



# COUNCIL MINUTES

for the meeting

Tuesday 9 November 2021

in the Council Chamber,  
Adelaide Town Hall



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

---

### Acknowledgement of Country

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

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

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

### Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

### Prayer

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

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

### Memorial Silence

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

### Apologies and Leave of Absence

Nil

### Confirmation of Minutes

#### 1. Item 6 - Confirmation of Minutes – 12/10/2021, 19/10/2021 & 26/10/2021 [C]

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

That the Minutes of the meeting of the Council held on 12 October 2021 and the Special meetings of the Council held on 19 October 2021 at 5.00pm and 6.00pm and the Special meeting of the Council held on 26 October 2021, be taken as read and be confirmed as an accurate record of proceedings.

Carried

### Deputations

#### 2. Item 7.1 - Deputation – Ms Rachel Healy – 2022 Adelaide Festival Program [C]

Ms Rachel Healy addressed the Council:

- To present the 2022 Adelaide Festival Program.

The Lord Mayor thanked Rachel Healy for her deputation.

#### 3. Item 7.2 - Deputation – Susan and Jeffrey Collins – Adelaide South West Community Centre [C]

Mrs Susan and Mr Jeffrey Collins addressed the Council:

- To discuss the Adelaide South West Community Centre.

The Lord Mayor thanked Susan and Jeffrey Collins for their deputation.

## Adoption of Items

### 4. Adoption of Items 9.1, 10.2, 10.3, 10.4, 10.5, 10.7, 10.8, 10.11, 10.13, 10.14, 10.15 and 10.16 [C]

Discussion ensued

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Abrahamzadeh –

'That the following Items 9.1, 10.2, 10.3, 10.4, 10.5, 10.7, 10.8, 10.11, 10.13, 10.14, 10.15 and 10.16 be adopted as presented, namely -

#### **Item 9.1 - Advice of the Adelaide Park Lands Authority – 14 & 28 October 2021 [2018/04062] [C]**

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

- 1. Advice 1** – Request for Care and Control of Kate Cocks Park to be transferred to the Minister for Health and Wellbeing

#### BOARD DECISION TO ADVISE CITY OF ADELAIDE AND STATE GOVERNMENT

That the Adelaide Park Lands Authority:

- Acknowledges the benefits of locating the proposed new Women's and Children's hospital adjacent the Royal Adelaide Hospital. However the proposed construction of a large, permanent, multi-storey car park on the Adelaide Park Lands for the new hospital is manifestly inconsistent with both the Adelaide Park Lands Management Strategy, Community Land Management Plan and National Heritage values and therefore advises the State Government to provide that facility on a non-Park Lands site.
- Recommends that the State Government and City of Adelaide cooperatively develop a Master Plan for the Adelaide Park Lands Riverbank Precinct which would allow for a more holistic and contextual consideration of future proposals.

- 2. Advice 2** – Rymill Park Lake – Renewal Options

THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

- Supports the renewal of the Rymill Park Lake with a sustainable lake (Option C), as detailed in Attachment A to Item 7.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 28 October 2021.
- Supports the finalisation of the Rymill Park Master Plan and the Community Land Management Plan to include the sustainable lake (Option C).

#### **Item 10.2 - Residential Growth Action Plan [2021/00082] Presented to Committee on 2/11/2021 [C]**

THAT COUNCIL

- Notes the role of the Adelaide Economic Development Agency to accelerate residential growth in the city.
- Notes the background work and investigations undertaken by the Adelaide Economic Development Agency to date.
- Notes the Adelaide Economic Development Agency's Proposed Initiatives to Accelerate Residential Growth, provided in Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 9 November 2021, and endorses discussion with the Capital City Committee on these actions.
- Notes the City of Adelaide and Adelaide Economic Development Agency are continuing work to further increase residential growth in the City and North Adelaide. A further report will be brought back to Council in 2022.

#### **Item 10.3 - Local Government Infrastructure Partnership Program [VS2021/4325] [C]**

THAT COUNCIL

- Notes the successful grant application for the Local Government Infrastructure Partnership Program for the Accelerated Asset Renewal Program.
- 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 10.3 on the Agenda for the meeting of the Council held on 9 November 2021.

**Item 10.4 - Adelaide Economic Development Agency – Quarterly Update [2020/01894] Presented to Committee on 2/11/2021 [C]**

THAT COUNCIL

1. Notes the report.

**Item 10.5 - Adelaide Central Market Authority – Quarterly Update [2015/02959] Presented to Committee on 2/11/2021 [C]**

THAT COUNCIL

1. Notes the report.

**Item 10.7 - Adelaide International Tennis 2022 Partial road closure of War Memorial Drive [2021/01954] Presented to Committee on 2/11/2021 [C]**

THAT COUNCIL

1. Approves Tennis Australia to close a portion of War Memorial Drive to support the delivery of the Adelaide Tennis International 2022 from 10:00am on Thursday 6 January 2022 to 7:00am on Sunday 16 January 2022.
2. Authorises the Chief Executive Officer to take all necessary steps to implement the required road closure, as set out in Attachment A to Item 10.7 on the Agenda for the meeting of the Council held on 9 November 2021, under Section 33 of the Road Traffic Act 1961 (SA).

**Item 10.8 - Proposed Event in the Adelaide Park Lands – Mango [2021/02103] Presented to Committee on 2/11/2021 [C]**

THAT COUNCIL

1. Approves the Mango event to operate beyond 12 midnight and until 2:00am on Friday and Saturday evenings from 17 December 2021 up until 16 January 2022 in a portion of Helen Mayo Park / Tulya Wardli (Park 27).
2. Authorises the Chief Executive Officer to approve any further changes required to the event application where the change is necessary in order to fulfil a COVID Management Plan or COVID Safe Plan approved by SA Health.

**Item 10.11 - 2021-22 Quarter 1 Commercial Operations Report [2021/00850] Presented to Committee on 2/11/2021 [C]**

THAT COUNCIL

1. Notes the 2021-22 Quarter 1 commercial operations report as detailed in Attachment A to Item 10.11 on the Agenda for the meeting of the Council held on 9 November 2021.

**Item 10.13 - 2021 Review of Confidentiality Orders [2021/00830] [C]**

THAT COUNCIL

1. Notes the active confidentiality orders (July 2003 to October 2021) have been reviewed in accordance with Section 91 (9) of the *Local Government Act 1999* (SA).
2. Approves to extend the operation of 53 confidentiality orders as identified in Attachment A to Item 10.13 on the Agenda for the meeting of the Council held on 9 November 2021.
3. Notes that 8 active confidentiality orders will be released in part or full and published on the City of Adelaide website during December 2021.

**Item 10.14 - CEO Performance Review Committee [2021/01294] [C]**

THAT COUNCIL

1. Establishes pursuant to Section 41 of the *Local Government Act 1999* (SA) a five member CEO Performance Review Committee, comprising the Lord Mayor, Deputy Lord Mayor, one Councillor and two external independent members, for the remainder of the 2018-2022 municipal term of office for the purpose of the following functions which include:
  - 1.1. To establish Key Performance Indicators for the CEO.
  - 1.2. To determine the performance review process for the CEO.
  - 1.3. To undertake the performance review of the CEO.
  - 1.4. To provide advice and support regarding the CEO's performance development.

- 1.5. Prepare and provide advice to Council to inform the CEO's Total Employment Cost Package review, for decision by Council.
2. Adopts the Terms of Reference for the CEO Performance Review Committee established in part 1 herein as set out in Attachment A to Item 10.14 on the Agenda for the meeting of the Council held on 9 November 2021, and delegates authority to the Chief Operating Officer to alter content to reflect matters determined by the Council at its meeting on 9 November 2021.
3. Delegates to the CEO Performance Review Committee:
  - 3.1 In exercise of the powers contained in Section 44 of the *Local Government Act* 1999 (SA), the responsibility to the end of the 2018-2022 municipal term of office, to assist the Council by considering and determining matters as set out in the CEO performance Review Committee's Terms of Reference, namely:
    - 3.1.1 To appoint the independent members to the Review Committee.
    - 3.1.2 To establish Key Performance Indicators for the CEO.
    - 3.1.3 To determine the performance review process for the CEO.
    - 3.1.4 To undertake the performance review of the CEO.
    - 3.1.5 To provide advice and support regarding the CEO's performance development.
    - 3.1.6 Prepare and provide advice to Council to inform the CEO's Total Employment Cost Package review, for decision by Council.
  - 3.2 Authority to determine a schedule of meetings to be held in the Colonel Light Room, Town Hall, Adelaide.
4. Authorises the Chief Operating Officer to vary the meeting schedule (including the commencement time, meeting place, date or cancellation of a committee meeting) after liaison with the Presiding Member and Chief Executive Officer.
5. Appoints the Lord Mayor and Deputy Lord Mayor to the positions of a Presiding Member (to be known as Chair) and Deputy Chair respectively, to preside for the remainder of the 2018-2022 Term of Office.
6. Contingent upon the adoption of part 1 herein, calls for nominations for the appointment of one Councillor for the remainder of the remainder of the 2018-2022 Term of Office
7. Applies the provisions of Parts 1, 3 and 4 of the Local Government (Procedures at Meetings) Regulations 2013 (SA) to all meetings of the CEO Performance Review Committee.

**Item 10.15 - Local Government Reform – Feedback on Round 2 Regulations [2019/01903] [C]**

THAT COUNCIL

1. Notes the report.
2. Endorses the feedback contained in Attachment A to Item 10.15 on the Agenda for the meeting of the Council held on the 9 November 2021, and requests the Administration to submit the attachment to the Local Government Association SA.

**Item 10.16 - Position of Deputy Lord Mayor [2018/04057] [C]**

THAT COUNCIL

1. Appoints a Council Member to the position of Deputy Lord Mayor for the period commencing 1 December 2021 until the end of the 2018-2022 Council term.

Carried

The meeting **adjourned at 5.50pm** for a 5 minute break **and reconvened at 5.58pm** with all Council Members present.

**Advice from Adelaide Park Lands Authority & Advice/Recommendations of the Audit and Risk Committee**

**5. Item 9.2 - Audit and Risk Committee Report – 29 October 2021 [2018/04062] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Abrahamzadeh –

THAT COUNCIL

1. Notes the report of the meeting of the Audit and Risk Committee held on 29 October 2021.

Discussion ensued

The motion was then put and carried

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

#### 6. Item 10.1 - Adelaide South West Community Centre [2020/01966] Presented to Committee on 2/11/2021 [C]

Moved by Councillor Snape,  
Seconded by Councillor Knoll –

That Council

1. Notes the feedback, visitor numbers and services delivered at the Minor Works Building.
2. Approves the Minor Works Building to continue as the temporary location for the staffed Adelaide South West Community Centre while the search is ongoing for a permanent home.
3. Authorises the administration to extend the purchase period into the 2022/23 budget.

Discussion ensued, during which:

- With the consent of the mover, seconder and the meeting the motion was varied to read as follows:

'That Council:

1. Notes the feedback, visitor numbers and services delivered at the Minor Works Building.
2. Approves the Minor Works Building to continue as a location for a staffed Community Centre.
3. Authorises the administration to extend the purchase period of the new Adelaide South West Community Centre into the 2022/23 budget.'

- Councillor Khera left the Council Chamber at 6.14 pm and re-entered at 6.16pm
- CEO Undertaking – In response to queries from Councillor Martin, the CEO gave an undertaking to provide Council Members with information on the staffing levels of the three community centres in the South.

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

#### 7. Item 10.6 - Adelaide City Deal Update [2019/01590] Presented to Committee on 2/11/2021 [C]

Moved by Councillor Martin,  
Seconded by Councillor Hyde –

#### THAT COUNCIL

1. Notes the report, but in respect of paragraphs 19-24 asks the administration to seek a formal undertaking from SAPOL that it will not use camera facial recognition technology unless and until the parliament in South Australia adopts legislation consistent with biometric surveillance, facial and privacy recommendations of the Australian Human Rights Commission and the Law Council.

Discussion ensued

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

#### **Division**

#### **For (9):**

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

#### **Against (2):**

Councillors Hou and Khera.

The division was declared in favour of the motion

#### 8. Item 10.9 - Adelaide Park Lands Foundation [2012/01346] Presented to Committee on 2/11/2021 [C]

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll –

#### THAT COUNCIL

1. Notes the information provided regarding relevant considerations for establishing a philanthropic foundation for the purpose of fundraising for Park Lands enhancement and conservation and to support certain activities in the Park Lands.

2. Approves the preparation of a detailed business case by May 2022 for establishing an independent Adelaide Park Lands Foundation, providing:
  - 2.1. Clear objectives and purpose (noting the parameters presented for Register of Environmental Organisations).
  - 2.2. Detailed costings for establishing the Foundation and ongoing operational costs.
  - 2.3. An appropriate governance and decision-making framework for developing projects for the purposes of the Foundation.
  - 2.4. The process for accessing donated funds for projects and their expenditure and acquittal.

Discussion ensued

The motion was then put and carried

**9. Item 10.10 - 2021-2022 Quarter 1 Finance Report [2021/00122] Presented to Committee on 2/11/2021 [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

That Council

1. Adopts the First Budget Review for 2021/22 incorporating the Uniform Presentation of Finances as presented in Attachment A, noting that the revised budget consists of
  - 1.1. Total estimated operating income of \$203.689 million,
  - 1.2. Total estimated operating expenditure (including depreciation) of \$203.651 million,
  - 1.3. An operating surplus of \$37,000.
  - 1.4. Capital expenditure of \$81.413 million.
  - 1.5. Grant funding to support capital expenditure on new/upgraded assets of \$1.5 million.
  - 1.6. Council's borrowings (debt) ceiling of \$57.7 million.
  - 1.7. Offsets across both expenditure and revenue totalling \$1.45 million towards the \$4.75 million savings target.
2. Notes additional operating expenditure for the Representation Review Process engagement for \$20,000, approved on 13 July 2021, which has been included in the revised budget figures in Recommendation 1.
3. Notes additional capital funding for the MacKinnon Parade pedestrian refuge for \$40,000, approved on the 13 July 2021, which has been included in the revised capital expenditure budget figures in Recommendation 1.
4. Approves additional operating expenditure for budget reconsideration for the Adelaide Zero Project Partnership, \$183,000 (\$140,000 in 2021/22) on 14 September 2021, which has been included in the revised budget figures in Recommendation 1.
5. Notes an additional net operating impact for Reignite the City for \$1.140 million (\$200,000 of funding for identified support initiatives and support for an estimated \$1.14m in foregone revenue), approved on 10 August 2021, which has been included in the revised budget figures in Recommendation 1.
6. Notes the ongoing commitment to maintain a surplus operating result, and the short-term nature of these budget amendments have been achievable only due to favourable timing impacts and the receipt of grants.

Discussion ensued

The motion was then put and carried

**10. Item 10.12 - Capital Works Status Report [2021/00122] Presented to Committee on 2/11/2021 [C]**

Moved by Councillor Martin,  
Seconded by Councillor Moran –

THAT COUNCIL

1. Notes the Capital Works Status Report as presented in Attachment A to Item 10.12 on the Agenda for the meeting of the Council held on 9 November 2021.
2. Notes that the Moonta Street project has been significantly degraded by the dumping of cooking oil and supports the administrations efforts to make good the damage and the Environmental Protection Agency investigation into any breaches of the relevant legislation.

Much discussion ensued

The motion was then put and lost

Councillor Moran requested that a division be taken on the motion

### Division

#### For (5):

Councillors Donovan, Mackie, Martin, Moran and Snape.

#### Against (6):

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

The division was declared against the motion

It was then –

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

#### THAT COUNCIL

- Notes the Capital Works Status Report as presented in Attachment A to Item 10.12 on the Agenda for the meeting of the Council held on 9 November 2021.

Discussion ensued

The motion was then put and carried

Discussion ensued, during which the Lord Mayor advised the meeting that Item 10.16 - Position of Deputy Lord Mayor would be considered prior to Item 10.14 - CEO Performance Review Committee.

#### **11. Item 10.16 - Position of Deputy Lord Mayor [2018/04057] [C]**

The Lord Mayor called for nominations to the position of Deputy Lord Mayor.

Councillor Hyde nominated Councillor Abrahamzadeh, who accepted the nomination. There being no further nominations Councillor Abrahamzadeh was declared the successful nominee.

Councillor Abrahamzadeh declared an actual conflict of interest in Item 10.16 [Position of Deputy Lord Mayor] pursuant to Sections 75 & 75A of the *Local Government Act 1999* (SA), because of remuneration associated with an appointment to the position, withdrew his chair and left the Council Chamber at 7.12pm.

It was then -

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

#### THAT COUNCIL

- Appoints Councillor Abrahamzadeh to the position of Deputy Lord Mayor for the period commencing 1 December 2021 until the end of the 2018-2022 Council term.

Carried

Councillor Abrahamzadeh re-entered the Council Chamber at 7.13pm.

#### **12. Item 10.14 - CEO Performance Review Committee [2021/01294] [C]**

The Lord Mayor called for nominations of one Councillor member to the CEO Performance Review Committee.

Councillor Hyde nominated Councillor Couros, who accepted the nomination.

Councillor Snape nominated Councillor Martin, who declined the nomination.

There being no further nominations Councillor Couros was declared the successful nominee.

It was then -

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

#### THAT COUNCIL

- Appoints Councillor Couros to the CEO Performance Review Committee for the remainder of the remainder of the 2018-2022 Term of Office.

Carried



### 13. Item 10.17 - Code of Conduct - Outcome [2017/03262] [C]

Councillor Martin declared a material conflict of interest in Item 10.17 [Code of Conduct - Outcome], pursuant to Sections 73 & 74 of the *Local Government Act 1999* (SA), as he was the subject of investigation in the matter with respect to a breach of the code of conduct, withdrew his chair and left the Council Chamber at 7.16pm.

Councillor Hyde declared a perceived conflict of interest in Item 10.17 [Code of Conduct - Outcome], pursuant to Sections 75 & 75A of the *Local Government Act 1999* (SA), as he was the Elected Member who raised the breach of the code of conduct, and advised the meeting of the Council of his intention to remain in the Council Chamber.

It was then -

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

#### THAT COUNCIL

1. Notes the report.
2. Notes that following an investigation into alleged breaches of the Code of Conduct for Council Members, it has been found the actions of Cr Martin have resulted in a breach of the following clauses of the Code:
  - 2.2 Act in a way that generates community trust and confidence in the Council.
  - 2.4 Show respect for others if making comments publicly.
  - 2.7 Deal with information received in their capacity as Council members in a responsible manner.
3. Requires for this breach, that Cr Martin make a private apology to the former CEO and the Lord Mayor, for any offence or embarrassment caused by his comments, with such apology to be made within two ordinary meetings of the Council's receipt of this Report.

Discussion ensued

The motion was then put and carried  
Councillor Hyde voted in favour of the motion

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

#### **Division**

#### **For (7):**

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

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

Councillors Mackie, Moran and Snape.

The division was declared in favour of the motion

Councillor Martin re-entered the Council Chamber and Councillor Moran left the Council Chamber at 7.22pm.

#### **Exclusion of the Public**

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

For the following Reports of Committees seeking consideration in confidence

**12.1.1.** Audit and Risk Committee in Confidence – 29 October 2021 [s 90(3) (i)]

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

**12.2.1.** Telecommunications SmartHub [s 90(3) (b) & (h)]

**12.2.2** Appointment of Board Members to Adelaide Central Market Authority [s 90(3) (a)]

**12.2.3** Residential Housing Strategic Review [s 90(3) (b) & (d)]

**12.2.4** 2021-22 Quarter 1 Confidential Commercial Operations Report [s 90(3) (b)]

### ORDER TO EXCLUDE FOR ITEM 12.1.1

Moved by Councillor Hyde,  
Seconded by Councillor Khera –

#### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.1.1 [Audit and Risk Committee Report – 29 October 2021] listed on the Agenda.

#### Grounds and Basis

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

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

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 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 and Risk Committee Report – 29 October 2021] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (i) of the Act.

Carried

### ORDER TO EXCLUDE FOR ITEM 12.2.1

Moved by Councillor Hyde,  
Seconded by Councillor Khera –

#### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (h) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 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 [Telecommunications SmartHub] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information.

Council has also sought legal option on the matter and the advice provided requested that the matter should be considered in confidence due to ongoing or potential litigation.

#### Public Interest

The Council is satisfied that in principle the meeting be conducted in a place open to the public has been outweighed in the circumstances given that information within this update pertains to non-binding commercial negotiations for the Council. The release of such information may severely prejudice the Council's ability to influence a proposal 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 9 November 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 [Telecommunications SmartHub] 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) & (h) of the Act.

Deputy Lord Mayor (Councillor Couros) left the Council Chamber at 7.22pm.

The motion was then put and carried

### ORDER TO EXCLUDE FOR ITEM 12.2.2

Moved by Councillor Mackie,  
Seconded by Councillor Abrahamzadeh –

#### 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 9 November 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 [Appointment of Board Members to Adelaide Central Market Authority] listed on the Agenda.

#### Grounds and Basis

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

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 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 [Appointment of Board Members to Adelaide Central Market Authority] 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.

Discussion ensued, during which Deputy Lord Mayor (Councillor Couros) re-entered the Council Chamber at 7.24pm.

The motion was then put and carried

### ORDER TO EXCLUDE FOR ITEM 12.2.3

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh –

#### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.3 [Residential Housing Strategic Review] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

This Item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the Council including its future commercial dealings given that it contains financial information and future direction with regard to Council assets and strategic land holdings.

#### Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information prior to a determination of the Council as it may prejudice Council's further commercial dealing regarding these assets. On this basis, the disclosure of such information may severely prejudice Council's ability to influence the proposal for the benefit of the Council and the community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 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 [Residential Housing Strategic Review] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.

Discussion ensued

The motion was then put and carried

## ORDER TO EXCLUDE FOR ITEM 12.2.4

Moved by Councillor Knoll,  
Seconded by Councillor Abrahamzadeh –

### 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 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.4 [2021-22 Quarter 1 Confidential Commercial Operations Report] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

This Item is confidential as it includes commercial information of a confidential nature where confidence consideration is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 30 September 2021.

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

#### Public Interest

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 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 12.2.4 [2021-22 Quarter 1 Confidential Commercial Operations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Items 12.1.1, 12.2.1, 12.2.2, 12.2.3 12.2.4 left the Council Chamber at 7.27pm.

---

Confidential Item 12.1.1

Audit and Risk Committee in Confidence – 29 October 2021  
Section 90 (3) (i) of the *Local Government Act 1999 (SA)*  
Page 12

---

Confidential Item 12.2.1

Telecommunications SmartHub  
Section 90 (3) (b) & (h) of the *Local Government Act 1999 (SA)*  
Pages 12 to 13

---

Confidential Item 12.2.2

Appointment of Board Members to Adelaide Central Market Authority  
Section 90 (3) (a) of the *Local Government Act 1999 (SA)*  
Page 13

---

Confidential Item 12.2.3

Residential Housing Strategic Review  
Section 90 (3) (b) & (d) of the *Local Government Act 1999 (SA)*  
Pages 13 to 14

---

Confidential Item 12.2.4

2021-22 Quarter 1 Confidential Commercial Operations Report  
Section 90 (3) (b) of the *Local Government Act 1999 (SA)*  
Page 14

---

The meeting re-opened to the public at 7.41 pm

### Confidentiality Orders

#### **Minute 15 - Item 12.1.1** - Audit and Risk Committee in Confidence – 29 October 2021

##### Resolution & Confidentiality Order

##### THAT COUNCIL

1. Notes the report of the meeting of the Audit and Risk Committee held on 29 October 2021.
2. In accordance with Section 91(7) & (9) of the *Local Government Act* 1999 (SA) and because Item 12.1.1 [Audit and Risk Committee Report – 30 July 2021] listed on the Agenda for the meeting of the Council held on 9 November 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (i) of the *Local Government Act* 1999 (SA), this meeting of the Council do order that:
  - 2.1. The resolution become public information and included in the Minutes of the meeting.
  - 2.2. The report, the discussion and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
  - 2.3. The confidentiality of the matter be reviewed in December 2022.

#### **Minute 16 - Item 12.2.1** - Telecommunications SmartHub

##### Confidentiality Order

In accordance with Section 91 (7) & (9) of the *Local Government Act* 1999 (SA) and on the grounds that Item 12.2.1 listed on the Agenda for the meeting of the Council held on 9 November 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (h) of the *Local Government Act* 1999 (SA), this meeting of the Council do order that:

1. Other than as necessary to comply with Section 188 of the *Local Government Act* 1999 the resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
2. The confidentiality of the matter be reviewed in December 2022.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

#### **Minute 17 - Item 12.2.2** - Appointment of Board Members to Adelaide Central Market Authority

##### Confidentiality Order

In accordance with Section 97(7) & (9) of the *Local Government Act* 1999 (SA) and because Item 12.2.2 [Appointment of Board Members to Adelaide Central Market Authority] listed on the Agenda for the meeting of Council held on 9 November 2021 was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act* 1999 (SA), this meeting of Council do order that:

1. The resolution become public information on 15 November 2021.
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.
3. The confidentiality of the matter be reviewed in December 2022.
4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

#### **Minute 18 - Item 12.2.3** - Residential Housing Strategic Review

##### Resolution & Confidentiality Order

##### THAT COUNCIL

1. Approves the staged market sale of the apartments and associated car parks owned by Council at 42-56 Whitmore Square in accordance with the valuations for each apartment as provided at Attachment A to Item 12.2.3 on the Agenda for the meeting of the Council held on 9 November 2021, with Council's Long Term Financial Plan to be adjusted accordingly.
2. Notes that the Administration will work with the State Government to explore the sale of eligible vacant apartments for affordable purchase housing in accordance with the HomeSeeker requirements and South Australia Government's eligibility criteria.

3. Approves expenditure in the 2021/22 budget for the purpose of internal apartment upgrades as provided at Attachment B to Item 12.2.3 on the Agenda for the meeting of the Council held on 9 November 2021.
4. Approves expenditure in the 2021/22 budget for the purpose of the required building maintenance project as provided at Attachment C to Item 12.2.3 on the Agenda for the meeting of the Council held on 9 November 2021.
5. Authorises the Chief Executive Officer to negotiate and execute contracts for sale and all associated legal documentation with purchasers of the apartments and associated car park spaces.
6. Authorises the Chief Executive Officer to sign and affix as necessary the common seal with the signature of the Lord Mayor for all legal documentation to give affect to the sales, including the contracts for sale and all documentation contemplated to be executed under the contracts for sale.
7. In accordance with Section 91(7) and (9) of the *Local Government Act* 1999 (SA) and because Item 12.2.3 [Residential Housing Strategic Review] listed on the Agenda for the meeting of the Council held on 9 November 2021 were received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act* 1999 (SA), this meeting of the Council do order that:
  - 7.1. The report (excluding Attachments A, B and C and Links 1 and 3) and the resolution become public information and included in the Minutes of the meeting.
  - 7.2. The Attachments A, B and C and Links 1 and 3 to the report, the discussion and any other associated information submitted to this meeting and the Minutes of the meeting in relation to this matter remain confidential and not available for public inspection until 31 December 2028.
  - 7.3. The confidentiality of the matter be reviewed in December 2022.
  - 7.4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Item 12.2.3 – Report (excluding Attachments A, B and C and Links 1 and 3) can be found for information at the conclusion of these minutes.

#### **Minute 19 - Item 12.2.4** - 2021-22 Quarter 1 Confidential Commercial Operations Report

##### Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act* 1999 (SA) and because Item 12.2.4 [2021-22 Quarter 1 Confidential Commercial Operations Report] listed on the Agenda for the meeting of the Council held on 9 November 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act* 1999 (SA), this meeting of the Council do order that:

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

The meeting **adjourned at 7.41pm** for a 20 minute break **and reconvened at 8.04pm** with all Council Members present.

#### Lord Mayor's Reports

#### **20. Item 14.1 – Lord Mayor's Report [2018/04064] [C]**

The Lord Mayor addressed the meeting as follows:

'It's certainly been a busy month with thousands of people coming into the city for events and activities – providing a much needed boost for hospitality and retail businesses.

We celebrated the inaugural WellFest Adelaide run by the Adelaide Economic Development Agency. This was a month-long event featuring yoga, cooking demonstrations and gardening in city squares as well as a number of other wellness events and offers.

It included 'Hounds on Hutt', which brought thousands of people to Hutt Street and Victoria Park for a day of fun with their dogs on 23 October.

I addressed a WellFest lunch for business leaders at the Adelaide Town Hall on 15 October. Leaders were able to reflect on their own wellbeing and discuss strategies to improve their resilience and how they can support their teams.

Artists taking part in the Tarnanthe arts festival on 14 October joined us for a civic reception. *This year's festival brought together the work of 200 Aboriginal and Torres Strait Islander artists from across the country at the Art Gallery of South Australia and with a further 200 artists presenting in venues across the state.*

I also attended the opening of Taranthe as well as Cheesefest and Oz Asia Festival.

Feast Festival celebrating LGBTIQ+ arts and culture in the city is now underway. I officially raised the Rainbow Flag, which will fly outside the Adelaide Town Hall until 10 November, at a civic reception on 3 November marking the beginning of Prideveember. I also attended the launch of the Feast Festival program on 19 October and the opening night on 6 November.

I hosted a Residents Forum at the Adelaide Town Hall on 18 October to update residents on the work Council is doing including the 128 items of business Council has approved since July. I also provided an update on the Reignite Adelaide initiatives to support businesses and attract people to the city and North Adelaide as well as upcoming road and footpath upgrades, the Adelaide Aquatic Centre, main streets and more.

On 19 October, it was a pleasure to speak to Year 6 students at St Peters College, who are doing a project about migration to South Australia, about my family's story migrating to South Australia.

I attended the Australian of the Year Awards presentation evening on 21 October. Congratulations to SA Australian of the Year vaccine researcher Helen Marshall, SA Senior of the Year educator and author Mark Le Messurier, Young Australian of the Year special needs dentistry consultant Doctor Trudy Lin and local hero Monique Bareham.

It was fantastic to attend the launch of Market Square on 27 October. This is a once in a generation project that will secure the future of the market precinct for generations to come and I'm looking forward to construction getting underway in June next year.

I also attended the launch of Victoria Tower on Grote Street (23 October), unveiled a memorial for railworkers who served in World War I in Gladys Elphick Park (30 October) and welcomed the new dean Reverend Chris McLeod at St Peters Cathedral (October 31).

On Friday (5 November), I had the unique privilege of presenting the Key to the City to Uncle Lewis O'Brien. It was incredibly moving to present the key to Uncle Lewis in recognition of his extraordinary contribution to reconciliation in South Australia and it was the first time the City of Adelaide has awarded the key to a member of the Kaurna community.

I'd like to take this opportunity to thank Mary Couros for her support as Deputy Lord Mayor over the past 12 months. She has represented me at countless events and community engagements and been a passionate advocate for our city particularly North Ward.'

During the discussion:

- Councillor Khera left the Council Chamber at 8.05pm and re-entered at 8.07pm
- Councillor Hyde left the Council Chamber and re-entered at 8.05pm

It was then -

Moved by Councillor Knoll,  
Seconded by Councillor Abrahamzadeh –

#### THAT COUNCIL:

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

Carried

#### Councillors' Reports

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

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Knoll –

#### THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 14.1 on the Agenda for the meeting of the Council held on 9 November 2021).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 14.1 on the Agenda for the meeting of the Council held on 9 November 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 9 November 2021 be included in the Minutes of the meeting.

Councillor Martin addressed the meeting to refute the claims in Item 10.17 – Code of Conduct – Outcome and to say sorry as per the decision of Council on 14 September 2021.



The motion was then put and carried

### Questions on Notice

#### 22. Item 15.1 to Item 15.9 – Questions on Notice [C]

- 15.1. Councillor Abrahamzadeh – Question on Notice – Moonta Street Upgrade
- 15.2. Councillor Abrahamzadeh – Question on Notice – Pedestrian Refuge Upgrade
- 15.3. Councillor Moran - Question on Notice – Park Lands & APLA
- 15.4. Councillor Martin – Question on Notice - At Grade Car Parks
- 15.5. Councillor Martin – Question on Notice - Adelaide Gaol Vacant Land
- 15.6. Councillor Martin – Question on Notice - Vogue Fashion Festival
- 15.7. Councillor Martin – Question on Notice - Council Development Partner Apartment Sales
- 15.8. Councillor Martin – Question on Notice - Aquatic Centre Costs
- 15.9. Councillor Martin – Question on Notice - Budgeted Asset Expenditure

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

The tabled Replies for Items 15.1 – 15.9 are attached for reference at the end of the Minutes of this meeting.

### Questions without Notice

Discussion ensued

#### CEO Undertaking – Councillor Martin – Question on Notice - Vogue Fashion Festival [C]

In response to further queries by Councillor Martin, the CEO gave an undertaking to include in the report back to Council information around the 150 free offers that were provided during the Vogue Festival.

### Motions on Notice

#### 23. Item 17.1 - Councillor Moran – Motion on Notice – Local Government Association Membership [C]

Moved by Councillor Moran,  
Seconded by Councillor Martin –

That Council:

Cease membership of the Local Government Association.

The Lord Mayor declared a perceived conflict of interest in Item 17.1 [Councillor Moran – Motion on Notice – Local Government Association Membership], pursuant to Sections 75 & 75A of the *Local Government Act 1999* (SA), as she is a member of GAROC and advised the meeting of the Council of her intention to remain in the Council Chamber.

Councillor Donovan declared a perceived conflict of interest in Item 17.1 [Councillor Moran – Motion on Notice – Local Government Association Membership], pursuant to Sections 75 & 75A of the *Local Government Act 1999* (SA), as she is on the Stormwater Management Board and the State Records Council as a local government sector representative nominated by the LGA and appointed by the Minister, and advised the meeting of the Council of her intention to remain in the Council Chamber.

Discussion ensued, during which Councillor Kherra left the Council Chamber at 8.21pm and re-entered at 8.22pm.

The motion was then put and lost

Councillor Donovan did not vote

Discussion continued

#### 24. Item 17.2 - Deputy Lord Mayor (Councillor Couros) – Motion on Notice – City Cycling [2018/04053] [C]

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

That Council:

1. Notes, as per the Motion by Councillor Knoll on 11 May 2021, the work currently being undertaken to deliver a Cycling Infrastructure Strategic Action Plan.
2. Requests administration to provide a strategic network map which clearly identifies all cycling infrastructure currently within the City of Adelaide and the connections to surrounding suburbs which also distinguishes the different types of cycling infrastructure – ie separated, shared etc.

3. Requests Administration to develop terms of reference for a City Cycling Working Group to provide input into Cycling Infrastructure Strategic Action Plan. The working party to include at least one Councillor.
4. Requests the City Cycling Working Group through the Cycling Infrastructure Strategic Action Plan identify and agree to a trial cycleway to be delivered no later than July 2022.
5. That the Administration working with the City Cycling Working Group engages with the local community including, but not limited to, a public forum to socialise the trial cycleway project prior to delivery.

Discussion ensued, during which part 4 of the motion was varied, with the consent of the mover, seconder and the meeting to read as follows:

- ‘4. Requests the City Cycling Working Group through the Cycling Infrastructure Strategic Action Plan identify and agree to a trial separated cycleway to be delivered in August 2022.’

The motion, as varied, was then put and carried

Councillor Martin requested that a division be taken on the motion

#### **Division**

#### **For (10):**

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

#### **Against (1):**

Councillor Khera.

The division was declared in favour of the motion

#### **25. Item 17.3 - Councillor Moran – Motion on Notice - Pedestrian Crossing [2018/04053] [C]**

Moved by Councillor Moran,  
Seconded by Councillor Snape –

That Council:

Immediately commence construction of a pedestrian crossing adjacent the Mackinnon Parade childcare centre.

Discussion ensued, during which:

- Councillor Khera left the Council Chamber at 8.49pm and re-entered at 8.51pm
- Councillor Moran withdrew her motion

#### **26. Item 17.4 - Councillor Abrahimzadeh – Motion on Notice – Halloween [2020/01167] [C]**

Moved by Councillor Abrahimzadeh,  
Seconded by Councillor Snape –

That Council:

1. Notes the uptake of Halloween celebrations within the City of Adelaide (trick or treating).
2. Requests Administration investigate options to deliver and promote Halloween activities (for calendar year 2022) that could be used to foster a sense of community amongst city residents and traders.
3. Considers the allocation of appropriate funding, if required, to support the promotion of Halloween 2022 to be considered in the 2022/23 Business Plan & Budget.

Discussion ensued, during which Councillor Moran left the Council Chamber at 9.09pm and re-entered at 9.10pm

The motion was then put and carried

#### **27. Item 17.5 - Councillor Snape – Motion on Notice - Advertiser Climate Change Initiative [2021/01236] [C]**

Moved by Councillor Snape,  
Seconded by Councillor Martin –

That Council:

With the City of Adelaide leading the way to a low carbon future, ask that the Lord Mayor:

1. Writes to The Advertiser congratulating and welcoming their recent policy change towards tackling climate change.
2. Offers to collaborate with The Advertiser on initiatives that reduce carbon emissions in the City of Adelaide area.

Discussion ensued

The motion was then put and lost

Councillor Khera left the Council Chamber at 9.27pm

**28. Item 17.6 - Councillor Martin – Motion on Notice - Service Cut Report [C]**

Discussion ensued

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Moran –

That Council:

Notes the Administration has demonstrably axed the former regular roster of night time parking inspectors Sunday to Thursday, abolished the position of North Adelaide Community Centre Co-ordinator and reduced the frequency cleaning in some public locations and requests it provide to the January meeting of Council for the financial year 20/21:

1. A report detailing any and all other areas of the Council's operations where there has been a withdrawal of a service/s or a reduction in the days or hours devoted to the delivery of such services.
2. The number and nature, if any, of complaints about delays in the provision of Council services, including but not limited to answering telephones to the provision of planning services.
3. The number and nature, if any, of services, whether previously involving staff or not, that have now been contracted to other parties, including services to business.
4. The nature and value of a reduction in purchasing associated with the provision of services including, but not limited to, London Road activities, libraries and nursery purchases.
5. The full year savings to the Operations Budget any withdrawal of a service/s or a reduction in the days or hours devoted to the delivery of such services.

Discussion ensued, during which:

- Councillor Mackie left the Council Chamber at 9.29pm and re-entered at 9.31pm
- Councillor Khera re-entered the Council Chamber at 9.29pm

The motion was then put and lost

**29. Item 17.7 - Councillor Martin – Motion on Notice - Non Discrimination Policy Park Lands and Council Owned Property [2020/01167] [C]**

The Lord Mayor declared a perceived conflict of interest in Item 17.7 [Councillor Martin – Motion on Notice - Non Discrimination Policy Park Lands and Council Owned Property], pursuant to Sections 75 & 75A of the *Local Government Act* 1999 (SA), as she is a member of the Festival Centre Trust, withdrew her chair and left the Council Chamber at 9.39pm, whereupon the Deputy Lord Mayor (Councillor Couros) took the Chair.

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Moran –

That Council:

1. Notes reported claims by the Hong Kong Cultural Association that it was prevented from participating in the recent OzAsia Festival.
2. Requests the Administration to prepare an appropriate clause for inclusion in agreements with third parties using the Park Lands and Council Owned Property prohibiting those third parties from engaging in discriminatory practices as defined by the Australia's Federal anti-discrimination laws and the Human Rights Commission.

Discussion ensued

It was then –

Moved by Councillor Moran,  
Seconded by Councillor Mackie –

That the motion be put.

Lost

Discussion continued

The motion was then put and lost on the casting vote of the Deputy Lord Mayor (Councillor Couros)

Councillor Moran requested that a division be taken on the motion

### Division

#### For (5):

Councillors Donovan, Mackie, Martin, Moran and Snape.

#### Against (5):

Councillors Abrahimzadeh, Hyde, Hou, Khera and Knoll.

Deputy Lord Mayor (Councillor Couros) cast against the motion

The division was declared against the motion

The Lord Mayor re-entered the Council Chamber at 10.00pm whereupon she retook the Chair.

Councillor Hou left the Council Chamber at 10.01pm.

### 30. Item 17.8 - Councillor Snape – Motion on Notice – Pride Progress Flag [2021/01668] [C]

Moved by Councillor Snape,  
Seconded by Councillor Martin –

Having witnessed overwhelming support from the LGBTIQ+ community on the City of Adelaide's initiative to once again raise the rainbow flag for Pridevember (November) I move:

1. We upgrade the flag from the traditional rainbow flag to the 'Pride Progress Flag'
2. We fly the pride progress flag all year round.

Discussion ensued, during which:

- Deputy Lord Mayor (Councillor Couros) left the Council Chamber at 10.02pm and re-entered at 10.04pm.
- Councillor Hou re-entered the Council Chamber at 10.04pm.
- With the consent of the mover and seconder, the meeting was advised the motion would be taken in parts.
- The motion was varied, with the consent of the mover and seconder to read as follows:

'Having witnessed overwhelming support from the LGBTIQ+ community on the City of Adelaide's initiative to once again raise the rainbow flag for Pridevember (November) I move:

1. We upgrade the flag from the traditional rainbow flag to the 'Pride Progress Flag', pending consultation with Feast Festival.
2. We fly the pride progress flag for the month of November.'

Part 1 of the motion was then put and carried

Councillor Martin requested that a division be taken on Part 1 of the motion

### Division

#### For (10):

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

#### Against (1):

Councillors Khera.

The division was declared in favour of Part 1 of the motion

Councillor Moran left the Council Chamber at 10.15pm

Part 2 of the motion was then put and lost

### 31. Item 17.9 - Councillor Abrahimzadeh – Motion on Notice – Rundle Mall [2013/01725] [C]

Moved by Councillor Abrahimzadeh,  
Seconded by Councillor Hou –

That Council:

1. Notes Rundle Mall has been awarded the "Retail Precinct of the Year" at the 2021 National Retail Awards.
2. Notes the activities of Renew Adelaide to link new businesses with property owners within the city, including Rundle Mall.

3. Requests AEDA to investigate, with Renew Adelaide or other entities, opportunities for a pop up personal/retail styling service to be positioned within Rundle Mall.
4. Requests AEDA to provide advice back to Council on the findings of these investigations in early 2022.

Discussion ensued, during which Councillor Moran re-entered the Council Chamber at 10.16pm.

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

#### **Division**

#### **For (9):**

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

#### **Against (2):**

Councillors Martin and Moran.

The division was declared in favour of the motion

#### **32. Item 17.10 - Councillor Khera – Motion on Notice – Riverbank Precinct Code Amendment – Draft Submission – Revocation [C]**

Councillor Hyde declared a perceived conflict of interest in Item 17.10 [Councillor Khera – Motion on Notice – Riverbank Precinct Code Amendment – Draft Submission – Revocation], pursuant to sections 75 & 75A of *the Local Government Act 1999* (SA), because he has nominated for preselection with the Liberal Party for a Seat in State Parliament, and advised the meeting of the Council of his intention to remain in the Council Chamber.

It was then -

Moved by Councillor Khera,  
Seconded by Councillor Hyde –

‘That part 6 of the decision of Council on 26/10/2021 in relation to Riverbank Precinct Code Amendment – Draft Submission, namely:

6. Endorses Attachment B (City of Adelaide Submission to State Government Riverbank Precinct Code Amendment) to Item 4.1 on the Agenda for the Special meeting of the Council held on 26 October 2021, except for 9.2 where after the first paragraph all is deleted and a second paragraph added reading the “City of Adelaide does not support the proposed arena or any other built form proposed for that zone”.

be revoked.’

Discussion ensued

The motion was then put and carried

Councillor Hyde voted in favour of the motion

Councillor Moran requested that a division be taken on the motion

#### **Division**

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

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

#### **Against (5):**

Councillors Donovan, Mackie, Martin, Moran and Snape.

The division was declared in favour of the motion

It was then -

Moved by Councillor Khera,  
Seconded by Councillor Hyde –

‘That Council:

1. Approves a new paragraph 6 being inserted to replace the rescinded paragraph, as follows:
  6. Endorses Attachment B (City of Adelaide Submission to State Government Riverbank Precinct Code Amendment) to Item 4.1 on the Agenda for the Special meeting of the Council held on 26 October 2021, as per the original recommendation reflecting the Adelaide Park Lands Authority’s advice.

2. Commends SA Health for their reworking of the plans and designs of the nWCH and confirms its willingness to continue working with the State Government on the ensuring realignment of the current proposed Health Sub Zone.
3. Notes that, per section 4(1)(f) of the Adelaide Park Lands Act 2005, the Adelaide City Council “should actively seek to cooperate and collaborate” with the State Government.
4. Reaffirms its opposition to the Riverbank Planning Code Amendment, particularly the proposed Entertainment Sub Zone that would allow excessive built form and a range of land uses along the Riverbank and Innovation Sub Zone that would allow built form over a Kaurna burial site.
5. Reaffirms its adherence to the principle of “no net loss” of the Adelaide Park Lands in response to development or built form or other forms of alienation proposed.
6. Requests the Lord Mayor write to the Premier:
  - a) informing of this decision of Council;
  - b) confirming Council’s in principle support for a Riverbank Arena; and
  - c) encouraging the State Government to form a working group with the City of Adelaide to inform further design and planning of the Arena, acknowledging the City of Adelaide’s custodial role of the Adelaide Park Lands and in particular emphasising the following statutory principles within the Adelaide Park Lands Act 2005 which highlight that this role includes enhancement:
    - The Adelaide Park Lands reflect and support a diverse range of environmental, cultural, recreational and social values and activities that should be protected and enhanced [4(1)(b)];
    - The Adelaide Park Lands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City in a manner that should be recognised and enhanced [4(1)(c)];
7. The interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the State [4(1)(g)].

Much discussion ensued

The motion was then put and carried

Councillor Hyde requested that a division be taken on the motion

#### **Division**

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

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

#### **Against (5):**

Councillors Donovan, Mackie, Martin, Moran and Snape.

The division was declared in favour of the motion

#### **Closure**

The meeting closed at 11.04pm

Clare Mockler,  
Chief Executive Officer

Sandy Verschoor,  
Lord Mayor

### Documents Attached for Reference

Minute 18 – Item 12.2.3 - Residential Housing Strategic Review Report (excluding Attachments A, B and C and Links 1 and 3), distributed in confidence and released to the public

Minute 22 – Item 15.1 – 15.9 – Question Replies, distributed separately

Minute 23, 28 & 32 – Item 17.1, 17.6, 17.10 – Administration Comments, distributed separately

# Residential Housing Strategic Review

ITEM 12.2.3 09/11/2021  
Council

Strategic Alignment - Enabling Priorities

2021/01157

Confidential - s 90(3) (b) & (d) commercial advantage/prejudice commercial position of council/commercial information of a confidential nature

**Program Contact:**

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

**Approving Officer:**

Tom McCready, Acting Director City Shaping

## EXECUTIVE SUMMARY

On 14 April 2020 Council received the Confidential Strategic Property Action Plan and approved the identified asset and city shaping opportunities including the further investigation with respect to Council's apartments at 42-56 Whitmore Square, Adelaide.

Council's Whitmore Square apartments were previously offered as affordable rental housing at 75 percent of market rent supported by the National Rental Affordability Scheme (NRAS). The expiration and removal of the NRAS subsidy in October 2020 resulted in the Whitmore Square apartments being rented at a market rent. As a result, the apartments no longer provide affordable housing.

Following a review of the Whitmore Square asset, it is recommended that Council approve the staged sale of the apartments in accordance with the current market valuations as determined by Knight Frank.

To support affordable purchase housing, it is proposed that apartments valued below the affordable housing price point of \$422,050 that are vacant or become vacant during the sale process be offered via the South Australian Government's HomeSeeker SA affordable housing website. These apartments would be offered for a period of at least 30 days on an exclusive basis to eligible buyers, in accordance with the South Australian Government's eligibility criteria. This requires further discussion with the State Government via Housing SA.

To assist with apartment presentation and sales a 2021/22 budget allocation is requested to update the internal condition of all apartments owned by Council. A further 2021/22 budget allocation is required to fund a broader building maintenance project to ensure that it is sale ready.

Consideration in confidence is sought because the information contained in **Attachments A, B and C** and Links 1 and 3 contain commercial information of a confidential nature that could reasonably be expected to confer a commercial advantage and prejudice the commercial position of Council when negotiating sales of the apartments.

## RECOMMENDATION

### THAT COUNCIL

1. Approves the staged market sale of the apartments and associated car parks owned by Council at 42-56 Whitmore Square in accordance with the valuations for each apartment as provided at Attachment A to Item 12.2.3 on the Agenda for the meeting of the Council held on 9 November 2021, with Council's Long Term Financial Plan to be adjusted accordingly.
2. Notes that the Administration will work with the State Government to explore the sale of eligible vacant apartments for affordable purchase housing in accordance with the HomeSeeker requirements and South Australia Government's eligibility criteria.
3. Approves expenditure in the 2021/22 budget for the purpose of internal apartment upgrades as provided at Attachment B to Item 12.2.3 on the Agenda for the meeting of the Council held on 9 November 2021.



4. Approves expenditure in the 2021/22 budget for the purpose of the required building maintenance project as provided at Attachment C to Item 12.2.3 on the Agenda for the meeting of the Council held on 9 November 2021.
  5. Authorises the Chief Executive Officer to negotiate and execute contracts for sale and all associated legal documentation with purchasers of the apartments and associated car park spaces.
  6. Authorises the Chief Executive Officer to sign and affix as necessary the common seal with the signature of the Lord Mayor for all legal documentation to give affect to the sales, including the contracts for sale and all documentation contemplated to be executed under the contracts for sale.
  7. In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.2.3 [Residential Housing Strategic Review] listed on the Agenda for the meeting of the Council held on 9 November 2021 were received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
    - 7.1. The report (excluding Attachments A, B and C and Links 1 and 3) and the resolution become public information and included in the Minutes of the meeting.
    - 7.2. The Attachments A, B and C and Links 1 and 3 to the report, the discussion and any other associated information submitted to this meeting and the Minutes of the meeting in relation to this matter remain confidential and not available for public inspection until 31 December 2028.
    - 7.3. The confidentiality of the matter be reviewed in December 2022.
    - 7.4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> 5.04 Implement the Strategic Property Review
Policy	The Strategic Property Action Plan supports the Acquisition and Disposal of Land and Infrastructure Assets Policy, which requires Council to regularly review its assets to ensure value for money and growth in community wealth.
Consultation	The Strategic Property Action Plan was prepared based on engagement across the City of Adelaide's portfolios and programs, including Strategic Property Management, Infrastructure Assets and Trades and Facilities Services Programs.
Resource	Not as a result of this report
Risk / Legal / Legislative	Legal and Conveyancing to assist with preparation of sales documentation. Refurbishments and maintenance to the building and internal condition of apartments are recommended to support the sale process and minimise risks to future owners. The management of all lease agreements applicable to the building must be in accordance with the provisions of the <i>Residential Tenancies Act 1995 (SA)</i> .
Opportunities	Sale proceeds from the Whitmore Square apartments will be invested into Council's Future Fund (as per the Treasury Policy).
21/22 Budget Allocation	The Strategic Property & Commercial Program's 2020/21 budget incorporates \$100,000 to undertake further investigations for opportunities identified by the Strategic Property Action Plan.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Based upon sales agent advice it is anticipated that sales will be staged throughout 2022 and will take approximately one calendar year to complete.
21/22 Budget Reconsideration (if applicable)	A one-off allocation of funds will be required, it is anticipated these costs will be managed within the existing overall organisational budget given their short-term nature. The additional funds requested in the 2021/22 budget are outlined in <b>Attachment B</b> and <b>Attachment C</b> .
Ongoing Costs (eg maintenance cost)	The financial implication of this initiative is a Net Operating Surplus over the 10-year period of \$1.836 million, comprising a deficit to the Net Operating result in 2021/22 of \$282,000. Included in the financial implication of this initiative are savings of approximately \$190,000 per annum as a result of the Council (as landlord) no longer be required to maintain the apartments.
Other Funding Sources	Additional works have been identified within the common areas which will be funded by the body corporate.

## GROUNDS AND BASIS FOR CONSIDERATION IN CONFIDENCE

### Grounds

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

- (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 prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest.

### Basis

This Item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the Council including its future commercial dealings given that it contains financial information and future direction with regard to Council assets and strategic land holdings.

### Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information prior to a determination of the Council as it may prejudice Council's further commercial dealing regarding these assets. On this basis, the disclosure of such information may severely prejudice Council's ability to influence the proposal for the benefit of the Council and the community.

---

## DISCUSSION

### Background

1. On 14 April 2020, Council received the Strategic Property Action Plan and approved the identified asset and city shaping opportunities.
2. The Strategic Property Action Plan considered Council's affordable housing portfolio, including its apartments at 42-56 Whitmore Square. In this regard, Council identified the Whitmore Square apartments, forming part of its affordable housing portfolio, as an asset opportunity requiring further investigation.
3. The building at 42-56 Whitmore Square was constructed in 2010 for the purposes of providing affordable rental housing and as a pilot project for environmentally sustainable building design.
4. On 11 August 2003, Council resolved to exclude the land from community land classification upon purchase of the land, with no community land revocation required to enable development and eventual sale of the land.
5. The building comprises 26 apartments built around two separate internal common areas. Each apartment is provided with one parking space within the basement. At the time of construction, six of the apartments were sold to the open market, with Council retaining ownership of 20 apartments to provide affordable rental housing.
6. The application of the NRAS expired in October 2020, ending the Federal Government subsidy for the affordable rental accommodation (equating to approximately \$236,000 per annum). On 14 July 2020, Council approved the leasing of the apartments owned by Council at market rent from 21 October 2020 (upon the expiration of the NRAS the market rent has been based on valuation advice and then varied based on market feedback). As a result, Council's apartments are not subject to tenant income eligibility criteria and no longer provide affordable rental housing.
7. The original business case for the Whitmore Square apartment project contemplated the sale of all apartments upon expiration of the NRAS subsidy, with Council endorsing this approach on 10 August 2009.
8. Following detailed investigations, the staged sale of the apartments owned by the City of Adelaide within the building at 42-56 Whitmore Square is recommended, on the basis that:
  - 8.1. The apartments do not serve a civic purpose given that they no longer provide affordable rental housing (with the apartments rented at market rates).
  - 8.2. The sell down of the apartments post NRAS expiry was contemplated within the original business case.
  - 8.3. The apartments provide a low return on investment, particularly following the expiration of the NRAS subsidy.
  - 8.4. Future affordable housing can be achieved by via facilitation and partnership arrangements rather than direct ownership. This approach would enable more affordable housing outcomes with lower capital investment from Council.
    - 8.4.1. Successful Facilitation and partnership examples are being delivered via the Central Market Arcade/Market Square and 88 O'Connell projects which will each deliver 15 percent affordable housing. Investigations are also underway with respect to housing outcomes including key worker/ affordable housing at the Dunn Street car park, North Adelaide.

### Disposal Strategy

9. The community titled apartments proposed for disposal are not classified as community land under the *Local Government Act 1999* (SA) with community land revocation not required to enable their disposal.
10. In accordance with valuation advice from Knight Frank and sales agency advice by Ray White Adelaide, the following disposal strategy is recommended:
  - 10.1. Minor refurbishments take place within each apartment ahead of sale. Where possible, coordinate the work with apartment vacancies. If work is required with the tenant in place, then such works will be coordinated with the tenant to minimise disruption.
  - 10.2. Engage an experienced residential sales agent with experience in the Adelaide CBD apartment market and undertake marketing and regular open inspections of two vacant apartments staged with display furniture in accordance with the sales advice received at Link 1 view here.

- 10.3. Program the sale of apartments with the end of tenant leases to minimise impacts on tenants and enable sale of apartments with vacant possession.
  - 10.4. Sell each apartment in accordance with the current market values assessed for each apartment by Knight Frank, outlined in **Attachment A**.
  - 10.5. Sell available vacant apartments through the State Government's HomeSeeker SA website as affordable purchase housing to eligible buyers where the current market value is below the affordable housing price point of \$422,050. These apartments would be offered for a period of at least 30 days on an exclusive basis to eligible buyers in accordance with the South Australian Government's eligibility criteria. This requires further discussions with the State Government via Housing SA with the eligibility criteria for buyers and apartments outlined at Link 2 view [here](#).
  - 10.6. Should the sale process identify investor market demand there may be further potential for apartment sales with the tenants in place. Most existing tenants (13 of the 15 total tenants) are subject to fixed term leases, which guarantees that these tenants will be able to remain in their apartment for the full term of their lease even if the ownership of the apartment changes.
  - 10.7. Should an existing tenant wish to purchase an apartment and they can obtain the required finance then they will be duly considered.
11. It is noted that the above disposal strategy is based on the sale of vacant apartments (being at the end of lease) or possibly with the tenant in place. This approach retains tenants during their lease period with the HomeSeeker program supporting new affordable purchase housing.
  12. Ray White Adelaide have identified the following buyer groups to be the most relevant target markets for the subject apartments based upon their price, size, building design and location:
    - 12.1. First home buyers
    - 12.2. City professionals, both singles and couples
    - 12.3. Students
    - 12.4. Investors.
  13. Council's Acquisition and Disposal of Land and Infrastructure Assets Policy states that Council's assets should be disposed when they no longer provide any strategic or community value with the process to ensure that Council obtains the best outcome and value from the disposal.
  14. As noted above, the strategic and community value from the asset is no longer being provided. The disposal of the apartments via the open market (guided by valuation advice) together with the listing of applicable apartments on the HomeSeeker website is considered to satisfy both the outcome and value criteria. The staged sale of the apartments will avoid over saturation within the market.
  15. We will work with existing tenants throughout the sale program. Should Council resolve to proceed with the apartment sales, we will notify all tenants of the decision of Council together with the sale approach and the implications for tenants.
  16. The requirements of the *Residential Tenancies Act 1995 (SA)* with respect to existing tenants will be met throughout the sale process. In this regard, tenants will be advised of the Council's obligations under this Act including the required notice periods that it must provide tenants for matters such as inspections or sales.
  17. All tenants will have the opportunity to meet with relevant Strategic Property & Commercial Program staff and the property manager, Cornerstone Housing, to discuss the sale of the apartments and the implications for their tenancy. Ongoing communications will take place with tenants over the duration of the sale process ensuring tenants are informed to mitigate inconvenience.

#### **Refurbishment and Repair Works Recommended Prior to Disposal**

18. The apartments owned by Council have been kept in their original condition since their construction in 2010. As such, the paintwork, fixtures and fittings have become tired and damaged.
19. Both Knight Frank and Ray White Adelaide have suggested that various refurbishment works be undertaken prior to the disposal of apartments to maximise their sale value and appeal to potential purchasers. The recommended refurbishment works, and associated costs are outlined at **Attachment B**.
20. Further building maintenance works are recommended to support the apartment sales. These building works are recommended to be funded by Council rather than via the body corporate given that a significant majority of the apartments are owned by Council. The building maintenance works, and associated costs are outlined at **Attachment C**.

### Financial Implications

21. To model the financial implications of disposal for Council, the Cash Flow Analysis ([Link 3 view here](#)), has been prepared to demonstrate the income from rent, rates and apartment sales against the estimated costs of apartment refurbishment and gradual loss of rental income as apartments are sold.
22. Should Council resolve to proceed with the disposal of the apartments, the cash flow analysis will be incorporated into Council's Long Term Financial Plan.
23. The net proceeds from the disposal of all apartments are proposed to be assigned to Council's Future Fund, to be used in accordance with Council's Treasury Policy.

---

## DATA AND SUPPORTING INFORMATION

**Link 1** – Sales Advice Report prepared by Ray White Adelaide (Confidential)

**Link 2** – HomeSeeker eligibility criteria

**Link 3** – Cash Flow Analysis (Confidential)

---

## ATTACHMENTS

**Attachment A** – Apartment Market Valuations and Disposal Strategy (Confidential)

**Attachment B** – Refurbishment of Apartments and Common Areas Prior to Disposal (Confidential)

**Attachment C** – Repair Works to Building Prior to Disposal (Confidential)

---

- END OF REPORT -

## Moonta Street Upgrade

ITEM 15.1 09/11/2021

Council

**Council Member**

Councillor Abrahamzadeh

2018/04053

Public

**Contact Officer:**

Klinton Devenish, Director,  
Services, Infrastructure &  
Operations

## QUESTION ON NOTICE

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

'In relation to the Moonta Street upgrade, can Administration provide an approximate and high-level breakdown of final project costs?'

## DRAFT REPLY

1. The Moonta St Upgrade Project is a State Government and City of Adelaide joint-funded project. The funding agreement allowed for a 50:50 contribution of the capital cost to upgrade and revitalise the street with an investment of \$4M (\$2M investment by Council). The investment included detailed design, project management, stakeholder engagement, services investigation and early works, upgraded pavements and paving surfaces with architectural features, stormwater and electrical services upgrades, street greening, public art and lighting.
2. The Moonta Street Upgrade Project has been delivered on time and under budget. The capital costs for the project are not yet finalised and therefore it is difficult to provide a breakdown of actual costs. The total costs and finalisation of the contract with the head contractor are being completed now.
3. Once the final costs have been confirmed we will provide the breakdown of actual costs to Elected Members. This is expected within the next month.

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

- END OF REPORT -

## Pedestrian Refuge Funding

**ITEM 15.2** 09/11/2021  
**Council**

**Council Member**  
Councillor Abrahamzadeh

2018/04053  
Public

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

## QUESTION ON NOTICE

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

'Noting Council's unanimous support on Tuesday 13/7/21 of a motion relating to funding for a pedestrian refuge on MacKinnon Parade, can administration advise:

- If the funding has been removed, as quoted by an elected member, reported in the Advertiser on 24/9/21?
- When designs or delivery of project are likely to occur?'

## REPLY

1. The project was endorsed by Council on 31 July 2021 and funding has been allocated (\$38k) as confirmed in the 2021 -22 Q1 Finance Report Item 10.10 on the Agenda for the meeting of the Council held on 9 November 2021.
2. The project is currently in design stage to be completed by February 2022. Construction is scheduled for Q4 2021/22 FY.

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

- END OF REPORT -



## Park Lands & APLA

ITEM 15.3 09/11/2021  
Council

**Council Member**  
Councillor Moran

2021/00600  
Public

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

## QUESTION ON NOTICE

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

Will the administration advise:

- As a consequence of the Lord Mayor and Cr Hyde's membership of APLA, whether there are legislated obligations placed upon them for the protection of the Park Lands when they participate in debate and vote on Park Land issues that are before Council?
- If so, do conflict of interest implications arise for the Lord Mayor and Cr Hyde, as a consequence of their membership of APLA, when matters concerning the Park Lands come before Council for consideration?
- Whether the alienated rail yards are built on Park Lands?

## REPLY

The following responses are provided to each of the dot points in the Question on Notice as follows:

- No. The Lord Mayor and Cr Hyde have a responsibility to act in the best interest of the Council when considering matters on the council agenda. Similarly, they must act in the best interest of the Adelaide Park Lands Authority, in the context of its Charter, when matters are brought before the Authority for consideration and decision.
- No, in light of the answer provided above.
- Under the *Adelaide Park Lands Act 2005*:
  - the Adelaide Park Lands will not include any land vested in the Commonwealth, or an agency or instrumentality of the Commonwealth
  - the Adelaide Park Lands are to include any other land vested in, or under the care, control or management of, the Crown, a state authority or a local government body.

Therefore, the following advice is provided about each identified site:

- Most rail lines and infrastructure are under the care and control of the State (Minister for Transport & Infrastructure) – Park Lands.
- Some areas of the rail lines belong to the Commonwealth (Australian Rail Track Corp Ltd), such as part of the rail lines running north-south along and through Parks 25 and 27 – Not Park Lands.

- The 'rail triangle', where a stormwater detention basin is current constructed behind the Royal Adelaide Hospital, is under the care and control of the State (Minister for Environment) – Park Lands.
- The existing car park immediately west of Montefiore Road in Helen Mayo Park (Park 27) is under care and control of the State (Minister for Transport & Infrastructure) – Park Lands.
- Most of Helen Mayo Park (Park 27) is under care and control of the City of Adelaide, excepting the lands where two rowing club sheds are sited, which are under care and control of the State (Minister for Environment) – Park Lands.

This can be seen in the below map, with the following legend:

- Red represents the Commonwealth rail line (exempt from the Adelaide Park Lands)
- Yellow represents Adelaide Park Lands under the care, control and management of the State Government
- Green represents Adelaide Park Lands under the care, control and management of the City of Adelaide.



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

- END OF REPORT -

## At Grade Car Parks

ITEM 15.4 09/11/2021

Council

**Council Member**  
Councillor Martin

2021/01236  
Public

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

## QUESTION ON NOTICE

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

'Could the Administration advise:

1. What was the Council's policy when considering developments proposing to incorporate "at Grade" or street level car parks prior to the introduction of the new planning code?
2. What is the Council's policy currently when asked to consider developments proposing "at Grade" or street level car parks?'

---

## REPLY

1. Prior to the implementation of the Planning and Design Code in March 2021, development applications were assessed against the policies within the City of Adelaide Development Plan.
2. There was specific policy in the Development Plan which discouraged non-ancillary temporary car parks (on vacant allotments) as well as general policies that included design, screening and landscaping criteria for assessment for all development applications involving car parking.
3. Within most zones in the Development Plan car parking that was not ancillary to an approved or existing use was identified as a non-complying use.
4. As the relevant authority, Council had the opportunity to refuse these non-complying development applications without any right of appeal by the applicant.
5. Under the Planning and Design Code policies in the Capital City and City Main Street Zones seek to ensure that development does not result in open car parks for extended periods of time. This policy is similar in intent to the policy in the Development Plan though it only applies in these zones.
6. The Planning and Design Code also includes General Development policies in the Transport, Access and Parking section and Design in Urban Areas sections to provide guidance on car parking design, including requirements for landscaping and stormwater management.
7. Key points of difference between the former Development Plan policies and those which apply under the Planning and Design Code are the removal of a specific policy that speaks against the development of temporary car parks on vacant allotments, and the removal of the non complying assessment pathway.
8. As such, car parking applications (whether ancillary or not) must all be assessed on their planning merits against the relevant policies.

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

---

- END OF REPORT -

Minute 22 - Item 15.1 - 15.9 - Question On Notice Replies

## Adelaide Gaol Vacant Land

ITEM 15.5 09/11/2021

Council

**Council Member**  
Councillor Martin

2021/01236  
Public

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

## QUESTION ON NOTICE

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

'Could the Administration advise if Council:

1. Has ever requested the return to Park Lands of the concreted and fenced area of Park Lands formerly used for car parking at the Adelaide Gaol and which Health Department officials told the last meeting of APLA could be part of a land transfer in exchange for building a car park on Park Lands adjacent to the proposed WCH site?
2. If not, why not?
3. What is the number and location of other Park Lands sites requisitioned by the State or Federal Government and no longer serving the intended use that could be returned to Park Lands?'

## REPLY

1. In relation to the 'concreted and fenced area' (the site) adjacent to the Old Adelaide Gaol that was mooted by the Department for Health representative at the Adelaide Park Lands Authority (APLA) meeting on 28 October 2021 as an example of Park Lands land that is under the care, control and management of the State Government (Minister for Environment) that could be "transferred" to be under the care, control and management of City of Adelaide:
  - 1.1. As far as can be ascertained there has not been a formal request from Council to change the site from being under the care, control and management of the State Government to the care, control and management of the City of Adelaide.
  - 1.2. In accordance with the State Heritage listing the use of this land should support heritage policies which maintain, preserve and adapt the Gaol complex and retain its cultural significance.
2. We are unable to comment in relation to '*if not why not*'. The area is required to be managed and protected under the *Adelaide Park Lands Act 2005*, *Adelaide Park Lands Management Strategy 2015-2025* and *Community Land Management Plan for Bonython Park (Park 27)*.
3. As part of the review of the Adelaide Park Lands Management Strategy, priority areas around the Adelaide Park Lands requiring investment and upgrade will be identified, and would include areas that are under the care, control and management of the State Government. These could identify areas that can be remediated and ameliorated for the benefit of the community and to enhance biodiversity.
  - 3.1. A detailed list of Adelaide Park Lands changes since 1983, reported to APLA in 2018 can be found [here](#).

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

---

- END OF REPORT -

Minute 22 - Item 15.1 - 15.9 - Question On Notice Replies

# Vogue Fashion Festival

ITEM 15.6 09/11/2021

Council

**Council Member**  
Councillor Martin

2021/01769  
Public

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

## QUESTION ON NOTICE

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

'Noting the Administration's internal reporting that last month's 2021 Vogue Fashion Festival increased foot traffic to Rundle Mall over the event's three days by 12%, could it please advise:

1. What was the total spend in Rundle Mall for the 2021 event and how does that compare to the Council's media commentary that previous events have generated total spending of almost \$40 million dollars?
2. What is included in the calculated total spend and does it include non fashion items purchased from Rundle Mall retailers?
3. Has AEDA received or acted on social media complaints that the advertised 150 special offers from retailers to celebrate the event were either previously available or not available at all?
4. Without divulging confidential details, are the total costs to Council and AEDA of the three-day, 2021 Vogue Fashion Festival (including all staff, infrastructure, advertising and promotional and any licence costs) greater or smaller than Council and AEDA's total expenditure for the November and December Christmas In The City promotion in Rundle Mall?

## REPLY

1. October sales figures are not available until December. Once this information is available a comparison can be made.
2. Total spend includes total retail sales as this is an event that the whole Precinct benefits from.
3. Our digital team constantly monitors, tracks and responds accordingly to all social media relating to Rundle Mall. At Vogue Festival 2021 there were over 150 retail offers, discounts and in store experiences running across the weekend.
4. Vogue Festival and Christmas are two major events on the 12 month Rundle Mall activations calendar. The total investment for Christmas is significantly larger than Vogue Festival.

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

- END OF REPORT -

# Council Development Partner Apartment Sales

ITEM 15.7 09/11/2021  
Council

**Council Member**  
Councillor Martin

2015/00903  
Public

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

## QUESTION ON NOTICE

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

'Noting that the sale of apartments is vital to the success of projects in which the Council has partnered with developers at the Central Market Arcade Redevelopment and at 88 O'Connell Street, could the Administration advise:

1. If the 82% of all apartments in the tower above the Central Market Arcade Redevelopment, as ICD has announced, have been sold, could the Administration advise how many were advertised (and in which publications or websites) as part of Council's mandated 15% affordable housing offering and how many affordable housing apartments remain?
2. What is the percentage of apartments in the three towers at 88 O'Connell Street already sold and how many remain to be sold?
3. How many of the apartments were advertised (and in which publications and websites) and sold at 88 O'Connell Street as part Council's mandated 15% affordable housing offering?'

---

## REPLY

1. The sale of residential apartments solely sits with the Council's development partners. Council has no contracted obligation how and when apartments sales are brought to market.
2. The Central Market Arcade Redevelopment / Market Square incorporates 212 apartments with 15% of these apartments, equating to 32 apartments, allocated as affordable purchase housing.
3. ICD Property has listed all 32 affordable purchase apartments within Market Square on the State Government's HomeSeeker website and will be offered for 90 days, exceeding the 30 day requirement. The apartments have been priced below the affordable housing price point of \$422,050 and have been offered to eligible buyers.
4. Five of the affordable purchase apartments within Market Square have been sold to eligible buyers with an additional three apartments currently reserved with 24 apartments remaining. Affordable purchase apartments within Market Square will continue to be offered via the HomeSeeker website until 13 December 2021.
5. ICD Property has incorporated Home for Homes deeds as part of residential contracts for sale. As a result, when the apartments are sold again a small percentage of the sale price will be donated to Homes for Homes to assist in funding affordable housing in the local area.
6. The sales campaign for Eighty-Eight O'Connell commenced in early October 2021. The obligation to progress apartment sales is the responsibility of the developer along with the requirement to deliver 15% affordable housing. We will provide an update on the Eighty-Eight O'Connell outcomes when the data becomes available.



- 7. We will continue to provide Council Members with updates on these key strategic projects, as and when they become available.

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

---

- END OF REPORT -

Minute 22 - Item 15.1 - 15.9 - Question On Notice Replies

## Aquatic Centre Costs

ITEM 15.8 09/11/2021

Council

**Council Member**  
Councillor Martin

VS2021/3134  
Public

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

## QUESTION ON NOTICE

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

'Noting that Item 10.4 on the Agenda of the Council Meeting of 12 October 2021 was successfully amended to include a recommendation ...." ...an indoor 50m pool and a sizeable leasable area to accommodate allied health professionals providing holistic health and wellbeing services to the community..", could the Administration advise:

1. Any consequent increase to the \$71.6 million cost of the proposed facility detailed in paragraphs 31 to 34 of the Agenda?
2. Whether the Federal and State funding proposed to be sought in paragraph 38 would need to be increased from \$55 million?
3. If it is anticipated the proposed Council contribution of \$15 to \$20 million would be increased?
4. If the Council contribution is currently reflected in the Long Term Financial Plan and, of so, in what year?'

## REPLY

1. The costs associated with the enclosure of the 50m pool are contained within paragraph 31 of the report.
2. Work is underway to define the size, cost and revenue projections to accommodate a sizable, leased space for allied health professionals which is not catered for within the report or feasibility study.
3. We are continuing to pursue funding options with both State and Federal Government inline with all previous Council Decisions. An update regarding the progress of funding submissions will be brought to Council in early 2022
4. The Long Term Financial Plan does not contain any contribution for the construction of a new Regional Community Aquatic and Wellbeing Centre.

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

- END OF REPORT -

## Budgeted Asset Expenditure

ITEM 15.9 09/11/2021  
Council

Council Member  
Councillor Martin

2021/00600  
Public

Contact Officer:  
Amanda McIlroy, Chief  
Operating Officer

## QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration advise the Council approved budgets for the financial years 2017/2018, 2018/19, 2019/2020 and 2020/21 for:

1. Proposed Expenditure on Existing Assets (excluding Federal and State Grants)?
2. Proposed Expenditure on New and Upgraded Assets (excluding Federal and State Grants)?
3. The quantum of Federal and State Grants and as a percentage of the categories above for each of the years stipulated?'

## REPLY

1. Below is a table showing the final approved budgets for the 2017-18, 2018-19, 2019-20 and 2020-21 financial years for existing asset expenditure (renewals). It should be noted that this varies from the budget adopted in the business plan and budget each year. This ensures we include the most up to date information with regards to grants received in the relevant year. Furthermore, the actual results will vary from this as well.
2. The percentage in the table for each year represents the grant revenue as a percentage of the expenditure in the asset renewal expenditure category. This grant revenue does not include other contributions which may have been received but budgeted as operational in nature e.g. Federal Assistance Grants.

Existing Assets	2017-18 Quarter 3 Budget		2018-19 Quarter 3 Budget		2019-20 Quarter 3 Budget		2020-21 Quarter 3 Budget	
	\$'m	%	\$'m	%	\$'m	%	\$'m	%
Gross Capital Expenditure	52.3		54.7		36.4		32	
Gross Grant Revenue	1.8	3%	3.2	6%	2.8	8%	2.6	8%
<b>Net Expenditure on Existing Assets</b>	<b>50.5</b>		<b>51.5</b>		<b>33.6</b>		<b>29.4</b>	

3. Below is a table showing the final approved budgets for each year for new and upgraded assets. It should be noted that this varies from the budget adopted in the business plan and budget each year. This ensures we include the most up to date information with regards to grants received in the relevant year. Furthermore, the actual results will vary from this as well.
4. The percentages in the table below for each year represents the grant revenue (state and federal) as a percentage of the expenditure, in the new and upgraded assets expenditure category. This grant revenue does not include other contributions which may have been received but budgeted as operational in nature e.g. Contribution for 88 O'Connell.

New and Upgraded Assets	2017-18 Quarter 3 Budget		2018-19 Quarter 3 Budget		2019-20 Quarter 3 Budget		2020-21 Quarter 3 Budget	
	\$'m	%	\$'m	%	\$'m	%	\$'m	%
Gross Capital Expenditure	73.3		31.5		15.2		30.5	
Gross Grant Revenue	17.1	23%	3.9	12%	4.2	28%	2.3	8%
<b>Net Expenditure on New and Upgraded Assets</b>	<b>56.2</b>		<b>27.6</b>		<b>11</b>		<b>28.2</b>	

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

---

- END OF REPORT -

## Local Government Association Membership

ITEM 17.1 09/11/2021  
Council

Council Member  
Councillor Moran

2018/04054  
Public

Contact Officer:  
Amanda McIlroy, Chief  
Operating Officer

### MOTION ON NOTICE

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

'That Council:

Cease membership of the Local Government Association.'

---

### ADMINISTRATION COMMENT

Council, at its 14 September 2021 meeting considered this Motion on Notice by Cr Moran regarding membership of the Local Government Association. Consideration of the matter was deferred as follows:

**"25. Item 17.1 - Councillor Moran – Motion on Notice – Local Government Association Membership [2018/04054] [C]**

*Moved by Councillor Moran,  
Seconded by Councillor Hyde –*

*That Council:  
Cease membership of the Local Government Association.*

*Discussion ensued*

*Amendment –  
Moved by Councillor Martin,  
Seconded by Councillor Snape –*

*That the motion be amended to read as follows: 'That the matter be deferred to a future Council meeting.'*

*Discussion ensued*

*The amendment was then put and carried"*

During discussion of the matter, Cr Hyde sought clarification on the advice provided in the Administration comment to the Motion on Notice, and the following matters were identified as CEO undertakings to be provided to Members via e-news:

**Question:** Does the saving figure quoted in the administration comment regarding membership of the LGA Workers Compensation Scheme membership, estimated at \$890,804, for the 2017/18 year represent saving for one year or is it cumulative over a longer period?

**Response:** a) The figure represents the savings for the one year and reflects cost comparisons with being self-insured for workers compensation or being a registered employer with Return to Work SA's scheme, plus additional services and support provided by the scheme.

b) It should also be noted that the City of Adelaide, like other Councils, receives monies from the Scheme in the form of a refund called a "special distribution" based on Council performance for the preceding 12 months. Refunds received for the previous three years are as follows:

2020 - \$118,628

2019 - \$119,194

2018 - \$246,526

**Question:** What are costs of membership for the Mutual Liability Scheme and the Workers Compensation Scheme?

**Response:** The costs for City of Adelaide membership for the schemes is contained in the table provided.

	Mutual Liability Scheme (ex. GST)	LGA Workers Compensation Scheme (ex. GST)
2019-2020	849,813.00	1,679,962.00
2020-2021	875,307.00	1,731,787.00
2021-2022	919,072.00	1,600,253.00

The Administration comment provided when this motion was listed on the agenda for the Council meeting on 14 September 2021, is provided below:

1. Further to a resolution of Council on 22 May 2018, requesting advice from administration on the value the City of Adelaide (CoA) derives from its membership with the Local Government Association of South Australia (LGA), a report was provided to Council on 24 July 2018. The report can be viewed at Link 1 view [here](#).
2. The membership fees paid by the CoA since 2017/18 are as follows:
  - i. 2017/2018 – 91,764.00 + GST
  - ii. 2018/2019 – 88,692.00 + GST
  - iii. 2019/2020 – 85,277.00 + GST
  - iv. 2020/2021 – 84,852.00 + GST
  - v. 2021/2022 – Not paid (yet to receive invoice)
3. The advice contained in the 24 July 2018 report remains relevant today, reflecting that the financial benefits that the CoA continues to receive from its LGA membership far exceeds the cost of the membership fees.
4. For example, savings for the CoA through the LGA Workers Compensation Scheme membership alone is estimated at \$890,804 when compared to costs involved with self insurance or being a registered employer with Return to Work SA's scheme.
5. It is also relevant to note that the Local Government sector has commenced a process for implementing a suite of legislative local government reforms since 1999. The CoA is a participant in the LGA's LG Equip Program which is assisting to identify and implement necessary changes to our frameworks, so that the CoA is compliant with the legislative requirements.

6. The CoA does not currently have the resources to calibrate each of the changes and to develop appropriate policies and processes so that we are compliant as new reforms commence. Resourcing this project alone would exceed our annual LGA membership fees for the current financial year, however, using the critical capacity of the LGA and the contributions made by other councils makes the LG Equip Program cost effective for the CoA.
7. If this motion is carried, discussions will commence with the LGA on the process for withdrawing membership and provide a report to Council on the process, the implications, and timelines for withdrawal.

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)	Legal advice will have to be sought to determine Council's obligations in relation to current membership and the process for withdrawal from the LGA, and the schemes that the City of Adelaide accesses as a consequence of its membership, including the implications for ensuring the City of Adelaide is adequately covered for insurance and workers compensation purposes during any transition and post withdrawal.
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	The staff time required for the necessary research, discussions with the LGA, legal advisers, and the subsequent preparation of advice in preparing a report for informing Council about the process, the implications, and timelines for withdrawal is not known at this point.
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 -

## Service Cut Report

ITEM 17.6 09/11/2021

Council

**Council Member**  
Councillor Martin

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

Public

## 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:

Notes the Administration has demonstrably axed the former regular roster of night time parking inspectors Sunday to Thursday, abolished the position of North Adelaide Community Centre Co-ordinator and reduced the frequency cleaning in some public locations and requests it provide to the January meeting of Council for the financial year 20/21:

1. A report detailing any and all other areas of the Council's operations where there has been a withdrawal of a service/s or a reduction in the days or hours devoted to the delivery of such services.
2. The number and nature, if any, of complaints about delays in the provision of Council services, including but not limited to answering telephones to the provision of planning services.
3. The number and nature, if any, of services, whether previously involving staff or not, that have now been contracted to other parties, including services to business.
4. The nature and value of a reduction in purchasing associated with the provision of services including, but not limited not to, London Road activities, libraries and nursery purchases.
5. The full year savings to the Operations Budget any withdrawal of a service/s or a reduction in the days or hours devoted to the delivery of such services.'

## ADMINISTRATION COMMENT

1. Council has previously received comprehensive reports on the exercise undertaken in 2020/2021 to review our services, stabilise our financial position, identify cost savings, work more efficiently, and deliver value for money for our ratepayers.
2. The challenge set by Council, to achieve \$20m in permanent operating savings, required an ongoing reduction in labour costs. However, this did not result in service withdrawals. While they may have been amendments to the hours or persons involved in service delivery, all services have been maintained.
3. Savings of \$20m for 2020/21 were included in the end of year result reported to Council on 12 October 2021. This included labour savings of \$13.8m (a reduction of 6% in FTE) with \$6.2m of savings achieved outside of labour primarily in contractors and professional services. These cost savings were made without service withdrawals.



4. Should this motion be carried a report addressing these items can be prepared and provided in the January meeting of Council.

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	It is estimated approximately 2 days of FTE would be required to collate the information requested.
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

---

- END OF REPORT -

# Riverbank Precinct Code Amendment – Draft Submission - Revocation

ITEM 17.10 09/11/2021  
Council

Council Member  
Councillor Khera

2021/01236  
Public

Contact Officer:  
Tom McCreedy, Acting Director  
City Shaping

## MOTION ON NOTICE

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

‘That **part 6 of the decision of** Council on **26/10/2021** in relation to Riverbank Precinct Code Amendment – Draft Submission, namely:

6. Endorses Attachment B (City of Adelaide Submission to State Government Riverbank Precinct Code Amendment) to Item 4.1 on the Agenda for the Special meeting of the Council held on 26 October 2021, except for 9.2 where after the first paragraph all is deleted and a second paragraph added reading the “City of Adelaide does not support the proposed arena or any other built form proposed for that zone”.

**be revoked.’**

Contingent upon **part 6 of the decision of** decision of the Council **26/10/2021** being revoked, I Councillor Khera, having complied with the Regulations will then move:

‘That Council:

1. Approves a new paragraph 6 being inserted to replace the rescinded paragraph, as follows:
  6. *Endorses Attachment B (City of Adelaide Submission to State Government Riverbank Precinct Code Amendment) to Item 4.1 on the Agenda for the Special meeting of the Council held on 26 October 2021, as per the original recommendation reflecting the Adelaide Park Lands Authority’s advice.*
2. Commends SA Health for their reworking of the plans and designs of the nWCH and confirms its willingness to continue working with the State Government on the ensuring realignment of the current proposed Health Sub Zone.
3. Notes that, per section 4(1)(f) of the *Adelaide Park Lands Act 2005*, the Adelaide City Council “should actively seek to cooperate and collaborate” with the State Government.
4. Reaffirms its opposition the Riverbank Planning Code Amendment, particularly the proposed Entertainment Sub Zone that would allow excessive built form and a range of land uses along the Riverbank and Innovation Sub Zone that would allow built form over a Kaurna burial site.
5. Reaffirms its adherence to the principle of “no net loss” of the Adelaide Park Lands in response to development or built form or other forms of alienation proposed.
6. Requests the Lord Mayor write to the Premier:
  - a) informing of this decision of Council;
  - b) confirming Council’s in principle support for a Riverbank Arena; and
  - c) encouraging the State Government to form a working group with the City of Adelaide to inform further design and planning of the Arena, acknowledging the City of Adelaide’s custodial role of the Adelaide Park Lands and in particular emphasising the following statutory principles within the *Adelaide Park Lands Act 2005* which highlight that this role includes enhancement:
    - The Adelaide Park Lands reflect and support a diverse range of environmental, cultural, recreational and social values and activities that should be protected and enhanced [4(1)(b)];

- The Adelaide Park Lands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City in a manner that should be recognised and enhanced [4(1)(c)];
7. The interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the State [4(1)(g)].

## ADMINISTRATION COMMENT

1. If the motion is carried:
- 1.1. The adopted Council submission on the Riverbank Precinct Code Amendment will revert to the full Attachment B as presented in Item 4.1 on the Agenda of the Special Meeting of Council on 26 October 2021.
  - 1.2. Council's submission to the Riverbank Precinct Code Amendment will be re-submitted to the Attorney General's Department – Planning and Land Use Services requesting that Council's previous submission be withdrawn. This will be submitted as a late submission as the closing date for submissions was 27 October 2021.
  - 1.3. The Lord Mayor as per the intention of this motion will write to the Premier advising the State Government of the resolution of Council.

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 4.5 hours.

- END OF REPORT -