset Renewal Program.
  2. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Funding Deed under the Local Government Infrastructure Partnership Program, as contained in Attachment A to Item 10.2 at the meeting of the Council held on 10 August 2021.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Thriving Communities</b> A safe, affordable, accessible, well-connected city for people of all ages and abilities, and all transport modes
Policy	Works are in line with Asset Management Policy, Strategic Asset Management Plan and Long Term Financial Plan.
Consultation	Consultation will be in line with Council's Consultation policy.
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	\$1m of Transportation Asset Renewals will be brought forward from 2022-23 and funded through the grant.
21/22 Budget Allocation	\$1,000,000 Transportation Asset Renewals
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Life expectancy of asset depends on the asset: Roads – 25 years Footpaths – 50 years Kerb and Water Table – 80 years
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	\$1,000,000 State Government Local Government Infrastructure Partnership Program

## DISCUSSION

1. The Local Government Infrastructure Partnership Program was established to support councils to accelerate spending on community infrastructure projects that contribute to the future economic growth of the region, or support the Government's Growth State agenda, or improve local infrastructure facilities for businesses and community organisations to enable them to grow in the future, or upgrade key community facilities.
2. This project encompasses a series of accelerated capital works (\$1 million) to be incorporated into City of Adelaide's Transportation Asset Renewal Program for 2021/22 (\$7.1 million total program of works).
3. Grant criteria specified that Council had to contribute 50% funding to the project, we have leveraged our asset renewal program as our contribution and State Government will be funding \$1m brought forward from next year.
4. Proposed works include road resurfacings, footpath renewals and kerb and water table renewals.
5. The key outcome that would be realised through the delivery of this project is restoring service to a number of transportation assets that have reached or are approaching end of life. Delivering these works will contribute to the City of Adelaide's long-term asset management objectives for Transportation Assets, which aims to provide safe and efficient transport networks for both local residents and City visitors.
6. Road resurfacing projects will utilise recycled and repurposed materials, contributing to sustainability objectives within the City of Adelaide 2020-24 Strategic Plan.
7. Projects will be delivered in the following locations:
  - 7.1. Kerb and Water Table renewal of Mills Terrace from Hill Street to Buxton Street
  - 7.2. Road Resurfacing of Mills Terrace from Hill Street to Buxton Street
  - 7.3. Kerb and Water table Renewal of Waymouth Street from West Terrace to Morphett Street
  - 7.4. Road Resurfacing of Waymouth Street from West Terrace to Morphett Street
  - 7.5. Road Resurfacing of Ranelagh Street from Waymouth Street to Dead End
  - 7.6. Road Resurfacing of Angas Court from Angas Street to Dead End
  - 7.7. Road Resurfacing of Catholic Cemetary Road from Sir Donald Bradman Drive to Dead End
  - 7.8. Footpath Renewal of Sir Donald Bradman Dr (South side)
  - 7.9. Footpath Renewal of Jerningham Street (East Side).
8. All works will be completed within the 2021-22 financial year.
9. To formalise this grant funding, City of Adelaide is required to enter into a Deed with the Department of Infrastructure and Transport as shown in **Attachment A**. Section 38 of the *Local Government Act 1999 (SA)* and provides that resolution of Council is required in order to affix the Common Seal to any such document.

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## ATTACHMENTS

**Attachment A** – Funding Deed for the Local Government Infrastructure Partnership Program

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- END OF REPORT -

DATED THE

DAY OF

2021

**LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM**

**GRANT DEED**

**BETWEEN**

**THE TREASURER  
("Treasurer")**

**-AND-**

**THE CORPORATION OF THE CITY OF ADELAIDE  
("Grantee")**



**GRANT DEED  
LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM**

**DEED** made on 2021

**BETWEEN:**

**THE TREASURER OF SOUTH AUSTRALIA** ("Treasurer")

**AND:**

**THE PARTY NAMED IN ITEM 2 OF ATTACHMENT 1** ("Grantee")

**IT IS AGREED**

- A. The Local Government Infrastructure Partnership Program ("the Program") has been established to support the Grantee spending on agreed infrastructure projects.
- B. The Grantee has applied for, and the Treasurer has agreed to provide, assistance in the form of a grant ("Grant") to the Grantee for the Purpose.
- C. The Treasurer and Grantee agree that the Grant will be provided on the terms and conditions of this Deed.
- D. This Deed comprises this Execution Page, the Grant Details (Attachment 1), the Project Details (Attachment 2), the Additional Obligations (Attachment 3), the Payment Schedule (Attachment 4), the Standard Terms and Conditions (Attachment 5), the Acquittal Form (Attachment 6), Claim Notice (Attachment 7), and Reports (Attachment 8).

**EXECUTED AS A DEED**

**THE COMMON SEAL** of **THE TREASURER** )  
was affixed in the presence of )

.....

Witness

Print Name: .....

## Attachment 1 - Grant Details

Item 1	Treasurer	The Treasurer a body corporate pursuant to the <i>Administrative Arrangements Act, 1994 (SA)</i> State Administration Centre, 200 Victoria Square, Adelaide, SA, 5000
Item 2	Grantee	The Corporation of the City of Adelaide 25 Pirie Street ADELAIDE, SA 5000 ABN 20 903 762 572
Item 3	Grantee's Business	The operations and undertakings of the Grantee under the <i>Local Government Act 1999 (SA)</i>
Item 4	Project Commencement Date	1 October 2021
Item 5	Project Completion Date	30 August 2022 or such later date approved in writing by the Treasurer
Item 6	Last Date to Claim	30 November 2022 or such later date approved in writing by the Treasurer
Item 7	Expiry Date	30 August 2023
Item 8	Grant (GST exclusive)	The lesser of: <ul style="list-style-type: none"> <li>• \$1,000,000 (GST exclusive); and</li> <li>• 50% of Eligible Expenditure incurred in completing the Project.</li> </ul>
Item 9	Eligibility Period	The period commencing on 23 March 2021 and ending on the Project Completion Date
Item 10	Conditions Precedent to Deed	The Grantee must provide: <ul style="list-style-type: none"> <li>• evidence to the satisfaction of the Treasurer that the Grantee has sufficient Other Funding to complete the Project;</li> <li>• evidence to the satisfaction of the Treasurer that the Grantee has obtained all Authorisations and Approvals required for the Project;</li> <li>• copies of all Material Contracts.</li> </ul>
Item 11	Insurances	The Grantee warrants that it is a member of the Local Government Association Mutual Liability Scheme (Scheme) and is bound by the rules of the Scheme pursuant to the provisions of the <i>Local Government Act 1999 (SA)</i> and in the event that the Grantee ceases to be a member of the Scheme it will immediately, pursuant to provisions of the <i>Local Government Act 1999 (SA)</i> , effect public liability insurance to a minimum level of cover of fifty million dollars (\$50,000,000.00).
Item 12	Authorised Representatives	<b>Treasurer:</b> Director, Risk and Commercial Advisory, SAFA <b>Grantee:</b> Chief Executive Officer

**THE COMMON SEAL of THE CORPORATION OF THE CITY OF ADELAIDE )**

was hereunto affixed, in the )

presence of: )

.....  
Principal Member

Print Name:.....

.....  
Chief Executive Officer

Print Name:.....

Item 10.2 - Attachment A

<b>Item 12</b>	<b>Authorised Representatives</b>	<p><b>Treasurer:</b> Director, Risk and Commercial Advisory, SAFA</p> <p><b>Grantee:</b> Chief Executive Officer</p>
<b>Item 13</b>	<b>Addresses for Notices</b>	<p><b>Treasurer:</b>          South Australian Government Financing Authority          Level 5, State Administration Centre, 200 Victoria Square          Adelaide SA 5000          Email: SAFAIndustryAssistance@sa.gov.au</p> <p>or as otherwise notified in writing.</p> <p><b>Grantee:</b>          Corporation of the City of Adelaide          25 Pirie Street          Adelaide, SA 5000</p>
<b>Item 14</b>	<b>Form of Funding Acknowledgement</b>	<p>During the Term, the Grantee must:</p> <ul style="list-style-type: none"> <li>• if required by the Treasurer, display signage acknowledging the support of the Program in relation to the Project at a location or locations agreed by the Grantee and the Treasurer until the Expiry Date unless otherwise agreed by the Treasurer in writing; and</li> <li>• invite the Treasurer and the Minister for Planning and Local Government to attend any formal opening of the Project.</li> </ul>

## Attachment 2 - Project Details

Item 1	Project	<p>The Project is the Accelerated Asset Renewal Program, to be constructed at the Project Location in accordance with the Project Documents. The Project includes:</p> <ul style="list-style-type: none"> <li>• kerb and water table renewal of Mills Terrace from Hill Street to Buxton Street;</li> <li>• road resurfacing of Mills Terrace from Hill Street to Buxton Street;</li> <li>• kerb and water table renewal of Waymouth Street from West Terrace to Morphett Street;</li> <li>• road resurfacing of Waymouth Street from West Terrace to Morphett Street;</li> <li>• road resurfacing of Ranelagh Street from Waymouth Street to Dead End;</li> <li>• road resurfacing of Angas Court from Angas Street to Dead End;</li> <li>• road resurfacing of Catholic Cemetary Road from Sir Donald Bradman Drive to Dead End;</li> <li>• footpath renewal of Sir Donald Bradman Dr (South side);</li> <li>• footpath renewal of Jerningham Street (East Side).</li> </ul>
Item 2	Project Location	<ul style="list-style-type: none"> <li>• Mills Terrace, North Adelaide, 5006;</li> <li>• Royal Ave, Adelaide, 5000;</li> <li>• Waymouth St, Adelaide, 5000;</li> <li>• Jeffcott St, North Adelaide, 5006;</li> <li>• Ward St, North Adelaide, 5006;</li> <li>• Margaret Ln, North Adelaide, 5006;</li> <li>• Catholic Cemetery Rd, Adelaide, 5000;</li> <li>• Sir Donald Bradman Dr, Adelaide, 5000;</li> <li>• Wellington Square, North Adelaide, 5006;</li> <li>• Bartels Rd, Adelaide, 5000;</li> <li>• Jerningham St, North Adelaide, 5006</li> </ul>
Item 3	Material Contracts	<ul style="list-style-type: none"> <li>• Any Approvals or Authorisations required for the Project.</li> <li>• Any building, construction, works and supply, including equipment supply, contracts and agreements necessary for the Project.</li> <li>• Any finance, grant, loan and security documents entered into by the Grantee in respect of Other Funding.</li> <li>• Any agreement between the Grantee and any other contributors to the Project.</li> </ul>

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**Attachment 3 – Additional Obligations**

[Not used]

Item 10.2 - Attachment A

## Attachment 4 – Payment Schedule

Date for Achievement	Performance Milestones	Amount of Payment (excluding GST)
1 October 2021	<p><b>Performance Milestone 1</b></p> <p>The Grantee must provide evidence to the Treasurer's satisfaction that:</p> <ul style="list-style-type: none"> <li>• construction of the Project has commenced physically at the Project Location; and</li> <li>• the Grantee has submitted a Claim Notice in accordance with Attachment 7.</li> </ul>	\$100,000
1 February 2022	<p><b>Performance Milestone 2</b></p> <p>The Grantee must provide evidence to the Treasurer's satisfaction that:</p> <ul style="list-style-type: none"> <li>• road resurfacing of Angas Court from Angas Street to Dead End complete;</li> <li>• road resurfacing of Catholic Cemetary Road from Sir Donald Bradman Drive to Dead End complete;</li> <li>• footpath renewal of Sir Donald Bradman Dr (south side) complete;</li> <li>• footpath renewal of Jerningham Street (East Side) complete;</li> <li>• completed works certified by an external project consultant, project engineer, quantity surveyor or similar;</li> <li>• the Grantee has incurred Eligible Expenditure totalling at least twice the amount claimed [under this Deed (in aggregate)] at the date of the Claim Notice;</li> <li>• the Grantee has provided a Performance Milestone Report in accordance with Attachment 8; and</li> <li>• the Grantee has submitted a Claim Notice in accordance with Attachment 7.</li> </ul>	Up to \$500,000 less previous amounts claimed
Last Date to Claim	<p><b>Performance Milestone 3</b></p> <p>The Grantee must provide evidence to the Treasurer's satisfaction that:</p> <ul style="list-style-type: none"> <li>• kerb and water table renewal of Mills Terrace from Hill Street to Buxton Street complete;</li> <li>• road resurfacing of Mills Terrace from Hill Street to Buxton Street complete;</li> <li>• kerb and water table renewal of Waymouth Street from West Terrace to Morphett Street complete;</li> <li>• road resurfacing of Waymouth Street from West Terrace to Morphett Street complete;</li> <li>• road resurfacing of Ranelagh Street from Waymouth Street to Dead End complete;</li> <li>• practical completion of the Project as described in Attachment 2 has been achieved on or before the Project Completion Date as evidenced by provision of a certificate of practical completion by an external project consultant, project engineer, quantity surveyor or similar;</li> <li>• the Grantee has incurred aggregate Eligible Expenditure totalling at least twice the amount claimed under this Deed (in aggregate) at the date of the Claim Notice;</li> <li>• the Grantee has submitted a Claim Notice in accordance with Attachment 7; and</li> </ul>	Up to \$1,000,000 less previous amounts claimed

	<ul style="list-style-type: none"> <li>the Grantee has provided the Project Completion Report in accordance with Attachment 8.</li> </ul>	
<b>Total Grant Ex GST</b>		<b>Up to \$1,000,000</b>



## Attachment 5 - Standard Terms & Conditions

### AGREED TERMS

#### 1. THE TERM

The Term of this Deed commences on the Commencement Date and continues until the Expiry Date, unless terminated earlier.

#### 2. CONDITIONS PRECEDENT

The rights and obligations of the parties under this Deed, including the obligation of the Treasurer to provide the Grant or any part of the Grant, are subject to the Treasurer being satisfied that the conditions precedent specified in Attachment 1, if any, have been complied with to the Treasurer's satisfaction, unless expressly waived by the Treasurer in writing.

#### 3. AUTHORISED REPRESENTATIVES

- 3.1 The Representatives named in Attachment 1 are authorised to act on behalf of the Parties and are responsible for overseeing the effective administration of the Deed. The Representatives have authority to:
- (a) exercise all of the powers and functions of the Party they represent under this Deed other than the power to amend this Deed; and
  - (b) bind the Party they represent under this Deed in relation to any matter arising out of or in connection with this Deed.
- 3.2 A notice served on a Representative is taken to be notice to the Party they represent.
- 3.3 A Party may vary or revoke an authorisation at will, and nothing in this clause 3 shall prevent a Party from exercising any of its rights and powers under this Deed.

#### 4. PAYMENT OF GRANT

- 4.1 The Grantee may only make a claim for an instalment of the Grant for Eligible Expenditure incurred for the Project.
- 4.2 Unless expressly waived by the Treasurer in writing, the obligation of the Treasurer to provide the Grant, or any instalment of the Grant, is subject to the Treasurer:
- (a) receiving, in all things to the complete satisfaction of the Treasurer:
    - (i) a Claim Notice in the form prescribed in Attachment 7 on or before the Last Date to Claim;
    - (ii) all Reports due at the date of the Claim Notice; and
    - (iii) documentary evidence that the Grantee has sufficient Other Funding.
  - (b) being satisfied that:
    - (i) the Grantee has, in all respects, complied with the terms and conditions of this Deed;
    - (ii) the Grantee has achieved the relevant Performance Milestone by the date for its achievement specified in Attachment 4;
    - (iii) an Event of Default has not occurred or is not occurring;
    - (iv) an Insolvency Event has not occurred;
    - (v) the Grantee's representations and warranties in this Deed are true in all material respects, and not misleading, when made or repeated; and
    - (vi) the Grantee has satisfied or complied with such other requirements (if any) specified in Attachment 1.
- 4.3 If the Treasurer is not satisfied that one or more of the requirements of clause 4.2 have been satisfied then the Treasurer may, by way of written notice to the Grantee, terminate or suspend the Treasurer's

obligations to provide the Grant, or any other obligations under this Deed.

- 4.4 Payment of any instalment of the Grant will be made to the Grantee's bank account specified in a Claim Notice which must be to an ADI and in the name of the Grantee.
- 4.5 The Grantee must ensure that it can properly account for the Grant received under the Deed.
- #### 5. GST
- 5.1 The parties acknowledge that compliance with this Deed may give rise to a Taxable Supply and that any consideration or payment obligation in this deed, including the payment of the Grant, is exclusive of GST unless stated otherwise.
- 5.2 The Grantee represents that:
  - (a) the ABN shown in Attachment 1 is the Grantee's ABN; and
  - (b) it is registered under the GST Act.
- 5.3 The Parties agree that this Deed satisfies the requirement for a written agreement specifying the supplies to which the Recipient Created Tax Invoice ("RCTI") relates.
- 5.4 The Treasurer will provide a RCTI and where relevant an Adjustment Note, to the Grantee within 30 days of the making, or determining of the value, of the Taxable Supply.
- 5.5 The Grantee must not issue a Tax Invoice in respect of a Taxable Supply or, where relevant, an Adjustment Note in respect of an Adjustment Event.
- 5.6 If an Adjustment Event arises in respect of a Taxable Supply under this Deed the Parties must do all things necessary to make sure that the Adjustment Event may be properly accounted for, including the issue of an Adjustment Note.

#### 6. REPAYMENT OF UNALLOCATED FUNDS

- 6.1 If the Grantee has not expended all of the Grant for the Purpose by the Project Completion Date, it must notify the Treasurer of the unexpended amount and may submit a written request for retention or carryover of unexpended amounts specifying:
  - (a) the amount to be retained or carried over; and
  - (b) the purpose for which the unexpended amount will be used.
- 6.2 The Treasurer may consider the Grantee's request and notify the Grantee in writing whether it:
  - (a) agrees that the Grantee may retain or carry over all or part of the unexpended amount; or
  - (b) requires the Grantee to repay all or part of that amount as notified by the Treasurer to the Treasurer within 30 days of receipt of the notice from the Treasurer.

#### 7. REPRESENTATIONS AND WARRANTIES

- 7.1 The Grantee represents and warrants to the Treasurer that:
  - (a) it is duly qualified and properly accredited to carry on the Business and Project;
  - (b) it has the power (without restriction or condition), Approvals and Authorisations to enter into this Deed and perform its obligations under this Deed and will continue to have the power to perform its obligations under this Deed;
  - (c) an Insolvency Event has not occurred and there are no threatened actions or proceedings before any court or other body which will or are likely to materially adversely affect the financial position of the Grantee or its ability to perform its obligations under this Deed;

- (d) there are no threatened actions or proceedings before any Court or other body which will or are likely to materially adversely affect the financial position of the Grantee, its ability to perform its obligations under this Deed or to undertake and complete the Project;
- (e) it is not in material default under any law, indenture, mortgage, trust deed, agreement or other instrument or arrangement by which it is bound;
- (f) this Deed constitutes legal, valid and binding obligations on the part of the Grantee which are enforceable against it in accordance with its terms;
- (g) it has or will have available, sufficient Other Funding to complete the Project;
- (h) all information provided by the Grantee in the Application and to the Treasurer in accordance with this Deed, is true and correct in all material respects at the time it was provided, and there are no material facts known to the Grantee relating to it which could or might affect the willingness of the Treasurer to enter into an agreement with the Grantee on terms similar to the terms of this Deed which have not been disclosed to the Treasurer; and
- (i) it does not have any interests or obligations that conflict with its interests or obligations under this Deed.
- 7.2 The Grantee acknowledges that the representations and warranties made in this clause 7 have induced the Treasurer to agree to provide the Grant to the Grantee.
- 7.3 The Grantee acknowledges that each of the above representations and warranties shall survive the execution of this Deed and the provision of the Grant under this Deed and will be correct and complied with in all material respects on the date of this Deed, the dates of any Claim Notices and the dates of payment of the Grant and thereafter are repeated by reference to the circumstances existing at the time of such repetition except that each reference to financial statements or accounts shall be construed as a reference to the then latest available financial statements or accounts.
- 8. OBLIGATIONS**
- 8.1 All obligations under this Deed will apply for the duration of the Term.
- 8.2 The Grantee must comply with the Additional Obligations (if any) specified in Attachment 3.
- Purpose**
- 8.3 The Grantee must use the Grant solely for the Purpose.
- Business**
- 8.4 The Grantee must, during the Term, carry on and maintain its Business in the State of South Australia.
- Project**
- 8.5 The Grantee must commence the Project by the Project Commencement Date unless otherwise agreed in writing by the Treasurer.
- 8.6 The Grantee must complete the Project by the Project Completion Date unless otherwise agreed in writing by the Treasurer.
- 8.7 The Grantee must achieve each Performance Milestone by the date for achievement of that Performance Milestone specified in Attachment 4.
- 8.8 If the Grantee becomes aware of the possibility of a delay, which may prevent the Grantee from complying with clauses 8.5, 8.6 or 8.7, the Grantee must promptly notify the Treasurer in writing of:
- (a) the detail and likely extent of the delay and the Grantee's proposed strategies to manage the consequences of the delay; and
- (b) any request for an extension of time where such a request is necessary and reasonable in the circumstances.
- 8.9 The Treasurer may in its absolute discretion, consent to a request for an extension of time provided that:
- (a) the Grantee uses its best endeavours to minimise the delay and recover lost time;
- (b) where requested by the Treasurer, the Grantee provides a plan indicating in detail the steps the Grantee proposes to take to minimise the impacts of the delay; and
- (c) the Grantee complies with such other conditions imposed as part of the Treasurer's consent.
- 8.10 The Grantee must comply with, and must undertake the Project in compliance with, all applicable laws, rules and regulations and orders of any governmental authority.
- Keep Informed**
- 8.11 The Grantee must immediately notify the Treasurer in writing if it defaults in fully performing, observing and fulfilling any provision of this Deed, there occurs an Insolvency Event or it becomes aware of any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proving to be untrue in any material respect.
- 8.12 The Grantee must immediately inform the Treasurer of any significant changes to the nature and/or scope of the activities conducted by the Grantee which would impact on the Purpose, the Project, the Other Funding or the Grantee's ability to comply with its obligations under this Deed or the financial position of the Grantee.
- Project Assets**
- 8.13 The Grantee must not Deal With any real or personal property in relation to which the Grant has been applied by the Grantee without the prior written consent of the Treasurer, which shall not be unreasonably withheld.
- 8.14 If at any time prior to the Expiry Date the Grantee Deals With any real or personal property in relation to which the Grant has been applied (referred to in this clause 8.14 as "the Property"):
- (a) the Treasurer may by notice in writing given to the Grantee demand that the Grantee pay to the Treasurer a monetary amount (not exceeding the amount of the Grant) which is equivalent to the monetary payment or value received by or to be paid to or for the benefit of the Grantee in connection with the assignment, transfer, conveyance, sale, disposal or removal of the Property; and
- (b) the Grantee must then pay to the Treasurer the amount demanded by the Treasurer within the time stipulated by the Treasurer for payment.
- 9. REPORTING AND RECORD KEEPING**
- 9.1 During the Term the Grantee must keep all records (including original receipts and invoices) relating to the conduct and management of the Project, and necessary to provide a complete, detailed, up-to-date and accurate record and explanation of:
- (a) progress of the Project;
- (b) the application of the Grant;
- (c) incurred Eligible Expenditure; and
- (d) Other Funding.
- 9.2 The Grantee must provide the Reports and other documents as specified in Attachment 8, and must attend meetings as reasonably required by the Treasurer.

**10. FINANCIAL REPORTING AND AUDITING**

- 10.1 On the date specified in Attachment 8, the Grantee must provide an Acquittal Form in relation to the expenditure of all funds under this Deed:
- (a) certifying that the Grant has been properly spent on the Purpose in accordance with the requirements of the Deed; and
  - (b) signed by the Grantee's Representative.
- 10.2 Not later than each 31 October during the Term, the Grantee will provide to the Treasurer a copy of its annual report and financial statements and any other documents relevant to its operations, including management accounts if requested, prepared in accordance with the Australian Accounting Standards and signed by the Grantee's Chief Executive Officer and audited by a qualified independent auditor.
- 10.3 The Grantee agrees the Treasurer may direct that the financial accounts of the Grantee be audited at the Treasurer's cost, and the Treasurer may specify the minimum qualifications that must be held by the person appointed to conduct the audit.
- 10.4 The financial statements referred to in clause 10.2 must be prepared in accordance with Australian Accounting Standards and where this Grant or the sum of grants provided by the Treasurer over a Financial Year is in excess of \$1 million (GST exclusive), they must be in the form of General Purpose Financial Statements.
- 10.5 If the audit discloses that the Grantee has applied the Grant for a purpose other than the Purpose then the Grantee will be required to reimburse the Treasurer the costs of the audit.

**11. INSPECTION**

The Grantee must allow any officer or person authorised by the Treasurer on the giving of reasonable notice, to enter the premises of and to inspect the operations of the Grantee (including equipment, premises, accounting records, documents and information) and interview the Grantee's employees, agents and contractors on matters pertaining to the Project or the operations and reporting obligations of the Grantee under this Deed.

**12. PUBLICITY**

- 12.1 The Grantee must not make any public announcements or media releases about this Deed or the Project without the prior written consent of the Treasurer.
- 12.2 The Grantee will acknowledge the Grant by the Treasurer in any advertising, publicity or promotional material relating to this Deed in the manner specified in Attachment 1.
- 12.3 The Grantee will participate in promotional or publicity activity in relation to this Deed as is reasonably required by the Treasurer.

**13. OTHER FINANCIAL ASSISTANCE**

- 13.1 The Grantee must give the Treasurer full details of any financial assistance for activities in connection with the Project which the Grantee expects or receives from another source or agency (be it government or otherwise) after the date of this Deed, including the amount and source of the funding, any relevant agreements and the name of the program under which it was provided, within thirty (30) days of receiving notice that the other financial assistance has been approved.
- 13.2 The Grantee acknowledges and agrees that the Grantee must contribute at least 50% of the Eligible Expenditure from its own funds. Own funds excludes any third party funding, being funding from the State Government of South Australia and/or non-Government funding, required to complete the Project.
- 13.3 The Treasurer may reduce the amount of the Grant to reflect the amount of the other financial assistance referred to in clause 13.1.

**14. INSURANCE**

- 14.1 The Grantee must effect and maintain the insurance specified in Attachment 1 during the Term.
- 14.2 The Grantee must apply any monies received for any claim against a policy of insurance required by this Deed to be maintained, towards the repair or replacement of the property insured, unless the Treasurer approves otherwise.

**15. DEFAULT AND TERMINATION**

- 15.1 The following are Events of Default:
- (a) the Grantee breaches any of its obligations or undertakings under this Deed and has not rectified such breach within the time frame specified in a notice given in writing by the Treasurer to the Grantee requiring rectification of the breach;
  - (b) any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proves to be untrue in any material respect;
  - (c) an Insolvency Event occurs, or threatens to occur;
  - (d) if a secured party enforces its rights in relation to any asset of the Grantee;
  - (e) if there is a Material Adverse Effect in relation to a Material Contract or the condition or stability of the Grantee;
  - (f) if the Grantee determines to cease to complete the Project; or
  - (g) if the Other Funding is not available for any reason.
- 15.2 The Grantee undertakes that it will promptly inform the Treasurer in writing upon the Grantee becoming aware of, or when the Grantee ought reasonably to have become aware of, the happening of an Event of Default.
- 15.3 If an Event of Default occurs the Treasurer may, then notwithstanding any previous delay or waiver on the Treasurer's part, upon giving written notice to the Grantee:
- (a) require the Grantee to immediately pay the Repayment Amount to the Treasurer as liquidated damages upon demand by the Treasurer;
  - (b) withhold the portion of the Grant not already paid;
  - (c) withhold future funding from the Grantee; and/or
  - (d) terminate this Deed.
- 15.4 If pursuant to clause 15.3 the Treasurer requires the Grantee to pay the Repayment Amount to the Treasurer then the Grantee agrees to make such repayment in full within 14 days of receipt of a written demand from the Treasurer.
- 15.5 The Grantee acknowledges that:
- (a) the Treasurer has concluded that it is in the interests of the public of the State of South Australia that the Treasurer should provide the Grant to the Grantee but only upon the terms and conditions of this Deed;
  - (b) it is essential to the purpose for which the Grant is advanced pursuant to this Deed that:
    - (i) the Grantee uses the Grant for Eligible Expenditure incurred for the Project; and
    - (ii) the Grantee does not permit an Event of Default to occur;
  - (c) if an Event of Default occurs the extent of the loss or damage sustained by the Treasurer will be extremely difficult to assess or quantify accurately or to otherwise determine precisely;
  - (d) the Repayment Amount represents a genuine pre-estimate by the Treasurer of the compensation which the Treasurer believes is fair and reasonable; and
  - (e) any amounts payable to the Treasurer pursuant to this clause 15 are not and will not

- be construed or deemed to be a penalty payable by the Grantee for the purposes of any applicable legal rule or norm.
- 15.6 The Grantee enters into the obligation to pay the Repayment Amount with the intention that it is a legally binding, valid and enforceable contractual provision against the Grantee.
- 15.7 The Treasurer and the Grantee intend to exclude, to the extent permissible, the application and operation of any legal rule or norm, whether statutory or common law, relating to:
- the characterisation as penalties of liquidated amounts payable under a contract on a breach occurring; or
  - the enforceability or revocability of such liquidated amounts.
- 15.8 The Grantee's obligation to pay the Repayment Amount to the Treasurer shall not be subject to any set off or counterclaim by the Grantee and the Repayment Amount shall be paid by the Grantee to the Treasurer free and clear of any withholding of whatever nature.
- 15.9 Any amount due and payable by the Grantee to the Treasurer pursuant to:
- this Deed; or
  - any other agreement that the Grantee may have with the Crown;
- may be set off against any amount due and payable by the Treasurer to the Grantee under this Deed.
- 16. NOTICES**
- 16.1 Any notice, request, approval, consent or other communication to be given or served pursuant to this Deed must be in writing and addressed and signed as the case may be, as specified in Attachment 1.
- 16.2 A notice, request, approval, consent or other communication must be delivered by hand, sent by prepaid post or email, or transmitted by facsimile.
- 16.3 A notice, request, approval, consent or other communication will be deemed to be received:
- if delivered by hand, upon delivery;
  - if sent by pre-paid ordinary post within Australia, upon the expiration of seven (7) Business Days after the date on which it was sent;
  - if sent by email, on the Business Day on which it is sent if sent before 5:00pm on that Business Day and the sender does not receive a message from its internet service provider or the recipient's mail server indicating that it has not been successfully transmitted, otherwise on the next Business Day.
- 17. CONTRACT DISCLOSURE**
- 17.1 The Treasurer may disclose this Deed and/or information in relation to this Deed in either printed or electronic form, and either generally to the public or to a particular person as a result of a specific request.
- 17.2 Nothing in this clause derogates from:
- the Grantee's obligations under any provisions of this Deed; or
  - the provisions of the *Freedom of Information Act 1991 (SA)*.
- 18. COMPLIANCE WITH LAWS AND POLICIES**
- 18.1 The Grantee must comply with the laws in force in the State of South Australia in performing its obligations under this Deed.
- 18.2 The Grantee must comply with any policies notified by the Treasurer in writing at the Commencement Date.
- 19. COSTS**
- 19.1 The Grantee must pay, on the basis of a full indemnity, any costs incurred by the Treasurer in enforcing the Treasurer's rights under this Deed.
- 19.2 Each Party will bear its own costs of and incidental to the negotiation, preparation and execution of this Deed.
- 20. GOVERNING LAW AND JURISDICTION**
- 20.1 This Deed is governed by the laws in the State of South Australia.
- 20.2 The courts of the State of South Australia have exclusive jurisdiction in connection with this Deed.
- 21. ENTIRE DEED**
- The Deed constitutes the entire Deed between the Parties in respect of the matters dealt with in this Deed and supersedes all prior Deeds, understanding and negotiations in respect of the matters dealt with in this Deed.
- 22. NO ASSIGNMENT**
- 22.1 The Grantee must not assign, encumber or otherwise transfer any of its rights or obligations under this Deed without the written consent of the Treasurer.
- 22.2 Subject to any contrary legislative intention, the Parties agree that if there is any Machinery of Government Change, this Deed is deemed to refer to the new entity succeeding or replacing the Treasurer and all of the Treasurer's rights and obligations under this Deed will continue and will become rights and obligations of that new entity.
- 23. MODIFICATION**
- No addition to or modification of any provision of this Deed will be binding upon the Parties unless agreed by the Parties in writing.
- 24. SEVERANCE & READING DOWN**
- 24.1 Each word, phrase, sentence, paragraph and clause of this Deed is severable.
- 24.2 Severance of any part of this Deed will not affect any other part of this Deed.
- 24.3 Where a word, phrase, sentence, paragraph, clause or other provision of this Deed would otherwise be unenforceable, illegal or void the effect of that provision shall so far as possible, be limited and read down so that it is not unenforceable, illegal or void.
- 24.4 If any provision of this Deed is, or becomes, defective, and the Treasurer consequently is unable to enforce any of the Grantee's obligations under this Deed, and the defect is capable of remedy, the Grantee must do all things and sign all documents which the Treasurer may reasonably require the Grantee to do or sign to remedy the defect.
- 25. COUNTERPARTS**
- This Deed may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by email.
- 26. NO FURTHER OBLIGATION**
- 26.1 The Grantee acknowledges that the Grant represents a one-off contribution by the Treasurer towards the Project, and the Grantee agrees any request for subsequent funding will require a new application to the Treasurer. The Treasurer is under no obligation to agree to pay any subsequent funding to the Grantee.
- 26.2 The Grantee acknowledges the Treasurer will not be liable to reimburse the Grantee for any losses or cost over runs that may result from the operation of this Deed or the carrying out of the Purpose.
- 27. TIME OF THE ESSENCE**
- Time is of the essence in respect of any time, date or specified period either in this Deed or in any notice served under this Deed.

- 28. NO WAIVERS**
- 28.1 No waiver of any right under this Deed is effective unless given in writing and signed by the Party waiving its rights.
- 28.2 A waiver by either Party in respect of a breach of a provision of this Deed by the other Party is not a waiver in respect of any other breach of that or any other provision.
- 28.3 The failure of either Party to enforce at any time any of the provisions of this Deed must not be interpreted as a waiver of that provision.
- 28.4 The rights and remedies contained in this Deed are cumulative and not exclusive of any rights or remedies provided at law.
- 29. CONSENT**
- If the Grantee requires the Treasurer's consent under this Deed, the Treasurer may in absolute discretion give or withhold consent (subject to any provision in this Deed to the contrary) and if giving consent, the Treasurer may impose any condition on that consent that he considers appropriate. The Treasurer's consent will not be effective unless it is in writing and signed.
- 30. INTERPRETATION**
- In this Deed (unless the context requires otherwise):
- 30.1 a reference to any legislation includes:
- all legislation, regulations and other forms of statutory instrument issued under that legislation; and
  - any modification, consolidation, amendment, re-enactment or substitution of that legislation;
- 30.2 a word in the singular includes the plural and a word in the plural includes the singular;
- 30.3 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings;
- 30.4 a reference to a clause number is a reference to all its subclauses;
- 30.5 a reference to two or more persons is a reference to those persons jointly and severally;
- 30.6 a reference to dollars is to Australian dollars;
- 30.7 a reference to a Party includes that Party's administrators, successors and permitted assigns;
- 30.8 no provision or expression in this Deed is to be construed against a Party on the basis that the Party (or its advisers) was responsible for the drafting of this document;
- 30.9 a reference to legislation includes legislation repealing, replacing or amending that legislation;
- 30.10 mentioning anything after the words include, includes or including does not limit what else might be included; and
- 30.11 if any act pursuant to this Deed would otherwise be required to be done on a day which is not a Business Day, then that act may be done on the next Business Day.
- 31. DEFINITIONS**
- In this Deed:
- 31.1 **"Acquittal Form"** means a notice of financial acquittal in the form specified in Attachment 6;
- 31.2 **"Additional Obligations"** means the obligations specified in Attachment 3;
- 31.3 **"ADI"** means a deposit taking institution authorised under the *Banking Act 1959 (Cth)* to carry on banking business in Australia;
- 31.4 **"Adjustment Event"** has the meaning attributed in the GST Law;
- 31.5 **"Adjustment Note"** has the meaning attributed in the GST Law;
- 31.6 **"Application"** means the application for financial assistance from the Program submitted by the Grantee in respect of which the Grant has been awarded;
- 31.7 **"Approval"** means any approval, authorisation, permit, permission, licence, consent, clearance, exemption, filing, registration or the like, which is required by law or required to be issued by or obtained from a government authority or any other person;
- 31.8 **"Authorisation"** means any corporate action, approval or the like which is required to be satisfied or obtained in order to authorise the Grantee to undertake the Project or to enter into, deliver and perform its obligations under the Deed;
- 31.9 **"Business"** means the business of the Grantee described in Attachment 1;
- 31.10 **"Business Day"** means any day which is not a Saturday, Sunday or a public holiday in Adelaide;
- 31.11 **"Claim Notice"** means a notice of claim and compliance in the form specified in Attachment 7;
- 31.12 **"Commencement Date"** means the date of this Deed;
- 31.13 **"Crown"** means the Crown in right of the State of South Australia;
- 31.14 **"Deal With"** means:
- sell, transfer, novate, assign, declare a trust over or otherwise dispose of or procure or effect the disposal of, any interest or right; or
  - effect a change in the beneficial interest or beneficial unit holding under a trust which has an interest or right.
- 31.15 **"Eligible Expenditure"** means expenditure associated with the Project, reasonably incurred and actually paid, during the Eligibility Period, by the Grantee (exclusive of GST) but does not include:
- amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of South Australia pursuant to an arrangement other than this Deed;
  - amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of Australia (Cth) pursuant to an arrangement other than this Deed;
  - amounts for which the Grantee is entitled to claim reimbursement or funding from other third party contributions (eg: sporting or community club) pursuant to an arrangement other than this Deed;
  - any amount incurred by the Grantee prior to the Eligibility Period;
  - any amount incurred by the Grantee in relation to the purchase of land, buildings or a business;
  - any amount incurred by the Grantee in respect of ongoing operating costs including wages and salaries, recruitment, training, mentoring and procurement fees, rent or other property costs, grant applications and administration costs;
  - any amounts incurred by the Grantee that are non-cash expenses according to generally accepted accounting principles such as depreciation, amortisation or opportunity costs;
  - any amount incurred by the Grantee in respect of feasibility studies, project masterplans or business cases;
  - any amount incurred by the Grantee in respect of marketing activities including websites, traditional and digital marketing, subscriptions or contract fees to third party

- marketing distributors and channel management providers; and
- (j) any other amounts that the Treasurer determines are the usual or direct requirement of business;
- 31.16 **"Eligibility Period"** means the period specified in Attachment 1;
- 31.17 **"Event of Default"** means the defaults specified in clause 15.1;
- 31.18 **"Expiry Date"** means the date specified in Attachment 1;
- 31.19 **"Financial Year"** means a year commencing on 1 July and ending on 30 June;
- 31.20 **"General Purpose Financial Statements"** has the same meaning as in the Australian Accounting Standards;
- 31.21 **"Grant"** means the funds payable under this Deed specified in Attachment 1;
- 31.22 **"GST"** means the tax imposed by the GST Law;
- 31.23 **"GST Act"** means the *A New Tax System (Goods and Services Tax) Act 1999*;
- 31.24 **"GST Law"** has the meaning given to that expression in the GST Act;
- 31.25 **"Input Tax Credit"** has the meaning attributed in the GST Law;
- 31.26 **"Insolvency Event"** means:
- (a) the Grantee ceases to carry on the Business;
  - (b) the Grantee ceases to be a council under the *Local Government Act 1999 (SA)*;
  - (c) the Grantee is or states that it is unable to pay its debts when they fall due; or
  - (d) anything analogous to or of similar effect to anything described above occurs in respect of the Grantee;
- 31.27 **"Last Date to Claim"** means the date specified in Attachment 1;
- 31.28 **"Material Adverse Effect"** means any change that has had, or is reasonably likely to have, an effect that is or will be materially adverse to the ability of the Grantee to perform its obligations under this Deed;
- 31.29 **"Material Contracts"** means those documents listed in Attachment 2;
- 31.30 **"Other Funding"** means funding or other financing in addition to the Grant that must be secured by the Grantee to enable it to satisfactorily complete the Project;
- 31.31 **"Party"** means a party to this Deed;
- 31.32 **"Performance Milestones"** means the performance milestones specified in Attachment 4;
- 31.33 **"Prescribed Rate"** means a daily interest rate being the aggregate of 2% per annum and the rate percent per annum determined by the Treasurer to be that which expresses as a percentage per annum the cost to the Treasurer of funding, on a daily basis for the period of the default, any amount due and unpaid under this Deed;
- 31.34 **"Project"** means the project specified in Attachment 2;
- 31.35 **"Project Commencement Date"** means the date specified in Attachment 1;
- 31.36 **"Project Completion Date"** means the date specified in Attachment 1;
- 31.37 **"Project Documents"** means:
- (a) All documents associated with the initial design (including any plans, designs, or specification documents), through to installation, construction, commissioning, and acceptance of the Project Description;
  - (b) All Project consents;
- (c) Any other document or agreement entered into by the Grantee for purposes of the Project;
- (d) The Grantee's application for assistance under the Local Government Infrastructure Partnership Program; and
- (e) For the avoidance of doubt, an amendment or variation to any documents or agreements referred to above is a Project Document.
- 31.38 **"Project Location"** means the location of the Project specified in Attachment 2;
- 31.39 **"Purpose"** means the purpose of reimbursing itself for Eligible Expenditure in accordance with this Deed;
- 31.40 **"Repayment Amount"** means:
- (a) all amounts paid by the Treasurer to the Grantee under this Deed up to the Repayment Date; and
  - (b) interest at the Prescribed Rate calculated from the Repayment Date up to but excluding the day on which the Grantee repays the amount in full without deduction;
- 31.41 **"Repayment Date"** means the date of the Treasurer's demand given under clause 15.4;
- 31.42 **"Reports"** means those reports specified in Attachment 8;
- 31.43 **"Representatives"** means the persons occupying the positions for each Party specified in Attachment 1;
- 31.44 **"Taxable Supply"** has the meaning attributed in the GST Law;
- 31.45 **"Tax Invoice"** has the meaning attributed in the GST Law; and
- 31.46 **"Term"** means the period commencing on the Commencement Date and continuing until the Expiry Date, unless terminated earlier.

**Attachment 6 – Acquittal Form****NOTICE OF FINANCIAL ACQUITTAL**

**TO: SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY**  
 Director, Risk & Commercial Advisory

**FROM:** \_\_\_\_\_  
*Grantee Name*

Contact Person for enquiries: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

**DETAILS OF GRANT**

**Grant Deed** *Grant Deed dated [ ] between the Treasurer and [ ] (“Grantee”)*

**Purpose of Grant** *Reimburse the costs incurred by the Grantee in respect of up to 50% of Eligible Expenditure for the Project.*

*The Project is the Grantee’s [ ] (“Project”).*

**Grant Monies and Application**

Grant Amount: \$ \_\_\_\_\_

Total Eligible Expenditure: \$ \_\_\_\_\_

Funds Remaining: \$ \_\_\_\_\_

**Representations**

The Grantee represents and warrants that:

1. the Grant was solely applied to the Purpose;
1. the Project was completed on or prior to the Project Completion Date (as defined in the Grant Deed); and
2. the Grantee complied, in all material respects, with its obligations under the Grant Deed.

**Signed for and on behalf of the Grantee by the Grantee’s Authorised Representative:**

\_\_\_\_\_  
*Signature*

**Print Name:**

Date: / /

## Attachment 7 – Claim Notice

NOTICE OF CLAIM AND COMPLIANCE

To: **South Australian Government Financing Authority**  
**Level 5, 200 Victoria Square**  
**Adelaide SA 5000**

**Attention: Director, Risk and Commercial Advisory**

[Grantee] provides the Treasurer with a Notice of Claim and Compliance pursuant to the **Grant Deed** dated [ ] between the Treasurer and [Grantee] (Grant Deed).

Unless the context otherwise requires, terms and conditions in the **Grant Deed** have the same meanings where used herein.

**Claim**

The [Grantee] advises that:

- (a) Performance Milestone [#] has been achieved;
- (b) the Grant instalment amount being claimed is \$[ ] (not to exceed the amount for the Performance Milestone achieved)
- (c) Eligible Expenditure related to the achievement of the Performance Milestone totals \$[ ]
- (d) the Grantee's bank account details are:
  - Account Name: [ ]
  - BSB: [ ]
  - Account Number: [ ]
- (e) The Grantee has submitted all reports (if any) required on or before the submission of this Notice.

**Attachments**

The [Grantee] attaches the following documentary evidence of having incurred and paid the Eligible Expenditure:

- (a) [ for example: invoices, receipts ]

The [Grantee] attaches the following documentary evidence of having completed the relevant Performance Milestones:

- (a) [ ]

**Representations and Warranties**

The [Grantee] represents and warrants as at the date of this Notice that:

- (a) the payment of the grant to be provided under the **Grant Deed** have/will be applied for the reimbursement of **Eligible Expenditure**;
- (b) no event which is, or with the giving of notice, the lapse of time or the making of any determination would be likely to become, an **Event of Default** has occurred or is continuing;
- (c) it is not in default of any of its remaining **Warranties or Representations** provided under the **Grant Deed** and they remain true as though made at the date of this certificate in respect of the facts and circumstances then subsisting;
- (d) all insurances required to be held pursuant to the **Grant Deed** have in fact been held and are presently in force;
- (e) Other Funding is comprised of:
  - a. [ Other: \$ being [ ]%

**DATED** the            day of

**SIGNED** for and on behalf of [Grantee] by the **Grantee's Authorised Representative**

.....  
 Name:  
 Title:



## Attachment 8 – Reports

Report required	Date for Provision
<p><b>Performance Milestone Report</b> containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which details key expenditures, activities, use of local contractors and full time equivalent employees (FTEs) used during construction, and achievements associated with the satisfaction of each Performance Milestone. The report should also detail progress of the Project.</p>	Refer Attachment 4
<p><b>Project Completion Report</b> containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which:</p> <ul style="list-style-type: none"> <li>• details key expenditures, activities, use of local contractors, FTEs used during construction, and achievements associated with the satisfaction of each Performance Milestone;</li> <li>• confirms that the Grant and Other Funding were spent for the Purpose and in accordance with this Deed and that the Grantee has complied with this Deed; and</li> <li>• reports on the Project as a whole and how Project outcomes (eg key achievements arising out of, or in connection with, the use of the Grant, the number of direct full time jobs created) have contributed to the Program's objectives.</li> </ul>	Refer Attachment 4
<p><b>Acquittal Form</b></p>	Within six (6) months of the Project Completion Date
<p><b>Other:</b> Such other reports or information in respect of this Deed and the Grantee's performance, compliance with this Deed and laws, the application of the Grant, Other Funding, the Grantee's Business, the Project, and any other matters relevant to the Treasurer's grant of the Grant as the Treasurer may request.</p>	Within thirty (30) days of receiving a request for information from the Treasurer, any time prior to the Expiry Date

# Declare Tavistock Lane a Public Road

**ITEM 10.3** 10/08/2021  
**Council**

Strategic Alignment - Strong Economies

2016/01250-4  
Public

**Program Contact:**  
Garry Herdegen, Associate  
Director, City Operations 8203  
7132

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

## EXECUTIVE SUMMARY

On 14 March 2017, Council noted that the administration had determined that it is appropriate to declare Tavistock Lane a public road and accept a Right of Way over a portion of land forming an extension of Tavistock Lane.

It also noted that relevant sections of the Local Government Act had been satisfied and Council may declare Tavistock Lane a public road if it chooses.

The report delegated the power to declare Tavistock Lane a public road to the Chief Executive Officer. However, we have obtained legal advice that the power to declare a road public cannot be delegated. Therefore, this report seeks approval from Council to declare Tavistock Lane a public road.

This report also seeks approval to name the extension of Tavistock Lane by Council (to provide a consistent road name from Frome Street through to Synagogue Place). It is a recommendation of this report that Council exercise its powers pursuant to section 219 of the *Local Government Act 1999 (SA)* to name this portion of private road "Tavistock Lane".

This Report also requests Council to make Tavistock Lane (including its extension through to Synagogue Place) a one-way road in a west-bound direction.

## RECOMMENDATION

### THAT COUNCIL

1. Approves, pursuant to section 210 of the *Local Government Act 1999 (SA)*, declaring the private road shown as "Tavistock Lane" on Deposited Plan D114632 an extract of which is shown as Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 10 August 2021, a public road.
2. Approves, pursuant to section 219 of the *Local Government Act 1999 (SA)*, naming the private road lettered "RA" and "RB" on Filed Plan FX255998 an extract of which is shown as Attachment B to Item 10.3 on the Agenda for the meeting of the Council held on 10 August 2021, "Tavistock Lane".
3. Approves, pursuant to section 32 of the *Road Traffic Act 1961 (SA)*, making the road constructed on the following land a one-way road (in a West-bound direction) with exceptions for bicycles, emergency services vehicles and vehicles authorised by the City of Adelaide:
  - 3.1. The land shown as "Tavistock Lane" on Deposited Plan D114632 an extract of which is shown as Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 10 August 2021.
  - 3.2. The land lettered "RA" on Filed Plan FX255998 an extract of which is shown as Attachment B to Item 10.3 on the Agenda for the meeting of the Council held on 10 August 2021.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Strong Economies</b> Declaring Tavistock Lane, a public road will help facilitate a multi-million-dollar development, by providing legal access to it.
Policy	Declaring Tavistock Lane, a public road results in Council acquiring it. This means the acquisition must be assessed against Council's 'Acquisition and Disposal of Land & Infrastructure Assets Policy'. Council considered the Policy when it previously authorised the CEO to declare Tavistock Lane a public road.
Consultation	Council is not required to consult in order to declare a private road to be public. Notwithstanding this, Council consulted with all adjoining owners. All were in favour of Council declaring Tavistock Lane a public road.
Resource	Minor staff resources will be required to finalise this matter if Council resolve to declare Tavistock Lane a public road.
Risk / Legal / Legislative	All the normal risks/liabilities associated with owning a road will transfer to council if Council resolves to declare Tavistock Lane a public road. Council can declare Tavistock Lane a public road by utilising its powers pursuant to section 210 of the <i>Local Government Act 1999 (SA)</i> . Council can name the private road forming an extension of Tavistock Lane "Tavistock Lane" pursuant to section 219 of the <i>Local Government Act 1999 (SA)</i> .
Opportunities	Declaring Tavistock Lane provides legal access to multiple properties.
21/22 Budget Allocation	Tavistock Lane is currently under a defect liability period, the contractor that completed the works is responsible for defect rectification during this period.
Proposed 22/23 Budget Allocation	If Council resolve to declare Tavistock Lane a public road, Council will need to maintain it in perpetuity. Whole of life asset management costs will need to be considered in our asset management plans, maintenance plans and long-term financial plan.
Life of Project, Service, Initiative or (Expectancy of) Asset	The life expectancy of the newly built Tavistock Lane will be consistent with other road infrastructure life expectancies.
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Council will be responsible for maintaining Tavistock Lane in perpetuity. The costs of doing this will be consistent with similar road infrastructure and will be considered through Asset Management Plans.
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. On 14 March 2017 Council resolved that it:

1. *Notes:*

- 1.1 *The Administration has investigated and determined that it is appropriate to declare Tavistock Lane a public road and accept a Right of Way over a portion of land forming an extension of Tavistock Lane.*
- 1.2 *Sections 210(1) and 210(2) of the Local Government Act 1999 (SA) have been satisfied and therefore, in relation to its duties pursuant to the Local Government Act 1999 (SA), Council may declare Tavistock Lane a public road if it chooses.*
- 1.3 *The Administration has assessed the proposed acquisition of Tavistock Lane and a Right of Way over a portion of land forming an extension of Tavistock Lane against the 'Acquisition and Disposal of Land and Infrastructure Assets Policy' and whilst various issues have been identified (based on Kyren Pty Ltd's original development application) none are considered impediments to declaring Tavistock Lane public.*

2. *In accordance with Section 44 of the Local Government Act 1999 (SA), delegate to the Chief Executive Officer the power to:*

- 2.1 *Declare Tavistock Lane as a public road and accept a Right of Way over a portion of land forming an extension of Tavistock Lane.*
- 2.2 *Determine the conditions under which Council will declare Tavistock Lane as a public road and accept a right of way over a portion of land forming an extension of Tavistock Lane.*

3. *Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to:*

- 3.1 *A deed (or similar legal document) between Council and Kyren Pty Ltd in relation to the conditions under which Council will declare Tavistock Lane a public road and accept a Right of Way over the extension of Tavistock Lane.*
- 3.2 *Deeds (or similar legal documents) between Council and parties with registered legal interests over Tavistock Lane.*
- 3.3 *Grant of easement document(s); and*
- 3.4 *Any other document to give effect to Council's resolution.*

2. Resolution 2.1 delegates the power to declare Tavistock Lane a public road to the Chief Executive Officer. However, we have obtained legal advice that the power to declare a road public cannot be delegated.

3. A deed with Kyren Pty Ltd was executed in November 2019 and construction of the road is now complete. Therefore, we are now seeking Council approval to declare Tavistock Lane a public road.

4. A term in the Deed with Kyren Pty Ltd stipulates that the Extension will be named Tavistock Lane, to ensure a continuous road name from Frome Street to Synagogue Place. Section 219 of the *Local Government Act 1999 (SA)* gives a council the power to name a public or private road. Accordingly, it is a recommendation of this report that Council name the private road comprising the Extension "Tavistock Lane".

5. Kyren's proposal required that Tavistock Lane (and the Extension) operate as a one-way road (in a West-bound manner).

6. We have assessed the one-way (West-bound) proposal and deemed it the safest possible option. When the section of the Frome Street Bikeway between Rundle Street and North Terrace is completed, vehicles would only be entering Tavistock Lane from Frome Street and not exiting which would reduce the potential for conflicts with cyclists travelling along the bikeway.

6.1. In accordance with Section 32(1)(c) of the RT Act, the Administration placed notices of Council's proposal to make Tavistock Lane a one-way road in The Advertiser and City Messenger.

6.2. In accordance with section 32(1)(d) of the RT Act, the Administration wrote to all ratepayers of land abutting Tavistock Lane (and Extension) regarding Council's proposal to make Tavistock Lane a one-way road.

6.3. No submissions were received in relation to Council's proposal.

7. This report seeks Council approval to make Tavistock Lane (and the Extension) a one-way road (west-bound), declare it a public road and name the identified area Tavistock Lane.

## ATTACHMENTS

**Attachment A** – Extract from Deposited Plan D114632

**Attachment B** – Extract from File Plan FX55998

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- END OF REPORT -

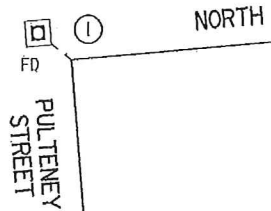
# D114632

SHEET 3 OF 4

52425\_pland\_1\_V04\_Version\_8

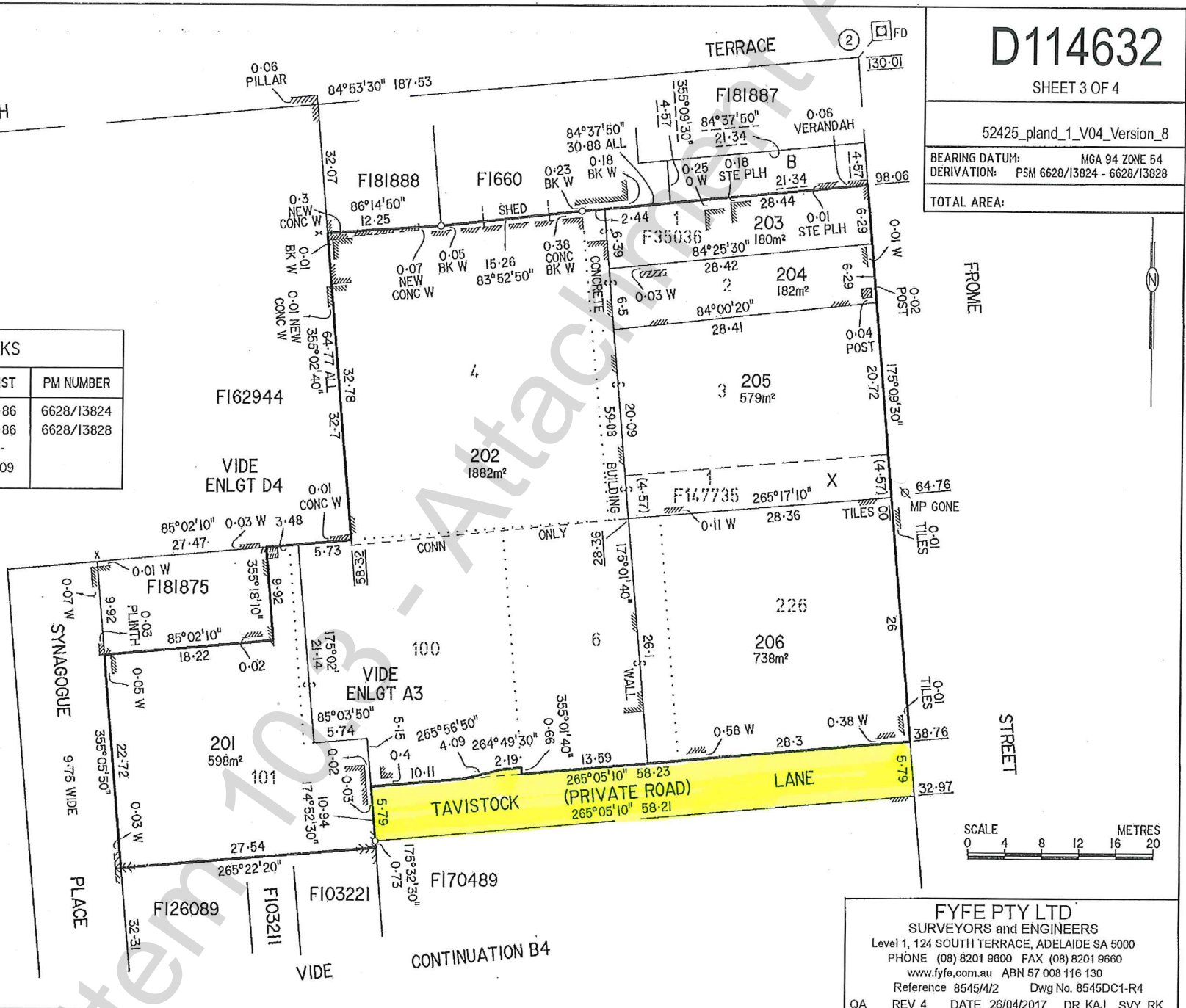
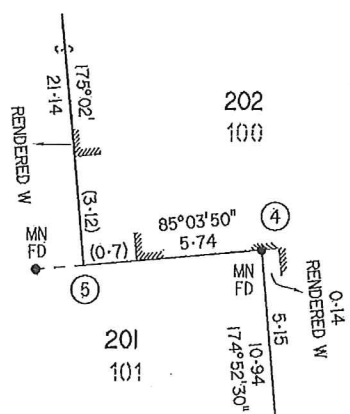
BEARING DATUM: MGA 94 ZONE 54  
DERIVATION: PSM 6628/13824 - 6628/13828

TOTAL AREA:

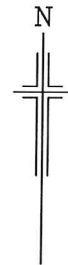
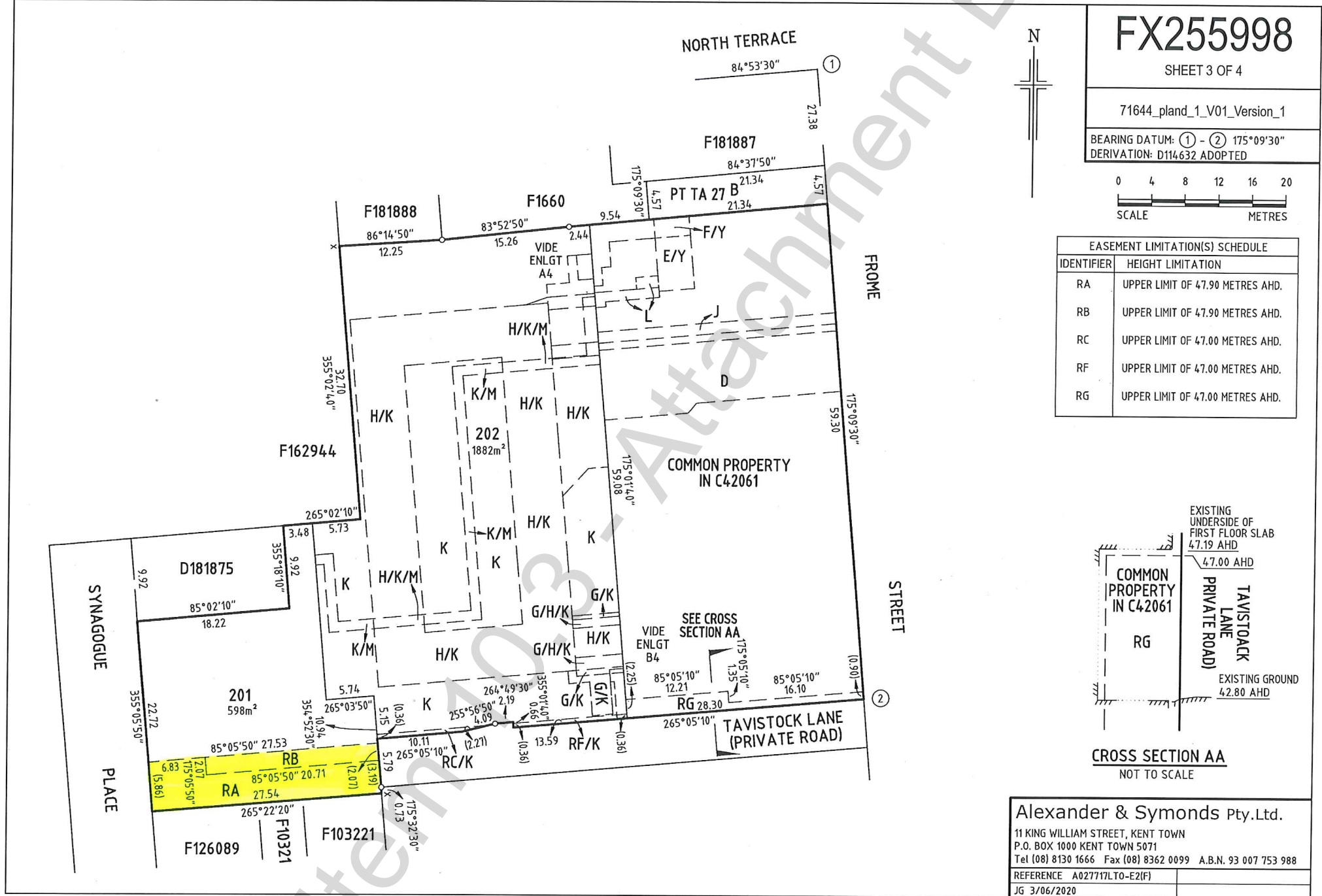


REFERENCE MARKS				
CNR	BEARING	FROM	DIST	PM NUMBER
1	130°06'	PM FD	0.86	6628/13824
2	220°01'	PM FD	0.86	6628/13828
4	-	MN FD	-	-
5	85°04'	MN FD	1.09	-

**ENLARGEMENT A3**  
NOT TO SCALE



**FYFE PTY LTD**  
 SURVEYORS and ENGINEERS  
 Level 1, 124 SOUTH TERRACE, ADELAIDE SA 5000  
 PHONE (08) 8201 9600 FAX (08) 8201 9660  
 www.fyfe.com.au ABN 57 008 116 130  
 Reference 8545/4/2 Dwg No. 8545DC1-R4  
 QA REV 4 DATE 28/04/2017 DR KAJ SVY RK



**FX255998**

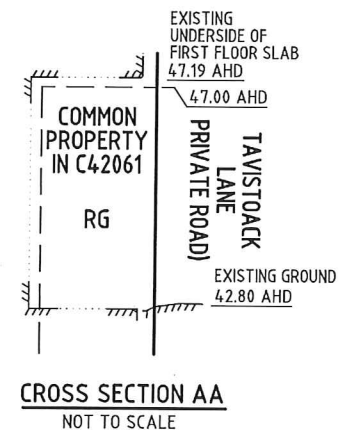
SHEET 3 OF 4

71644\_pland\_1\_V01\_Version\_1

BEARING DATUM: ① - ② 175°09'30"  
DERIVATION: D114632 ADOPTED



EASEMENT LIMITATION(S) SCHEDULE	
IDENTIFIER	HEIGHT LIMITATION
RA	UPPER LIMIT OF 47.90 METRES AHD.
RB	UPPER LIMIT OF 47.90 METRES AHD.
RC	UPPER LIMIT OF 47.00 METRES AHD.
RF	UPPER LIMIT OF 47.00 METRES AHD.
RG	UPPER LIMIT OF 47.00 METRES AHD.



Alexander & Symonds Pty.Ltd.  
11 KING WILLIAM STREET, KENT TOWN  
P.O. BOX 1000 KENT TOWN 5071  
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988  
REFERENCE A027717LTO-E2(F)  
JG 3/06/2020

Strategic Alignment - Environmental Leadership

2021/00359

Public

**Program Contact:**Garry Herdegen, Associate  
Director, City Operations 8203  
7132**Approving Officer:**Klinton Devenish, Director  
Services, Infrastructure &  
Operations

## EXECUTIVE SUMMARY

At the Council meeting on 9 March 2021 Council requested we undertake a comprehensive investigation into water infrastructure within the City of Adelaide (CoA). We have undertaken this investigation which considers complaints relating to Council irrigation and whether relevant infrastructure has been funded adequately in recent years.

This investigation identified that we field a lot of enquiries about irrigation which we are mostly able to remedy; some easy fixes and others that are complex and need time. It also identified that we are investing appropriately in our assets per annum.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the findings of this report.
  2. Notes the current agreement between SA Water and the City of Adelaide.
-



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Environmental Leadership
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Resource impacts are negligible and able to be absorbed in current operational budgets.
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Improved data capture which will lead to an increased ability to effectively triage and prioritise tasks whilst also enabling greater control of our current systems.
21/22 Budget Allocation	Park Lands & Infrastructure Maintenance Budget (Operating) - \$1,216,253 Includes potable water cost, Preventative maintenance (systems), Irrigation system repairs, manual watering & maintenance, street tree watering & maintenance, meter and backflow device reading & maintenance.
Proposed 22/23 Budget Allocation	Park Lands & Infrastructure Maintenance Budget (Operating) - \$1,092,390 Includes potable water cost, Preventative maintenance (systems), Irrigation system repairs, manual watering & maintenance, street tree watering & maintenance, meter and backflow device reading & maintenance.
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	See above
Other Funding Sources	Park Lands Grant \$1,500,000

# DISCUSSION

## Complaints relating to Council Irrigation

1. The trends or common streams of enquiries and how these issues are managed are explained below:
  - 1.1. Data relating to irrigation enquiries which were logged via Councils customer request system (Pathway) received between January 2016 to December 2020 total **637**. On average – **127.4** per year. This includes a small number of enquiries that are logged directly with Councillors and then via the Director or Associate Director. These enquiries are also recorded in Pathway.
  - 1.2. Requests that are logged in Pathway are assessed and actioned based on the level of risk and urgency.
  - 1.3. There are two types of enquiries in Pathway.
    - 1.3.1. IRR00: Irrigation and water enquiry
    - 1.3.2. IRR01: Irrigation and water issues
  - 1.4. The faults and conditions that predominantly cause a customer enquiry are as follows:
    - 1.4.1. Vandalism/ external interference - Sprinkler heads are damaged by kicking and mower damage when heads are too high. These sprinkler heads often run for a long duration and can run a few cycles before they are noticed /reported.
      - 1.4.1.1. Action we undertake to remedy: Installation of flow sensors and smart water monitoring systems, Flow sensors are attached to several parks, but their use is limited in effectiveness due to the age and conditions of some of the systems. Streetscape systems have no current monitoring capability.
    - 1.4.2. Communication cable damage - this occurs when events put pegs into the ground and the system stops operating. These repairs take a considerable amount of time to diagnose and repair.
      - 1.4.2.1. Action we undertake to remedy: Pre event mark up of irrigation systems and Post event preventative maintenance.
    - 1.4.3. Dripline Cuts - dripline gets cut in garden beds and the water generally runs into the water table unchecked until a maintenance run is completed or its reported.
      - 1.4.3.1. Action we undertake to remedy: Smart water monitoring and scheduling.
    - 1.4.4. Degradation of turf areas (dry spots) - these can be caused by several reasons, they can be due to damage, design, uniformity, application rates, agronomy, wiring issues etc.
      - 1.4.4.1. Action we undertake to remedy: Regular preventative maintenance programmes.
  - 1.5. The implementation of our new asset management system (Assetic) enables us to improve reporting to ensure we understand the Failure, Cause and Remedy of our assets moving forward.

## Irrigation Planning:

2. There are multiple levels to our irrigation planning, these include:
  - 2.1. CLMP's - Council Park Lands have multiple uses which are governed by Community Land Management Plans (CLMP's). The CLMP's define the specific use which determines the requirement for irrigation (or not). There is a mixture of irrigated areas for sport, recreation, event spaces and formal gardens. In addition, there are dryland areas which support remnant and revegetated biodiversity sites, naturalised settings, event parking, sport and horse de pasturing – eg Park 6, Nantu Wama/Le Fevre Park. A map of all our irrigation can be found in Link 1 view [here](#).
  - 2.2. Asset Management Plans - Council's Park Lands and Open Space asset management plan sets out the management of assets including irrigation assets and communicates the funding required to provide the agreed levels of service over a 20-year planning period. In total there are 2,685,137 m2 (268.5 ha) of irrigated open space across the city.
  - 2.3. Maintenance Schedules - Operational/routine maintenance is the regular on-going work that is necessary to keep assets operating, including instances where portions of the asset fail and need immediate repair to make the asset operational again.

**Funding and Asset Value:**

3. Irrigation assets typically have a 10-15 year life cycle. Councils Asset Management System indicates that the total asset value for irrigation infrastructure is \$11,599,614. Assets are largely replaced at the end of their economic life which is the optimal time to renew.
  - 3.1. The asset depreciation rate is \$891,421 per annum. Expenditure including preventative maintenance and actual renewal is equal on average to the depreciation figure per annum. This is considered best practice and an indication that we are investing a sufficient amount in our irrigation assets.
  - 3.2. Funding for irrigation infrastructure replacement is divided into two separate streams. New Assets and Renewed Assets Condition is monitored by independent audits and internal staff assessments / audits which form part of the planning for asset renewal and asset maintenance programs.
  - 3.3. Maintenance expenditure is divided into two streams. Planned Maintenance and Reactive Maintenance. Over a six year period (2015/16 to 2020/21) the data tells us that our reactive maintenance has fluctuated up and down whereas our planned maintenance has increased over time aligning to a slight rise in irrigation and water issues documented through Pathway.

**Agreement – SA Water and the City of Adelaide:**

4. To support the achievement of Councils environmental outcomes, Council resolved to enter an agreement with SA Water for the supply of recycled water via the Glenelg Adelaide Recycled Water Service (GARWS).
  - 4.1. SA Water are the sole provider and Council have negotiated and revised pricing and terms. The terms include a 900ML “take or pay” model and guarantee of a minimum 210L/s flow rate. The recycled water is used to irrigate Park Lands turf, gardens and streetscapes as well as used in our water carts for streetscape and tree watering.
  - 4.2. During the 2020 watering season the City of Adelaide experienced some issues with water supply pressures delivered by SA Water. The cause of these issues has been identified and will be resolved by SA Water prior to Spring 2021. Council administration has mitigated these issues through a series of management initiatives such as expanding watering windows during the daytime and a reduction in water application to selected areas as deemed appropriate.

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## DATA AND SUPPORTING INFORMATION

**Link 1 – Street and Park Land Irrigation Systems**

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Planning & Design Code – Update and Future Priorities

**ITEM 10.5** 10/08/2021  
**Council**

Strategic Alignment - Enabling Priorities

2021/00583  
Public

**Program Contact:**

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Sustainability 8203 7687

**Approving Officer:**

Tom McCready, Acting Director  
City Shaping

## EXECUTIVE SUMMARY

Extensive and transformative changes were made to development policies and processes when the State Government's Planning and Design Code (P&D Code) came into operation on 19 March 2021. The P&D Code replaced the Adelaide (City) Development Plan as the document used to assess development applications.

The primary intent of the first version of the P&D Code was to transition the overall intent of the Adelaide (City) Development Plan policy, into the new, State-wide policy language without significant changes in policy outcomes. Many policy outcomes that Council advocated for were achieved, whilst some key outcomes still require further work.

The reform process also identified areas of development policy requiring review for future generations of the P&D Code.

This report provides an analysis of the first version of the P&D Code, identifies areas from the transition requiring further investigation and recommends an approach for Council's continued role in development policy for the City of Adelaide.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the review of the Planning and Design Code and identification of matters that require further consideration as contained in Attachment A to Item 10.5 on the Agenda for the meeting of the Council held on 10 August 2021.
2. Approves the Code Amendments 21/22 Work Plan and Key Development Policy Improvement Priorities as contained in Attachment B to Item 10.5 on the Agenda for the meeting of Council held on 10 August 2021.
3. Notes a report will be provided to Council on the new Regional Planning arrangements and opportunities for Council participation by the end of 2021.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> This report identifies opportunities to improve development policies under the Planning, Development and Infrastructure Act 2016 to achieve a cohesive and integrated set of strategies and plans to deliver community outcomes.
Policy	This report will not result in any immediate changes to policy. Future policy changes would be subject to further Council consideration and/or community engagement.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Given the long-life cycle of new development, there is risk that development occurring now will compromise the ability to achieve strategic goals in the long term if not addressed soon.
Opportunities	This report outlines opportunities for the City of Adelaide’s continued participation in development policy in the new state planning system.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Future policy work could be strengthened by collaboration with State Government and/or adjoining Council areas on policy topics of shared interest.

# DISCUSSION

## Review of the State Planning System

1. In 2012, the State Government formed South Australia's Expert Panel on Planning Reform, which commenced a once in a generation reform of South Australia's development system.
2. The inception of the planning reforms occurred in 2013 with the formation of an Expert Panel whose vision was to create an "effective, efficient and enabling planning system". Following a series of investigations and community and stakeholder engagement, the *Planning, Development and Infrastructure Act 2016* was gazetted leading to the preparation of the Planning and Design Code (P&D Code), new systems and processes including a Planning Portal interface, and online Development Assessment Processing system.
3. Implementation of the new planning system has occurred in stages with the final stage including the City of Adelaide (CoA).
4. The final stage of implementation occurred on 19 March 2021 with the introduction of the following:
  - 4.1. The P&D Code – this replaced the Adelaide (City) Development Plan as the document used to assess development applications.
  - 4.2. The new assessment pathways for development applications – this replaced the complying / merit / non-complying categories of development.
  - 4.3. On-line development application processing system.
5. The CoA was an active participant through the reform process with input being guided by a set of Planning System Guiding Principles adopted by Council.

## Planning and Design Code

6. The current P&D Code is available via [Browse the Planning & Design Code | Planning and Design Code](#)
7. The P&D Code is the new "rulebook" against which all proposed development must be assessed, in conjunction with the processes and procedures set out in the *Planning, Development and Infrastructure Act 2016*.
8. The P&D Code has combined the 68 Development Plans across the State into a single statewide document that is accessible and used in an on-line format. This has been a complex process taking several years to complete. This process was led by the State Planning Commission who adopted a process which focused on transitioning existing policy from Development Plans into the new format, language and mechanics of the new P&D Code, without significant review or change to the outcomes sought by the policies.
9. Significant collaboration between the CoA and the State Government occurred between 2017-2021 on the content of the P&D Code.
10. The P&D Code has included all zones requested by the CoA. A spatial comparison of the revoked Adelaide (City) Development Plan with the new P&D Code zones and subzones is provided in (Link 1 view [here](#)).
11. **Attachment A** provides a review of outcomes of the first version of the P&D Code against Council recommendations. A significant amount of policy that has been carried across into the P&D Code, however there are also a large number of areas identified where policy has either not been carried over in full or at all that are considered important to continue to consider in future opportunities for P&D Code improvements.

## Development Applications

12. Since commencement of the P&D Code, a total of 314 development applications have been submitted for assessment in the CoA, with a combined development cost of \$107 million. A summary is provided in Link 2 view [here](#).

## Amending the Planning and Design Code

13. The P&D Code will continue to be updated to reflect contemporary values relevant to planning and respond to emerging trends and issues.
14. CoA will play an important role in planning for growth and change in the city and will have the opportunity to lead or identify areas of policy improvement for its local government area. Where CoA seeks to amend development policy in the P&D Code that is more widely applied across the state (e.g. sustainability, residential design and development affecting heritage places), CoA will need work with other bodies rather than initiate a change itself.

15. Link 3 (view [here](#)) sets out the pathways and roles of the bodies who can contribute to amendments to the P&D Code.

### Regional Plans

16. Regional Plans will play an important role in identifying future amendments to the P&D Code. The current “30 Year Plan for Greater Adelaide” will be updated by State Government commencing in 2022.
17. The *Planning, Development and Infrastructure Act 2016* requires the preparation of updated Regional Plans which set out:
- 17.1. A long-term vision (15 to 30 year period) for the relevant region,
  - 17.2. Provisions about the integration of land use, transport infrastructure and the public realm,
  - 17.3. Maps and plans that relate to spatial patterns that are relevant to the long-term vision,
  - 17.4. Contextual information about the region or area, including forward projections and statistical data and analysis,
  - 17.5. Recommendations about the application and operation of the P&D Code in the relevant region or area; and
  - 17.6. A framework for public realm or infrastructure.
18. A report will be provided to Council by the end of the year along with preliminary work to inform CoA's forward priorities and opportunities in regional planning.

### Key Development Policy Improvement Priorities

19. The long reform process has resulted in a lag in progressing many development policy matters that have been identified as in need of review.
20. The State Planning Commission identified some of these matters through Discussion Papers released during the reform process that would require attention in future generations of the P&D Code. The Commission's Strategic Plan 2020-2021 identified as one of four priorities to 'Lead on Planning Policy', however this has not included progressing Code Amendments. At the time of writing this report, the Commission's Strategic Plan for 2021-2022 had not been released. At this time, there is no comprehensive plan or program that has been released by the Commission on when these areas will be considered further.
21. Urgent attention is required to develop a forward work program for addressing these areas. The risk is that development occurring now will compromise the ability to achieve strategic goals in the long term if not addressed soon. For example, the siting and design of built form in the city which will still be used in 30 years will need to mitigate or adapt to predicted climate change. If not, the liveability of the City of Adelaide will be compromised.
22. **Attachment B** (Code Amendments 21/22 Work Plan and Key Development Policy Improvement Priorities) sets out a proposed Work Plan for 2021/22 regarding progressing amendments to the P&D Code which identifies:
- 22.1. The opportunity to have input to known State-initiated Code amendments that will apply across the State.
  - 22.2. The opportunity to have input to known State-initiated Code amendments that relate predominately to the City of Adelaide.
  - 22.3. The ongoing process to correct errors identified through ongoing use.
  - 22.4. Priority areas for policy improvement derived from a review of past submissions, a review of Council adopted Action Plans that contain recommendations relating to development policy as well as a review of the Strategic Plan.
  - 22.5. Advancing Regional Planning – as this will provide an opportunity to put in place a longer term agreed set of development policy priorities.
  - 22.6. The opportunity to have input in the creation of Design Standards, which will relate to public realm and infrastructure development matters.

### Next Steps

23. **Attachment B** (Code Amendments 21/22 Work Plan and Key Development Policy Improvement Priorities) sets out the recommended forward work program for P&D Code Amendments for 2021/2022.

## DATA AND SUPPORTING INFORMATION

**Link 1** – City of Adelaide Planning Maps – Development Plan to Planning and Design Code 10 June 2021

**Link 2** – Development Application Summary 19 March 2021 to 6 July 2021

**Link 3** – Table Setting Out Code Amendment Pathways

[City of Adelaide Planning System Guiding Principles](#)

[Submission to State Planning Commission – Revised Phase 3 Planning and Design Code](#)

[Planning Reform Calendar](#)

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## ATTACHMENTS

**Attachment A** – Review of the P&D Code against December 2020 Council Submission

**Attachment B** – Code Amendments 21/22 Work Plan and Key Development Policy Improvement Priorities

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- END OF REPORT -



## Review of “March 2021 Planning & Design Code” against endorsed Council Recommendations

This document sets out a review of the March 2021 Planning and Design Code against the Council adopted positions on the Code. The full list of Council feedback on the draft versions of the Planning and Design Code is available in the document titled “SA’s Planning Reform Key Document Historic Calendar 2013-2021”

### Key Achievements:

The final P&D Code adopted by State Government incorporated the following changes recommended by Council:

#### Zones

- City-specific zones and subzones enabling key policy mechanisms to manage land use and design complexities.
- Extended boundaries of the North Adelaide Low Intensity Subzone within the City Living Zone.
- Creation of the East Terrace Subzone within the City Living Zone.
- Application of City Hospital Subzone(s) to the Women’s and Children’s Hospital and St Andrew’s Hospital precincts.
- Application of the City Main Street Zone and City High Street Subzone to existing Main Street (O’Connell), (Melbourne East), (Hutt) and (Adelaide) Zones to address local policy nuances.
- Re-naming of the City Park Lands Zone to the Adelaide Park Lands Zone
- Extension of the Adelaide Park Lands Zone to include all City Squares.
- Removal of sub-zones within the Adelaide Park Lands Zone that were considered unnecessary.
- With zones, generally policy that supports the desired outcomes – other than that listed below.

#### Overlays

- Inclusion of the Primary Pedestrian Area Concept Plan including pedestrian links.
- Inclusion of a Heritage Adjacency Overlay
- Inclusion of more detailed information within the Historic Area Statements as part of the Historic Area Overlay.

#### Other




- Removal of Restricted Development Pathways for some development types
- Approvals under sections 221 and 222 of the Local Government Act 1999 continue to have effect because Schedule 6, Part 7 of the PDI Act has not to date been proclaimed.

### Opportunities to Pursue:

Opportunities for improvement of the P&D Code as it applies within the City of Adelaide still include:

- Correction of Code errors.
- Develop Code policy to guide development or activity in the public realm e.g. encroachments, public art, by way of ‘Design Standards’.
- Review land uses at street level currently prescribed by the Code that contribute to the primary function and activation of the City Main Streets.
- Review and update City movement policy e.g. important pedestrian links, core pedestrian areas, major walking routes and key public transport routes.
- Work further with PlanSA to develop appropriate policy to prevent premature demolition of buildings that lead to vacant sites that reduce activity levels in the city centre.
- Review and update the Historic Area Statements for North Adelaide and South Adelaide.
- Develop a State Heritage Area Overlay for the Park Lands and City Layout in partnership with Department of Environment and Water.
- Review and update policy to encourage and facilitate sustainable development.
- Improve design content e.g. over-height, high-rise built form, building adaptability, universal access, design standards.






#### \*Implemented in Planning and Design Code March 2021 release key:

	Implemented		Partially Implemented		Not Implemented
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Review of “March 2021 Planning & Design Code” against endorsed Council Recommendations

The following table is a comparison of Council recommendations contained in the Council December 2020 submission on a revised version of the Planning and Design Code released for consultation against the March 2021 Planning and Design Code adopted by State Government. This table does not include policy matters that were resolved or agreed either before this date.

The Planning and Design Code will continue to be reviewed and monitored. The review and comments provided in the table will help inform the proposed Council future priorities in seeking amendments to the Planning and Design Code.

Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>CAPITAL CITY ZONE</b>				
1.	Reinstate policy that protects views to important civic landmarks including the Adelaide Town Hall, GPO, St Francis Xavier's Catholic Cathedral etc.		These important views should be protected. Should be identified in City Plan as well Code.  Potential action: Include policy to protect important views of the City.	<b>Further Investigation Required.</b>
2.	The over height policy PO 4.2 requires further work and development exceeding the building height specified should only be allowed if it goes above and beyond normal planning requirements. Orderly building height transition to an adjacent zone, ground floor activation, safe, secure and accessible pedestrian linkages and sunlight access and overlooking are planning requirements that are typically required for all development proposals and should not be used as a justification for allowing greater height than what is specified.		Height transition, accessibility, safety, security, activation, overlooking, sunlight are planning matters that should be taken into account regardless of height. PO 4.2 requires further work. Potential action: revise over height policy.	<b>Further Investigation Required.</b>
3.	Revise PO 5.1 to ensure overlooking is considered in the design of buildings to manage interface with residential uses in the City Living Zone. Policy should ensure development is designed to avoid direct overlooking into living rooms and bedrooms.		Overlooking is addressed in Design in Urban Areas GDP PO 10.1 and 10.2 however design of buildings at the City Living interface should also take into account direct overlooking (PO 5.1).  Potential action: address direct overlooking at the City Living Interface.	<b>Further Investigation Required.</b>
4.	Reinstate policy that discourages the demolition of a building unless a replacement development is granted full Development Approval (Building and Planning) or for documented public health or safety reasons. Unnecessary and premature demolition of buildings leads to vacant sites providing little or no economic benefit to the city, reduces activation opportunities and negatively affects city streetscapes.		Demolition PO 3.6 Development avoids activities that result in a gap in the built form along a public road or thoroughfare (such as an open lot car park) for an extended period of time to minimise negative impacts on streetscape continuity. The policy does not prevent vacant land just the use of the land as a car park and only in the Capital City Zone and City Main Street Zone.  Potential action: address premature demolition.	<b>Further Investigation Required and Monitoring.</b>
5.	Reinstate policy that encourages the design of ground floor frontages to activate and contribute to the vibrancy of the public realm by measures such as building articulation and fenestration, frequent window openings, land uses that spill out onto the footpath and verandahs, balconies awnings and other features that provide weather protection.		Concept Plan 79 seeks development to provide pedestrian along existing or proposed pedestrian links and along main city main street however this only applies if the site is within the Concept Plan 79 In which no policy seeks verandahs/ canopies for weather protection within the CCZ which is important for pedestrian comfort and useability of the City. Activation adequately addressed in PO 2.1 – 2.4. New PO 10.1 included as per Engagement Report. Also included in PO 7.1 in City Main Street Zone.  Potential action: Verandahs in CCZ core pedestrian areas, major walking routes, along main pedestrian roads and key public transport routes.	<b>Further Investigation Required.</b>




\*Implemented in Planning and Design Code March 2021 release key:

	Implemented		Partially Implemented		Not Implemented
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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
6.	Reinstate policy that maintains important existing pedestrian through-site an on-street pedestrian links in accordance with the Concept Plan 79.		Not all existing pedestrian links have been included, the Concept Plan needs to be updated to include all links e.g. Rundle Plaza, Adelaide Arcade, Regents Arcade. No policy to support through-site links or develop them further. Should be identified in City Plan as well Code.  Potential action: Update Concept Plan 79 to ensure all important pedestrian links are included and re-introduce policy that encourages through site links.	<b>Further Investigation Required.</b>
7.	Revise Concept Plan 79 to encapsulate all of the movement policies within current Development Plan policy to ensure priority is given to pedestrian access and car parking areas do not have a disruptive impact on the flow of traffic and public transport in the City. The first dot point of the policy Concept Plan 79 should be replaced with the following amended policy: <ul style="list-style-type: none"> <li>Multi-level car parks, short stay public use of ancillary car parking spaces or nonancillary car parking use of an existing building only where it can be demonstrated that there is a need which is not adequately satisfied by other parking facilities in the locality and where:</li> <li>it is located away from ground floor street frontages to major streets and pedestrian links;</li> <li>vehicle access is from the road with less pedestrian activity where a site has access</li> <li>to more than one road frontage;</li> <li>it has no more than one entry lane and one exit lane;</li> <li>it has a controlled exit at the property boundary to stop vehicles before travelling across the footpath;</li> <li>it has no more than one left in and one left out access point;</li> <li>avoids access points along high concentration public transport routes identified in Map Adel/1 (Overlay 4)</li> </ul>		Poor pedestrian focus outside the primary pedestrian area. Included within Concept Plan 79 and PO 7.1 and 7.2 within CCZ and partially within Transport, Access and Movement GDP. High public transport routes and major walking routes should be included.  Potential action: include high public transport routes and major walking routes in Concept Plan 79 and reflect within policy.	<b>Further Investigation Required.</b>
8.	Reinstate policy that ensures vehicle access points to multi-level car parks are not located within the Core Pedestrian Area or along North Tce, Rundle St, Hindley St, Currie St, Waymouth St (east of Light Sq), King William St, where they conflict with pedestrian movement or cause disruption to traffic flow.		Included in Concept Plan 79	<b>No Action Required.</b>
9.	Reinstate policy within PO 7.1 that ensures infill development recognises and makes use of elements such as strong horizontal lines of adjacent verandahs and masonry courses, podia or openings and vertical proportions in the division of facades and windows to ensure the street reads coherently.		Acknowledges the importance of following existing parapet lines (PO 3.1), the remainder of the policy has not been included, however policy should be included.  Potential action: develop policy to consider design elements that have not been included.	<b>Further Investigation Required.</b>
10.	Reinstate policy that references the strong horizontal emphasis of buildings with clearly defined and segmented vertical elements.		Should be included.  Potential action: include policy that addresses the segmentation of buildings.	<b>Further Investigation Required.</b>
11.	Remove policy restricting internal illumination of advertising to major streets.		No longer in Code.	<b>No Action Required.</b>
12.	Delete reference to Overlays in the Classification Tables that are not relevant to CoA to simplify and streamline assessment process.		The system at this stage does not have the capacity.  Potential action: continue to encourage opportunities to streamline use of P&DC by removing obsolete references to Overlays in classification tables when future system updates allow it.	<b>Further Investigation Required.</b>







\*Implemented in Planning and Design Code March 2021 release key:

	Implemented		Partially Implemented		Not Implemented
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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
13.	Insert reference to Overlays in the Classification Tables that are relevant to CoA to simplify and streamline assessment process.		Partially achieved. Potential action: Possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
14.	Insert the following General Development Policies in the Classification Tables that are relevant to the class of development: <ul style="list-style-type: none"> <li>- Consulting Room – Design in Urban Areas PO 7.1 <b>included</b></li> <li>- Consulting Room – Interface Between Land Uses PO 4.3, PO 6.2 <b>6.2 not included (4.3 not necessary)</b></li> <li>- Consulting Room – Transport Access and Parking PO 1.2, PO 1.3 <b>1.3 not included and not necessary</b></li> <li>- Dwelling – Interface Between Land Uses PO 4.4, PO 6.1, PO 6.2, PO 7.1 <b>6.1, 6.2 not included (7.1 not necessary)</b></li> <li>- Dwelling – Transport Access and Parking PO 2.1, PO 2.2, PO 3.1 – 3.9, PO 4.1, PO 6.1 - 6.7, PO 7.1, PO 9.1. <b>PO 3.8, 3.9, 6.3 - 7, 7.1, 9.1 not included however are not considered necessary)</b></li> <li>- Licensed Premises – Design in Urban Areas PO 7.1. <b>included</b></li> <li>- Licensed Premises – Interface Between Land Uses PO 1.2. <b>1.2 not included and required</b></li> <li>- Office – Design in Urban Areas PO 7.1. <b>included</b></li> <li>- Office – Interface Between Land Uses PO 4.3, PO 4.4, PO 6.2. <b>4.4, 6.2 not included (4.3 not necessary)</b></li> <li>- Residential Flat Building – Interface Between Land Uses PO 4.3, PO 4.4, PO 6.1, PO 6.2, PO 7.1. .1, <b>PO 6.2, PO 7.1 not included</b></li> <li>- Residential Flat Building – Transport Access and Parking PO 2.1, PO 2.2, PO 3.1 – 3.9, PO 4.1, PO 6.1 – 6.7, PO 9.1 – 9.3. <b>PO 3.8, 3.9, 6.3 - 7, 9.1- 3 not included</b></li> <li>- Shop – Interface Between Land Uses PO 1.2, PO 4.4 <b>1.2, 4.4 not included</b></li> <li>- Student Accommodation – Interface Between Land Uses PO 4.3, PO 4.4, PO 5.2, PO 6.1, PO 6.2, PO 7.1., <b>5.2, 6.1, 6.2, 7.1 not included</b></li> <li>- Student Accommodation – Transport Access and Parking PO 2.1, PO 2.2, PO 3.1 – 3.9, PO 4.1, PO 6.1 – 6.7, PO 7.1, PO 9.1 – 9.3. – <b>3.8, 3.9, 6.3 – 7.1, 9.3 not included</b></li> <li>- Tourist Accommodation – Design in Urban Areas PO 7.1. – <b>included</b></li> <li>- Tourist Accommodation – Interface Between Land Uses PO 1.1, PO 4.1 – 4.6, PO 5.1, PO 5.2, PO 6.2. - <b>4.1, 5.1, 6.2 not included (5.1 not necessary)</b></li> <li>- Tourist Accommodation – Infrastructure and Renewable Energy PO 11.1, PO 12.1. <b>11.1, 12.1 not included</b></li> </ul>		Relevant Code provisions should be called up in the assessment tables.  Potential action: contact PlanSA to see if a this is unintentional, if so possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
15.	Insert the following Sub Zone provisions relevant to the class of development: - Licensed Premises – City Frame Sub Zone - PO 1.2.		PO 1.2 not included and should be applied.	<b>Further Investigation Required.</b>

\*Implemented in Planning and Design Code March 2021 release key:

	Implemented		Partially Implemented		Not Implemented
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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>CITY RIVERBANK ZONE</b>				
16.	<p><b>Riverbank Zone</b> Introduce effective DO or additional policy mechanism to reinstate overall vision for City Riverbank Zone and addresses the following:</p> <ul style="list-style-type: none"> <li>That the zone is located within the Park Lands. <b>Included in DO1</b></li> <li>The zone punctuates the change from the high intensity and defined edge of the City Centre, to the natural environment of the Torrens Valley. <b>Included in PO 2.1 and 2.2 (e)</b></li> <li>The Zone connects the City to the Park Lands and provides an active edge to the River Torrens that enhances its use for recreation and leisure activities. Provides for the broad range of uses envisaged within the zone such as its Civic, vice-regal, recreational, health, cultural, parliamentary, entertainment, retail and conference functions. <b>No mention of the River Torrens being used for leisure and recreational activities</b></li> <li>Ensures development is designed to respect the landscape setting and biodiversity provided by the Torrens Valley and the Adelaide Park Lands. <b>Included in PO 2.2(e)</b></li> <li>Revise PO 2.4 as follows: <i>Coordinated development to include a variety of pleasant and interesting landscaped spaces among and adjacent to buildings, ranging from those suitable for group meetings and social activities to those for quiet retreat and relaxation. These spaces, the pedestrian links between them, and internal access roads are to be landscaped with trees and other plantings to create pleasant environments and soften the built form. <b>Similar intent</b></i></li> </ul>		<p>PO 2.4 not changed No mention of the River Torrens being used for leisure and recreational activities.</p> <p>Potential action: Include recreation and leisure activity function of the River Torrens</p>	<b>Further Investigation Required.</b>
17.	To ensure public safety is considered as a priority the following new PO should be included: Development designed to provide a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.		Included in PO 4.4	<b>No Action Required.</b>
18.	Reinsert current Dev Plan PDC 15 and 16 of the Riverbank Zone that encourages basement parking and specific design criteria if car parking is at ground or above to ensure the vibrancy and safety of zone is maintained. This policy should apply to the Entertainment Sub Zone and Health Sub Zone.		<p>The issue of parking is not addressed in the zone or sub zones. Is important for the vibrancy and activation of the Riverbank Zone.</p> <p>Potential action: monitor and pursue policy guidelines in regard to parking e.g. prioritisation and safety of pedestrian movement basement parking</p>	<b>Further Investigation Required.</b>
19.	Include appropriate policy that seeks development to incorporate a range of water sensitive urban design measures that minimise water quality impacts on the River Torrens, such as stormwater treatment, harvesting and reuse.		<p>WSUD is addressed within Design in Urban Area GDP PO 5.1 however is not called up in Table 3 for relevant classes of development.</p> <p>Potential action: Call up Design in Urban Area GDP PO 5.1 for relevant classes in Table 3.</p>	<b>Further Investigation Required.</b>
20.	Reinstate visual and physical connection Figures Rb/1-3 from the current Dev Plan		<p>Have not been included in the mapping.</p> <p>Potential action: Reinstate visual and physical connections in the Zone.</p>	<b>Further Investigation Required.</b>
21.	Delete reference to Overlays in the Classification Tables that are not relevant to CoA.		<p>The system at this stage does not have the capacity.</p> <p>Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow.</p>	<b>No Action Required.</b>








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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
22.	Insert reference to Overlays in the Classification Tables that are relevant to CoA.		The system at this stage does not have the capacity.  Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
23.	Insert GDP's, Zone and Sub Zone provisions relevant to the Class of Development.		To streamline assessment where possible.  Potential action: Possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
<b>Cultural Institutions Sub Zone</b>				
24.	Include the following built form vision within the DO for this Sub Zone: <i>The built form and environment will maintain a transition between the intense urban form of the Central Business Area and the open landscape of the Torrens Valley. The succession of both landscaped and paved open spaces around and between buildings, the largely pedestrian orientation of the area, the askew siting of buildings as well as their low scale, and consistent style and materials corresponding to major periods of development, has produced a townscape character and quality unlike anything existing or ever likely to be developed within the Town Acres.</i>		Included partly within DO 2, PO 2.4, 2.5	<b>No Action Required.</b>
25.	Reinstate policy that seeks to maintain the established setback pattern of alternating buildings and landscaped spaces along North Terrace (PDC 3 of Dev Plan).		The setback of the buildings along North Terrace strongly contributes to its distinct character.  Potential action: Reintroduce setback policy.	<b>Further Investigation Required.</b>
26.	Reinstate the policy within DTS/DPF 2.4 that seeks buildings to be located away from roads or frontages to the Park Lands.		Not sure what is being sought here – no changes to DTS 2.4 in any version of the Code.  Potential action: Setback buildings away from the Park Lands frontage.	<b>Further Investigation Required.</b>
27.	Reinstate north-south and east-west directions pedestrian links within Figure I/1 of Dev Plan.		Not Included.  Potential action: expand Concept Plan 79 to include pedestrian links that were in Fig I/3, Fig I/2, Fig Rb/1-3	<b>Further Investigation Required.</b>
<b>Entertainment Sub Zone</b>				
28.	Include within the DO a built form vision that showcases, respects and builds on existing landmark and heritage buildings including the Festival Centre, Parliament Houses, Convention Centre, Adelaide Railway Station and Casino.		Not included within the Subzone however the heritage factors would be addressed by the Heritage Place and Heritage Adjacency Overlays.	<b>No Action Required.</b>
29.	Include policy that reinforces and enhances this area as the primary cultural and entertainment hub and provides high quality spaces for public use, including significant public events. The policy should include reference to the area being a principal public space able to cater for large numbers of visitors and events but also be safe and convivial when lesser numbers of people may be present. The policy should also anticipate that the public space and nearby land uses will be active during the day and night and will be a space that is adaptable for a range of purposes. The space should be built on a single plane.		Includes reference to single plane. Fails to recognise and acknowledge the riverbank space as the principal public space for significant public events.  Potential action: Reinstate policy to ensure that the space surrounding the rotunda is retained as a principal space for significant public events.	<b>Further Investigation Required.</b>








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30.	As part of DO 1 include the for the continuing program of public arts and cultural activities.		Cultural aspect of the sub zone picked up in PO 1.1. Public arts element missing which is an important component of the public realm of the whole area in the Riverbank Zone and should be encouraged.  Potential action: Include public art as it plays an important contribution to the public realm experience.	<b>Further Investigation Required.</b>
31.	For consistency and clarity include exceptions to the uses envisaged e.g. Hospital, Helicopter Landing Facilities, Light Industry.		Not included, will be assessed on merit.  Potential action: include exception for certain uses listed at the zone level but which are inappropriate in this subzone (e.g. Hospital, Helicopter Landing Facilities, Light Industry), similar to approach currently used in Cultural Institutions subzone.	<b>Further Investigation Required.</b>
32.	Include the following new PO: "Land uses at ground level will activate public spaces during the day and evening such as through cafes, restaurants and small-scale specialty shops."		Ground level uses not mentioned in Sub Zone although active frontages addressed in Riverbank Zone PO 4.4.	<b>Further Investigation Required.</b>
33.	Reinstate PDC 9 and 10 and Figure RB/2 and Rb/3 from the Dev Plan to pedestrian links are maintained and built upon and that the heritage attributes and prominent features of valuable buildings are clearly not diminished.		Not Included – expand Concept Plan 79 to include pedestrian links that were in Fig I/3, Fig I/2, Fig Rb/1-3 Limited references to heritage and public spaces.  Potential action: Expand Concept Plan 79 to include pedestrian links in Fig I/3, Fig I/2, Fig Rb/1-3	<b>Further Investigation Required.</b>
<b>Health Sub Zone</b>				
34.	Reinstate policy that seeks buildings along North Terrace to be designed to be viewed from all sides, promoting open spaces between adjacent buildings in contrast to the strong built form edge in the Capital City Zone.		Partly included in PO 2.1. Opportunity to create pleasant spaces between buildings.  Potential action: Opportunity to improve policy to ensure public spaces are considered as part of the design of the new buildings.	<b>Further Investigation Required.</b>
35.	For clarity include the list of envisaged uses as a PO e.g. Clinical and health training, research, manufacturing and educational facilities, consulting room, Educational establishment, Health centre, Helicopter landing areas, lighting for night operations and associated communication equipment, Hospital and ancillary land uses that provide services for staff, students, researchers, patients and visitors; including temporary accommodation.		Words are not identical but encapsulates what the original policy was trying to achieve: <i>A range of significant health, education and research facilities that support the establishment of a significant health and biomedical precinct.</i>	<b>No Action Required.</b>
36.	For consistency and clarity include exceptions to the uses envisaged e.g. Convention Centre, Tourist Accommodation, Entertainment Venue, Hotel.		For Consistency with other sub zones in the City Riverbank Zone, exceptions to envisaged uses should be included.  Potential action: Include exceptions to envisaged uses e.g. Convention Centre, Hotel, Tourist Accommodation, Entertainment Venue.	<b>Further Investigation Required.</b>

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37.	Reinstate Figure RB/2 from the Dev Plan to ensure pedestrian links are maintained and built upon. Include policies that protect the operation of hospital helipad and ensure there are no potential gaps in system of referral for development which could affect helipad operations (including during construction), in addition to referrals which exist in relation to the operation of Adelaide Airport.		Not Included – expand concept plan 79 to include pedestrian links that were in Fig I/3, Fig I/2, Fig Rb/1-3. No policies in place to protect the operation of a helipad.  Potential action: Include policies to protect the operation of the hospital helipad and referrals, and expand Concept Plan 79 to include pedestrian links that were in Fig I/3, Fig I/2, Fig Rb/1-3.	<b>Further Investigation Required.</b>
38.	Reinstate policy that seeks buildings north of the central pathway to be designed to provide an active edge to the River Torrens and of a low scale commensurate with the landscape setting.		Included within PO 2.3.	<b>No Action Required.</b>
39.	Include policy that requires development to be serviced by vehicular access points from North Terrace and Port Road that provide for convenient, safe and legible controlled access for ambulances, emergency drop-off for the public and general goods and services vehicles, as well as vehicle access for patient drop-off, and visitor and staff parking.		Not included - vehicular access points from North Terrace and Port Road important for activation of the River Torrens.  Potential action: Include requirement of vehicle access points from North Terrace and Port Road.	<b>Further Investigation Required.</b>
40.	Include policy to ensure the continued operation of rail and road services and ensure development provides a satisfactory interface to roads and railways in terms of access, safety, security, noise, air emissions and vibration.		Included in PO 2.4, 2.5.	<b>No Action Required.</b>
<b>Innovation Sub Zone</b>				
41.	The over height PO 3.2 within the Innovation Sub Zone requires further work and development exceeding the specified should only be allowed if it goes above and beyond normal planning requirements. Ground floor activation and safe, secure and accessible pedestrian linkages are planning requirements that are typically required for all development proposals and should not be used as a justification for allowing greater height than what is specified. In addition, they are required for many developments within the City Riverbank Zone under the Code regardless of the proposed height.		Height transition, accessibility, safety, security, activation, overlooking, sunlight are planning matters that should be taken into account regardless of height. PO 3.2 requires further work.  Potential action: Revise over height policy.	<b>Further Investigation Required.</b>
42.	Include the pedestrian link maps Figure RB/2 that have not been incorporated into the Concept Plan to ensure the connectivity of the City is maintained and built upon.		Not Included – expand concept plan 79 to include pedestrian links that were in Fig I/3, Fig I/2, Fig Rb/1-3. Limited references to heritage and public spaces.  Potential action: Expand Concept Plan 79 to include pedestrian links in Fig I/3, Fig I/2, Fig Rb/1-3 (noting that the adopted concept plan is now also missing information included in draft policy, such as heritage buildings and public spaces).	<b>Further Investigation Required.</b>
43.	Reinstate PDCs 12, 13, 14 and 29 (b,d,e,f) from the Dev Plan to ensure public open space and the public realm is addressed appropriately and ensure quality open spaces and environment for the users and visitors of the Sub Zone.		Pedestrian comfort through verandahs etc is not addressed.  Potential action: amend policy to include pedestrian comfort through verandahs along key corridors.	<b>Further Investigation Required.</b>




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44.	Reinsert PDC 19 from the Dev Plan which seeks to ensure a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.		Not in Sub Zone but is in Zone Also addressed in Design in Urban Areas [all Dev] [Safety] PO 2.1 – 2.5 although not applied to all dev such as Light Industry.  Potential action: apply Design in Urban Areas [all Dev] [Safety] PO 2.1 – 2.5 to Light Industry in Table 3.	<b>Further Investigation Required.</b>
<b>All Sub Zones</b>				
45.	Include the list of envisaged uses for each of the Sub Zones to set clear parameters on the type of uses we would like to see and build upon in each area.		Not included for all and should be included for consistency.  Potential action: include envisaged uses within all sub zones of City Riverbank Zone.	<b>Further Investigation Required.</b>
<b>ADELAIDE PARK LANDS ZONE</b>				
46.	Refine DTS/DPF 1.1 to: delete built form such as "Advertisement, conservation work, outbuilding with open space maintenance, structures". Relocate this policy to 'Built Form and Character'. insert additional desired land uses to include horse agistment, cemetery within existing site boundaries, education establishment within existing boundaries, licensed premises ancillary a multi-purpose recreation facility and located on map and special events located on Special Events where located on map (reflect complying and non-complying list locations).		Partly included within PO 1.7 Special events on a concept map should be included.  Potential action: Special Events mapping as an Overlay.	<b>Further Investigation Required.</b>
47.	Revise PO 1.8 to ensure new buildings support a range of community uses rather than solely existing uses. This will allow the Adelaide Park Lands Strategy outcomes to be achieved.		PO1.7 supports adaptive reuse	<b>No Action Required.</b>
48.	Delete PO1.9 and reinstate existing policy for the Adelaide Aquatic Centre (see PDC5 of the current North Park Lands Policy Area)		The site is to be no longer used as club rooms – PO 1.9 is therefore out of date. Replace with previous Development Plan policy.  Potential action: Replace PO 1.9 with equivalent of previous Development Plan Policy PDC 5.	<b>Further Investigation Required.</b>
49.	Insert the intent of the following current Development Plan land use policies that support the achievement of DO1 and DO2 (*noting that refinement will be needed to achieve the same outcome given the absence of policy areas and mapping): "Development should not further restrict public access to land within the Park Lands (Council Wide PDC287 of the current Development Plan) Indoor recreation is considered to be contrary to the open character desired for the Park Lands and should be restricted to specific existing or proposed buildings. (PDC3 of current Park Lands Zone) Development of new and the expansion of existing formal outdoor recreation uses should be restricted except where specified in the relevant Policy Area. (PDC4 of current Park Lands Zone)"		The intent included within DO1 and DO2, PO 1.7 however no mention of indoor recreation.  Potential action: include relevant policy limiting indoor recreation facilities restricted to existing facilities, consistent with intent of previous Development Plan policy.	<b>Further Investigation Required.</b>









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50.	Amend PO 1.3 to reflect the area Marked 'F' within the River Torrens West Policy Area Map Adel/48 and Adelaide Oval Policy Area Map Adel/49 which is to be developed for a range of informal and formal outdoor recreation activities and café, restaurant, licensed premises, cultural and retail facilities in appropriate locations expanding on the role of the Riverbank precinct to the east and providing links between the River Torrens and the City Riverbank Zone to the south. For clarity amend PO 1.6 to ensure a new use within an existing building is appropriate.		Area has been described incorrectly. PO 1.3 is meant to be between "Community, cultural, tourism, shop or licensed premises located adjacent to the southern bank of the River Torrens between Montefiore Road and Wye Signal Cabin".  Potential action: Revise PO 1.3 as follows: "Community, cultural, tourism, shop or licensed premises located adjacent to the southern bank of the River Torrens between Montefiore Road and Wye Signal Cabin" as section 76 amendment.	<b>Further Investigation Required.</b>
51.	Amend PO 3.4 to include policy that seeks the return of Alienated Land to Park lands use e.g. land including the Adelaide Gaol and Police Barracks (as reflected in Overlay 10 of the current Development Plan) and the electricity substation and water reservoir at the corner of Barton Terrace East and O'Connell Street (PDC4 of the North Park Lands Policy Area).		Although does not prescribe specific sites the policy seeks the return of alienated land to Park Lands.	<b>No Action Required.</b>
52.	Insert the following new noise policy specific to the Park Lands: PO XX Development that does not: (a) result in noise emissions which adversely affect the amenity of neighbouring premises or other Park Land users, or the emission of atmospheric or liquid pollutants; (b) introduce, expand or intensify any activity which may detrimentally affect the amenity of premises within any adjacent Zone (including areas in an adjoining local government area)		Addressed within Interface Between Land Uses GDP PO 1.2, 4.1 and Design in Urban Areas GDP 42.1 and 42-2	<b>No Action Required.</b>
<b>Built Form and Character</b>				
53.	Relocate the following policies from 'Land Use and Intensity' heading to 'Built Form and Character' heading: Parts of DPF 1.1 – as identified above. PO1.7 as it relates to design of a new building		Retain where is as the DTS relates to land uses.	<b>No Action Required.</b>
54.	Delete PO1.7(c) "provides complementary recreation, sporting or tourism facilities that could not otherwise have been provided in the zone" as it is not necessary for an assessment of built-form matters. Land use considerations are covered by the provisions above.			<b>No Action Required.</b>
55.	Delete PO 1.8 - 1.9 and expand PO 1.6 and PO 1.7 to include: <ul style="list-style-type: none"> <li>support a concept plan for each park; and</li> <li>provide more expansive building design policies to reflect the Park Lands Building Design Guidelines</li> </ul>		Potential action: Contact PlanSA about progressing the status of the Park lands Building Design Guidelines, and include Concept Plans	<b>Further Investigation Required.</b>
56.	Amend PO 1.10 to include: "and enhances pedestrian access through the Park Lands".		PO 5.1 seeks to ensure that public access is not restricted.	<b>No Action Required.</b>
57.	Landscaping for screening of buildings is not always the desired outcome as this can create safety and surveillance issues. However, landscaping can also support the overall finished design of the building. Amend PO 2.1 as follows: "A contextual design response that complements the open space function, natural and cultural character, the heritage values and is with suitably screened by landscaping."		Included within PO 1.10	<b>No Action Required.</b>
58.	PO 2.3 – delete the words "where practical". It is a merit policy and therefore is a guideline.			<b>No Action Required.</b>
59.	PO 2.4 – delete the words "in the City Living Zone". There is a need to ensure appropriate interfaces to all residential uses of the City of Adelaide.		Included in PO 2.4.	<b>No Action Required.</b>






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60.	The areas of special Landscape Character should be defined in the concept plans.		There isn't anything in places that defines the areas of special landscape in the Park Lands.  Potential action: consider including areas of special landscape in Historic Area Statements or Concept Plans for Park Lands and City Layout.	<b>Further Investigation Required.</b>
61.	Amend PO 3.2 to reflect the correct name of the National Heritage listing. Amend to "...Adelaide Park Lands and City Layout National Heritage Values".		Should reflect the correct title of the National Heritage values.  Potential action: Amend PO 3.2 to "...Adelaide Park Lands and City Layout National Heritage Values" via s.76 amendment.	<b>Further Investigation Required.</b>
62.	Insert new PO to reflect intent of existing policy to rationalise and restrict additional parking: PO XX Rationalisation and reconfiguring of existing car parking should result in no increase to existing parking in Park 1, Park 2, Park 13 and Park 14, Park 16, 17 and Park 23.		The Code does not stipulate where additional car parking is possible and should be included.  Potential action: insert new PO that Rationalises and reconfigures existing car parking to ensure no increase to existing parking in Park 1, Park 2, Park 13 and Park 14, Park 16, 17 and Park 23.	<b>Further Investigation Required.</b>
63.	Insert new PO to address monument design or placement: PO XX New monuments that retain from the heritage values and contribute to enjoyment of the Park Lands and that: (a) have materials of a colour and stone type that is compatible with the predominant appearance of surrounding monuments; (b) have similar height and plan dimensions to immediately adjacent monuments; and (c) not conflict in design detail or overall form.		New monuments contribute to the public realm and should be encouraged in some circumstances.  Potential action: Include relevant policies on monuments.	<b>Further Investigation Required.</b>
64.	Accepted Development – Delete fencing, retaining wall structures and shade sails from the Accepted Development pathway and include within the Performance Assessed Development pathway table.		The classification criteria appears to be superfluous and relevance to the Park Lands is questionable.  Potential action: Include classification criteria that is relevant to the Park Lands	<b>Further Investigation Required.</b>
65.	Support the use of the Accepted Development pathway (with some exclusions as noted in the zone) for internal building work, partial demolition of a building or structure, solar photovoltaic panels (roof mounted), temporary public service depot (currently a complying type of development) and water tanks (underground).			<b>No Action Required.</b>
66.	Performance Assessed Development – Insert relevant General Development Policies and Zone and Sub Zones provisions relevant to the class of development.		Potential action: Possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
67.	Public Notification – (Table 5 - Procedural Matters) It is recommended that: No public notification is required where developments are clearly anticipated in the Zone. Notification triggers consider the scale and impact of the use of the locality and adjacent council's and the level of assessment needed to be undertaken with an application (see examples below based on current approach. The trigger around development adjacent a zone boundary apply to all adjacent zones and not only a neighbourhood type zone. The Capital City Zone does not fall under the definition of a neighbourhood type zone, however, encourages residential and similar uses to a neighbourhood type zone.		A club facility close to a neighbourhood type facility could have an impact if adjacent to a neighbourhood type zone and should be notified.  Potential action: Include exceptions a club facility close to a neighbourhood type area.	









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68.	<p>Park Lands Building Design Guidelines</p> <ul style="list-style-type: none"> <li>Continue to pursue seeking the design guidelines to be incorporated as a document for reference as part of the planning assessment process.</li> <li>Ensure the SPC incorporates the policy intent of the Park Lands Building Design Guidelines in the P&amp;D Code to provide adequate guidance.</li> </ul>		Potential action: Contact PlanSA about progressing the status of the Park Lands Building Design Guidelines.	<b>Further Investigation Required.</b>
69.	<p>Zone Boundaries</p> <p>Align the boundary to reflect the National Heritage Listing. This would mean the building/site boundary line would be the boundary of the Zone.</p>		Potential action: Possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
<b>CITY LIVING ZONE</b>				
70.	Create a new Sub Zone or extend the North Adelaide Low Intensity Sub Zone (to be replaced by a "Adelaide Low Intensity Sub Zone") to reflect the boundaries of the existing Adelaide Historic (Conservation) Zone.		Historic Area Statements have been created for South Adelaide that reflect the previous Adelaide Historic (Conservation) Zone.	<b>No Action Required.</b>
71.	<p>Ensure the main purpose of the City Living Zone is to provide residential land uses and encourage city living. Amend and strengthen DO and PO's policies to ensure the development of sites for residential purposes. Amend DO 1 to</p> <p><i>Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small scale employment and community service uses in identified areas and where land uses in association with residential activity contribute to making the neighbourhood a convenient place to live without compromising residential infill development and amenity.</i></p>		Included in DO 1.	<b>No Action Required.</b>
72.	<p>Amend DOs and POs to allow non-residential development (that reflects current policy) in the following certain locations that support local community in the form of small-scale commercial uses and community services:</p> <ul style="list-style-type: none"> <li>- Gilles and Gilbert Street</li> <li>- Sturt Street</li> <li>- Carrington Street (West of Hurtle Square)</li> <li>- Formerly Policy Area 15</li> <li>- East terrace on lower levels of catalyst sites</li> <li>- Tynte Street (west of Bevis Street)</li> </ul>		Included within PO 1.4 of the City Living Zone and PO 2.2 of the East Terrace Sub Zone.	<b>No Action Required.</b>
73.	Insert appropriate policy to ensure that non-residential land uses that are currently noncomplying are not supported.			<b>Further Investigation Required.</b>

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74.	For the North Adelaide college and education sites support non-residential land uses as per the outcomes of the North Adelaide Large Institutions and College DPA. Amend PO 1.5 to more specific land uses as the DPA intent. For example: "PO 1.5 Development on land identified on relevant Concept Plan contained in: – Helping Hand Aged Care comprise of the following land uses Nursing Home, associated day centre and offices – St Dominic's Priory College comprise of the following land uses: Education establishment – Lincoln College comprise of the following land uses: Student Accommodation and Education Establishment – St Ann's College comprise of the following land uses: Student Accommodation and Education Establishment – St Marks College comprise of the following land uses: Student Accommodation and Education Establishment – Aquinas College comprise of the following land uses: Student Accommodation and Education Establishment – Kathleen Lumley comprise of the following land uses: Student Accommodation and Education Establishment – Calvary Hospital comprise of the following land uses: Hospital, Research laboratory, Place of Worship and Small scale shops on Strangways Terrace – Archer West Policy Area – comprise of the following land uses – Consulting Room – Community Centre – Dwelling – Dwelling addition – Library – Office – Museum – Nursing home – Place of worship – Residential flat building – Retirement living – Student Accommodation – Small Scale Shops on Archer Street"		Included within PO 1.5 which also calls up the Concept plans. Expansion is addressed within PO 1.6 and concept plans and is confined to development associated with or ancillary to an existing institutional site, as identified by the blue line on the relevant concept plan.	<b>No Action Required.</b>
75.	Remove the Restricted Development Pathway for shops over 1000m2 and for expansion of the sites in the North Adelaide Large Institutions and College DPA.		Removed restricted development pathway for expansion of Colleges and institutions however retained shops greater than 1000m2 as restricted.	<b>Further Investigation Required.</b>
76.	Insert a definition for scale i.e. small scale, medium scale and large-scale residential and non residential land uses to provide clarity for investors and the community about what is anticipated. This is needed as low rise and medium rise has a definition. Further this will allow public notification to be reduced as it is clear from policy what outcome is anticipated.		Terminology has been changed to be consistent with the rest of the Code.	<b>No Action Required.</b>
77.	Insert design policies for the North Adelaide colleges and institutional sites to reflect the North Adelaide Large Institutions and Colleges DPA e.g. density, bulk, scale, setback, vehicle parking (PDC 20 and 21).		Included within PO 5.2 requiring basement parking for development of institutional and college sites and within Concept Plans.	<b>No Action Required.</b>
78.	Remove the Restricted Development Pathway for expansion of the sites in the North Adelaide Large Institutions and College DPA.		Removed restricted development pathway for expansion of Colleges and institutions Note that PlanSA has prepared a Fact Sheet on these sites.	<b>No Action Required.</b>
79.	Insert the following new PO under the heading 'Building Heights and Building Levels': "Buildings will be designed as single storey to the street scape with taller built form set back from the street and the adjoining allotments and ensure they are compatible with the heritage-built form. Where taller built prevails among the heritage places, buildings height to the street may be designed to be compatible with the prevailing streetscape character."		Included within CLZ - PO 2.3 Historic Area Overlay PO 1.1, 2.1, 2.2 and Historic Area Statements.	<b>No Action Required.</b>
80.	Insert policy to address streetscapes that are characterised by buildings that are single storey in appearance from the street with 2 storey levels setback from the main building frontage.		No specific policy requiring 2 storey levels setback from, main building frontage. Indirect policy within: CLZ - PO 2.3, Historic Area Overlay PO 1.1, 2.1, 2.2, 3.1	<b>Further Investigation Required.</b>
81.	Insert policy to ensure floor to ceiling heights of new development align with surrounding buildings in the streetscape.		PO 2.3 (b) mentions ceiling heights but has not been changed. Addressed within CLZ PO 2.3.	<b>No Action Required.</b>








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82.	Delete minimum building height in DTS/DPF 2.2.		Remains as DTS/DPF 2.2(b).	<b>Further Investigation Required.</b>
<b>East Terrace Sub Zone</b>				
83.	Clarify how the building height PO 2.2 within the City Living Zone is to be interpreted especially over catalyst sites.		Note now PO 2.1 not 2.2. The catalyst policies should be more detailed policy particularly with regard to interface issues.  Potential action: Include further design criteria for catalyst sites.	<b>Further Investigation Required.</b>
84.	Amend the Assessment Tables to include consideration of the sub zone policies.		Requires additional checking against consultation version.  Potential action: Possible Sect 76 Amendment if required.	<b>Further Investigation Required.</b>
85.	Insert a definition for medium to high scale and or clarify this is meant to refer to medium to high rise.		They have changed the terminology to be consistent with the rest of the Code.	<b>No Action Required.</b>
86.	Include a note reference to building height TNV's on the SAPPa tool to ensure stakeholders understand that catalyst sites policies apply.			<b>Further Investigation Required.</b>
87.	Reinstate Public Notification for catalyst sites. Refer to summary sheet on public notification.		Changes have been made.	<b>No Action Required.</b>
88.	Provide a minimum site frontage to sites where this data is missing. Insert and apply a 15m frontage requirement within the Adelaide Historic (Conservation) Zone to reinforce the character established by double fronted cottages. Noting that there are policies in the Code, that will enable lesser frontage requirements based on existing pattern of development.		Where they do not have a value, they are Perf Assessed and would need to be of a suitable size and dimension compatible with the housing pattern consistent to the locality.	<b>No Action Required.</b>
89.	Insert policy on site coverage to reflect the existing Landscaped Open Space criteria (noting Plot Ratio has also not been reinstated).		DTS 1.1 in East Terrace Sub Zone and North Adelaide Low Intensity Sub Zone DTS 2.1 refers to 50% site coverage (other than catalyst sites in East Tce). This does not reflect all pre-code requirements which varied 20% and 50%.  Potential action: Include different requirements of different areas as a Technical and Numeric Variation (TNV) in SAPPa.	<b>Further Investigation Required.</b>
90.	Insert the following PO's under the heading 'Built Form and Character' and include within the Classification Tables: PO X <i>Garages and carports are designed and sited to be discrete and not dominate the appearance of the associated dwelling when viewed from the street.</i> PO X <i>The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.</i>		PO 8.1 and Design in Urban Area GDP PO 20.1 seeks garaging/ancillary buildings not to detract from the appearance of the dwelling and to be setback behind the building line. PO 2.3 within the CLZ seeks buildings to be consistent with the prevailing streetscape and built form characteristics.	<b>No Action Required.</b>






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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
91.	Define the term 'ancillary building'.		Ancillary and Subordinate included in Part 7 Land Use Definition.	<b>No Action Required.</b>
92.	In consultation with the City of Adelaide reconsider the quantitative standards. It must be ensured that the quantitative standards are not applied to Heritage Overlay Areas or Heritage Places.		Remove Land Division as a DTS for those sites in a Historic Area Overlay, State Heritage Place Overlay, Local Heritage Place Overlay.  Potential action: Remove Land Division as a DTS for those sites in a Historic Area Overlay, State Heritage Place Overlay, Local Heritage Place Overlay. (Should be excluded).	<b>Further Investigation Required.</b>
93.	Amend DTS 8.1(d) by reducing the percentage of site frontage to reduce the visual prominence of carports and garages on established streetscapes.		Percentage of frontage reduced from 50% to 30% for areas not in Medium-High or East Terrace Sub Zones. Note still 7m in all circumstances.  Potential action: Reduce width of carports/garaging from 50% this has the potential to dominate streetscapes particularly for large sites along East Terrace.	<b>Further Investigation Required.</b>
94.	Amend DTS 8.1(e) to ensure the maximum length of all buildings on the boundary is considered.		Reduced to 8m outside medium-high and East Terrace Sub Zones. However, policy doesn't mention length of <b>all</b> buildings.	<b>No Action Required.</b>
95.	Delete DTS 3.3 as PO 3.3 is sufficient to consider the locality context which is highly variable.		DTS/DPF 3.3 Building walls are setback from a side boundary not less than the nearest side setback of the primary building on the adjoining allotment.	<b>No Action Required.</b>
96.	Insert a PO to ensure ancillary car parking only (inferring that the Code does not support nonancillary parking).		Land use policies are sufficient to discourage non-ancillary parking.	<b>No Action Required.</b>
97.	Review car parking rates to ensure residential amenity and heritage values are maintained.		Potential action: Undertake detailed check of car parking rates in Table 1.	<b>Further Investigation Required.</b>
98.	Ensure driveways are given contextual consideration within the heritage locations, support the pedestrian environment and retain heritage assets such as bluestone kerbing.		Semi-included within PO 6.1 and 6.2 of the Historic Area Overlay and PO 2.4 within the CLZ. Need to include information within the Historic Area Statements heritage assets such as bluestone paving.  Potential action: Ensure HAS capture the key elements of each street that contribute to their character.	<b>Further Investigation Required.</b>

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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
99.	<p>Remove the DTS and Accepted Development Pathways for:</p> <p>Accepted Development</p> <ul style="list-style-type: none"> <li>Carport <b>Remains same</b></li> <li>Outbuilding <b>Remains same</b></li> <li>Shade sale <b>Remains same</b></li> <li>Verandah <b>Remains same</b></li> </ul> <p>Deemed to satisfy</p> <ul style="list-style-type: none"> <li>Carport <b>Remains same</b></li> <li>Change of Use <b>deleted</b></li> <li>Detached Dwelling <b>deleted</b></li> <li>Dwelling addition (needs to include all zone policies ensure compatible design, heritage places and heritage overlay or on land with regulated or significant trees) <b>Remains same</b></li> <li>Land Division – Should not apply to heritage places and heritage overlay or on land with regulated or significant trees. <b>Remains same</b></li> <li>Dwelling or residential flat building undertaken by: a) the South Australian Housing Trust either individually or jointly with other persons or bodies or b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. <b>deleted</b></li> <li>Outbuilding <b>Remains same</b></li> <li>Verandah (where it could be used as a carport) <b>Remains same</b></li> </ul>		<p>Changes to Accepted Development list Dwelling or Residential Flat Building undertaken by SAHT etc. removed from DTS table not apply to Local Heritage Place Overlay and State Heritage Place Overlay, Regulated or Significant Tree Overlay</p> <p>Outbuilding - Should not apply to land with regulated or significant trees.</p> <p>Potential action: check and potentially amend assessment tables for "accepted" and "deemed to satisfy" pathways.</p>	<b>Further Investigation Required.</b>
<b>CITY MAIN STREET ZONE</b>				
100.	<p>PO 1.1 and DTS/DPF 1.1 require further work to ensure that the ground floor of the main streets is maintained for retail, restaurants, cafes, cultural activities at ground level that contribute to day and evening activation. DTS should be revised to ensure non-active uses are not appropriate at the ground floor level of a main street e.g. Consulting Room, Dwelling, Educational Establishment, Office, Pre-School, Residential Flat Building, Retirement Facility, Student Accommodation, Supported Accommodation except ground floor level.</p>		<p>Not included.</p> <p>Potential action: Exclude the following uses at ground level: Consulting Room, Dwelling, Educational Establishment, Office, Pre-School, Residential Flat Building, Retirement Facility, Student Accommodation, Supported Accommodation.</p>	<b>Further Investigation Required.</b>
101.	<p>Revise PO 1.5 of the Zone to ensure that a site is not used for wholly residential purposes and the ground floor level is occupied by land uses that contribute to the intended function of the main street. Revise as follows: Development of well-designed and diverse medium to high density accommodation options, including dwellings, supported accommodation, student accommodation, short term accommodation as part of a mixed-use development or wholly residential development</p>		<p>Wholly residential dev including ground floor frontage is not a use that is consistent with the desired outcomes which seeks to create vibrant walkable main streets.</p> <p>Potential action: delete "or wholly residential development" from PO 1.5</p>	<b>Further Investigation Required.</b>
102.	<p>Delete reference to office and consulting room within DTS 1.6</p>		<p>Offices and consulting rooms at ground level do not contribute to the vibrancy of the City's main streets.</p> <p>Potential action: Delete reference to office and consulting room within DTS 1.6</p>	<b>Further Investigation Required.</b>
103.	<p>Revise PO 2.1 to include the following: Maintain a sense of spaciousness and openness to the sky to achieve human scale at street level.</p>		<p>Podiums will ensure human scale is achieved and this policy is included in PO 2.1.</p>	<b>No Action Required.</b>




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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
104.	The over height PO 3.2 requires further work and development exceeding the specified height should only be allowed if it goes above and beyond normal planning requirements. Orderly building height transition to an adjacent zone, ground floor activation, safe, secure and accessible pedestrian linkages and sunlight access and overlooking are planning requirements that are typically required for all development proposals and should not be used as a justification for allowing greater height than what is specified. In addition, these provisions are required for many developments within the City Main Street Zone under the Code regardless of the proposed height.		Height transition, accessibility, safety, security, activation, overlooking, sunlight are planning matters that should be taken into account regardless of height. PO 4.2 requires further work.  Potential action: Review and revise over height policy.	<b>Further Investigation Required.</b>
105.	Revise Concept Plan 79 to encapsulate all of the policy within current Development Plan Policy and ensure priority is given to pedestrian access and that car parking areas do not have a disruptive impact on the flow of traffic and public transport in the City. The first dot point of the policy should be replaced with the following amended policy: <i>Multi-level car parks, short stay public use of ancillary car parking spaces or non-ancillary car parking use of an existing building only where it can be demonstrated that there is a need which is not adequately satisfied by other parking facilities in the locality and where:</i> - it is located away from ground floor street frontages to major streets and pedestrian links; - vehicle access is from the road with less pedestrian activity where a site has access to more than one road frontage; - it has no more than one entry lane and one exit lane; - it has a controlled exit at the property boundary to stop vehicles before travelling across the footpath; - it has no more than one left in and one left out access point; - avoids access points along high concentration public transport routes identified in Map Adel/1 (Overlay 4);		Poor pedestrian focus outside the primary pedestrian area. Included within Concept Plan 79 and PO 7.1 and 7.2 within CCZ and partially within Transport, Access and Movement GDP. High public transport routes and major walking routes should be included.  Potential action: include high public transport routes and major walking routes in Concept Plan 79 and reflect within policy.	<b>Further Investigation Required.</b>
106.	Reinstate policy to ensure vehicle access points to multi-level car parks are not located within the Core Pedestrian Area or along, Rundle St and Hindley St where they conflict with pedestrian movement or cause disruption to traffic flow.		PO 4.1 discourages additional crossovers and designed to minimise conflict with pedestrians. These streets should be recognised in Concept Plan 79 as key pedestrian priority areas of the City.  Potential action: Amend Concept Plan 79 to recognise these street as pedestrian priority areas.	<b>Further Investigation Required.</b>
107.	Reinstate policy that seeks to maintain important existing pedestrian through-site and on-street pedestrian links in accordance with the Concept Plan 79. It should be interpreted through policy.		Not all existing pedestrian links have been included, the Concept Plan needs to be updated to include all links e.g. Rundle Plaza, Adelaide Arcade, Regent Arcade. No policy to support through-site links or develop them further. Should be identified in City Plan as well Code.  Potential action: Update Concept Plan 79 to ensure all important pedestrian links are included and re-introduce policy that encourages through site links.	<b>Further Investigation Required.</b>

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108.	Reinstate policy that discourages the demolition of a building unless a replacement development is granted full Approval or for documented public health or safety reasons. Unnecessary and premature demolition of buildings leads to vacant sites providing little or no economic benefit to the city, reduces activation opportunities and negatively affects city streetscapes.		Demolition is addressed in PO 2.11 (City Main Street Zone) and PO 3.6 (Capital City Zone) and seeks to avoid activities that result in a gap in the built form along a public road or thoroughfare (such as an open lot car park) for an extended period of time to minimise negative impacts on streetscape continuity. The policy does not prevent vacant land just the use of the land as a car park and only in the Capital City Zone and City Main Street Zone.  Potential action: Reinstate policy that prevents premature demolition.	<b>Further Investigation Required.</b>
109.	Insert new policy within Movement, Parking and Access heading that discourages undercroft parking.		Not included, undercroft parking is uncharacteristic to the character of the city's main streets and policy should be in place to discourage it.  Potential action: Draft policy to discourage undercroft parking.	<b>Further Investigation Required.</b>
110.	Insert the following policy within Movement, Parking and Access heading: The finished ground floor level of buildings designed to be at grade and/or level with the footpath to provide direct universal pedestrian access and street level activation.		Not included.  Potential action: Amend policy to ensure Universal access to buildings at ground level for non-residential uses.	<b>Further Investigation Required.</b>
111.	Insert the following new policy under a new heading 'Advisements' within the City High Street Sub Zone: PO X "Discrete illumination of advertising is appropriate."		Nothing included at the Zone level either. Advertising GDP applies	<b>No Action Required.</b>
112.	Delete reference to Overlays in the Classification Tables that are not relevant to CoA to simplify and streamline assessment process.		The system at this stage does not have the capacity.  Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
113.	Insert reference to Overlays in the Classification Tables that are relevant to CoA to simplify and streamline assessment process.		The system at this stage does not have the capacity.  Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
114.	Delete the following Zone provisions that has been applied to the Class of development: - Advertisement - Advertisements PO 1.3		This has been removed from Table 3 - confirm this is intent of recommendation	<b>No Action Required.</b>
115.	Insert the following Zone provisions relevant to the Class of development: - Consulting Room - PO 1.7, PO 3.3, PO 4.3 - Dwelling - PO 1.3, PO 3.3, PO 4.3 - Licensed Premises - PO 4.3		PO 1.7 not added to Consulting room and PO 1.3 not added to Dwelling in Table 3.  Potential action: Include relevant zone provisions in classification table.	<b>Further Investigation Required.</b>








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116.	Insert the following Sub Zone provisions relevant to the class of development: - Consulting Room - Gouger and Grote Sub Zone PO 1.1 – 1.3, PO 2.1, PO 2.2 - Consulting Room - City High Street Sub Zone PO 1.1, PO 1.2, PO 2.1 - 2.3, PO 3.1 - 3.3, PO 4.1 - 4.5 - Dwelling - City High Street Sub Zone PO 1.1, PO 1.2, PO 2.1 - 2.3, PO 3.1 - 3.3, PO 4.1 - 4.5 - Licensed Premises - City High Street Sub Zone PO 1.1, PO 1.2, PO 2.1 - 2.3, PO 3.1 - 3.3, PO 4.1 - 4.5		City High Street Sub Zone PO 1.2 not added for consulting room or dwelling.  Potential action: Include relevant Sub Zone provisions in classification table.	<b>Further Investigation Required.</b>
117.	Insert relevant General Development Policies relevant to the Class of development.		Potential action: Insert relevant General Development Policies relevant to the class of development, potentially via Section 76 Amendment.	<b>Further Investigation Required.</b>
<b>BUSINESS NEIGHBOURHOOD ZONE</b>				
118.	Develop specific land use policy that identifies that licensed premises and hotels are not appropriate in the Melbourne West Sub zone.		Removed reference to licensed premises and hotels in PO 1.1 in Melbourne West Sub Zone.	<b>No Action Required.</b>
119.	Reduce the floor area desired for shops to 100m2 to allow small shops and foster a concentration of shops towards to eastern end of Melbourne Street.		Shops are no longer included as an envisaged use in Melbourne West Sub Zone.	<b>No Action Required.</b>
120.	Delete reference to shops in PO 1.3 and DTS 1.3.		Shops are no longer included as an envisaged use in in Melbourne West Sub Zone.	<b>No Action Required.</b>
121.	Amend the change of use policy DTS 1.3 to enable Local Heritage Places to also fit the criteria provided there are no changes to the external appearance of the building.		Not included.	<b>No Action Required.</b>
122.	Insert equivalent set back from rear boundary policies from PDC 14 of the CoA Development Plan (Mixed Use (Melbourne West) Zone) to manage the sensitive interface to the Historic Area Overlay.		PO 2.4 seeks development to be setback from the boundary of an adjacent zone and from Old Street to maintain residential amenity. Building envelope requirements not included – check if GDPs apply.  Potential action: Include building envelope requirements from PDC 14 of Development Plan via an appropriate mechanism, noting the building envelope is not in the Code.	<b>Further Investigation Required.</b>
123.	Insert the following equivalent policy to reflect Stanley Street West Policy Area 10: "Views of the City from Stanley Street and Brougham Place properties should be protected."		Views of the City from Stanley Street and Brougham Place properties.  Potential action: Amend policy to protect views of the City from Stanley Street and Brougham Place properties.	<b>Further Investigation Required.</b>
124.	Delete the Restricted Development categories. A Planning Amendment should be required to enable different land uses intensity. This would enable the State Planning Commission, Council and other stakeholders to consider this strategic decision rather than a statutory planning authority.		Not undertaken.	<b>Further Investigation Required.</b>











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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
125.	Remove the following DTS and Accepted Development Pathways for Melbourne Street West Sub zone: Accepted Development - Carport - Outbuilding (could be used as a garage) Deemed to satisfy - Carport - Change of Use - Detached Dwelling - Dwelling addition - Dwelling or residential flat building undertaken by: a) the South Australian Housing Trust either individually or jointly with other persons or bodies; or b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. - Outbuilding - Verandah (where it could be used as a carport)		Not undertaken.	<b>Further Investigation Required.</b>
126.	Insert new policy ensuring that vehicle access should be from minor streets and lanes (to reflect PDC 24 of Mixed Use (Melbourne Street) Zone of the CoA Dev Plan).		PO 4.1 seeks to ensure development does not result in additional crossovers on the primary street frontage to minimise conflicts with pedestrians and cyclists. This in essence captures what the Development Plan was trying to achieve.	<b>No Action Required.</b>
127.	Insert new policy to ensure that vehicle parking is ancillary and located at the rear of buildings and accessed from minor streets.		PO 4.3 seeks car parking to be located at the rear of sites.	<b>No Action Required.</b>
128.	Insert new policy to avoid pylon signs etc.			<b>Further Investigation Required.</b>
129.	Insert relevant General Development Policies, Zone and Sub Zone policies relevant to the Class of Development in the Classification Tables.		Potential action: Insert relevant General Development Policies relevant to the class of development, potentially via Section 76 Amendment.	<b>Further Investigation Required.</b>
130.	Delete reference to Overlays in the Classification Tables that are not relevant to CoA to simplify and streamline assessment process.		The system at this stage does not have the capacity.  Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>No Action Required.</b>
131.	Insert reference to Overlays in the Classification Tables that are relevant to CoA to simplify and streamline assessment process e.g. Significant and Regulated Trees, Heritage Overlay Areas.		Regulated and Significant Tree Overlay not referenced in any tables.  Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
132.	Delete the following from the Performance Assessed Development table: "Dwelling or residential flat building undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust"		Has been deleted	<b>No Action Required.</b>

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<b>COMMUNITY FACILITIES ZONE</b>				
133.	The separate sub zones that apply to St Andrews and the Women's and Children's and Memorial Hospital within the Community Facilities zone are appropriate.		noted	<b>No Action Required.</b>
134.	Reinstate policy to provide a transition between the high intensity of the Community Facilities Zone and the lower intensity of the City Living Zone.		No changes made Interface issues are addressed in catalyst policies PO 3.2, 3.3	<b>No Action Required.</b>
135.	Reinstate the policy that seeks to maintain the curtilage of Waverly House.		The State Heritage Listing includes the curtilage and therefore will be protected.	<b>No Action Required.</b>
136.	Reinstate policy that addresses illumination of signage within the St Andrews Hospital Precinct Sub Zone.		No reference to illumination of signage however there is policy that restrains signs	<b>No Action Required.</b>
137.	Reinstate and include Research Laboratory and Serviced Apartments within the list of envisaged uses for WCH and Memorial Hospital Precinct Sub Zone within DTS/DPF 1.1. This Concept plan is important as it clearly illustrates where development can be located whilst ensuring the visual prominence of the State Heritage Places is retained. This was developed in consultation with the Hospital particularly Memorial Hospital who wanted clarity and certainty about what was permissible on the Site.		Supports uses associated with or supportive of the hospital use. Between policy and TNV the code has captured the intent of the original planning policies.	<b>No Action Required.</b>
138.	Reinstate Concept Plan Fig WC/1 applying to Women's and Children's and Memorial Hospital to be read in conjunction with Councils existing Development Plan heritage adjacency policies which should also be reinstated.		Heritage Adjacency Overlay now applies.	<b>No Action Required.</b>
139.	Reinstate policy that maintains the long ranging views, vistas and visual prominence of St Peter's Anglican Cathedral.		Views of St Peter's Cathedral are captured in the HAS 10. It would also be beneficial for the sub zone to recognise the importance of the views of St Peter's Cathedral.  Potential action: Policy to acknowledge views of St Peters Cathedral. Possibly a views overlay could be incorporated.	<b>Further Investigation Required.</b>
140.	Reinstate landscaped open space and plot ratio or replace with suitable alternative policies to ensure the same policy outcomes are achieved.		Landscaped Open Space has been replaced with Site Coverage. The curtilage required for the State Heritage Places will ensure space around the buildings.	<b>No Action Required.</b>
141.	Delete the listing of a shop from the Restricted Development Categorisation Table. It is unclear why this is the only land use identified.		Not undertaken.	<b>Further Investigation Required.</b>
142.	Delete reference to Overlays in the Classification Tables that are not relevant to CoA to simplify and streamline assessment process.		The system at this stage does not have the capacity.  Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>No Action Required.</b>








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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
143.	Insert reference to Overlays in the Classification Tables that are relevant to CoA to simplify and streamline assessment process.		Potential action: encourage opportunities to streamline references to Overlays in classification tables when future system updates allow, and/or via possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
144.	Insert relevant GDP's, Zone and Sub Zones provisions in the Classification Tables relevant to the Class of development.		Potential action: Insert relevant General Development Policies relevant to the class of development, potentially via Section 76 Amendment.	<b>Further Investigation Required.</b>
145.	Insert the following relevant GDP's within the Performance Assessed Classification Table relevant to the class of development: - Consulting Room – Design in Urban Areas PO 7.1 - Consulting Room – Transport Access and Parking PO 1.2, PO 1.3, PO 6.7 - Office – Design in Urban Areas PO 7.1 - Office – Interface Between Land Uses PO 1.2 - Office – Transport Access and Parking PO 1.2, PO 1.3, PO 6.7, PO 10.1		Consulting room – PO 1.3 and PO 6.7 from Transport, Access and Parking missing. Office – PO 1.2 Interface between land uses and PO 1.3, PO 6.7 and PO 10.1 from Transport, Access and Parking missing	
146.	Insert the following Sub Zone provisions within the Performance Assessed Classification Table relevant to the Class of development: - Advertisement – St Andrews Hospital Precinct Sub Zone PO 5.1 and WCH and Memorial Hospital Precinct Sub Zone PO 3.1		Not included.  Potential action: Include Subzone requirements from advertisements in Table 3.	<b>Further Investigation Required.</b>
<b>HERITAGE OVERLAYS (INCLUDES OTHER HERITAGE POLICY)</b>				
<b>State Heritage Place Overlay</b>				
147.	The term "complement the heritage value" has been used in several POs to describe the outcome sought. Include a definition or practice direction to assist on ensuring consistent interpretation and application of this phrase in the assessment of planning applications.		Same as 2020 consultation version.  Not included.	<b>Further Investigation Required.</b>
148.	Amend PO 3.4 as follows as works on a laneway could also impact heritage values: "Fencing and gates closer to a street boundary (other than a laneway) than the street elevation of the associated building are consistent with the traditional period, style and form of the State Heritage Place."		Policy included as recommended.	<b>No Action Required.</b>
149.	Amend PO 4.1 as follows to ensure reference is made to maintaining important 'vistas' with 'views': "Land division creates allotments that: a) maintain the heritage values of the State Heritage Place, including setting and vistas; and b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the State Heritage Place."		Same as 2020 consultation version. Excludes setting and vistas which is important in maintaining the value of the heritage place.  Potential action: Include reference to setting and views to a Heritage Place.	<b>Further Investigation Required.</b>
150.	Amend PO 7.1 as follows to ensure conservation works match the original materials used rather than just materials: "Conservation works to the exterior and interior of a State Heritage Place and other features of identified heritage value match original materials to be repaired and utilise traditional work methods."		Same as 2020 consultation version. Policy included as recommended.	<b>No Action Required.</b>
<b>Local Heritage Place Overlay</b>				
151.	As with State Heritage Places, the term "complement the heritage value" has been used to describe the outcome sought. Include a definition or practice direction to assist on ensuring consistent interpretation and application of this phrase in the assessment of planning applications.		Same as 2020 consultation version. Not included.	<b>Further Investigation Required.</b>
152.	In regard to PO 2.1, 2.2, 3.1 and 3.2 provide definitions for "complement" and "revitalisation" would help consistent interpretation and application of this phrase in the assessment of planning applications.		Not included.	<b>Further Investigation Required.</b>

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153.	Amend PO 3.4 as follows as works on a laneway could also impact heritage values: <i>"Fencing and gates closer to a street boundary (other than a laneway) than the street elevation of the associated building are consistent with the traditional period, style and form of the State Heritage Place."</i>		Policy included as recommended.	<b>No Action Required.</b>
154.	Amend PO 4.1 as follows to ensure reference is made to maintaining important 'vistas' with 'views': Land division creates allotments that: a) maintain the heritage values of the Local Heritage Place, including setting and vistas; and b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the Local Heritage Place.		Same as 2020 consultation version.  Excludes reference to maintaining setting and vistas which is important in maintaining the value of the heritage place.  Potential action: Include reference to setting and views to a Heritage Place.	<b>Further Investigation Required.</b>
155.	Amend PO 7.1 as follows to ensure conservation works match the original materials used rather than just materials: "Conservation works to the exterior and interior of a Local Heritage Place and other features of identified heritage value match original materials to be repaired and utilise traditional work methods.		Same as 2020 consultation version. Policy included as recommended.	<b>No Action Required.</b>
<b>Historic Area Overlay - Historic Area Statements</b>				
156.	Refine and include all missing information (as recommended in previous correspondence) into the Historic Area Statements by ensuring the overall heritage context of an area is described to ensure a sound basis for assessment.		Has been written as recommended by Council administration.	<b>No Action Required.</b>
157.	Include additional contextual information in the Historic Area Statements.		There is scope to include further information in the statements particularly in regard to off-street car parking, identifying original kerb and gutters as well as historic public realm features.  Potential action: Ensure HAS capture the key elements of each street that contribute to their character.	<b>Further Investigation Required.</b>
<b>Technical and Numeric Variations (TNV's)</b>				
158.	Further review and analysis is needed to understand how the TNVs would be interpreted and applying alongside the Historic Area Overlay. Whilst a new three-storey building may be acceptable in the Zone or Sub Zone (via the TNV), this may not be an acceptable contextual outcome when considering the Historic Area Overlay.		Further review required. Likely link with City Plan.	<b>Ongoing Review</b>
<b>Heritage Adjacency</b>				
159.	Review the spatial triggers for application of the Heritage Adjacency Overlay, particularly in relation to separation by a road.		In SAPPa it now applies across the road.	<b>No Action Required.</b>
160.	Include additional policies and guidance within the Heritage Adjacency Overlay to support contextual design.		Policy seeks to maintain heritage values however, requires more descriptive policies in the Overlay to support sensitive and compatible design such as materials, colours finishes, setbacks.  Potential action: Further discussion with PlanSA.	<b>Further Investigation Required.</b>

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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>ADVERTISING NEAR SIGNALISED INTERSECTIONS OVERLAY</b>				
161.	Apply the Overlay to appropriate intersections in City of Adelaide		No change from map included in submission. Potential action: Need to identify mechanism for applying related policies in CoA (due to non-State Government Roads)	<b>Further Investigation Required.</b>
162.	Include reference to Overlay policy in Zone tables for “Deemed to Satisfy” Development.			<b>Further Investigation Required.</b>
<b>AFFORDABLE HOUSING OVERLAY</b>				
163.	Insert the following new PO 1.4 to ensure the policy also applies to built-up areas: <i>PO 1.4 “Affordable housing is provided in a wide range of locations and integrated with existing and anticipated future built form to avoid an overconcentration”.</i>		State-wide overlay will need broader/cross-council discussions to resolve.	<b>Further Investigation Required.</b>
164.	Insert the following new DO 3: <i>DO 3 “Housing meets the needs of low income, disadvantaged and groups with complex needs whilst ensuring integration with existing residential communities”.</i>		State-wide overlay will need broader/cross-council discussions to resolve.	<b>Further Investigation Required.</b>
<b>DESIGN OVERLAY</b>				
<b>NOISE AND AIR EMISSIONS OVERLAY</b>				
165.			Review and ensure the application of this policy, the “Interface Between Land Uses” General Development Policy, and Zone/ Sub Zone policies are consistent with the current and well regarded Development Plan policy.	<b>Further Investigation Required.</b>
<b>AIRPORT BUILDING HEIGHTS (REGULATED) OVERLAY</b>				
166.	Amend technical mapping to ensure building height is measured in AHD.		Overlay refers to structures over X AHD, and SAPP mapping of building height is in AHD.	<b>No Action Required.</b>
<b>AIRCRAFT NOISE EXPOSURE OVERLAY</b>				
167.				<b>Further Investigation Required.</b>
<b>BUILDING NEAR AIRFIELDS OVERLAY</b>				
168.	Amend DTS/DPF 1.2 to clarify the intention and wording of DTS/DPF.			<b>Further Investigation Required.</b>
169.	Check if this overlay can apply to development which may impact on the operation of existing strategically important helicopter landing sites (independent of operation of Adelaide Airport)			<b>Further Investigation Required.</b>




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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>HAZARDS (FLOODING) OVERLAY</b>				
170.	More detailed discussions with City of Adelaide is recommended to clarify and refine the flood mapping to be used in the City.		Final version includes a new Overlay applied in the City of Adelaide: "Hazards (Flooding – Evidence Required) Overlay."  Potential Action: Discussion with PlanSA to confirm the intended application of this overlay.	<b>Further Investigation Required.</b>
<b>HAZARDS (FLOODING – GENERAL) OVERLAY</b>				
171.	More detailed discussions with City of Adelaide is recommended to clarify and refine the spatial application of flood mapping in the City.		Final version includes a new Overlay applied in the City of Adelaide: "Hazards (Flooding – Evidence Required) Overlay."  Potential Action: Discussion with PlanSA to confirm the intended application of this overlay.	<b>Further Investigation Required.</b>
<b>STORMWATER MANAGEMENT OVERLAY</b>				
172.	Apply the Stormwater Management Overlay to the City of Adelaide.		Applied to City Living Zone only. Should also apply to the rest of the City. Policy applies policies to residential development only.  Potential action: Review policies with consideration to City of Adelaide Water Sensitive Action Plan and potential application to all of City, with inclusion of relevant non-residential land uses.	<b>Further Investigation Required.</b>
<b>URBAN TREE CANOPY OVERLAY</b>				
173.	Apply the Urban Tree Canopy Overlay to the City of Adelaide jurisdiction particularly within the City Living Zone and Community Facilities Zone. Clarification required on the difference between the tree canopy policies in the Design in Urban Areas and the Urban Tree Canopy Overlay.		Applies to City Living Zone only should apply to the rest of the City.  Potential action: Apply Urban Tree Canopy Overlay to the City as a whole.	<b>Further Investigation Required.</b>
<b>HOUSING RENEWAL GENERAL DEVELOPMENT POLICY (GDP)</b>				
174.	The mechanism for assigning the Housing Renewal GDP to development types needs clarification, including how the Housing Renewal GDP and the Affordable Housing Overlay work together.		This has now been applied to Dwelling or RFB by SAHT etc in the Business Neighbourhood Zone.	<b>Further Investigation Required.</b>
175.	In consultation with the City of Adelaide, update the policies to ensure that the contextual design matters can be considered in the assessment of applications.		Potential action: check new policy to confirm if policy application is satisfactory.	<b>Further Investigation Required.</b>
176.	Ensure adequate public consultation occur for developments greater height, scale or intensity than what is envisaged for the Zone.		Over prescribed height triggers public notification requirements.	<b>No Action Required.</b>
<b>DESIGN IN URBAN AREAS GENERAL DEVELOPMENT POLICY (GDP)</b>				
177.	Delete word "primary" from PO 1.3 as all streets should have purpose and complement the streetscape.		The policy is adequate.	<b>No Action Required.</b>







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178.	Delete "when located on the roof of non-residential development" from PO 1.4(c).		The policy is adequate.	<b>No Action Required.</b>
179.	Insert the following new DTS/DPF 2.1 under the heading 'Safety': <i>DTS/DPF 2.1</i> <i>Development maximises visibility of the public realm by:</i> <i>(a) orientating windows, doors and building entrances towards the street, open spaces, car parks, pedestrian routes and public transport stops;</i> <i>(b) avoiding high walls, blank facades, carports and landscaping that obscures direct views to public areas;</i> <i>(c) arranging living areas, windows, pedestrian paths and balconies to overlook recreation areas, entrances and car parks;</i> <i>(d) positioning recreational and public space areas so they are bound by roads on at least two road frontages or overlooked by development;</i> <i>(e) creating a complementary mix of day and night-time activities, such as residential, commercial, recreational and community uses, that extend the duration and level of intensity of public activity;</i> <i>(f) locating public toilets, telephones and other public facilities with direct access and good visibility from well-trafficked public spaces;</i> <i>(g) ensuring that rear service areas and access lanes are either secured or exposed to surveillance; and</i> <i>(h) ensuring the surveillance of isolated locations through the use of audio monitors, emergency telephones or alarms, video cameras or staff e.g. by surveillance of lift and toilet areas within car parks.</i>		The policy within the Code is very brief and requires further work.  Potential action: Liaise with PlanSA to address these policy concerns.	<b>Further Investigation Required.</b>
180.	Insert the following new DTS/DPF 2.3 under the heading 'Safety': <i>DTS/DPF2.3</i> <i>Development providing awareness through design of what is around and what is ahead for legitimate users and observers to make an accurate assessment of the safety of a locality and site and plan their behaviour accordingly by:</i> <i>(a) avoiding blind sharp corners, pillars, tall solid fences and a sudden change in grade of pathways, stairs or corridors so that movement can be predicted;</i> <i>(b) using devices such as convex security mirrors or reflective surfaces where lines of sight are impeded;</i> <i>(c) ensuring barriers along pathways such as landscaping, fencing and walls are permeable;</i> <i>(d) planting shrubs that have a mature height less than 1 metre and trees with a canopy that begins at 2 metres;</i> <i>(e) adequate and consistent lighting of open spaces, building entrances, parking and pedestrian areas to avoid the creation of shadowed areas; and</i> <i>(f) use of robust and durable design features to discourage vandalism.</i>		The policy within the Code is very brief and requires further work.  Potential action: Liaise with PlanSA to address these policy concerns.	<b>Further Investigation Required.</b>
181.	Insert the following new PO under heading 'Safety': <i>PO</i> <i>Buildings designed to minimise access between roofs, balconies and windows of adjacent buildings to maximise security and safety.</i>		The policy within the Code is very brief and requires further work.  Potential action: Liaise with PlanSA to address these policy concerns.	<b>Further Investigation Required.</b>
182.	Insert new PO under the heading 'Landscaping': <i>PO</i> <i>Landscaping incorporating local indigenous species suited to the site and development and consistent with the character of the area.</i>		There are no policies in place that encourage the planting of local indigenous species this is important for maintaining the biodiversity of the area.  Potential action: Liaise with PlanSA to encourage planting of local indigenous species through most effective policy mechanism.	<b>Further Investigation Required.</b>









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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
183.	<p>Insert the following new DTS/DPF 4.1 under the heading 'Environmental Performance':</p> <p><i>DTS/DPF 4.1</i>  <i>Locate living areas, private open space and communal open space in a position that will receive sunlight by:</i>  <i>(a) providing a minimum of two hours of direct sunlight solar time on 22 June to:</i>  <i>i. at least one habitable room window (excluding bathroom, toilet, laundry or storage room windows);</i>  <i>ii. to at least 20% of the private open space; and</i>  <i>iii. communal open space, where the space provides the primary private open space for any adjacent residential development.</i>  <i>(b) Ensuring a maximum distance of 8m from habitable room window to living, dining, bedroom or kitchen.</i>  <i>(c) Appropriate orientation of the building to:</i>  <i>i. maximise north/south facing facades;</i>  <i>ii. ensure the north facade receives good direct solar radiation;</i>  <i>iii. minimise east/west facades to protect the building from summer sun and winter winds;</i>  <i>iv. narrow floor plates to maximise floor area receiving good daylight; and/or</i>  <i>v. minimise the ratio of wall surface to floor area.</i></p>		<p>Not included it is important appropriate methods incorporated into the design of the buildings to ensure environmentally efficient buildings.</p> <p>Potential action: introduce DTS to guide the sustainability of buildings.</p>	<b>Further Investigation Required.</b>
184.	<p>Revise PO 4.3 and add the following at the end of the sentence: “, other decentralised energy generation and embedded networks.”</p>		<p>This appears to be satisfactorily addressed within the Infrastructure and Renewable Energy Facilities GDP.</p> <p>Potential action: Review Infrastructure and Renewable Energy Facilities GDP decentralised and energy generation and embedded networks policies to determine if</p>	<b>Further investigation required.</b>
185.	<p>Insert the following new PO under the heading 'Environmental Performance':</p> <p><i>PO</i>  <i>Buildings designed to utilise low carbon design and construction measures.</i></p>		<p>A general policy encouraging low carbon has not been included.</p> <p>Potential action: Follow up PlanSA about incorporating policy that encourages low carbon footprint.</p>	<b>Further Investigation Required.</b>
186.	<p>Revise PO 5.1 under the heading Water Sensitive Design to also include:</p> <p><i>(d) incorporating waste water and stormwater re-use including the treatment and re-use of grey water.</i></p>		<p>No policies in place that encourage the re-use of grey water.</p> <p>Potential action: Follow up PlanSA about the inclusion of policies that support waste water and stormwater re-use.</p>	<b>Further Investigation Required.</b>
187.	<p>Insert the following new PO under the heading 'Waste Management':</p> <p><i>Development designed to ensure waste minimisation, re-use and recycling and encourages waste water, grey water and stormwater re-use and does not generate unacceptable levels of air, liquid or solid pollution.</i></p>		<p>No policies in place that encourage the re-use and recycling of water. Air pollution is addressed in interface between land uses PO5.1 however liquid or solid pollution has not been addressed.</p> <p>Potential action: Follow up PlanSA about the inclusion of policies that encourage the re-use and recycling of water and addresses liquid and solid pollution.</p>	<b>Further Investigation Required.</b>
188.	<p>Revise DTS/DPF 7.1 to ensure undercroft structures do not exceed 1 metre, any more than this severely impact on the streetscape OR ensure DTS/DPF 7.1 and DTS/DPF 26.2 do not apply within the Classification tables to the City of Adelaide.</p>		<p>DTS/DPF 7.1 has been removed from the Code. There is not the ability to exclude DTS/DPF from the Classification Table for the City of Adelaide.</p>	<b>Requires Further Investigation.</b>









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189.	Insert the following new PO under the heading 'Car Parking Appearance': PO X Garaging and parking structures (including the width of any support structure) provided on a public street frontage or on a laneway that functions as the dwellings primary frontage should be of a width less than 50% of the allotment width on that frontage.		Has been applied to low rise residential development. To ensure active frontages and quality streetscapes this should apply to all development.  Potential action: Consider applying 50% rule to all development.	<b>Further Investigation Required.</b>
190.	Revise PO 8.1 under the heading 'Earthworks and Sloping Land' to also ensure there is limited impact on adjoining neighbours and streetscapes.		This is unlikely to impact on properties within the City.	<b>No Action Required.</b>
191.	Insert the following new PO under the heading 'Earthworks and Sloping Land' to minimise impact of earthworks on adjoining neighbours. <i>Development transitions towards neighbours to avoid excessive fence heights for adjoining neighbours.</i>		This is unlikely to impact on properties within the City.	<b>No Action Required.</b>
192.	Insert the following new DTS/DPF 9.1: <i>DTS/DPF 9.1 Fences and walls abutting streets (excluding service lanes) that: (a) are articulated and detailed to provide visual interest; included in PO 12.4 (b) are compatible with the associated development and with any existing attractive fences and walls in the locality; (c) enable visibility of buildings from and to the street to enhance safety and allow surveillance; included in PO 2.5, PO 12.7 (d) assist development to address the street; and (e) are no greater more than 1.2m high if solid (forward of the building line). This height may be increased to 2m if the fence has openings which make it more than 50% transparent.</i>		The height of fencing and its transparency is particularly important to the activation and safety of the City. It is important policy is in place to support it.  Potential action: Include policy that seeks to ensure fencing contributes to the activation and safety of the City.	<b>Further Investigation Required.</b>
193.	Insert the following new PO under the heading 'Site Facilities/Waste Storage' to ensure rubbish collection does not impact on residential amenity: PO <i>Development designed to facilitate collection of refuse to avoid unnecessary impacts to residential amenity such as truck movements in urban streets.</i>		Collectively the management policies address this.	<b>No Action Required.</b>
194.	Insert the following new PO under the heading 'External Appearance': PO <i>The height, scale and massing of buildings that reflect and reinforce: (a) the consistent parapet lines, floor levels, height and massing with existing buildings; (b) the prevailing pattern of visual sub-division of neighbouring building frontages where frontages display a character pattern of vertical and horizontal sub-divisions; (c) avoid massive unbroken facades; and (d) ground, middle and rooftop levels.</i>		Not included however some elements have been addressed in the Built Form and Character policies within the CCZ CMSZ	<b>No Action Required.</b>
195.	Insert the following new PO under the heading 'External Appearance': PO <i>The design, external materials, colours and finishes of buildings that have regard to their surrounding townscape context, built form and public environment.</i>		There is not a general policy addressing the quality of materials and finishes that applies to all development and not just medium high-rise development.  Potential action: This should apply to all development to ensure long term sustainability.	<b>Further Investigation Required.</b>
196.	Revise PO 12.5 under the heading 'External Appearance': PO 12.5 <i>External materials and finishes are of high quality, durable and age well to minimise ongoing maintenance requirements and contribute to positively to the public realm.</i>		The policy seeks the use of high quality, durable materials and is considered adequate.	<b>No Action Required.</b>

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197.	Delete the following words "if there are no active or occupied ground floor uses" from DTS 12.7(c) under the heading 'External Appearance'.		The policy ensures entrances to buildings are prominent and is considered adequate.	<b>No Action Required.</b>
198.	Revise PO 12.8 under the heading 'External Appearance' as follows: <i>PO 12.8</i> <i>Building services, plant and mechanical equipment are screened from the public realm, and/or integrated into the façade design and do not dominate the street frontage.</i>		Not Included. In the City, it is important building services, plant and mechanical equipment should be integrated into the design of the building and do not dominate.	<b>Further Investigation Required.</b>
199.	In regard to PO 13.2 ensure appropriate research has been undertaken to ensure the deep soil zones are of a sufficient depth and dimension to ensure existing vegetation is protected and capable of being planted with large canopy trees.		No post consultation changes or further information provided.	<b>Further Investigation Required.</b>
200.	Insert the following new PO under the heading 'Car Parking' to guide the design multilevel car parks: <i>PO</i> <i>Multi-level car parks designed to:</i> <i>(a) ensure vehicle access is from the road with less pedestrian activity;</i> <i>(b) there is no more than one entry lane and one exist lane;</i> <i>(c) have a controlled exit at the property boundary to stop vehicles before travelling across the footpath;</i> <i>(d) has no more than one left in and one left out access point;</i> <i>(e) avoid access points along high concentration public transport routes;</i> <i>(f) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage;</i> <i>(g) along ground floor street frontages to maintain pedestrian interest and activity at street level;</i> <i>(h) be of a high quality design and complement the surrounding built form in terms of height, bulk and scale;</i> <i>(i) provide surveillance, lighting and direct sightlines along clearly defined and direct walkways, through and within car parking areas and to lift and toilet areas;</i> <i>(j) ensure corner sites with two major street frontages, be set back from the major street frontages, with commercial or other non-car park floor space in front of and screening the car parking building;</i> <i>(k) be on a site with only one major street frontage, include screening so that any car parking is not visible from the public realm either day or night, and detailed to complement neighbouring buildings;</i> <i>(l) incorporate treatments to manage the interface with adjacent housing, such as careful use of siting and use of materials and landscaping;</i> <i>(m) ensure there are no vehicle access points across major walking routes; and <b>Included in part</b></i> <i>(n) provide safe and secure bicycle parking spaces.</i>		Some included in Concept Plan 79.  Location and design of multi-level car parks requires further review and should be addressed further in Transport, Access and Parking GDP.	<b>Requires Further Investigation.</b>
201.	Revise PO 15.1 as follows: <i>Multi-level car parking structures are to be sleeved within buildings with productive floorspace to contribute to active street frontages and complement the locality.</i>		Addressed within PO 15.1 and DTS/DPF 15.1.	<b>No Action Required.</b>
202.	Revise DTS/DPF 15.1 (a) to include residential.		Not required.	<b>No Action Required.</b>
203.	Insert new DTS/DPF 16.1 that provides more detailed setback standards that need to be applied.		Not included. Applicant would need to demonstrate the requirements of PO 16.1. It is questionable as to what is a reasonable distance.  Potential action: Possible new DTS on visual separation distances.	<b>Further Investigation Required</b>
204.	Revise PO 16.1 and DTS/DPF 16.1 to delete the word "primary" as passive surveillance should be provided to all street frontages.		Note this is PO 17.1. The policy sufficiently addresses passive surveillance.	<b>No Action Required.</b>

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205.	Delete DTS/DPF 19.1 under the heading ‘Ancillary Development’.		Not required.	No Action Required.
206.	Insert the following new PO in regard to building setbacks under the heading ‘External Appearance – Buildings 3 Building Levels or Less’. PO X Building set-backs that complement the prevailing set-backs in the street in relation to: (a) street frontages; and (b) side and rear boundaries. DTS/DPF X Where setbacks vary the following setbacks apply: (a) the same distance as one or the other of the adjoining buildings, provided the difference between the set-backs of the 2 adjoining buildings is less than or equal to 2m; or (b) not less than the average of the set-backs of the adjoining buildings, if the difference between the setbacks of the adjoining buildings is greater than 2m.		Satisfactorily addressed within PO 3.1 and DTS/DPF 3.1 of the CLZ.	No Action Required.
207.	Insert into PO 21.3 (f) the following to ensure adequate daylight and sunlight to private open space: PO 21.3 (f) ensure an adequate level of daylight and sunlight.		PO21.3 deleted in final version. Now included within Interface Between Land Uses GDP 3.2 and DTS/DPF 3.2	No Action Required.
208.	Insert the following new PO under the heading ‘Car parking, Access and Manoeuvrability – Residential Development – 3 Building Levels or Less’ to ensure the preference that access is from a laneway rather than the main street frontage. The purpose is to maintain and enhance the streetscape particularly in areas such as the City Living Zone. PO - Where there is a side or rear laneway abutting the land, access to the parking area is to be from the laneway, rather than the main street frontage.		Included in the appropriate HAS.	No Action Required.
209.	Ensure the criteria within DTS/DPF 24.1 (a) is of a sufficient size to accommodate a 3 bin system.		Appears to be included.  Potential action: Check if wording of 2m <sup>2</sup> DTS min sizing is sufficient to provide for 3 bin system.	Further Investigation Required.
210.	Insert the following new PO within ‘All residential development’ to ensure that residential development is capable of being adaptable throughout a lifespan allowing one to age in place. PO - Residential development should be designed to be adaptable to meet people’s needs throughout their lifespan to ensure that changes associated with old age, special access and mobility can be accommodated. DTS/DPF - Buildings constructed in accordance with the requirements set out in Australian Standard AS 4299: ‘Adaptable Housing’.		Requirement for universal design is included in PO 37.2 however only applies to supported accommodation and retirement facilities. Should apply to all forms of residential development.  Potential action: Advocate for inclusion of universal design for all forms of residential development.	Further Investigation Required.
211.	Apply PO 28.5 to include residential developments “3 building levels or less” (in addition to “Residential Developments with 4 or more building levels”) to ensure the increased provision of accessible dwellings, possibly also with the inclusion of additional guidance for design and assessment which could draw from Liveable Housing Australia, Liveable Housing Design Guidelines <a href="http://www.livablehousingaustralia.org.au">http://www.livablehousingaustralia.org.au</a> or similar publications.		PO 28.5 has been moved to only apply to supported accommodation and retirement facilities (PO 37.2).  Potential action: Advocate for inclusion of universal design for all forms of residential development.	Further Investigation Required.
212.	To ensure quality accommodation a minimum size should be included for a studio in DTS/DPF 29.1.		Included in DTS 31.1 however missing in DTS/DPF 28.4.  Potential action: Include minimum size requirements in DTS/DPF 28.4.	Further Investigation Required.
213.	Insert the following new PO under Residential Dev – 4 or more building levels [Common Areas]: Common areas are acoustically designed to enable the quiet enjoyment of dwellings.		Communal areas are addressed in PO 32.3	No Action Required.

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214.	To ensure the area within the building is useable and provides quality living space insert new PO under Residential Dev – 4 or more building levels [Dwelling Configuration]: <i>Buildings designed to ensure internal structural columns align with the position of internal walls to provide useable space.</i>		Included in PO 28.7	No Action Required.
215.	Revise PO 31.3 to ensure minimal overlooking and orientation towards adjoining residential properties.		Included within PO 31.3	No Action Required.
216.	Revise communal open space policy for group dwellings, residential flat buildings and battle-axe development (PO 32.1 – 32.4) to apply to all residential development.		Not relevant to all forms of residential dev	No Action Required.
217.	Insert additional policy that addresses car parking areas to be future proofed for electric vehicle charging points.		Not Included.  Potential action: Discuss with PlanSA opportunity to require provisioning in car parking areas for future electrical vehicle charging points.	Further Investigation Required.
218.	Apply water sensitive design principles for group dwellings, residential flat buildings and battle-axe development (PO 36.1 -PO 36.2) to all development.		Now applies to all development in PO 5.1, however no DTS pathway is provided and therefore there is no longer a streamlined pathway for assessment.  Potential action: Discuss with PlanSA opportunities to streamline assessment of WSUD provisions via DTS pathways.	Further Investigation Required.
<b>DESIGN GENERAL DEVELOPMENT POLICY (GDP)</b>				
219.	To avoid duplication and confusion, this GDP should only apply to regional areas.		Design GDP only called up in CoA for Service Trade Premises, Store and Warehouse in Business Neighbourhood Zone Table 3 and Retaining wall in Community Facilities Zone Table 3.  Potential action: Revise tables to ensure Design in Urban Areas GDP apply, and discuss with PlanSA the intended use of the Design GDP associated with performance assessed development in urban areas.	Further Investigation Required.
<b>ADVERTISEMENTS GENERAL DEVELOPMENT POLICY (GDP)</b>				
220.	There is a need for an amendment to regulation 8(2) to include (highlighted in bold below) Pursuant to Regulation 8 (2), Schedule 3 of the <i>Planning Development and Infrastructure Regulations 2017</i> : <i>a change made to the type or contents of an existing advertisement will be taken not to constitute the commencement of the display of an advertisement if–</i> <i>(a) The advertisement area is not increased; and</i> <i>(b) The change does not involve the addition of animation or illumination.</i> <b>(c) The change does not involve advertisement that does not relate to the relevant land use consent of the site.</b> Delete DTS 3.1 and replace it with the original DTS 3.1 from first consultation that contained strong and clear policy that ensured advertising does not contain third party advertising e.g. "An advertisement does not contain third party content."		PO has been slightly amended but doesn't specifically refer to third party advertising.  Potential action: Contact PlanSA about developing specific policy for third party advertising.	Further Investigation Required.

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221.	Insert the following new PO from Council Wide PDC 214 of the CoA of the Dev Plan: <i>Product advertisements illustrating products sold on the premises in conjunction with the business name should not exceed 25 percent of the area of any advertisement.</i>		PO 3.1 seeks to ensure advertising is restricted to the use of the land. No provision about third party advertising.  Potential action: Contact PlanSA about developing policy for third party advertising.	<b>Further Investigation Required.</b>
222.	Insert the following new PO from Council Wide PDC 202 from the COA Dev Plan to address advertising on outdoor dining fixtures: <i>Signage that identifies the business name or logo, or advertises goods sold on the premises is only appropriate on glass and canvas screens and umbrellas and when it meets the following:</i> a) <i>signage and advertisements designed to improve and complement the amenity of the premises, be of an appropriate design and consistent with the character of the locality;</i> b) <i>advertisements on outdoor dining items such as umbrellas and canvas screens that do not exceed a portion that covers 10% of the total available space on each outdoor dining item, up to half of which may be commercial advertisements in the form of product logos used or sold by the premises;</i> c) <i>advertisements should not be illuminated or animated; and</i> d) <i>third party advertising on outdoor dining items is inappropriate.</i>		PO 3.1 seeks to ensure advertising is restricted to the use of the land. No provision about third party advertising.  Potential action: Contact PlanSA about developing policy for third party advertising.	<b>Further Investigation Required.</b>
223.	Insert the following new PO from CW PDC 218 from the CoA Dev Plan: <i>Temporary advertisement hoardings or shrouds required for the screening of construction sites or for creating visual interest to occur only where they are:</i> a) <i>of a high standard of design;</i> b) <i>displayed only during the period of construction;</i> c) <i>comprised of high quality opaque, solid and non-reflective material that is durable, low maintenance and appropriate to the context;</i> d) <i>required to conceal wiring and conduits; and</i> e) <i>do not create undue risk to public or private safety.</i>		Not included, there is an absence of provisions guiding this form of advertising.  Potential action: Contact PlanSA about developing policy to address temporary advertising hoardings and shrouds.	<b>Further Investigation Required.</b>
224.	Ensure the relevant PO's and DTS's from the Advertisements GDP are included within the Development Classification Tables.		Potential action: Possible Sect 76 Amendment.	<b>Further Investigation Required.</b>
<b>Third Party Advertising</b>				
225.	Resolution of the above issue is required through amendment to Regulations and inclusion of a definition in the Planning and Design Code.		Potential action: Future Action – Contact PlanSA about the potential inclusion of third party advertising through amendment to Regulations.	<b>Further Investigation Required.</b>
226.	Refinements of policies are also needed to avoid the third party advertisements.		PO 3.1 limits advertisements to the lawful use of the land and their identity.	<b>No Action Required.</b>
<b>INTERFACE BETWEEN LAND USES GENERAL DEVELOPMENT POLICY (GDP)</b>				
227.	Revise Desired Outcome to clearly state that the purpose of the GDP is to reduce potential for conflict between land uses and ensure land use co-existence.		DO 1 seeks to mitigate adverse effect from proximate land uses.	<b>No Action Required.</b>
228.	Include a new PO that seeks ancillary activities to have minimal disturbance to residents and include a DTS/DPF that restricts when ancillary activities can occur e.g. emptying of drink bottles in bins removal of commercial waste etc.		PO 1.2, PO 2.1, PO 4.1 seeks to ensure dev does not impact of sensitive receivers. In addition, conditions can be imposed on emptying of bottles and removal of commercial waste.	<b>No Action Required.</b>




\*Implemented in Planning and Design Code March 2021 release key:









	Implemented		Partially Implemented		Not Implemented
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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
229.	Include a policy that addresses built form interface impacts such as setbacks, bulk and scale.		Addressed within zone provisions.	<b>No Action Required.</b>
230.	Include acceptable criteria for ensuring adequate sunlight to solar panels e.g. sunlight to solar panels should be maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm solar time on 22 June provided it does not restrict the reasonable development of adjoining sites.		Not included. Potential action: Consider inclusion of acceptable design criteria to maintain adequate sunlight to solar panels in a new DTS/DPF 3.3.	<b>Future Action.</b>
231.	Include DPF 4.2 outlining what noise level standards are considered appropriate for the operation of plant and equipment such as air conditioning, ventilation and refrigeration systems.		Addressed in the Environment Protection (Noise) Policy which is referred to in DTS/DPF 4.1.	<b>No Action Required.</b>
232.	Include policy that ensures attached dwellings/serviced apartments are designed to minimise transmission of sound between dwellings/serviced apartments and particularly protect bedrooms from possible noise intrusion e.g. appropriate stacking of rooms, locating bedrooms away from living rooms.		PO 28.6 in Design in Urban Areas GDP	<b>No Action Required.</b>
233.	Include policy that provides noise attenuation measures into the design and construction of noise sensitive development in mixed use areas.		No change to PO 1.1. Potential action: Ensure Environment Protection (Noise) Policy applies as a DTS for PO 1.1 and 1.2.	<b>Further Investigation Required.</b>
234.	Include noise policy specific to licensed premises (other than music noise) to ensure they incorporate appropriate noise attenuation measures to address patron noise.		Addressed in PO 4.1 and DTS/DPF 4.1. and is required to meet the relevant Environment Protection (Noise) Policy criteria. PO 4.5 only refers to outdoor areas	<b>No Action Required.</b>
235.	Insert policy that discourages noise emanating from speakers under canopies on pavements.		This is a frequent issue in the City and has not been addressed by the Code. Potential action: Include policy that discourages noise emanating from speakers under canopies in the City Specific Zones.	<b>Further Investigation Required.</b>
236.	Revise business operating hours to reflect the function of the different Zone and Sub Zones. This would include providing additional operating hours for other land uses.		The business hours in DTS/DPF 2.1 do not reflect all land uses likely to occur in the City and hours should be varied depending on the area. Potential action: Could be considered further as part of future City Plan.	<b>Further Investigation Required.</b>
237.	Seek updates to the Environment Protection (Noise) Policy criteria 2009 to reflect the new PDI Act legislation and to ensure the policies work for applicants and stakeholders. The policies need to be updated to manage the mix of uses anticipated in the new Zones. The agent of change principle needs to be applied to support the management of mixed use precincts whilst supporting residential amenity.		No change. Potential action: Discuss potential with PlanSA to update the Environment Protection (Noise) Policy criteria 2009 to reflect the new PDI Act and manage the mix of land uses in each zone.	<b>Future Action.</b>

## \*Implemented in Planning and Design Code March 2021 release key:

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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>BEVERAGE PRODUCTION IN RURAL AREAS GENERAL DEVELOPMENT POLICY (GDP)</b>				
238.	Provide policies around odours etc and management approaches such as condensers. The Beverage Production in Rural Areas policies need incorporated to be applicable to Beverage Production in Urban Areas.		Not included. Distilleries, cideries and breweries are now a popular trend in suburban backyards and therefore the GDP should also be applicable to urban areas.  Potential action: Discuss with PlanSA potential to revise the name of Beverage Production in Urban Areas to Beverage Production.	<b>Future Action.</b>
<b>INFRASTRUCTURE AND RENEWABLE ENERGY FACILITIES GDP</b>				
239.	Include a Desired Objective that seeks long term sustainability of the environment that minimises the consumption of non-renewable resources and utilises alternative energy generation systems.		DO 1 sufficiently encourages the use of renewable energy facilities.	<b>No Action Required.</b>
240.	For efficiency purposes, an additional PO under the heading 'General' should be included that encourages the location of infrastructure and utility services including the supply of water, gas and electricity in shared common trenches or conduits.		Not included and should be for efficiency and impact purposes.  Potential action: Pursue policy with PlanSA to encourage location of services in common trenches.	<b>Future Action.</b>
241.	Revise PO 2.2 to ensure the visual amenity policies also apply to electricity substations.		Captured within PO 2.1.	<b>No Action Required.</b>
242.	Include an additional PO under the heading 'Rehabilitation' to also include the removal of telecommunication equipment that is redundant or no longer required for transmission.		Not included.  Potential action: Ensure redundant telecommunication is removed when no longer required.	<b>Future Action.</b>
243.	Under the heading 'Battery Storage Facilities' include guiding policy for electric recharging stations.		Not included.  Potential action: Discuss with PlanSA developing policies for guiding electric charging stations.	<b>Future Action.</b>
244.	Incorporate a new PO that treats water as a resource and facilitates the re-use of sewage and wastewater, drainage and stormwater from the site of development under the heading 'Wastewater Services'.		Not included.  Potential action: develop policy that facilities the re-use of water.	<b>Future Action.</b>
245.	Introduce a PO that seeks service structures, plant and equipment to be designed to be an integral part of the development or located away from main streets and public spaces to maximise activation of the public realm.		PO 12.8 from Design in Urban Areas seeks to screen plant and mechanical equipment from the public realm however it would be beneficial to also have policy that encourages services to be designed as an integral part of the development and maximise activation.  Potential action: develop policy that seeks service structures, plant and equipment to be designed to be an integral part of the development or located away from main streets and public spaces to maximise activation of the public realm.	<b>Future Action.</b>

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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>TRANSPORT POLICIES</b>				
246.	Reinstate policies around ancillary parking and non-ancillary parking		Not included	Further Investigation Required.
247.	Support changes to City Mainstreets and Business Neighbourhood Zones however there is a need for a balanced consideration of area-based approach to shared car parking, public transport improvements and walking and cycling infrastructure. This would be better considered through a future Code Amendment.		Requires further analysis and research.	Further Investigation Required.
248.	Reconsider non-residential parking rates in the City Living Zone in light of proposed land use Changes.		Not included.	Further Investigation Required.
249.	Reinstate car parking rates for people with a disability from existing Development Plan.		Not included. Potential action: Policy Amendment – apply car parking rates for people with disabilities to the City.	Further Investigation Required.
250.	Provide consistent metropolitan bicycle car parking rates and ensure bicycle storage is in additional to dwelling storage.		Not included. Bicycle parking rates have not been applied to the City. Potential action: Policy Amendment – apply bicycle parking rates to the City.	Further Investigation Required.
251.	Ensure Deemed to Satisfy and Accepted Development pathways do not provide "automatic" approvals of new vehicle crossovers.		Still required under LG Act?	Further Investigation Required.
252.	Insert a PO to ensure siting, design and acoustic measures are provided for service and loading areas that are conveniently located and do not impact the street amenity, residential amenity and traffic and pedestrian safety.		PO18.2 in Design in Urban Areas GDP partially considers this regarding residential amenity, and PO 4.2 in Interface Between Land Uses GDP. Potential action: review policies to determine if sufficient.	Further Investigation Required.
253.	Provide PO around provision rates end of trip facilities.		Potential action: liaise with PlanSA to resolve.	Further Investigation Required.
<b>SITE CONTAMINATION GDP</b>				
254.	Revise PO 1.1 to ensure existing buildings are also suitable for sensitive land uses and provide a safe environment prior to the commencement of the use.		Practice Direction re: site contamination appears to achieve this. Potential action: review policies and Practice Direction to ensure this is achieved.	Further Investigation Required.
255.	Insert following new PO from PDC 105 from the CoA Dev Plan: <i>Where there is evidence of, or reasonable suspicion that land, buildings and/or water, including underground water, may have been contaminated, or there is evidence of past potentially contaminating activity/ies, development should only occur where it is demonstrated that the land, buildings and/or water can be made suitable for its intended use prior to commencement of that use.</i>		Practice Direction re: site contamination appears to achieve this. Potential action: review policies and Practice Direction to ensure this is achieved.	Further Investigation Required.







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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
<b>PUBLIC NOTIFICATION – TABLE 5 PROCEDURAL MATTERS</b>				
256.	Changes to public notification policies have been made during the consultation process, however not communicated to all stakeholders. A stakeholder may have reviewed the Code at the beginning of the consultation and considered the policies to be reasonable. However, in some instances, substantial policy changes have been made and not communicated widely except on the website.		No comment.	<b>Further Investigation Required.</b>
257.	Removing public notification at this stage is unjustified for those who in good faith have reviewed the proposed Planning and Design Code however were unaware of the errors or “corrections”.		Potential action: review public notification triggers to determine if appropriate in City of Adelaide.	<b>Further Investigation Required.</b>
258.	The structure and wording of Table 5 – Procedural Matters is convoluted and ambiguous, making it difficult to identify what classes of development are exempt from notification.		Potential action: review public notification triggers to determine if appropriate in City of Adelaide.	<b>Further Investigation Required.</b>
259.	The only component of residential development that is subject to notification is the overall building height, whereby development must exceed the maximum anticipated height in order to be notified. Within the applicable Zones within the City of Adelaide, there is no consideration to development on the boundary being a trigger for notification.		Potential action: review public notification triggers to determine if appropriate in City of Adelaide.	<b>Further Investigation Required.</b>
260.	Land uses exempt from notification are inconsistent with anticipated land uses within a Zone or Sub Zone.		Potential action: review public notification triggers to determine if appropriate in City of Adelaide.	<b>Further Investigation Required.</b>
261.	There are substantial changes to notification within the City Living Zone, which lack consideration for composition of narrow allotments, high proportion of heritage places and residential character/amenity.		Potential action: review public notification triggers to determine if appropriate in City of Adelaide.	<b>Further Investigation Required.</b>
262.	Ensure catalyst sites remain publicly notified given the potential impacts that need to be considered by stakeholders.		Potential action: review public notification triggers to determine if appropriate in City of Adelaide.	<b>Further Investigation Required.</b>
263.	Within the Adelaide Park Lands revised the notification as follows: - No public notification is required where developments are clearly anticipated in the Zone. Notification triggers consider the scale and impact of the use of the locality and adjacent Councils and the level of assessment needed to be undertaken with an application (see examples below based on current approach).		Check that changes meet the recommendation.	<b>Further Investigation Required.</b>
264.	The “trigger” around development adjacent a zone boundary apply to all adjacent zones and not only a neighbourhood type zone. The Capital City Zone does not fall under the definition of a neighbourhood type zone, however, encourages residential and similar uses to a neighbourhood type zone. These residents should be afforded the same public consultation rights noting densities are likely to be higher.		Potential action: review public notification triggers and application to determine appropriateness in City of Adelaide.	<b>Further Investigation Required.</b>
<b>TECHNICAL AND NUMERIC VARIATIONS</b>				
265.	Apply Urban Tree Canopy overlay to City of Adelaide.		Applies to City Living Zone only.	<b>Further Investigation Required.</b>
266.	Apply Stormwater Management overlay to City of Adelaide.		Applies to City Living Zone only.	<b>Further Investigation Required.</b>
267.	Clarify how the spatial application of Housing Renewal will be undertaken and/or triggered during development assessment.		These policies seem to apply to development undertaken by SAHT or Community Housing providers.	<b>Further Investigation Required.</b>

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Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
268.	Spatially map where TNVs apply via SAPPA.		TNVs are mapped, but not by individual parameters.	<b>Further Investigation Required.</b>
<b>PUBLIC REALM</b>				
269.	Ensure all relevant public realm matters are encapsulated appropriately in either the Planning and Design Code or a City of Adelaide Design Standard.		Potential action: liaise actively with PlanSA to ensure public realm matters are adequately addressed.	<b>Further Investigation Required.</b>
270.	Ensure the Statutes Amendment (Local Government Review) Bill 2020 contributes to resolving outstanding issues, in line with the Bill as introduced to the Legislative Chamber.		Still under consideration.	<b>Further Investigation Required.</b>
<b>REFERRALS</b>				
271.	Initiate discussions with the Education Standards Board regarding the potential to introduce a referral for advice on requirements for operation of childcare centres.		Not included in referrals in Code or in Regulations. Potential action: Liaise with PlanSA and Education Standards Board regarding coordination of approvals for childcare centres.	<b>Further Investigation Required.</b>
<b>DEFINITIONS</b>				
272.	The following terms are recommended to be defined in Part 8 - Administrative terms and definitions - Ancillary Building - Catalyst Site - Conservation Works - Low, medium and high scale (as distinct from low, medium and high rise) - Infrastructure (in terms of inclusions aligning to the Local Government Act)		Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
273.	The following land uses do not have a definition in the Code however have previously been useful in managing land uses in the City. It is recommended that these are added as definitions: - Adult Entertainment Premises - Adult Products and Services Premises - Boarding/Lodging House - Cinema/Theatre - Emergency Services Facilities (Ambulance, Fire, Police) - Entertainment Centre - Events - Informal and Formal Recreation Area - Short Term Accommodation		Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>

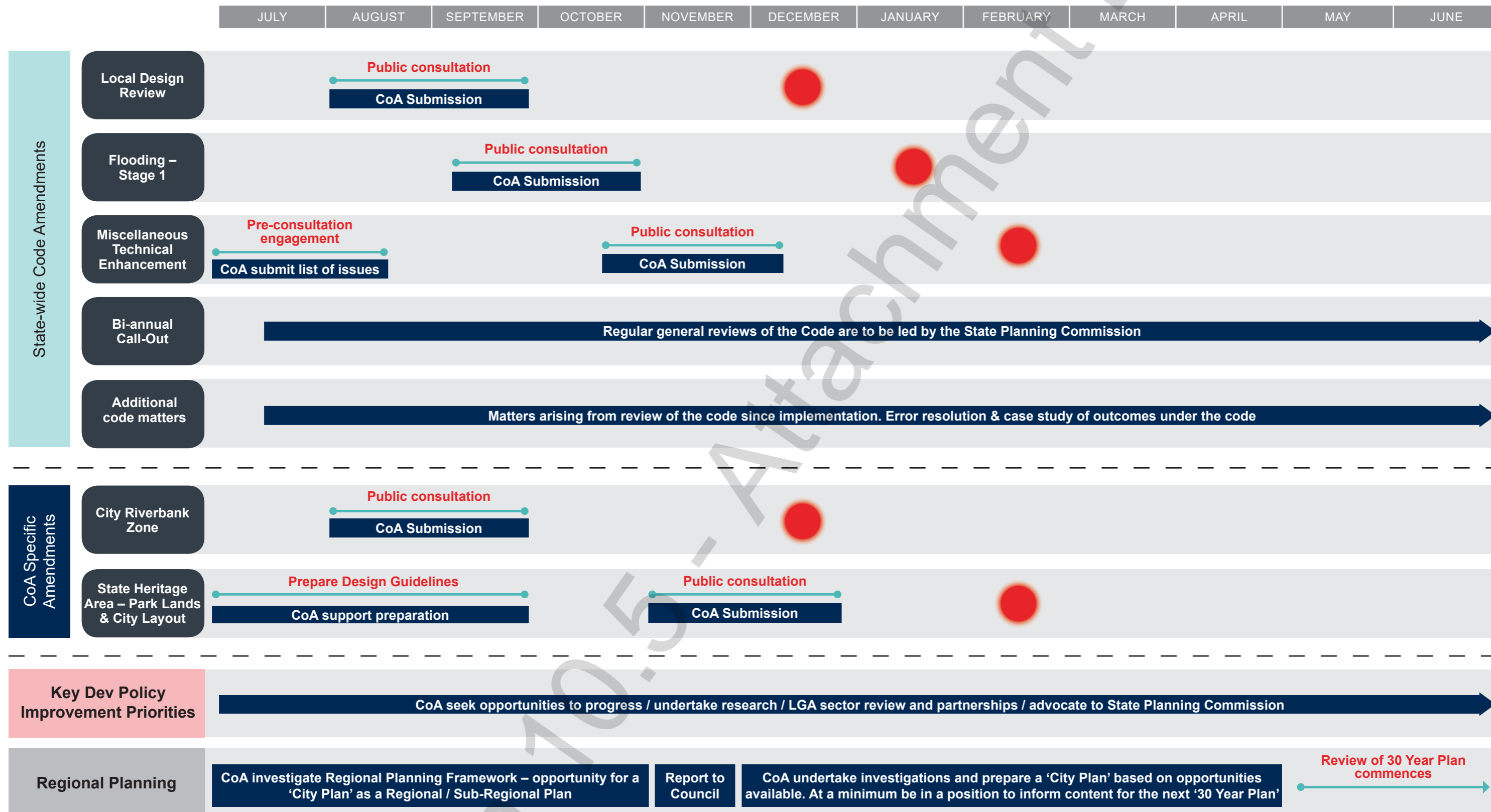
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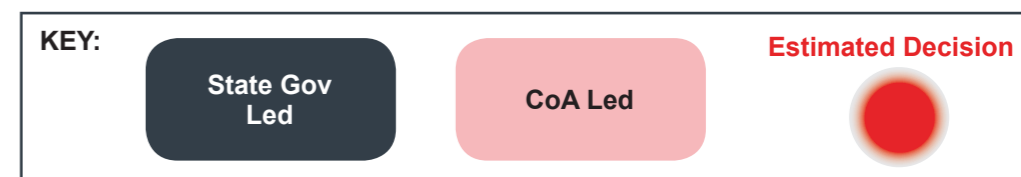
Recommendations to Draft Phase 3 Planning and Design Code – endorsed by Council in December 2020		Implemented	Comment	Approach to resolve
274.	The following land use terms and activities referred to in the P&D Code to be defined in Part 7 – Land Use Definitions: - Licensed Premises - Entertainment Venue and/or Entertainment Premises - Sporting Facility - Club - Convention Centre - Helicopter Landing Facility - Hospital - Institutional use - Motel - Serviced Apartment - Health Care Facility		Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
275.	A Restaurant forms a standalone land use.		No change. Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
276.	A Domestic and Personal Services Establishment is only included under Column C for a Shop.		No change – is listed in Column A as well. Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
277.	Where policies have been used interchangeably or are similar, these should be should either be separately defined, or the P&D Code should be amended, removing superfluous terms. For clarity of both interpretation and application, the following land uses need to be refined: - Community Facilities, Community Centre and Community Service - Short Stay Accommodation and Tourism Facilities. - Licensed premises, Nightclubs, Bars, Entertainment Venue, Entertainment Premises and Entertainment Facilities.		No changes made. Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
278.	Policies also need to be reviewed to ensure definitions have been used consistently throughout the Code.		Undertake detailed review.	<b>Further Investigation Required.</b>
279.	For the purpose of existing use rights, practice guidance is needed on the legal interpretation of definitions that may have changed.		Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
<b>Additional suggestions post submission.</b>				
280.	Capital City Zone DTS/DPF 8.3 needs to be a PO rather than a DTS.		Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>
281.	Business Neighbourhood Zone The change of use DTS to include bike parking, waste and operation hours.		Potential action: liaise with PlanSA to resolve.	<b>Further Investigation Required.</b>

\*Implemented in Planning and Design Code March 2021 release key:

	Implemented		Partially Implemented		Not Implemented
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Notes: Dates and projects, based on content information available.

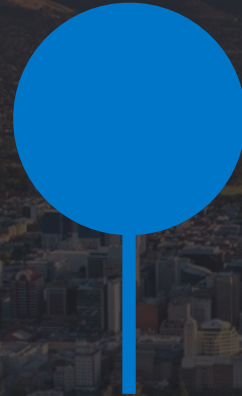




## Sustainability

*"Lead the way in climate action and manage water, waste, transport and greening in a sustainable way."*

CoA Strategic Plan 2020-2024



## Movement

*"Transform the ways people move around and connect with each other."*

CoA Strategic Plan 2020-2024



## Liveability

*"Ensure that Adelaide is globally recognised as an affordable and innovative place to do business."*

*"Support the wellbeing of our communities."*

CoA Strategic Plan 2020-2024



## Heritage

*"Celebrate our city's unique built, natural and cultural heritage."*

CoA Strategic Plan 2020-2024



## City Plan

*"Develop spatial plans to support future growth in the city."*

CoA Strategic Plan 2020-2024

STRATEGIC PRIORITY ADELAIDE

Most liveable city  
in the world



# Sustainability

## Why?

Recognised by Council through previous submissions on the Planning Reform as an area of development policy that requires attention. The theme also aligns with several of Council's current action plans which have important linkages to the development system.

### 1. Resource recovery / circular economy

- a. Resource Recovery Action Plan 2020-2028.
  - i. Priority Item 5: Advocate and align policies, guidelines and practices to the circular economy.

Climate Change should be treated as a national emergency.

- b. Draft Climate Change Risk Adaptation Action Plan 2021.
  - i. Key Area of Decision Making – Developments.

### 2. Water Sensitive Urban Design

- a. Water Sensitive City Action Plan 2021-2025.
  - i. "Adelaide is an attractive and resilient city that uses its diverse water resources and knowledge to drive prosperity, sustain healthy ecosystems and connect communities".

### 4. Natural Resources and Environment Discussion Paper (State Planning Commission, August 2018)

- a. Research and advocate for updated, improved and future forward policies to be implemented within the Planning and Design Code.

### 3. Climate Change

- a. 2019 – City of Adelaide declared that

## Key Development Policy Improvement Priorities



# Movement

## Why?

Council's Strategic Plan 2020-2024 places emphasis on long term planning. Integrated movement systems are ever evolving with new technologies; development policies need to be updated to reflect and encourage alternate forms of transportation and focus on planning for people.

### 1. Integrated Movement Systems Discussion Paper (State Planning Commission, August 2018)

- a. Research and advocate for updated, improved and future forward policies to be implemented within the Planning and Design Code.
- b. Universal Design – Planning for people.
- c. Future Proofing our city – exploring innovative new technologies.
- d. Accommodating movement systems and improving linkages.

# Liveability

## Why?

Council's number one strategic plan goal is to become the most liveable city in the world. To assist with the realisation of this goal, development policies can play a vital role in facilitating these outcomes. To achieve this, multiple areas of development policy must be considered together, such as residential development, encouraging business, economic drivers and strong public realm policies.

### 1. Residential growth and increasing business in Adelaide

- a. Measure the Planning and Design Code against 'The Global Liveability Index 2021'.
- b. Research of improvements that could be made to planning policies to improve urban design outcomes to attract high quality developments that will contribute to Adelaide, our residential population growth and encourage businesses to our city.

### 2. Public Realm

- a. Investigate whether public realm policies can operate effectively under the new planning system.

- b. Ensure that our public spaces represent high quality urban spaces that provide both visual interest and function while enhancing the overall appearance of the street.

### 3. Productive Economies Discussion Paper (State Planning Commission, November 2018)

- a. Research and advocate for updated, improved and future forward policies to be implemented within the Planning and Design Code.

## Key Development Policy Improvement Priorities



# Heritage

## Why?

*‘From its creation as a city plan, Adelaide has a unique heritage which is revealed in the layout of the city and its encircling Park Lands. ... Council is unequivocal in its support for built heritage as a key part of a prosperous, liveable and culturally rich city’, (The Lord Mayor of Adelaide, Sandy Verschoor).*

The development system plays a fundamental role in ensuring our heritage is protected, valued and celebrated.

## 1. Heritage Strategy 2021-2036 and Action Plan 2021-2024

- a. Outcome 1: Our City’s heritage is effectively protected.
  - i. Strengthen the heritage protection system.
  - ii. Protect vulnerable places.
  - iii. Advance World Heritage listing bid for the Park Lands and City Layout.
  - iv. Propose places for heritage listing.
- b. Outcome 1: Heritage is valued by our people and our communities.
  - i. Encourage best practice conservation.
  - ii. Ensure appropriate development.
  - iii. Unlock the economic potential of heritage places.
  - iv. Create vibrant precincts.
  - v. Lead by example.
  - vi. Encourage conservation skills development.
- c. Outcome 3: Our City is renowned for its heritage.
  - i. Celebrate our built and cultural heritage.
  - ii. Continue to develop our heritage narrative.
  - iii. Promote the value of conservation.
  - iv. Build heritage knowledge.

# Progress of Motions by Elected Members

**ITEM 10.6** 10/08/2021  
**Council**

Strategic Alignment - Enabling Priorities

2018/04074  
Public

**Program Contact:**  
Mick Petrovski, Manager  
Governance 8203 7119

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

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## EXECUTIVE SUMMARY

This report responds to the decision of Council from 12 March 2019 to report to every second Council meeting of the month on the Progress of Motions by Elected Members.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the report.
- .....

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. On 12 March 2019, Council resolved that Council requests the Administration, at every second meeting of Council to report on the progress of Councillor motions with and without notice adopted by the elected body over the current and previous two terms but which have not yet been fully implemented.
2. Since the commencement of the 2018-2022 Council Term a total of 263 motions on and without notice have been carried by Council.
3. As at 4 August 2021 a total of 59 decisions arising from motions on or without notice remain open from the current and previous terms of Council. The current progress of these decisions is listed in Link 1 view [here](#).
4. Council Members can review progress updates on all decisions and Administration undertakings via the online Council Member portal. Council Executive can provide a verbal update on undertakings to Council Members on request.

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## DATA & SUPPORTING INFORMATION

**Link 1** – List of open decisions arising from Motions on and without Notice

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## ATTACHMENTS

Nil

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– END OF REPORT –

# Code of Conduct - Outcome

**ITEM 10.7** 10/08/2021  
**Council**

Strategic Alignment - Dynamic City Culture

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2017/03262  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

On 21 January 2021, the former Chief Executive Officer of the City of Adelaide (the Council), received an allegation that Cr Hyde had breached the Code of Conduct for Council Members (the Code).

Specifically, it was alleged that at a Special Meeting of Council on Wednesday 23 December 2020 (held on Teams), Cr Hyde ‘threatened to leave the meeting and thereby collapse a quorum’, in the event an amendment he had proposed to a motion, was not carried (“The Complaint”).

When the proposed amendment to the motion ‘was put to a vote and failed’, The Complaint alleged Cr Hyde left the meeting, ‘thereby collapsing the quorum and preventing the substantive motion from being voted upon.

A preliminary enquiry found that there was *prima facie* evidence to suggest that there had been a breach of the Code.

In accordance with Council’s Standing Orders the matter proceeded to full investigation.

This report informs Council of the outcome of the investigation.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the Final Investigation Report contained in Attachment A to Item 10.7 on the Agenda for the meeting of the Council held on 10 August 2021.
2. Notes that following an investigation into alleged breaches of the Code of Conduct for Council Members, it has been found that the actions of Cr Hyde have resulted in a breach of the Code, specifically in relation to the following clause:
  - 2.9 *Endeavour to establish and maintain respectful relationships with all Council members, regardless of differences of views and opinions.*
3. Determines that the Lord Mayor meet with Cr Hyde for the purposes of reminding him of his obligations under the Act, and that a record of this meeting be maintained for the balance of Cr Hyde’s current term of office.



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Standing Orders and Code of Conduct for Council Members
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	The Code requires that a breach of the Behavioural Code must be the subject of a report to a public meeting of the Council. In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. Following this Preliminary Enquiry process, the (now) Acting CEO determined that having regard to the material available, the Complaint warranted further investigation under clause 35 of the Standing Orders.
2. In accordance with subclause 33.4, the Acting CEO advised the Complainant and Cr Hyde that the matter was to be referred for further investigation.
3. The Complaint was referred to independent legal counsel to be investigated in accordance with the Standing Orders and the principles of procedural fairness.
4. Following the conclusion of the investigation into the Complaint, it was determined that Cr Hyde's actions which were the subject of the complaint breached the following clause of the Code:
 

*2.9 Endeavour to establish and maintain respectful relationships with all Council members, regardless of differences of views and opinions.*
5. The findings and recommendations made for the Council's consideration are set out in the enclosed Final Investigation Report.
6. Where an investigation has determined that a breach of Part 2 of the Code has occurred, clause 2.24 of the Code provides that the breach must be the subject of a report to a public meeting of the Council.
7. It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders as follows:
 

*43. Council has the power to impose by resolution one or more of the following sanctions where a breach of Part 2 of the Code of Conduct has been established to Council's satisfaction:*

*43.1 take no action*

*43.2 pass a censure motion in respect of the Council Member*

*43.3 request a public apology, whether written or verbal*

*43.4 request the Council Member to attend training on the specific topic found to have been breached*

*43.5 resolve to remove or suspend the Council Member from a position within the Council (not including the Council Member's elected position on Council)*

*43.6 request the Council Member repay monies to the Council.*
8. The recommendation to this report reflects the recommendation provided by the independent investigators in their final report.
9. In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach.

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## ATTACHMENTS

**Attachment A** – Independent Final Report

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- END OF REPORT -

**CITY OF ADELAIDE**  
**CODE OF CONDUCT COMPLAINT**  
**FINAL INVESTIGATION REPORT**  
**COUNCILLOR HYDE**

## CITY OF ADELAIDE

### Elected Member Code of Conduct Complaint

#### 1. INTRODUCTION

- 1.1 By letter dated 21 January 2021, addressed to the former Chief Executive Officer (the **CEO**) of the City of Adelaide (the Council), copied to the Acting CEO, Councillor Greg Mackie OAM (the **Complainant**) has alleged that Councillor Alexander Hyde (Cr **Hyde**) breached the *Code of Conduct for Council Members* (the **Code**).
- 1.2 It is alleged in the Complaint that at a Special Meeting of Council on Wednesday 23 December 2020, held electronically, Cr Hyde *'threatened to leave the meeting and thereby collapse a quorum'*, in the event an amendment he had proposed to a motion, was not carried.
- 1.3 It is further alleged that when the proposed amendment to the motion *'was put to a vote and failed'*, Cr Hyde left the electronic meeting, *'thereby collapsing the quorum and preventing the substantive motion from being voted upon'*.
- 1.4 It has been submitted that Cr Hyde's *'threat'* in this regard, *'constitutes a form of bullying'* and *'brought [Cr Hyde] and the Council into disrepute'*, which actions were said to be in breach of the following clauses of the Code:
- 2.9 *Endeavour to establish and maintain respectful relationships with all Council members, regardless of differences of views and opinions.*
- 2.10 *Not bully or harass other Council members.*
- 1.5 The Complaint is to be received and managed in accordance with the Council's procedure, set out under Chapter 3 General Duties and Code of Conduct for Council Members, to the Standing Orders.
- 1.6 In accordance with clause 29 of the Standing Orders, the Acting CEO was required to undertake a Preliminary Enquiry into the Complaint, to determine whether it warranted further action in accordance with clause 32 of the Standing Orders.
- 1.7 Such an assessment is, necessarily, a 'threshold' process, to determine whether, if made out, the allegations could give rise to a prima facie breach of the Code. If not, the matter can be disposed of without otherwise incurring unnecessary expenditure of finite public funds.
- 1.8 Following this Preliminary Enquiry process, the Acting CEO determined that having regard to the material available, the Complaint warranted further investigation under clause 35 of the Standing Orders.
- 1.9 In accordance with subclause 33.4, the Acting CEO advised the Complainant and Cr Hyde that the matter was to be referred for further investigation.

## 2. INVESTIGATION PROCESS

- 2.1 In dealing with the Complaint in a transparent and accountable manner, as well as and in accordance with clause 35 of the Standing Orders, with the consent of Cr Hyde and the Complainant, the Complaint was referred to Kelley Jones Lawyers (KJL) for investigation.
- 2.2 The investigation has occurred on an objective basis and in accordance with the Standing Orders and the principles of procedural fairness.
- 2.3 Following referral of the Complaint, KJL wrote to Cr Hyde, by letter dated 20 April 2021, advising it had been engaged to investigate the Complaint, setting out the basis of the allegations in full and inviting him to provide a response by written submission.
- 2.4 The letter confirmed the investigation of the Complaint was a confidential process and Cr Hyde was reminded to maintain confidentiality.
- 2.5 Following notification of the investigation, Cr Hyde confirmed he wished to rely on an email submission he had sent to the Acting CEO on Tuesday 9 February 2021, following the original notification of the receipt of the Complaint.
- 2.6 Whilst this submission was not relevant for the purposes of the Preliminary Enquiry process, there being no natural justice considerations as part of the 'threshold' assessment process, **it is** appropriate for this submission to be received and taken into account as part of this investigation.
- 2.7 By corresponding letter dated 20 April 2021, the Complainant was also advised of the engagement of KJL to investigate the Complaint and was invited to provide any further submission be taken into account as part of that investigation.
- 2.8 The Complainant was, likewise, reminded of the confidential nature of the investigation and his requirement to maintain the same.
- 2.9 No further submission was received from the Complainant as part of the investigation process.
- 2.10 The investigation process having been completed a Draft Report was prepared.
- 2.11 In accordance with the principles of procedural fairness, a copy of the Draft Report was provided to Cs Hyde and Mackie, with an invitation to provide any further submission they may wish to make on the preliminary findings and foreshadowed recommendations.
- 2.12 Whilst Cr Hyde requested, and was granted, an extension of time to provide a response, no further submission was ultimately received from Cr Hyde on the Draft Report.
- 2.13 Cr Mackie confirmed he had no further submission to make on the Draft Report.

- 2.14 Following which, this Final Report has now been prepared, setting out:
- 2.14.1 the allegations made in the Complaint;
  - 2.14.2 the provisions of the Code which the alleged behaviours are said to have breached;
  - 2.14.3 findings following investigation of the allegations; and
  - 2.14.4 recommendations for the Council's consideration.
- 2.15 The standard of proof that has been applied in this investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, KJL has considered the nature of the assertions made and the consequence if they were to be upheld. The High Court decision recognises that greater care is needed in considering the evidence in some cases, given the seriousness of the allegations made and the gravity of the consequences flowing from a particular finding.

### 3. ALLEGED BREACH OF THE CODE

- 3.1 Briefly by way of background as it informs the investigation of the Complaint, following the Council's receipt and consideration of an Agenda report for item 10.8 - *Proposed Event in the Park Lands - RCC 2021 [2020/01846] [C]*, at its meeting of 15 December 2020, the Council resolved to approve the event proposed by the Royal Croquet Club, to operate during the Fringe in the southern half of Victoria Square / Tarntanyangga, with trading times restricted to 10pm each day of operation.
- 3.2 The Council's resolution with respect to the event, made at its meeting of 15 December 2020, reads in full as follows:

*THAT COUNCIL*

1. Approves RCC 2021 [the Royal Croquet Club] to operate between Friday 19 February 2021 and Sunday 21 March 2021 in the southern half of Victoria Square / Tarntanyangga with **trading times restricted to 10pm each day of operation.**
2. Notes public consultation was conducted on the City of Adelaide Your Say website for Option A and Option B, however MOMENTARILY PTY LTD withdrew their intention to pursue Option A after the completion of the consultation period.
3. Authorises the Chief Executive Officer to approve any further changes required to the event application where the change is necessary in order to fulfil a COVID Management Plan or COVID Safe Plan approved by SA Health. (our emphasis)

- 3.3 A copy of the Agenda report for item 10.8 - *Proposed Event in the Park Lands - RCC 2021 [2020/01846] [C]* for the Council Meeting of 15 December 2020, and the relevant page of the Minutes are accessible on the Council webpage.
- 3.4 Following which, at the Special Meeting of Council held on 23 December 2020, held electronically, the Council was required to consider *Agenda item 3.1 – Amend Part 1 of Decision of Council 15/12/2020 - Proposed Event in the Park Lands – RCC 2021 [2020/01846]*, being the motion on notice proposed by the Complainant.
- 3.5 The Complainant had proposed that paragraph 1 of the above-mentioned resolution, made by the Council at its meeting of 15 December 2020, be amended to read:
1. *Approves RCC 2021 to operate between Friday 19 February 2021 and Sunday 21 March 2021 in the southern half of Victoria Square / Tarntanyangga with trading times **to midnight** each day of operation.* (our emphasis)
- 3.6 In the course of the Council's consideration of the motion proposed by the Complainant at that Special Meeting, the Complainant has alleged:
- At that meeting, Cr Hyde threatened to leave the meeting and thereby collapse a quorum in the event that his proposed amendment to the substantive motion was not supported by a majority of those present. When the amendment was put to a vote and failed, Cr Khera and Cr Hyde both left the meeting, thereby collapsing the quorum and preventing the substantive motion from being voted upon.*
- 3.7 The Complainant submits that Cr Hyde's 'threat' in this regard, 'constitutes a form of bullying' and 'brought [Cr Hyde] and the Council into disrepute'.
- 3.8 Having regard to the allegations in the Complaint, the Council is constituted of 12 members, being the Lord Mayor and 11 Councillors.
- 3.9 Quorum for the Council is seven (7) Councillors, which calculation includes the Lord Mayor.
- 3.10 Four (4) Councillors were an apology for the Special Meeting of Council held on 23 December 2020, with seven (7) Councillors and the Lord Mayor present.
- 3.11 That is, eight (8) members were present at the Special Meeting of Council when it was opened, with the Lord Mayor noting at commencement that with the number of members present, 'we have only just got quorum'. Councillors were reminded to be mindful of the same.
- 3.12 When the Council reached Agenda item 3.1 at the Special Meeting in question, the Complainant moved the motion, as drafted in the Agenda report for item 3.1, which was seconded by Cr Moran.
- 3.13 Debate on the motion ensued.

- 3.14 The Minutes record that at the request of the mover (the Complainant), and with the consent of the seconder (Cr Moran), with leave of the meeting, the motion was then varied to read as follows:

*THAT COUNCIL*

1. Approves RCC 2021 to operate between Friday 19 February 2021 and Sunday 21 March 2021 in the southern half of Victoria Square / Tarntanyangga with trading times to **11.00pm Monday-Thursday (with the exception of the long weekend Sunday [to midnight]) and Friday-Saturday to midnight.** (our emphasis)

- 3.15 At that time, Cr Hyde moved an amendment to the motion, a draft of which he had circulated to the members at some time after 4:06pm on the day of the Special Meeting of Council held on 23 December 2020.
- 3.16 Administration sought clarification from Cr Hyde as to the extent of the proposed amendment. It was noted that certain sub-paragraphs of the amendment went beyond the Council's consideration of the motion before it at the time, offending regulation 13 of the *Local Government (Procedures at Meetings) Regulations 2013* (the **Meeting Regulations**).
- 3.17 Namely, it could not be said that what had been proposed by Cr Hyde was an 'amendment' to the motion before the meeting at that time, but rather, an entirely new motion.
- 3.18 In which case, certain portions of the amendment offended regulation 12(3) of the Meeting Regulations, which provides that a motion, the effect of which would be to revoke or amend a resolution passed since the last general election of the Council, is required to be brought by written notice of motion.
- 3.19 Cr Hyde agreed with the position, as explained by Administration, and the amendment to the motion that was ultimately moved by Cr Hyde read as follows:

*That part 1 be amended to read as follows:*

*THAT COUNCIL*

1. Approves RCC 2021 to operate between Friday 19 February 2021 and Sunday 21 March 2021 in the southern half of Victoria Square / Tarntanyangga with trading times to 11.00pm Monday-Thursday (with the exception of the long weekend Sunday [to midnight]) and Friday-Saturday to midnight and that:
  - a. The event's amplified music Sunday – Thursday will cease at 10.30pm
  - b. The event's amplified music on Fridays and Saturdays and Sundays that precede a Monday public holiday will cease at 11.30pm, and:



*c. An amplified music step-down will apply from 10pm on these nights from 90dB (A) to a maximum of 83dB (A) at Front Of House (FOH), which is the weekday maximum noise levels at FOH stated in the Amplified Event Sound Management Guidelines.*

3.20 The amendment to the motion was seconded by Cr Khera.

3.21 At this time, the Complainant raised a point of order, submitting the amendment '*bears no relation to the substance*' of the motion before the meeting, and '*is that not a different matter and should have been put on notice?*'

3.22 The Lord Mayor sought advice from Administration, that confirmed as the amendment related to the hours of operation of the Royal Croquet Club event, it could appropriately be considered an amendment to the substantive motion before the meeting.

3.23 Debate on the amendment, as drafted in the Minutes, ensued.

3.24 Cr Hyde, in speaking to the amendment, at 24 minutes and 34 seconds into the meeting, submitted as follows (emphasis ours):

***If this amendment doesn't go ahead, I'll be quite frank with you, I'll be leaving the meeting, and I hope my seconder leaves the meeting as well. That will ultimately remove the quorum for the meeting and you won't be able to proceed, you will be stuck with what happened on Tuesday, which was, of course, when we had the entirety of the Council present.***

3.25 Following which, the Complainant, speaking against the amendment, stated:

*I'm flabbergasted and completely shocked that Cr Hyde threatened the collapse of quorum at this meeting if he doesn't get his way.*

3.26 Cr Simms, also speaking against the amendment, expressed his '*dissatisfaction at this turn of events*', stating that Cr Hyde's proposed amendment should have been distributed to Councillors with sufficient time prior to the meeting, for consideration, so that the Council could deal with the matter in an informed manner.

3.27 Cr Simms further stated:

*I also find it absolutely extraordinary that a member of this Council would say, if you don't pass my motion, I'm going to pull quorum and collapse quorum, and in effect try and blackmail this Council.*

*I do believe that's in contravention of the Local Government Act, it's certainly not making decision in good face [sic], and I, like Cr Mackie, am absolutely stunned and very concerned about the antic-democratic approach that represents, and the dangerous precedent that would set for this Council*

*I'm not going to be bullied, Lord Mayor, into backing an amendment that's been sprung on me at this meeting, without the benefit of any consultation and feedback, and to be told this is a compromise and we just have to vote for it, 'if*

*you don't like it the meeting is going to collapse' I think is really really appalling.*

- 3.28 At this point of the debate on the amendment, Cr Khera called a point of order, submitting that Cr Simms contribution has '*attempted to crush debate*' which was a '*perfect reason for Cr Hyde to put forward the position he has put*'.
- 3.29 It is to be noted at this juncture the Cr Simms' contribution was made **after** Cr Hyde's assertion that '*If this amendment doesn't go ahead, I'll be quite frank with you, I'll be leaving the meeting.*'
- 3.30 Whilst it is then not entirely clear from the recording, it appears that following his contribution at 28 minutes 10 seconds into the meeting, Cr Khera left the meeting. This is supported by the entries made in the Minutes.
- 3.31 However, at that time, seven (7) members, which included the Lord Mayor, remained in the meeting, and so the meeting retained quorum.
- 3.32 Cr Moran then moved a formal motion in accordance with regulation 12(14)(b) of the Meeting Regulations, seconded by Cr Martin, that the amendment be put. This formal motion was carried at 29 minutes 12 seconds into the meeting.
- 3.33 The amendment to the motion was then voted on by the Councillors present, at 29 minutes and 23 seconds into the meeting, which amendment **was lost**, as recorded at 29 minutes and 46 seconds.
- 3.34 The recording then shows, six (6) seconds later, at 29 minutes and 52 seconds, Cr Hyde left the meeting, at which time, the meeting lost quorum and could transact no further business.
- 3.35 The Minutes confirm these matters depicted in the recording, noting that:
- *Councillors Khera left the meeting at 5.40pm*
  - *Councillor Hyde left the meeting at 5.41pm*
- At 5.41pm in the absence of a quorum the Special meeting was closed.*
- 3.36 A copy of the Agenda and the Minutes for the Special Meeting of Council of Wednesday 23 December 2020 are accessible from the Council's webpage.
- 3.37 Following which, the Complainant submitted the Complaint by letter on 21 January 2021.
- 3.38 For completeness, we note at a Special Meeting of Council held on 30 December 2020, the Deputy Lord Mayor, Cr Couros, proposed a motion on notice in similar terms to that which had originally been proposed, but had been disallowed in part, by Cr Hyde at the Special Meeting prior.

- 3.39 Following the Council's consideration of that motion at the Special Meeting of Council held on 30 December 2020, it unanimously resolved as follows:

*THAT COUNCIL*

1. *Approves RCC 2021 to operate between Friday 19 February and Sunday 21 March 2021 in the southern half of Victoria Square / Tarntanyangga with trading hours to 11.00pm Monday - Thursday (with the exception of the long weekend Sunday to midnight) and Friday and Saturday to midnight, with the following considerations/conditions:*
    - 1.1 *The event's amplified music Sunday – Thursday will cease at 10.30pm.*
    - 1.2 *The event's amplified music on Fridays and Saturdays and Sundays that precede a Monday public holiday will cease at 11.30pm.*
    - 1.3 *An amplified music step-down will apply from 10.30 pm on Sunday to Thursday nights from 90dB (A) to a maximum of 85dB (A) at Front Of House (FOH), which is the weekday maximum noise levels at FOH stated in the Amplified Event Sound Management Guidelines and the same will apply Fridays, Saturdays and any Sunday that precedes a Monday Public Holiday from 11.30 pm.'*
    - 1.4 *Noise bond of \$15k to be applied in accordance with the Event Amplified Sound Management Guidelines.*
    - 1.5 *That the Event Licence for RCC includes a requirement to develop and provide to Council a Business & Precinct Engagement Plan that will seek to ensure surrounding businesses are provided with information about the event and that, in particular, surrounding businesses will have the opportunity to partner with and benefit from the event.*
    - 1.6 *Requests Administration develop an activation plan to create the pedestrianisation of Gouger Street, in consultation with traders, underpinned by the same principle as East End Unleashed and conducted without unduly restricting access to the Adelaide Central Market on Friday night and Saturday morning.*
- 3.40 As noted above, given the substantive changes that Cr Hyde was proposing to make to the Complainants original motion on notice, that was before the Special Meeting of Council held on 23 December 2020, in our view, this was the preferable approach, and that which demonstrates informed, transparent decision making, to dealing with the matter.
- 3.41 A copy of the Agenda and the Minutes of the Special Meeting of Council on 30 December 2020 are accessible from the Council's webpage.

#### 4. EVIDENCE RECEIVED

4.1 As part of the investigation, and in preparing this Report, we have viewed and listened to the recording of the Special Council Meeting of Wednesday 23 December 2020, the duration of which was 30 minutes and 35 seconds.

4.2 The recording can be accessed at the following link:

<https://www.youtube.com/watch?v=BEZrQoEDwoM>

4.3 The Complainant relied on the letter of Complaint dated 21 January 2021.

4.4 Cr Hyde relied on the email submission made on Tuesday 9 February 2021, addressed to the Acting CEO, upon being advised that the Complaint had been received.

4.5 That submission can be summarised as follows:

4.5.1 regarding the allegation pertaining to a 'collapse of the quorum', Cr Hyde submits:

*this is not a term or action recognised under the Act or the Code, nor is it a term that has ever been used in my time on Council, either by the Governance team or during our initial training and inductions sessions. A quorum cannot be collapsed and its existence is binary; it either exists, or it does not exist,*

4.5.2 it was submitted that by the Complainant's:

*own admission, there is nothing in the Act or the Code that forces Councillors to remain present in a meeting if there is a risk that quorum will no longer be present. The allegation that I could be in breach of the Code through otherwise executing my duties diligently under the Act is wrong, and moreover it may set a dangerous precedent if upheld;*

4.5.3 Cr Hyde was of the view that having:

*surveyed many affected stakeholders on this matter ... it would have been a breach of my duties to not undertake any legal means of ensuring this motion is unsuccessful;*

4.5.4 In which instance, it was submitted that '[t]he ability to absent yourself from proceedings and to elect not to participate is a legal, respectful and accepted means of political expression';

4.5.5 with respect to the allegation that Cr Hyde's actions failed to demonstrate the establishment and maintenance of respectful relationships with other members, it was submitted that despite not originally being available for the Special Meeting, Cr Hyde made himself available 'at great personal cost', which was an:

*act in good faith on my part expresses my best efforts to respect the wishes of [the Complainant] and others who called the meeting;*

4.5.6 in addition, Cr Hyde stated that he expended considerable effort in communicating with stakeholders, the proponent of the event, and fellow Councillors regarding his intentions, and '*[a]t no point was I less than 100 per cent honest and open*';

4.5.7 this included sending a series of communications to the Complainant on 23 December 2020, '*with the express purpose of discussing my amendment or alternative motion for the Special Council Meeting that evening*' which included:

- at 2.37pm on Wednesday 23 December 2020, an email enclosing a proposed amendment to the foreshadowed motion, titled '*Alternative RCC Motion*';
- at 2.53pm on Wednesday 23 December 2020, sending a WhatsApp message to the Complainant, informing him of the email and flagging it for his consideration;
- at 2.58pm on Wednesday 23 December 2020, receiving a WhatsApp message from Complainant, thanking Cr Hyde for his messages, and undertaking to read the alternative as soon as possible; and
- at 4.06pm on Wednesday 23 December 2020, sending a WhatsApp message to the Complainant, informing him that upon no feedback being received on the proposed amendment to the foreshadowed motion, Cr Hyde intended to circulate the same to all Councillors for consideration;

4.5.8 upon sending this communication to the Complainant, Cr Hyde then distributed his proposed amendment to all elected members;

4.5.9 In which case, Cr Hyde submits:

*I did my utmost to keep all my colleagues informed of my proposal before the meeting begun. During the meeting I outlined why I moved the amendment, and why I thought it was a better decision to make. Furthermore, upon moving and detailing my motion to the chamber, I openly and honestly informed of my intention to leave the meeting if my amendment was unsuccessful;*

4.5.10 Cr Hyde maintains that in doing so:

*I am well within my rights to do this. I transparently highlighted to them that the meeting quorum may not be met if this happened, and if any others left. I note that my departure in and of itself would not have meant that quorum was no longer present. I also do not recall being aware of any of my colleagues movements during the meeting, and I was not*

*aware of whether the meeting was at its bare minimum of members before a quorum is not present;*

- 4.5.11 it is submitted that upon moving the amendment at the Special Meeting of Council on 23 December 2020, and speaking to the same, instead of debating the proposed amendment;

*three colleagues, including [the Complainant], launched highly offensive and personal attacks on me. The transcript will show that they did not once debate the matter that was in front of them, nor attempt to dissuade me from my belief that my amendment was a better policy position, nor convince the meeting of the merits of the original motion’;*

- 4.5.12 it was submitted that in doing so, Cr Hyde was ‘deprived’ of his right to sum up my arguments, moving a motion to put the amendment’;

- 4.5.13 Cr Hyde asserts that he:

*endeavored to maintain a respectful relationship with all my colleagues at all times, as evidenced by my attempted communications, honesty. At no point did I breach the Act or the Code ... Regardless of my original intent, I am not going to subject myself to such harassment, and it is clear that I was effectively bullied out of the chamber,*

- 4.5.14 further, that the amendment Cr Hyde sought to move to the motion, as moved and seconded at the Special Meeting of Council on 23 December 2021:

*was ultimately unanimously passed in a further Special Council Meeting called for 30 December 2020. This shows that the majority of elected members, when they have not had a Special Council Meeting disrespectfully sprung on them, would likely have supported my original amendment on 23 December.*

- 4.6 For completeness, whilst we note that Cr Hyde raises allegations as against the Complainant (and other Councillors) for certain, related, actions said to be in breach of the Code, these matters fall outside of the scope of this investigation.

## 5. FINDINGS

- 5.1 We have carefully considered the allegations in the Complaint, against the evidence received, and **we find** that Cr Hyde’s actions **were** in breach of Part 2 of the Code in the circumstances of this matter.

- 5.2 Our findings are based on the following:

- 5.2.1 contrary to Cr Hyde’s submissions that ‘collapse of the quorum’, is not a term or action recognised under the Act or the Code, on any objective consideration of the Complaint, it is clear that the basis of the Complaint is Cr

Hyde's assertion that he would leave the leave the meeting, which would then fail, for want of a quorum.;

- 5.2.2 indeed, Cr Simms uses similar terminology in the extract from the meeting reproduced above. It could not be said that the intention 'flagged' by Cr Hyde in this regard was not clear. We **do not** find that the allegation fails based on the language used in the Complaint to express this position;
- 5.2.3 in support of his position, Cr Hyde has submitted that '[the Complainant] *left our most recent meeting after the defeat of an amendment that he supported*'. However, we note that even if this were correct (or even relevant on this investigation), then the Complainant did not leave the meeting until after the Council had determined the item. This is, of course, to be contrasted to the allegations, subject of this Complaint;
- 5.2.4 in electronically leaving the meeting when he did, the Special Meeting of Council on 23 December 2020 was left inquorate, and was required to be closed, prior to the Council dealing with the item before it at the time;
- 5.2.5 despite Cr Hyde's the submission that '*there is nothing in the Act or the Code that forces Councillors to remain present in a meeting if there is a risk that quorum will no longer be present*', we note the operation of section 62(2) of the Act, the general duties provisions, which provide that:
- A member of a council must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties.*
- 5.2.6 in addition, section 59 of the Act provides that as a member of the governing body of the Council, the role of a member includes to participate in the deliberations of the Council, and to ensure, so far as is practicable, that the principles set out in section 8 are observed;
- 5.2.7 these principles include to provide open, responsive and accountable government and to achieve and maintain standards of good public administration.
- 5.2.8 that is, there are specific obligations on members to act with reasonable care and diligence in the performance and discharge of official functions and duties, **and to participate in the deliberations of the Council** in achieving and maintaining standards of good public administration;
- 5.2.9 this necessarily requires Councillors, as members of the Council, as a governing body, to make decisions in the interests of the community, in a democratic manner, taking into account all relevant considerations, including the views and opinions of others;
- 5.2.10 accordingly, it is not appropriate for Councillors to seek to manipulate the democratic process of open, responsive and accountable government. This includes actions such as advising a meeting, which was being livestreamed

at the time and for which a public record remains, that if an amendment was lost, the Councillor intended to leave the meeting, and urging others to do likewise, in the knowledge that this would result in a loss of quorum, at which time, the meeting would be unable to transact any further business;

- 5.2.11 whilst we understand, and commend, Cr Hyde's actions in communicating his foreshadowed amendment to the motion that had been proposed, we note the very late notice provided to members in this regard. When the amendment was not carried, Cr Hyde's actions constitute a failure to respect the differences of views and opinions of other Councillors which, on this occasion, included the majority which did not vote for the amendment;
- 5.2.12 contrary to Cr Hyde's submission that '*I note that my departure in and of itself would not have meant that quorum was no longer present ... and I was not aware of whether the meeting was at its bare minimum of members before a quorum is not present*' **we find** that this submission cannot be supported. Cr Hyde was clearly 'on notice' as to the number of Councillors present at that meeting. The meeting was held electronically, and each Councillor present (as well as members of the Administration) were clearly displayed on the screen;
- 5.2.13 further, the Lord Mayor **specifically noted** at the commencement of the meeting that with the number of Councillors present, '*we have only just got quorum*';
- 5.2.14 the position is also contrary to Cr Hyde's own submission that '*... I transparently highlighted to them that the meeting quorum may not be met if this happened [Cr Hyde leaving the meeting], and if any others left*';
- 5.2.15 further, we **do not** find any support for the submission that '*three colleagues, including [the Complainant], launched highly offensive and personal attacks on me*', the recording of the meeting does not establish the same;
- 5.2.16 nor does the recording establish that Cr Hyde was '*deprived*' of his right to sum up my arguments, moving a motion to put the amendment';
- 5.2.17 rather, the recording demonstrates that Cr Moran moved a formal motion, the effect of which was the amendment being put to the meeting for a vote, which was seconded by Cr Martin. Following which, the amendment was lost;
- 5.2.18 In accordance with regulation 12(15) of the Meeting Regulations, if seconded, a formal motion **takes precedence** and will be put by the presiding member without discussion (unless it is for an adjournment, in which case discussion on the resolution details may occur);
- 5.2.19 whilst clause 245 of the Standing Orders provides that '*[t]he mover of an amendment may speak in reply after all speakers to the amendment*', the formal motion, moved by Cr Moran, and seconded by Cr Martin, took



precedence, the outcome of which was that the amendment was subsequently lost. There was nothing before the meeting for which Cr Hyde could speak to at that time;

5.2.20 for completeness, whilst no corresponding complaint has been made as against Cr Khera, it is noted that Cr Khera, in speaking for the amendment, did not state he intended to leave the meeting if the proposed amendment was lost;

5.2.21 further, when Cr Khera did leave the meeting, which appears to be at a time **before** the vote on the amendment was taken, this did not result in a loss of quorum.

5.3 It is against this background, that **we find** that Cr Hyde's actions were in breach of clause 2.9 of the Code.

5.4 However, we **do not** find that Cr Hyde's actions, without anything further, could be said to constitute bullying or harassment of another Councillor for the purposes of clause 2.10 of the Code, there being no allegation that this formed a pattern of behaviour, or was otherwise repeated and ongoing in nature.

## 6. CONCLUSIONS AND RECOMMENDATIONS

6.1 Where an investigation has determined that a breach of Part 2 of the Code has occurred, the breach must be the subject of a report to a public meeting of the Council.

6.2 It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders.

6.3 We recommend in the circumstances of this matter, noting that the Council did, ultimately, resolve in accordance with the amendment proposed by Cr Hyde at its subsequent Special Meeting of Council on 30 December 2020 that the Council:

1. notes this Report at a public meeting of the Council;
2. notes that following an investigation into alleged breaches of the Code of Conduct for Council Members, it has been found that the actions of Cr Hyde have resulted in a breach of the following clause of the Code:
  - 2.9 *Endeavour to establish and maintain respectful relationships with all Council members, regardless of differences of views and opinions.*
3. for this breach, the Lord Mayor will meet with Cr Hyde for the purposes of reminding him of his obligations under the Act, and that a record of this meeting be maintained for the balance of the current term of office.

- 6.4 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Complainant and Cr Hyde have recourse to the Ombudsman if they remain dissatisfied.
- 6.5 This Report concludes the investigation of the Complaint by KJL.

KELLEDY JONES LAWYERS



NATASHA JONES

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TRACY RIDDLE

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# Reignite the City

**ITEM 10.9** 10/08/2021  
**Council**

Strategic Alignment - Strong Economies

2017/04279  
Public

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

## EXECUTIVE SUMMARY

Since March 2020 the City of Adelaide has provided over \$11 million in assistance through the creation of grants and incentive schemes, financial hardship relief, business advice and support programs to help city businesses and the community recover from the impact of the COVID-19 pandemic. As public health measures started to ease in the lead up to Spring 2020, the City of Adelaide launched promotional campaigns to encourage spending at restaurants, cafés, tours and attractions around the CBD and North Adelaide, and activated main streets and key dining strips with fire pockets, live music and DJs.

However many businesses within the City of Adelaide continue to be impacted as a result of negligible international tourism and limited interstate tourism. This situation has been compounded with the recent 7 day lockdown and ongoing restrictions. Just like other City businesses, our organisation has been impacted financially by recent restrictions, and at this stage we are projecting the loss of associated income to be approximately \$1.54m this financial year.

With the State Government making available a cash grant business support package and the Federal Government offering COVID-19 disaster payments to assist those businesses and individuals most significantly affected through loss of income, the City of Adelaide intends to focus its additional City recovery efforts and investment where it can make an immediate positive impact as the City heads into the Spring event season and then delivering significant long-term benefits.

Reignite the City is a comprehensive program designed to deliver cost savings and generate income for local businesses by creating compelling reasons for people to come back to the City.

Reignite the City delivers on Council's Strategic Plan commitment to be the lowest cost Capital City with the least red tape and creating strong economies by activating mainstreets and laneways.

Reignite the City supports local businesses by improving accessibility, lowering costs, reforming policy, streamlining processes, investing in partnerships, enabling events and activations and driving marketing and promotion.

Reignite the City will be delivered through a combination of budget and project reprioritisation, foregone revenue, new budget requests to Council, and applications for State Government funding.

### THAT COUNCIL

1. Notes the impacts of the recent COVID 19 seven-day lockdown and subsequent restrictions on City businesses including the City of Adelaide as an organisation.
2. Notes that the proposed Reigniting the City program is designed to encourage visitation and economic recovery and growth across the City and North Adelaide.
3. Endorses the proposed Reignite the City program as outlined in this report and authorises the Acting Chief Executive Officer to deliver this program, noting the estimated budget implications of at least \$1.34m.

4. Notes that the Reignite the City program will be delivered through a combination of budget and project reprioritisation, foregone revenue (estimated at \$1.14m), new budget requests to Council (\$200,000), and applications for State Government funding. The impact of the recent COVID-19 lockdown and restrictions and any of the Reignite the City initiatives approved at this meeting will be reflected in the Q1 Financial Performance Report which will be considered by Council in November 2021.
5. Approves a one-month parking initiative of free evening (6pm-midnight) and free weekend parking (Saturday and Sunday) within all Council owned off-street UParks (excluding the Adelaide Central Market UPark) to visitors to the city who sign up to or are already subscribers with UPark Plus (foregone revenue approximately \$300,000).
6. Notes that promotions for off-street parking in U-Park Central Market will be developed with ACMA to leverage the success of the UPP "Market Lover" initiative and to stimulate visitation during night times.
7. Notes the Acting Chief Executive Officer will explore and implement (within existing delegations) further incentives and/or initiatives associated with on and off-street parking, with the aim of providing flexible parking arrangements and fee adjustments to drive visitation and economic vitality.
8. Approves the proposed approach to supporting the hospitality industry to expand into the public realm to optimise outdoor capacity limits and attract visitation through inviting, green, safe spaces (foregone revenue approximately \$70,000 and utilisation of the Tree Development Fund of up to \$150,000 to implement greening).
9. Notes that Permit and Development Application fees will be free for businesses applying for temporary activations that will support people to return to the city will be waived for the period August and September 2021.
10. Approves the 2 month fee free personal training permit initiative to support the sport and recreation industry, optimise use of our City Squares and Park Lands, and promote healthy lifestyles and wellbeing. An online process will streamline applications with an estimated 10 new personal training permits to be granted (foregone revenue \$1,630).
11. Approves the initiatives to reduce costs and streamline processes for the construction industry including a 50% discount for any permit applications received until 1 October 2021, reducing contractors' fees for hoardings while construction is underway, and taking a balanced approach to permit conditions to enable contractors to get more work done and get back on track (foregone revenue approximately \$140,000).
12. Approves the investment of \$100,000 in the City Business Support Package in partnership with Business SA to support job creation, business recovery and growth (new budget request of \$100,000).
13. Approves the trial Event Fee Free City initiative for 12 months to encourage event organisers to present new, interesting and diverse works in Adelaide to attract visitation and support for city businesses (foregone revenue \$632,000), which requires a change to the fee structure for the following fees for events being held in the city:
  - 13.1 Park Lands Site Fees
  - 13.2 Road Closure Application Fees
  - 13.3 Advertising the notification of event road closures
  - 13.4 Advertising requirements associated with Public Consultation for Events.
14. Approves the extension of the Quick Response Grant Program from September to provide funding of up to \$10,000 to assist event organisers where events have been adversely affected by COVID-19 (repurposing remaining budget of \$60,000 from the 2021/2022 Events and Festival Sponsorship Program).
15. Notes the proposal to introduce a new 9 month Friday Night Live project to incentivise live music venues to focus on Friday night activity from October 2021 – June 2022 (funding of \$45,000 already allocated in the 2021/2022 budget) and to seek additional funding from the State Government to maximise the visitation and activation potential of this initiative.
16. Notes that the Mainstreets of Melbourne, O'Connell, Hutt and Hindley Streets will see their Action Plans delivered (funding of \$350,000 already allocated in the 2021/2022 budget) and that additional funding will be sought from the State Government to extend the successful Mainstreets Revitalisation and Improvement Grants scheme.
17. Approves the 12 month fee free permit initiative, subject to approval by Council of the Parklet Policy in September 2021.
18. Approves the 'Support Your Local Small Business' campaign in collaboration with a dedicated media partner (new budget request of \$100,000) and notes the collaboration between CoA Marketing and AEDA to share and promote campaigns through both social media channels.

19. Notes that the implementation of a Digital Market Place is an action for delivery within the Council approved AEDA Business Plan and Budget 2021-22; proposals have been sought from potential suppliers, who will provide business development support to drive marketing and sales activities boosting consumer demand for the goods and service offered by our city businesses (funding of \$250,000 already allocated in the 2021/2022 budget).
  20. Notes the proposal to implement a 7 day turnaround for payment of invoices to further support small and medium businesses who supply goods and services to CoA. This follows the successful introduction of a 14 business day payment commitment in response to COVID-19 in 2020 and underpins our reputation as a small business friendly Council.
  21. Notes that the CoA updated Procurement Policy incorporates a principle that procurements are to be undertaken with a view to supporting local businesses. While approximately 60% of our procurement currently supports local businesses, we will review both our large contracts and our smaller procurement purchases that are below contract thresholds to identify how we might procure more with local businesses.
  22. Notes that the CoA offers a range of rates hardship assistance options including postponement of payments or alternative repayment arrangements to support those facing hardship.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Strong Economies</b> The lowest cost capital city with the least red tape Mainstreets and laneways activated for economic growth
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Proposed initiatives can be delivered through a mix of existing resources and reprioritised funding.
Risk / Legal / Legislative	Not as result of this report
Opportunities	To assist businesses within the City of Adelaide impacted by restrictions imposed as a result of the COVID-19 pandemic through reduced costs, incentives, and policy reform.
21/22 Budget Allocation	Select identified initiatives are currently not funded within the 2021-22 Business Plan and Budget
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Subject to Council decision, seeking \$200,000 of funding for identified support initiatives and support for an estimated \$1.14m in foregone revenue.
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

- The effects of COVID-19 continue to have significant impact on businesses within the City of Adelaide (CoA) due to the reduced number of city users and visitors and enforced safety measures such as the recent, unpredicted 7-day lockdown enforced by the State Government from 22 - 27 July 2021 and ongoing restrictions.
- CoA experienced a loss of income of approximately \$1 million from the 7-day lockdown with loss of parking revenue and income through the closure of the Aquatic Centre, Golf Course and Town Hall as shown in the table below, and estimates that the total loss of associated income will be approximately \$1.54m this financial year.

\$'000s	Primary Exposure	Weekly COVID Impact (\$'000s)			Potential Impact	Recovery Period	
		Income	Expenditure	Net			
Parking Income	UPark	Income	(447)	10	(437)	Very High	Moderate
	On Street	Income	(225)	0	(225)	Very High	Moderate
	Expiations	Income	(175)	0	(175)	Very High	Short
Aquatic Centre		Income	(114)	55	(59)	Moderate	Extended
Town Hall		Income	(19)	6	(13)	Moderate	Extended
Property Services		Cash flow	(55)	0	(55)	Optional	Optional
Golf Course		Income	(40)	13	(27)	Low	Short
Other Events (i.e. Park Lands and Winter Weekends)		Cash flow	(4)	(10)	(14)	Low	Moderate

- The State Government of South Australia is providing cash grants of \$3,000 for small and medium businesses that suffered loss of income or were forced to close as a result of the 7-day lockdown. A grant of \$1,000 is available for eligible small businesses who don't employ staff. The Federal Government is also offering COVID-19 disaster payments and pandemic leave payments to assist those businesses and individuals most significantly affected through loss of income.
- The City of Adelaide intends to focus its additional City recovery efforts and investment where it can make an immediate positive impact, through offers, activations and initiatives, and then delivering significant long-term benefits through process efficiencies, innovation and policy reform.
- This report proposes a comprehensive program 'Reignite the City' designed to deliver cost savings and generate income for local businesses by welcoming people back to the City.
- Reignite the City delivers on Council's Strategic Plan commitment to be the lowest cost Capital City with the least red tape and will be delivered through a combination of budget and project reprioritisation, new budget requests to Council, and applications for State Government funding.
- Accessibility: Fee Free Parking
  - It is proposed that over 9,000 parking bays will be made available, fee free, in high demand areas (4,500 off-street bays and 4,500 on-street parks). By leveraging our on street and off-street parking assets we will boost our night-time and weekend economy by directly supporting the city's hospitality and retail businesses who have been significantly impacted by the most recent restrictions.
  - To match the existing evening on-street parking conditions, where the majority of locations are free after 6pm, it is proposed to provide free parking within UParks from 6 pm to midnight. It is further proposed to provide free weekend parking within UParks. These offers will be available for 1 month to visitors to the city who sign up to or are already subscribers with UPark Plus (UPP). The financial impact is estimated at \$300,000 of foregone revenue.
  - These initiatives are in addition to the capped UPP rates within UParks already implemented to support city workers to linger longer and spend with city businesses. Marketing and communications will promote precincts as destinations to tie with events across the city.
  - In addition to the proposed off-street parking initiative we propose exploring and implementing (within existing delegations) further incentives and/or initiatives associated with on and off-street parking, with the aim of providing flexible parking arrangements and fee adjustments to drive visitation and economic vitality.

- 7.5 Promotions for off-street parking in U-Park Central Market will also be developed with ACMA to leverage the success of the UPP "Market Lover" initiative and to stimulate visitation during night times. The UPP "Market Lover" maximises the number of car parks available during trading hours, while continuing to provide first hour free parking for our Market shoppers. UPark Plus at UPark Central Market is open to all Market shoppers and it's free to join online anytime.
8. Optimising Spaces: Hospitality Industry
- 8.1 It is proposed that hospitality industry is supported to expand into the public realm. Benefits include optimising outdoor capacity limits and attracting visitation through inviting, green, safe spaces. Through the following initiatives between 30-40 bays could be delivered (foregone revenue approximately \$70,000 and \$150,000 from the Tree Management Fund to implement greening)
- 8.1.1 Quick approval process for expanding outdoor dining into adjacent underutilised footpath space. Where possible, helping businesses temporarily expand into the roadway supplying planter boxes and additional greening to make places attractive, safe and inviting to use. Including reduced consultation requirements and removal of fees for the temporary use of public space or parking bays
- 8.1.2 Fee free Permit and Development Applications for businesses hosting temporary activations to support the safe return of people to the city (10 August - November 2021). We will also provide greater flexibility of permit and DA conditions for businesses seeking temporary/semi-permanent structures to provide shelter such as umbrellas or temporary marquee.
- 8.1.3 Parking impacts will be assessed and managed, ensuring adequate controls within the parking zone.
9. Optimising Spaces: Sport and Recreation Industry
- 9.1 It is proposed that the sport and recreation industry are supported with fee free personal training permits to make use of the City Squares and Park Lands. Benefits include optimising their capacity limits, attracting visitation and promoting healthy lifestyles and wellbeing. An online process will streamline applications with an estimated 10 new personal training permits to be granted for 2 months (foregone revenue \$1,630).
10. Reducing Costs and Cutting Red Tape: Construction Industry
- 10.1 During the recent 7-day lock down, work had to cease on construction sites. It is proposed to provide a 50% discount for any permit applications received until 1 October 2021, reducing contractors' fees for hoardings while construction is underway, and to take a balanced approach to permit conditions to enable contractors to get more work done and get back on track, (foregone revenue approximately \$140,000).
- 10.2 City of Adelaide has transformed the way contractors are able to work in the city by releasing a new permit fee model. This benefits the whole construction industry by calculating fees based on the space occupied. This gives our customers more control over their business-related expenses, with lower fees for lower impact activities.
- 10.3 By streamlining our processes, we are improving the customer experience and reducing the costs of working in the city. All permit applications are now available digitally, City Works Fees have been reduced from 14 different types to 1 fee, we have reduced the City Works Guidelines from 128 pages to 6 easy to read fact sheets, introduced a Permit Fee calculator enabling customers to pre-calculate fees ahead of applying for permits.
11. Expanding the City Business Support Package
- 11.1 It is proposed that a further \$100,000 be invested in the City Business Support Package in partnership with Business SA. This would result in an additional 111 city businesses receiving business advice and assistance and the provision of 1:1 business growth consulting targeted at businesses that have the potential to generate additional jobs in the city in this financial year (new budget request of \$100,000).
- 11.2 Since the City of Adelaide partnered with Business SA in May 2020, 335 city businesses have accessed advocacy, industrial relations and human resource advice through the City Business Support Package. The key outcome of the partnership is to provide support to 500 city businesses by 30 June 2022. This investment would increase that number to 611 of city business supported by that date.



## 12. Event Fee Free City

- 12.1 It is proposed that Adelaide trials and positions itself as an Event Fee Free City for 12 months, making nominated fee categories free. Benefits include encouraging local, interstate and international event organisers to present new, interesting and diverse works in Adelaide to attract visitation and support for city businesses by reducing their upfront costs and risks (foregone revenue \$632,000).
- 12.2 During 2020-21 a good number of events were still able to proceed within the city. Event organisers were supported by a number of mechanisms that included:
- 12.2.1 Increasing allowable footprint in the Park Land at no extra cost
- 12.2.2 Event Infrastructure Incentives Scheme (total \$50,000 from Council and \$50,000 from State Government).
- 12.3 The event industry has recently experienced a significant setback, with the 7 day lockdown coinciding with the Illuminate Adelaide and Umbrella Festival among others. Understandably, some event organisers will be reluctant to invest in major events until conditions change significantly. Some events with future bookings in the Park Lands have been cancelled recently.
- 12.4 The formula for Event Fees was developed prior to the pandemic and based on pre-COVID attendance capacity levels and the former health of the events industry. While the restrictions on event capacities were imposed in March 2020 however City of Adelaide Fees Structure has not changed.
- 12.5 It is proposed that Council implement a change to the fee structure for 12 months for the following fee categories:

Fee Category	Annual City of Adelaide Income (approx.)	Fee Free
Park Lands Site Fees	\$600,000	Yes
Road Closure Application Fees	\$9,000	Yes
Advertising the notification of event Road Closures	\$8,000	Yes
Advertising requirements associated with Public Consultation for Events	\$15,000	Yes
Remediation Fees (cost recovery)		No
Operational services from public realm (bins, mark outs, taps etc)		No
Power usage (cost recovery)		No

- 12.6 The fee categories that will not be free under this trial Event Fee Free City approach are cost recoveries and offset Council's land management expenses related to maintaining the condition of the Park Lands and use of utilities, in line with the current Adelaide Park Lands Events Management Guidelines.
- 12.7 The cost for implementing the Event Fee Free categories as recommended for 12 months is approximately \$632,000.

## 13. Quick Response Grant Program: Events Impacted by COVID-19

- 13.1 It is proposed that an extension of the Quick Response Grant Program will provide one-off funding of up to \$10,000 to assist event organisers whose events have been adversely affected by COVID-19 (repurposing remaining budget of \$60,000 from the 2021/2022 Events and Festival Sponsorship Program). Eligibility criteria includes:
- 13.1.1 Additional funds sought by existing events/festivals already receiving sponsorship to assist with operational expenses or additional costs incurred to deliver activities in line with COVID-19 social distancing requirements and restrictions.

- 13.1.2 New requests from events and festival organisers who did not meet the Sponsorship Program process and timelines.
  - 13.1.3 Requests from commercial events/festivals organisers operating on an expected profit whose financial viability may have been impacted as a result of COVID-19.
  - 13.1.4 Applications will be open until funds are expended.
14. Live Music Support
- 14.1 It is proposed to introduce a new Friday Night Live Project for 9 months (October 2021 – June 2022) which combines the former Local Buzz and Music in the Streets project budgets to incentivise live music venues to focus on Friday night activity, , creating a critical mass and campaign which will extend from the FOMO Fridays campaign (funding of \$45,000 already allocated in the 2021/2022 budget).
  - 14.2 The FOMO Fridays program will activate Adelaide every Friday in September, encouraging workers to return to the office, shop and experience the city. Live music, fire pits, street closures, public exercise classes, street parties and other exciting incentives will be delivered by the South Australian Tourism Commission and supported by CoA, AEDA, Property Council, local building owners and traders.
  - 14.3 The Umbrella Festival Partnership will reflect our flexibility to enable Music SA to host some of the curated events which were scheduled to occur in lockdown, in September 2021.
  - 14.4 It is proposed that additional funding will be sought from the State Government to maximise the visitation and activation potential of the Friday Night Live Project.
15. Mainstreets Revitalisation and Activation
- 15.1 The Mainstreets of Melbourne, O’Connell, Hutt and Hindley Streets will see their Action Plans delivered (funding of \$350,000 already allocated in the 2021/2022 budget) comprising Activation Plans, Improvement Plans and Engagement/Marketing Plans and Splash Activation Program.
  - 15.2 Projects planned include Activation and community partnerships to use empty tenancies and/or enliven public spaces, seasonal events and activities, live music and art activities, street identity and marketing promotions.
  - 15.3 It is proposed that additional funding will be sought from the State Government to extend the successful Mainstreets Revitalisation and Improvement Grants scheme to support small business to encourage visitation to the Mainstreets.
16. Parklets
- 16.1 Council recently requested a Parklet review be undertaken, following approval for Golden Wattle to occupy on-street parking spaces in Pirie Street, with fees to be charged in line with Council’s permit fee schedule.
  - 16.2 The Parklet Policy will be brought to Council in September. Once approved, applications will be assessed against the policy conditions, including the need for a consultation process.
  - 16.3 It is proposed that the first 12 months of fees are free for businesses that submit for parklet approvals under the new policy.
  - 16.4 This will offer the sector immediate support of up to \$300,000 and enable them to leverage their return on investment in the first 12 months.
  - 16.5 The ability to have in place additional outdoor space is a great addition to what city businesses can offer and supports local trade hampered by COVID-19 capacity restrictions.
17. Marketing and Promotion
- 17.1 ‘Support Your Local Small Business’
    - 17.1.1 It is proposed that we collaborate with a dedicated media partner to deliver a 3 month ‘Support Your Local Small Business’ campaign in the lead up to Christmas to increase city visitation and support city businesses (new budget request of \$100,000).
    - 17.1.2 The target audience for the campaign is city workers and city visitors, inspiring them to discover the array of small businesses that trade in the City’s mainstreets, arcades, malls and laneways.
    - 17.1.3 This would be a campaign with heart, not only focussed on hospitality but all small businesses that do not have the financial capacity or resourcing to market themselves at scale and rely heavily on footfall for their customers.

- 17.1.4 All media and content would be amplified through CoA and AEDA channels and key city employers.
  - 17.1.5 Our current social media campaign of sharing proactive stories and testimonials from our small business grant recipients will be extended.
  - 17.1.6 Content of CoA and AEDA campaigns that are targeted to increase city visitation and support city businesses is shared and promoted through both social media channels.
- 17.2 Implement a Digital Market Place
- 17.2.1 In November 2020, Council requested the Adelaide Economic Development Agency (AEDA) to investigate options and costings to develop a digital market place to promote city businesses. In December 2020, Council approved a budget reprioritisation of \$250,000 for AEDA to design and implement this initiative. Delivery of the Digital Marketplace is an action for delivery within the Council approved AEDA Business Plan and Budget 2021-22.
  - 17.2.2 Through an open tender, process proposals have been sought from potential suppliers to deliver this outcome. The successful supplier will provide business development support to drive a critical mass of vendors as well as drive marketing and sales activities to drive consumer demand.
  - 17.2.3 AEDA and the CoA will support business engagement activities as well as marketing support through existing channels.
18. Purchasing and Payments
- 18.1 Fast-tracking Payments to Suppliers
- 18.1.1 In response to COVID-19 in 2020, we undertook an initiative to support business, particularly small businesses, with their cashflow requirements, by committing to make payments to our suppliers within 14 business days. After 12 months we confirmed that the impact of the reduced payment terms produced positive relations with suppliers with minimal impact to process and cost for Council and so committed to a new turnaround of 10 business days.
  - 18.1.2 We are now proposing to implement a 7 day turnaround for payment of invoices to further support small and medium businesses who supply goods and services to CoA. This commitment is linked to the enabling priorities in our Strategic Plan and underpins our reputation as a small business friendly Council.
- 18.2 Leverage our Procurement Policy to Support Local Businesses
- 18.2.1 In June 2021, Council endorsed an updated Procurement Policy which incorporated a principle that procurements are to be undertaken with a view to supporting local businesses. In the order of consideration, these are business based or with significant operations in Adelaide city (physical address of operation, located in postcode 5000 and 5006), South Australia and Australia.
  - 18.2.2 Approximately 60% of our procurement currently supports local businesses. We will review both our large contracts and our smaller procurement purchases that are below contract thresholds to identify how we might procure more with local businesses.
- 19 Rates Hardship Assistance
- 19.1 With COVID-19 continuing to challenge some ratepayers, the CoA offers a range of hardship assistance options including postponement of payments or alternative repayment arrangements to support those facing hardship.

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## ATTACHMENTS

Nil

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- END OF REPORT -

## Exclusion of the Public

**ITEM 11.1** 10/08/2021  
**Council**

**Program Contact:**  
Mick Petrovski, Manager  
Governance 8203 7119

2018/04291  
Public

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

## EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.

It is the recommendation of the Acting Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

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

**12.1.1** Audit Committee Report – 30 July 2021 [section 90(3) (b) & (i) of the Act]

For the following Chief Executive Officer Reports seeking consideration in confidence

**12.2.1** Open Space and Places for People Grants Submission [section 90(3) (b) of the Act]

**12.2.2** Civic Recognition [section 90(3) (a) of the Act]

**12.2.3** Cultural Investigation [section 90(3) (a), (g) & (h) of the Act]

The Order to Exclude for Items 12.1.1, 12.2.1, 12.2.2 & 12.2.3

1. Identifies the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.

## ORDER TO EXCLUDE FOR ITEM 12.1.1

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 10 August 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1.1 [Audit Committee Report – 30 July 2021] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

### **Grounds and Basis for consideration in Confidence**

#### Activities of the Strategic Risk and Internal Audit Group Meetings

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

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

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

#### Confidential Discussion with the Internal Auditor

The Audit Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in this matter because the disclosure of this information may result in release of information of 'commercial advantage' of the person conducting business with Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 10 August 2021 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 12.1.1 [Audit Committee Report – 30 July 2021] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (i) of the Act.

## ORDER TO EXCLUDE FOR ITEM 12.2.1

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 10 August 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.1 [Open Space and Places for People Grants Submission] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

Disclosure of the confidential funding strategies and associated information could reasonably prejudice the commercial position of Council in its negotiations with its funding partners, which, on balance, would be contrary to the public interest as it would likely implicate the optimisation of funding opportunities council may be able to secure through its funding negotiations.

#### 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 may confer a commercial advantage on a third party and severely prejudice the Council's ability to influence proposals for the benefit of the Council and the community in this matter.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 10 August 2021 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 12.2.1 [Open Space and Places for People Grants Submission] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

## ORDER TO EXCLUDE FOR ITEM 12.2.2

### 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 10 August 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.2.2 [Civic Recognition] listed on the Agenda.

#### Grounds and Basis

Disclosure of the information in this report is considered inappropriate if released to the public prior to the official awarding of an civic recognition. There are also cultural sensitivities that need to be taken into account and managed carefully in the planning for a culturally appropriate event and ceremony.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 10 August 2021 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 12.2.2 [Civic Recognition] 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.

## ORDER TO EXCLUDE FOR ITEM 12.2.3

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (a), (g) & (h) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 10 August 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.2.3 [Cultural Investigation] listed on the Agenda.

#### Grounds and Basis

This Item is confidential as it 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, and preserves legal privilege.

The disclosure of this report would waive legal privilege and involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

The disclosure of information in this report could reasonably prejudice the identity of the persons named in the report and would prejudice the ability of the Chief Executive Officer to act as required by law. By maintaining the confidentiality of this report, procedural fairness will be observed.

Section 56 of the *Independent Commissioner Against Corruption Act 2012 (ICAC Act)* prohibits the publication of:

- information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment, investigation or referral under the Act;
- information that might enable a person who has made a complaint or report under the Act to be identified or located;
- the fact that a person has made or may be about to make a complaint or report under the Act;
- the fact that a person has given or may be about to give information under the Act.

Contravention of these provisions is a criminal offence. However, these provisions do not prevent the making of this confidential report to Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 10 August 2021 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 12.2.3 [Cultural Investigation] 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), (g) & (h) of the Act.

## DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
  - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
  - (b) *cause a loss of confidence in the council or council committee; or*
  - (c) *involve discussion of a matter that is controversial within the council area; or*
  - (d) *make the council susceptible to adverse criticism.'*
5. Section 90(7) of the Act requires that an order to exclude the public:
  - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
  - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
  - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
  - 6.1 Information contained in Item 12.1.1 – Report of the Audit Committee – 30 July 2021
    - 6.1.1 Is subject to an Existing Confidentiality Order 30/7/2021.
    - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (i) of the Act
      - (b) information the disclosure of which—
        - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
        - (ii) would, on balance, be contrary to the public interest.
      - (i) Information relating to the actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.
  - 6.2. Information contained in Item 12.2.1 - Open Space and Places for People Grants Submission
    - 6.2.1 Is subject to an Existing Confidentiality Order 3/8/2021.
    - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (b) of the Act
      - (b) information the disclosure of which—
        - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
        - (ii) would, on balance, be contrary to the public interest.
  - 6.3 Information contained in Item 12.2.2 – Civic Recognition
    - 6.3.1 Is not subject to an Existing Confidentiality Order.
    - 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

6.4 Information contained in Item 12.2.3 – Cultural Investigation

6.4.1 Is not subject to an Existing Confidentiality Order.

6.4.2 The grounds utilised to request consideration in confidence is section 90(3) (a), (g) & (h) of the Act

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty
- (h) legal advice

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## ATTACHMENTS

Nil

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- END OF REPORT -



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Confidential Item 12.1.1  
Audit Committee Report – 30 July 2021  
Section 90 (3) (b) & (i) of the *Local Government Act 1999 (SA)*  
Pages 128 to 130

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Confidential Item 12.2.1  
Open Space and Places for People Grants Submission  
Section 90 (3) (b) of the *Local Government Act 1999 (SA)*  
Pages 131 to 146

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Confidential Item 12.2.2  
Civic Recognition  
Section 90 (3) (a) of the *Local Government Act 1999 (SA)*  
Pages 147 to 153

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Confidential Item 12.2.3  
Cultural Investigation  
Section 90 (3) (a), (g) & (h) of the *Local Government Act 1999 (SA)*  
Pages 154 to 177

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# Reports from Council Members

**ITEM 14.1** 10/08/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2018/04064  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

This report is presented to:

1. Advise Council of Council Member activities and the functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members' meeting attendance.

Council Members can table reports on activities undertaken on relevant external Boards and Committees where they are representing Council and these reports will be included in the Minutes of the meeting.

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## RECOMMENDATION

### 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 10 August 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 10 August 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 10 August 2021 be included in the Minutes of the meeting.

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## ATTACHMENTS

**Attachment A** – Council Member activities and functions attended on behalf of the Lord Mayor

**Attachment B** - Summary of meeting attendance

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- END OF REPORT -

COUNCIL MEMBER MEETINGS ATTENDED: 8 July - 5 August 2021			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Alexander Hyde	21/07/2021	StudyAdelaide Board Meeting	Attended as Council Representative
Councillor Alexander Hyde	29/07/2021	Adelaide Central Market Authority Board Meeting	Attended as Council Representative
			Attended as Council Representative
Councillor Jessy Khera	14/07/2021	Adelaide UNESCO City of Music Board Meeting	Attended as Council Representative
Councillor Simon Hou	14/07/2021	Australia Day Council of South Australia Board Meeting	Attended as Council Representative

## Meeting attendance

	Council 13 July 2021	Adelaide Park Lands Authority 22 July 2021	Council Assessment Panel 26 July 2021	The Committee 27 July 2021	Audit Committee 30 July 2021	The Committee 3 August 2021	Meetings held	Meetings attended
Lord Mayor Sandy Verschoor	✓	✓		✓	✓	✓	5	5
Councillor Arman Abrahamzadeh	✓		✓	✓		✓	4	4
Councillor Mary Couros (Deputy Lord Mayor)	✓			✓	✓	✓	4	4
Councillor Helen Donovan	✓			✓		✓	3	3
Councillor Simon Hou	✓			✓		✓	3	3
Councillor Alex Hyde	✓	✓		✓		✓	5	4
Councillor Jessy Khera				✓		✓	3	2
Councillor Franz Knoll	✓			✓		✓	3	3
Councillor Greg Mackie	✓			✓		✓	3	3
Councillor Phillip Martin	✓			✓		✓	3	3
Councillor Anne Moran	✓			✓		✓	3	3
# in Attendance	10	2	1	11	2	11		

Key:

	Apology
	Leave
	Not a Member
	Proxy Member

## Council & Committee Meeting Livestreams

**ITEM 15.1** 10/08/2021  
**Council**

**Council Member**  
Councillor Abrahamzadeh

Public

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

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## QUESTION ON NOTICE

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

'Noting the City of Adelaide livestreams all committee and council meetings which are stored on YouTube, can the CEO advise if these videos can be adjusted or censored to delete inappropriate language used by elected member(s)?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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- END OF REPORT -

## Lost Park Lands

**ITEM 15.2** 10/08/2021

**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

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## QUESTION ON NOTICE

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

'Could the Administration advise:

1. Informed by concept plans and information publicly available, the approximate area of Park Lands west of the Morphett Street Bridge that may be lost through the construction of the State Government proposed stadium and associated infrastructure including car parking?
2. Informed by the documents released through the State Government Yoursay Aboriginal Stakeholder consultation, the approximate area of Park Lands that may be lost through the construction of a new Women's and Children's Hospital and associated infrastructure including car parking?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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- END OF REPORT -

## Torrens Irrigation Water

**ITEM 15.3** 10/08/2021  
**Council**

**Council Member**  
Councillor Martin

Public

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

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## QUESTION ON NOTICE

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

'Could the Administration advise the approximate number of megalitres drawn from the Torrens by the City of Adelaide for irrigation purposes in the last financial year for which figures are available, together with:

1. The total number and location of sites irrigated with Torrens Water by the City of Adelaide?
2. The last analysis of Torrens water quality commissioned by the City of Adelaide showing the absence or presence of any harmful bacteria, including e-coli?

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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- END OF REPORT -

# Revoke the Decision of Council - Adelaide Aquatic Centre Capital Works

**ITEM 17.1** 10/08/2021  
**Council**

**Council Member**  
Councillor Martin

2021/00600  
Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating Officer

## MOTION ON NOTICE

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

'That **the decision of Council** on 13/04/2021 in relation to the Adelaide Aquatic Centre, namely:

"That Council:

1. Notes that the Administration are preparing plans for a new Adelaide Aquatic Centre and will put this project to the State Government ahead of the June State Budget
2. Notes that in excess of \$16 million sits within our Long Term Financial Plan for capital expenses at the Adelaide Aquatic Centre
3. Affirms its intent to keep the current Adelaide Aquatic Centre functioning while a new Centre is constructed, on the condition that the City of Adelaide has a viable funding model that is substantial enough to construct a new Centre by 30 June 2022.
4. Resolves to remove all capital works for the Adelaide Aquatic Centre from our ongoing works programs for the years after the 2023-24 Financial Year and amends our relevant Asset Management Plan for Buildings Policy accordingly.
5. Requests Administration amend our Long Term Financial Plan to reflect the above resolution."

**be revoked.'**

Contingent upon the decision of the Council 13/04/2021 being revoked, I Councillor Martin, having complied with the Regulations will then move:

'That Council:

1. Resolves to restore all capital works previously proposed for the Adelaide Aquatic Centre to our ongoing works programs for the years after the 2022-23 Financial Year and amends our relevant Asset Management Plan for Buildings Policy accordingly.
2. Requests Administration amend our Long Term Financial Plan to reflect the above resolution.'



## ADMINISTRATION COMMENT

1. Council's Long Term Financial Plan (LTFP) as endorsed by Council at its meeting on 29 June 2021, underwent an extensive public consultation process prior to endorsement.
2. Amendment of the Long Term Financial Plan can be undertaken via Council resolution and is updated at each budget review throughout the year with the relevant decisions of Council that affect the current year only and therefore have long term impacts on the LTFP. These are administrative updates and do not traditionally include amendments to longer term assumptions in the LTFP given these amendments do not trigger public consultation.
3. It is worth noting that any amendments to the Long Term Financial Plan for future years assumptions such as this, can be done under delegation. However, another consultation process will not be conducted until next year when the LTFP and all of its long term assumptions are reviewed as required by the Financial Management Regulations.
4. The Asset Management Plans are yet to be updated for the original resolution as the full review of these documents are underway and planned to be brought into Council in the coming months.
5. Should this motion be carried, the Asset Management Plans will continue to be reviewed and brought to Council for decision.
6. Should this motion be carried, the Long Term Financial Plan assumptions will be amended and brought to Council for final endorsement in conjunction with the normal budget review process. This will come to Council for decision at its meeting in November 2021.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	The Long Term Financial Plan (LTFP) went out for public consultation for a 6 week period from 16 April to 31 May 2021. Amendments to the LTFP can be enacted under Council resolution however these changes will not undergo further public consultation.
External consultant advice	Not Applicable
Legal advice / litigation (eg contract breach)	Not Applicable
Impacts on existing projects	Not Applicable
Budget reallocation	These amendments will not affect current year approved budgets. This amendment will reflect a change in long term assumptions but will not commit the Council to future budgets.
Capital investment	Not Applicable
Staff time in preparing the workshop / report requested in the motion	This amendment will be incorporated into the update to the LTFP for budget review due to Council at its meeting in November 2021. Minor effort required to incorporate this change.
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -

# Weeknight Parking Controls

**ITEM 17.2** 10/08/2021  
**Council**

**Council Member**  
Councillor Martin

2018/04053  
Public

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

## MOTION ON NOTICE

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

'That Council:

Asks the Administration to report to the September Council meeting on how enforcement of weeknight parking controls can be improved to assist City residential and business ratepayers.'

## ADMINISTRATION COMMENT

1. If this motion is successful, we will report back to Council on how enforcement of weeknight parking controls can be improved to assist City residential and business ratepayers.
2. Due to the time required to prepare the report, the September meeting will not be achievable and we will respond in the October 2021 meeting.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable

Staff time in preparing the workshop / report requested in the motion	1 month
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

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- END OF REPORT -

# City Connector Lockdown Services

**ITEM 17.3** 10/08/2021  
**Council**

**Council Member**  
Councillor Martin

2018/117435  
Public

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

## MOTION ON NOTICE

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

'That Council:

1. Notes that Administration is already undertaking to seek from the SA Public Transport Authority (SAPTA) forewarning of any cessation of the City Connector Service during lockdowns as a consequence of Covid restrictions.
2. Requests that Administration negotiates with SAPTA for a limited City Connector service during lockdowns while ever limited Adelaide Metro Bus Services are offered through the broader community; and
3. Asks SAPTA to ensure after the lifting of any lock down restrictions the full City Connector Service schedule is reinstated simultaneously with Adelaide Metro Bus Services.'

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## ADMINISTRATION COMMENT

1. The suspension of the City Connector service was based on SA Health advice, intended to limit non-essential travel. Other Adelaide Metro services considered to be non-essential were also suspended. The decision to extend the suspension by a further week was also made based on the recommendation of SA Health.
2. The Adelaide Metro services that remained operational were intended to facilitate travel to work for essential workers.
3. The City Connector service and all suspended Adelaide Metro services resumed on 5 August, in line with the easing of restrictions.
4. On the 20 July, approximately 90 minutes after State Premier announced the seven day lockdown, SAPTA advised the City of Adelaide (CoA) of the intended suspension of the service after the last run on 20 July.
5. SAPTA installed signage at all City Connector bus stops and posted information on the Adelaide Metro website and social media on 20 July to advise users of the suspension of this and other services with a subsequent post on 3 August advising services would be recommencing with the lifting of restrictions.
6. We have discussed the suspension with SAPTA and conveyed our preference for the service to continue through lockdown, or to resume immediately after the end of lockdown. SAPTA are supportive of the proposal, but advised that the final decision will be dependent on advice from SA Health.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

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- END OF REPORT -

## Adelaide Free Wi-Fi

**ITEM 17.4** 10/08/2021  
**Council**

**Council Member**  
Councillor Hyde

2020/00710  
Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating Officer

## MOTION ON NOTICE

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

That Council:

1. Notes that the Adelaide Free Wi-Fi network is undergoing improvements secured under the Adelaide City Deal, whereby Wi-Fi access points will be connected to the City's premiere 10 Gigabit Adelaide fibre network to deliver higher speeds and deliver a vastly improved user experience.
2. Notes that the administration is expecting the rollout to begin by the end of this year.
3. Notes that there are still many areas with high visitations that are not fully covered by Adelaide Free Wi-Fi.
4. Requests the CEO investigate the expansion of access points to cover more areas in the City, and that the investigation, at a minimum, includes:
  - a. Gouger Street
  - b. Hindley Street
  - c. Melbourne Street
  - d. O'Connell Street.

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## ADMINISTRATION COMMENT

1. Should this motion be carried by Council, we will investigate further opportunities to increase and expand the number of access points in key areas of the City including but not limited to:
  - 1.1. Gouger Street
  - 1.2. Hindley Street
  - 1.3. Melbourne Street
  - 1.4. O'Connell Street.
2. We have nominated \$3 million dollars from the City of Adelaide funding from the Adelaide City Deal to support the delivery of a new Adelaide Free Wi-Fi network. In conjunction with investigating the expansion of the network, we will continue our discussions with State Government on co-investment opportunities.
3. We will bring a report to Council in October on the outcomes of the investigation when completed.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hrs.

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- END OF REPORT -

# Effects of Historic Asset Sales

**ITEM 17.5** 10/08/2021  
**Council**

**Council Member**  
Councillor Hyde

2021/00600  
Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating Officer

## MOTION ON NOTICE

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

‘That Council:

1. Notes that over the last fifteen years over \$110 million in assets have been sold by the City of Adelaide, including:
  - a. Grenfell Street Car Park (\$33 million)
  - b. Wingfield Dump Compulsory Acquisition Settlement (\$20.6 million)
  - c. Sturt Street Apartments Stages 1 & 2 (\$19.4 million).
2. Notes that only approximately \$1 million of those assets have been sold during this Council term.
3. Notes the administration response to Question on Notice 15.11 on the Agenda of the Meeting of Council of 13 April 2021 reads, at 4: *“Historically, proceeds from asset sales have been managed as a part of Council’s overall cash position and not specifically aligned to purpose.”*
4. Requests the Administration prepare a report outlining:
  - a. Any anticipated use/purpose of the funds generated by the asset sales at the time of the Council decision.
  - b. How much each sale, or group of sales, improved the Council’s cash position.
  - c. Whether, in each instance, the surplus funds – in practicality – were:
    - i. Used to pay down borrowings
    - ii. Used to fund other projects, what those projects were and whether they generated a financial return
    - iii. Effectively avoided an operating deficit, or improved an operating surplus position.
  - d. The effects on Council’s overall debt position if none of the assets were sold.
  - e. The cumulative operating deficits and borrowings position over the last fifteen years if no assets were sold and all other decisions remained the same.
  - f. The projected total of Council’s current saleable assets if these sales did not go ahead.’



## ADMINISTRATION COMMENT

1. The financial accounting of historical asset sales have been recorded in the Annual Financial Statements of Council in accordance with relevant accounting standards and Council policies in place at the time.
2. Given the record of unqualified reports by external auditors for the last 15 years, Council should have assurance that the accounting for the assets sales are true and correct as verified by Council's external auditors at the time.
3. A full restatement of the financial statements would require significant re-work which cannot be verified by external auditors and therefore cannot be provided with 100% assurance.
4. Should this motion be carried, a high level analysis of the financial implications could be performed to provide an indicative impact based on policy position in place at the time.
5. It is important to understand that retrospective projections may be difficult in certain areas and to provide the information requested it will require some assumptions to be made. In particular, part of it will be based on best estimates and a full valuation of assets no longer held by Council will not occur.
6. Should the motion be carried, all assumptions and data limitations will be detailed in the report.
7. Should the motion be carried, the report will be brought back to Council in November to accommodate the core focus on finance team resources meeting audit requirements and preparation of the Annual Financial Statements for the current year due to Council in October for endorsement.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not Applicable
External consultant advice	Not Applicable
Legal advice / litigation (eg contract breach)	Not Applicable
Impacts on existing projects	Not Applicable
Budget reallocation	Not Applicable
Capital investment	Not Applicable
Staff time in preparing the workshop / report requested in the motion	Approximately 2 days FTE time would be required to prepare the level of information over the 15 year timeframe.
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -