



# THE COMMITTEE MINUTES

for the meeting

Tuesday 22 January 2019

in the Colonel Light Room,  
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor [Sandy Verschoor];  
Councillor Moran (Chair)  
Councillors Abiad (Deputy Lord Mayor), Abrahamzadeh, Couros, Dr Donovan, Hou, Hyde, Khera, Knoll,  
Martin (Deputy Chair) and Simms.

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### **Acknowledgement of Country**

At the opening of the Committee Meeting, the Chair 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**

Upon completion of the Kurna Acknowledgment, the Chair 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.'

### **Apologies and Leave of Absence**

Nil

### **Confirmation of Minutes**

Nil

### **Items for Consideration and Recommendation to Council**

#### **Strategic Alignment – Smart**

1. Item 5.1 - Bike Share On-Street Activity Permit Application [2015/03534] [TC]

#### THAT THE COMMITTEE RECOMMENDS TO COUNCIL

#### That Council:

1. Approves the Bike Share On-Street Activity Permit application for AirBike to commence a dockless bike sharing scheme in Adelaide.
2. Authorises the CEO to negotiate with AirBike on the launch of the dockless bike share scheme including the number of bikes for the City and North Adelaide.

#### **Strategic Alignment – Green**

2. Item 5.2 - Incentive Package to Reinstate Front Gardens through a Parking Permit Scheme [2017/04505] [TC]

#### THAT THE COMMITTEE RECOMMENDS TO COUNCIL

#### That Council:

1. Notes the report and the Discussion Paper, Attachment A, to Item 5.2 on the Agenda for the meeting of The Committee held on 22 January 2019.

### Strategic Alignment – Liveable

#### 3. Item 5.3 - Heritage Incentives Scheme Allocation over \$50,000 [HIS/106/2018] [TC]

##### THAT THE COMMITTEE RECOMMENDS TO COUNCIL

##### That Council:

1. Approves an allocation of \$76,098.50 for conservation work as contained in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 22 January 2019 for St Margaret's, 21 -26 Brougham Place North Adelaide in accordance with the Heritage Incentives Scheme Operating Guidelines.

#### 4. Item 5.4 - City of Sydney and Melbourne - Planning and Development Initiatives [2018/03979] [TC]

##### THAT THE COMMITTEE RECOMMENDS TO COUNCIL

##### That Council:

1. Notes the report and Discussion Papers, Attachment A and Attachment B to Item 5.4 on the Agenda for the meeting of the Committee held on 22 January 2019.

#### 5. Item 5.5 - 2018/19 Grant Recommendation –Recreation and Sport [2016/03310] [TC]

##### THAT THE COMMITTEE RECOMMENDS TO COUNCIL

##### That Council:

1. Endorses the following 2018/19 grant recommendation for *Pushing Performance 'Activate Adelaide'* of \$28k over two (2) years; \$14k in 2018/19 and \$14k in 2019/20, Attachment A, to Item 5.5 on the Agenda for the meeting of The Committee held on 22 January 2019.
2. Notes the 2018/19 recommendations for grants under \$10k that have been approved under CEO delegation to date, Attachment B to Item 5.5 on the Agenda for the meeting of The Committee held on 22 January 2019.

#### 6. Item 5.6 - Adelaide Oval – Submission to Select Committee [2011/02224] [TC]

##### THAT THE COMMITTEE RECOMMENDS TO COUNCIL

##### That Council:

1. Approves the submission (and covering letter) to the Select Committee established by the South Australian Legislative Council to 'inquire into and report on a redeveloped Adelaide Oval' included as Attachment A to Item 5.6 on the Agenda for the meeting of The Committee held on 22 January 2019 with commentary added to the matrix beginning at page 73. The comments should include at;
  3. a list of matters where proposed activities in the leased and licensed areas have been the subject of requests for confidentiality orders and the consequent impacts on Council's communication with neighbouring residents and businesses.
  6. specific reference to the briefing provided to Elected Members on the afternoon of Saturday November 25th, 2018, the fact that Council had not been previously consulted, the Stadium Management Authority's advice in the briefing the City of Adelaide had no role in the process associated with the Hotel proposal and the publication of the details of the Hotel development on the News Limited website 2 hours later.
  9. acknowledge that Council has sought and received a legal opinion in regards to the proposal and the reasons Council is unable to disclose the details publicly.
  10. further senior counsel advice to be sought.

### Strategic Alignment - Corporate Activities

7. Item 5.7 - Section 270 Internal Review of Decision – Hurtle Square Tree Replacement [2018/02970] [TC]

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the report and resolves to rescind the decision of the previous Council.

8. Item 5.8 - City of Adelaide Response - Labor Local Government reform package [2018/02619] [TC]

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the report and discussion on potential impacts of the Local Government (Ratepayer and Related Measures) Amendment Bill 2018 as set out in Attachment A to Item 5.8 on the Agenda for the meeting of The Committee held on 22 January 2019.
2. Adopts the proposed responses as set out in Attachment A to Item 5.8 on the Agenda for the meeting of The Committee held on 22 January 2019, in relation to the reforms proposed in the Local Government (Ratepayer and Related Measures) Amendment Bill 2018.
3. Authorises the Lord Mayor to provide a written response on behalf of Council to the Local Government Association of South Australia in relation to the Local Government (Ratepayer and Related Measures) Amendment Bill 2018.
4. Authorises the Lord Mayor to provide a written response on behalf of Council to the Government of SA and Parliament in relation to the Local Government Association of South Australia Local Government (Ratepayer and Related Measures) Amendment Bill 2018

### Discussion Forum Items

#### Strategic Alignment - Corporate Activities

9. Item 6.1 - 2018 Standing Orders [TC]

Discussion Facilitators:

Steve Mathewson, Director Services, City of Adelaide  
Rudi Deco, Manager Governance, City of Adelaide

Precis of topic:

Update Members on the process for reviewing and updating the Standing Orders

Councillor Hyde entered the Colonel Light Room at 6.23 pm

The PowerPoint slides utilised during the Discussion Forum Item are attached for reference after the Minutes of this meeting.

### Council Member Discussion Forum Items

Nil

### Exclusion of the Public

10. Item 8.1 - Exclusion of the Public to Consider [2018/04291] [TC]:

For the following Items for Consideration and Recommendation to Council in Confidence:

**Strategic Alignment – Creative**

- 9.1. New Activation Proposal – Garden of Unearthly Delights [s 90(3) (d)]

For the following Discussion Forum Items in Confidence:

**Strategic Alignment – Liveable**

- 10.1. Transport Matter [s 90(3) (j) & (d)]

**Order to Exclude for Item 9.1:**THAT THE COMMITTEE:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 22/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 9.1 [New Activation Proposal – Garden of Uneathly Delights] 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 would divulge information provided on a confidential basis by a third party – Gardeners of Uneathly Delights. This information has been provided to Council on the basis that the commercial in confidence will be maintained.

The Gardeners of Uneathly Delights have formally requested that the information be considered in confidence and the proposal remains confidential. Disclosure of the information in this report prior to any determination or public announcement is likely to prejudice the event and marketing opportunities.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information. Third parties may determine not to pitch new ideas and projects to Council if Council will not take into account concerns regarding protection of its ideas and information. This may have the impact that Council does not maximise opportunities with partners.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 22/1/2019 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 9.1 [New Activation Proposal – Garden of Uneathly Delights] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

**Order to Exclude for Item 10.1:**THAT THE COMMITTEE:

1. Having taken into account the relevant consideration contained in s 90(3) (j) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 22/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Transport Matter] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This report includes commercially confidential information provided by the Department of Planning, Transport and Infrastructure (DPTI) in relation to a Transport Matter. This confidential information relates to costs and timeframes including the construction schedule of the Project which may have commercial implications to stakeholders. This information and the concept plans have been provided to Council in confidence by The Department of Planning Transport and Infrastructure who have requested that this information remain confidential.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their suppliers and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 22/1/2019 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 10.1 [Transport Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (j) & (d) of the Act.

There were no members of the public or Corporation staff present not directly involved with Item 9.1 and 10.1 to leave the Colonel Light Room at 6.27 pm.

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## Confidential Item 9.1

New Activation Proposal – Garden of Uneathly Delights  
Section 90 (3) (d) of the *Local Government Act 1999 (SA)*  
Page 5

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## Confidential Item 10.1

Transport Matter  
Section 90 (3) (j) & (d) of the *Local Government Act 1999 (SA)*  
Pages 5 to 22

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The Colonel Light Room re-opened to the public at 7.03 pm.

### **Confidentiality Orders**

#### **Minute 11 - Item 9.1** - New Activation Proposal – Garden of Unearthly Delights [TC]

##### Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 9.1 [New Activation Proposal – Garden of Unearthly Delights] listed on the Agenda for the meeting of The Committee held on 22 January 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of the The Committee do order that:

1. the report submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 5 February 2019.

#### **Minute 12 - Item 10.1** – Transport Matter [TC]

##### Confidentiality Order

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 10.1 [Transport Matter] listed on the Agenda for the meeting of The Committee held on 22 January 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (j) & (d) of the *Local Government Act 1999 (SA)*, this meeting of The Committee 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 December 2026;
2. the confidentiality of the matter be reviewed in December 2020;
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.

### **Closure**

The meeting closed at 7.03 pm.

Councillor Anne Moran  
The Committee Chair

### **Documents Attached Below for Reference**

Discussion Forum Item – Minute 9 - Item 6.1 - 2018 Standing Orders – PowerPoint Presentation

# STANDING ORDERS

## Workshop Purpose:

To update Members on the process for reviewing and updating the Standing Orders

PROGRAM: PEOPLE & GOVERNANCE

AUTHOR: Rudi Besselaar PROVING OFFICER: Jacki Done

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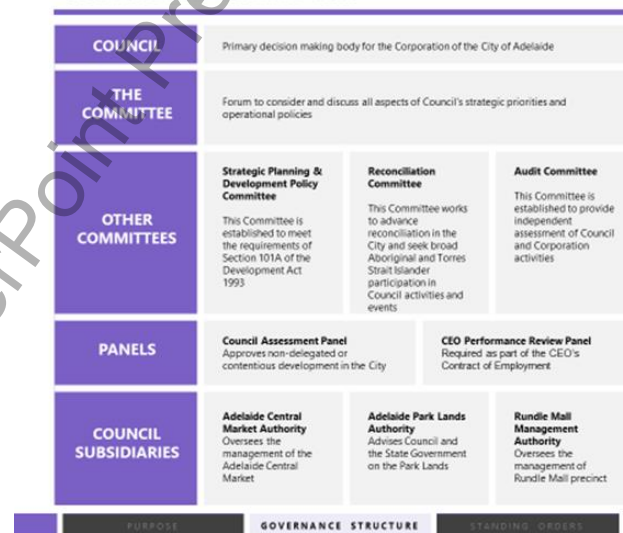
CORPORATE



What are the Standing Orders?

- A consolidated governance framework for Council Member roles and responsibilities
- Incorporates mandatory Council Member policies and requirements:
  - Code of Conduct for Council Members (& Complaints Handling Procedure)
  - Allowances and Benefits
  - Provision of Council Facilities and Support
  - Private Use of Council Facilities
  - Training and Development
  - Council Governance including Caretaker Period and Informal Gatherings
  - Code of Practice for Meeting Procedures including Decision Making and Access to Meetings and Documents

## GOVERNANCE STRUCTURE COUNCIL AND COMMITTEES



- Standing Orders reviewed and updated from a legislative and regulatory perspective
- Revised and simplified format to ensure currency and accuracy
- Seek feedback from Council Members on content
- Opportunity for 1:1 meetings with Manager Governance
- Feedback and other proposed changes will be workshopped at a Committee Meeting in February 2019
- New Standing Orders adopted by Council

**PART 3 - REGISTER OF ALLOWANCES AND BENEFITS**

**(Gifts and Benefits Register referred to in Code of Conduct for Council Members)**

**Local Government Act 1999**  
**79—Register of allowances and benefits**  
 (1) The chief executive officer of a council must ensure that a record (the **Register of Allowances and Benefits**) is kept in which is entered, in accordance with principles (if any) prescribed by the regulations, in respect of each member of the council—  
 (a) the annual allowance payable to the member; and  
 (b) details of any expenses reimbursed by the council under section 77(1)(b); and  
 (c) details of other benefits paid or payable to, or provided for the benefit of, the member by the council.  
 (2) The chief executive officer must ensure that an appropriate record is made in the Register, in accordance with principles prescribed by the regulations, in respect of—  
 (a) changes in the allowance or a benefit payable to, or provided for the benefit of, members; or  
 (b) the provision of a reimbursement (other than a reimbursement under section 77(1)(a)) or benefit not previously recorded in the Register.  
 (3) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.  
 (4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register.

**City of Adelaide (Members Allowances and Benefits) Regulations 2010**  
**7—Register of allowances and benefits**  
 (1) The chief executive officer of the Council must ensure that the Register of Allowances and Benefits includes—  
 (a) details of any expenses reimbursed by the Council under section 25(1)(b) of the Act [*City of Adelaide Act 1998 (SA)*]; and  
 (b) a record of the provision of a reimbursement (other than a reimbursement under section 25(1)(a) of the Act [*City of Adelaide Act 1998 (SA)*] or benefit not previously recorded in the Register. [Note 1]  
 (2) The principles that apply under subsections (1) and (2) of section 79 of the *Local Government Act 1999* extend to details or records relating to expenses reimbursed under section 25(1)(b) of the Act [*City of Adelaide Act 1998 (SA)*].  
 Note—  
 1 see also the other requirements under section 79 of the *Local Government Act 1999*.

- 68. The Register of Allowances and Benefits will be available on the Council's website and updated on a quarterly basis.
- 69. The Register of Allowances and Benefits is compiled based on the information provided to the Council Liaison Officer and in accordance with the Member Benefits Register Handbook and Guidelines

- Communication to Council Members tomorrow which will include a link to the current Standing Orders
- Provide your feedback on content by Friday, 1 February 2019 to Rudi Deco, Manager Governance
- Contact Rudi if you would like the opportunity for a 1:1 meeting
- Feedback and other proposed changes will be collated and workshopped at a Committee Meeting in February 2019
- New Standing Orders adopted by Council