



COUNCIL MINUTES

for the meeting

Tuesday, 8th March, 2022

in the Council Chamber, Adelaide Town Hall



Present – Deputy Lord Mayor, Councillor Abrahamzadeh (Presiding)
Councillors Couros, Donovan, Hou, Khera, Knoll, Mackie, Martin, Moran and Snape

1 Item 1 - Acknowledgement of Country

At the opening of the Council meeting, the Acting Lord Mayor stated:

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

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

2 Item 2 - Acknowledgement of Colonel William Light

The Acting 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 squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia’s planning heritage.’

3 Item 3 - Prayer

Upon the completion of the Acknowledgement of Colonel Light by the Acting 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’

4 Item 4 - Memorial Silence

The Acting 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.

5 Item 5 - Apologies and Leave of Absence

Apologies:

Lord Mayor (Sandy Verschoor) and Councillor Hyde.

6 Item 6 - Confirmation of Minutes

Moved by Councillor Mackie,
Seconded by Councillor Knoll -

That the Minutes of the meeting of the Council held on 8 February 2022 be taken as read and be confirmed as an accurate record of proceedings.

Carried

7 Item 7 - Deputations

8 Item 7.1 - Deputation - Mark Gishen - Public Electric vehicle charging services in the City of Adelaide - 'first hour free' incentive

Mr Mark Gishen addressed the Council:

- To speak in support of the City of Adelaide's 'First Hour Free' public electric vehicle charging service.

During the deputation, Councillor Moran left the Council Chamber at 5.41pm and re-entered at 5.42pm.

The Lord Mayor thanked Mr Gishen for his deputation.

9 Item 8 - Petition

10 Item 8.1 - Petition - 156-172 Franklin Street

Moved by Councillor Knoll

Seconded by Councillor Martin

THAT COUNCIL

1. Receives the petition containing 398 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 8 March 2021, asking Council to uphold and enforce the current and legal Land Management Agreement in place for the proposed development site known as 'the Loft' located at 156-172 Franklin Street and opposing the current development plan.

Discussion ensued

The motion was then put and carried

It was then –

Moved by Councillor Martin,

Seconded by Councillor Mackie -

That the Agenda be reordered to hear the Items in the following order:

Items 15, 16, 17, 18, 9, 10, 13, 14, 11 and 12.

Discussion ensued

The motion was then put and carried

Councillor Mackie requested that a division be taken on the motion

Division

For (5):

Councillors Donovan, Mackie, Martin, Moran and Snape.

Against (4):

Councillors Couros, Hou, Khera and Knoll.

The division was declared in favour of the motion

11 Item 15 - Questions on Notice

- 15.1 Councillor Couros – Noise Pollution on O'Connell
- 15.2 Councillor Couros – Closure of Melbourne Street or Jerningham Street
- 15.3 Councillor Martin – 88 O'Connell Street Development – Changes of Use
- 15.4 Councillor Martin – Asset Sustainability Ratios
- 15.5 Councillor Martin - 88 O'Connell Street Development Construction Commencement
- 15.6 Duplication of Item 15.4
- 15.7 Councillor Martin – Facial Recognition CCTV Cameras
- 15.8 Councillor Martin – Vice Regal Welcome

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

The tabled Replies for Items 15.1 – 15.8 are attached for reference at the end of the Minutes of this meeting.

12 Item 16 - Questions without Notice

Discussion ensued

CEO Undertaking - Councillor Martin – Question on Notice - 88 O'Connell Development - Changes of Use [C]

In response to further questions from Councillor Martin, an undertaking was given by the CEO to provide Council Members with an answer to the following: If all remaining ground floor retail was changed to office accommodation without street activation, would this be consistent with the LFA?

13 Item 17 - Motions on Notice

The Deputy Lord Mayor advised the meeting that the Motions on Notice had been published in an incorrect order and would be reordered and considered as they were received.

14 Item 17.14 - Councillor Abrahamzadeh - North Adelaide Golf Course

Councillor Abrahamzadeh withdrew his Motion on Notice

15 Item 17.1 - Councillor Moran - Edmund Wright Building

Moved by Councillor Moran,
Seconded by Councillor Mackie -

That Council:

Requests the administration to engage with the owners of Edmund Wright house to understand future plans and use for the property and exploring potential opportunities to encourage early upgrade of the building, including heritage incentives, leasing or buying options.

Discussion ensued

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

Division

For (8):

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

Against (1):

Councillor Knoll.

The division was declared in favour of the motion

16 Item 17.2 - Councillor Moran - GPO Building Development

Moved by Councillor Moran,
Seconded by Councillor Mackie -

That the CEO contact Greaton and discuss the deteriorating condition of the old GPO Building e.g. clock stopped, pigeon infestation etc. and offer administrative assistance.

Councillor Couros declared a perceived conflict of interest in Item 17.2 [GPO Building Development], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), as her former partner is one of the leads on the project, withdrew her chair and left the Council Chamber at 6.18pm.

Councillor Hou declared a perceived conflict of interest in Item 17.2 [GPO Building Development], pursuant to Sections 75 & 75A of the Local Government Act 1999 (SA), as Greaton is a client, withdrew his chair and left the Council Chamber at 6.18pm.

Discussion ensued

Councillors Couros and Hou re-entered the Council Chamber at 6.23pm.

17 Item 17.13 - Councillor Moran - Speed Signs

Moved by Councillor Moran,
Seconded by Councillor Mackie -

That Council:

Requests the administration to seek approval from the Department of Infrastructure and Transport to allow speed signs to be stencilled on the road as is done in all other capital cities in locations where there is a high occurrence of speed changes.

Discussion ensued

The motion was then put and carried

Councillor Martin requested that a division be taken on the motion

Division

For (5):

Councillors Donovan, Mackie, Martin, Moran and Snape.

Against (4):

Councillors Couros, Hou, Khera and Knoll.

The division was declared in favour of the motion

18 Item 17.12 - Councillor Moran - Child Care Facilities

Moved by Councillor Moran,
Seconded by Councillor Mackie –

That Council:

Requests the administration to seek appropriate planning policy changes with Plan SA to require that the top two floors of new office buildings being constructed to be designed to accommodate a childcare facility.

Discussion ensued, during which:

- Councillor Khera left and re-entered at the Council Chamber at 6.52pm.
- Councillor Hou left the Council Chamber at 7.03pm and re-entered at 7.05pm.
- A motion of dissent from the ruling of the Chair, regarding Councillor Khera's interruption, was moved by Councillor Martin, seconded by Councillor Snape and carried.
- The motion was varied to read as follows:

'That Council:

Requests the administration to seek appropriate planning policy changes with Plan SA to require or incentivise that new office buildings being constructed to be designed to accommodate a childcare facility, pending the outcome of the current survey supporting the need of this service.'

The motion was then put and carried

Councillor Moran requested that a division be taken on the motion

Division

For (8):

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

Against (1):

Councillor Knoll.

The division was declared in favour of the motion

19 Item 17.6 - Councillor Snape - Permanent Automation of Crossing Signals

Moved by Councillor Snape,
Seconded by Councillor Moran -

That Council:

Maintains permanent automation of its pedestrian crossings between the hours of 7am to 7pm.

Discussion ensued, during which Councillor Mackie left the Council Chamber at 7.22pm and re-entered at 7.25pm.

CEO Undertaking

In response to queries from Councillor Knoll, an undertaking was given by the CEO to see if there was updated information available on pedestrian movements in the City and if pedestrian mobility had gone backward.

The motion was then put and lost

Councillor Snape requested that a division be taken on the motion

Division

For (4):

Councillors Donovan, Mackie, Moran and Snape.

Against (5):

Councillors Couros, Hou, Khera, Martin and Knoll.

The division was declared against the motion

20 Item 17.4 - Councillor Snape - Free First Hour EV Charging

Moved by Councillor Snape,
Seconded by Councillor Khera -

That the City of Adelaide provides ongoing free charging for the first hour at all of its Electric Vehicle (EV) charging stations.

Discussion ensued

The motion was then put and carried

21 Item 17.8 - Councillor Snape - Rainbow Walk Repaint

Moved by Councillor Snape,
Seconded by Councillor Mackie -

That with the 50th anniversary of the tragic murder of Dr George Duncan approaching on 10 May 2022:

1. Council repaints the Rainbow Walk public art installation on Light Square including both the painted rainbow itself and the stencilled dates and descriptions.

This project be completed in time for the anniversary.

Discussion ensued

The motion was then put and carried unanimously

22 Item 17.11 - Councillor Mackie - Ukrainian Conflict

Moved by Councillor Mackie,
Seconded by Councillor Couros -

That:

1. On behalf of all South Australians, The City of Adelaide expresses solidarity with the people of The Ukraine in the face of aggression by the Russian armed forces, and the flagrant disregard for the rule of international law. We express our support for Ukrainian South Australians whose family and friends are in fear for their lives, and we extend a hand of friendship to all who would seek to bring family members and their loved ones to Adelaide for safe harbour.
2. Asks the Lord Mayor to write to representatives of the Ukrainian community in Adelaide expressing the City of Adelaide's support for their homeland and to invite them to meet with all Elected Members at the Town Hall to lend support to their cause for peace.'

Discussion ensued

The motion was then put and carried unanimously

Councillor Moran left the Council Chamber at 8.07pm and re-entered at 8.08pm.

The meeting **adjourned at 8.08 pm** for a 20minute break **and reconvened at 8.32pm** with the following Council Members present -

Councillor Abrahimzadeh (Deputy Lord Mayor) (Presiding)

Councillors Couros, Donovan, Hou, Khera, Knoll, Mackie, Martin, Moran and Snape.

23 Item 17.10 - Councillor Couros - Ukraine Support and Acknowledgement

Councillor Couros withdrew her Motion on Notice

24 Item 17.9 - Councillor Couros - Safer Urban Speed Limits

Moved by Councillor Couros,
Seconded by Councillor Snape -

That Council

Investigates the current speed limits in residential zones and main streets to assess the requirement of reducing the speed to 40km to help support businesses and residents for a safer urban environment.

Discussion ensued, during which with the consent of the mover, seconder and the meeting the motion was split into two parts which would be voted on separately, to read as follows:

'That Council

Investigates the current speed limits to assess the requirement of reducing the speed to 40km to help support businesses and residents for a safer urban environment in:

1. residential zones
2. main streets.'

Amendment –

Moved by Councillor Martin,
Seconded by Councillor Moran -

That the motion be amended to read as follows:

'That Council

Asks the administration to conduct a public consultation into the current speed limits in residential zones and main streets to assess attitudes to reducing speed limits, including to 40 km/hr, to support city road safety.'

Discussion ensued, during which Councillor Khera left the Council Chamber at 8.41pm and re-entered at 8.42pm.

The amendment was then put and lost

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

'That Council

Investigates the current speed limits to assess the requirement of reducing the speed to 40km or less (in alignment with speed zones that are already below 40 km/hr) to help support businesses and residents for a

safer urban environment in:

1. residential zones
2. main streets.'

Part 1 of the motion and the preamble, as varied was then put and carried
Councillor Khera requested that a division be taken on Part 1 of the motion and the preamble, as varied

Division

For (7):

Councillors Couros, Donovan, Hou, Khera, Knoll, Mackie and Snape.

Against (2):

Councillors Martin and Moran.

The division was declared in favour of Part 1 of the motion and the preamble as varied
Part 2 of the motion, was then put and lost

25 Item 17.3 - Councillor Snape - Footpath Condition Index

Moved by Councillor Snape,
Seconded by Councillor Mackie -

That Council:

1. Researches the City of Unley footpath maintenance scheme from the late 80s the 'Footpath Condition Index.'
2. Brings back a report and proposal to implement a similar scheme from July 2022.

Discussion ensued

The motion was then put and carried

Councillor Martin requested that a division be taken on the motion

Division

For (5):

Councillors Donovan, Mackie, Martin, Moran and Snape.

Against (4):

Councillors Couros, Hou, Khera and Knoll.

The division was declared in favour of the motion

26 Item 17.5 - Councillor Snape - Gilbert St Zebra Crossing Upgrade

Moved by Councillor Snape,
Seconded by Councillor Mackie -

That:

1. Council undertakes an investigation of the current Gilbert St zebra crossing with the intent to convert to a raised wombat crossing, or alternate infrastructure changes to achieve the outcome of increasing pedestrian safety (for example one way pinch points).
2. The outcomes of the investigation are presented to Council as part of the 2022/23 Business Plan & Budget process.

Discussion ensued

The motion was then put and carried unanimously

27 Item 17.7 - Councillor Snape - Public Transport Month

Moved by Councillor Snape,
Seconded by Councillor Mackie -

That Council:

Having regard to the anticipated completion of the electrification of the Gawler Train Line:

1. Asks the administration to work with representatives of the Department of Infrastructure and Transport to develop a marketing and awareness campaign designed to promote and provide incentive for the workers in and visitors to the City to use public transport.
2. The campaign be timed to coincide with the reopening of the Gawler Train Line and go for one month.

Discussion ensued

The motion was then put and carried unanimously

28 Item 17.15 - Councillor Abrahamzadeh (Deputy Lord Mayor) - City of Adelaide Multicultural Acknowledgement

Councillor Abrahamzadeh withdrew his Motion on Notice

29 Item 17.16 - Councillor Martin - Adelaide Economic Development Agency

Councillor Martin withdrew his Motion on Notice

30 Item 18 - Motions without Notice

Discussion ensued

Moved by Councillor Martin,
Seconded by Councillor Moran -

That noting the implications of health and safety of continuing to sit late into the night, Council resolves to adjourn for further consideration of the agenda, after voting on the two confidential items, until Tuesday 15 March 2022 at 5.30 pm.

Carried

31 Item 11 - Exclusion of the Public

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

- 12.1** Assignment of Lease [section 90(3) (b) & (d) of the Act]
- 12.2** UPark Leasing Matter [section 90(3) (i), (b) & (d) of the Act]

Moved by Councillor Mackie,
Seconded by Councillor Moran -

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8 March 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.1 [Assignment of Lease] 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 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 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 8 March 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 [Assignment of Lease] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.

Carried

It was then -

Moved by Councillor Moran,
Seconded by Councillor Mackie -

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (i), (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8 March 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2 [UPark Leasing 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 Item is confidential in nature because the report includes information on Council litigation. The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation. There is also a risk of an express or implied waiver of legal professional privilege.

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 8 March 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 [UPark Leasing Matter] 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), (b) & (d) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Items 12.1 & 12.2 left the Council Chamber at 9.40pm.

32 Item 12 - Confidential Reports for Council (Chief Executive Officer's Reports)

33 Item 12.1 - Assignment of Lease [section 90(3) (b) & (d) of the Act]

34 Item 12.2 - UPark Leasing Matter [section 90(3) (i), (b) & (d) of the Act]

The meeting re-opened to the public at 9.42pm

Confidentiality Orders

Minute 33 - Item 12.1 - Assignment of Lease

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.1 listed on the Agenda for the meeting of the Council held on 8 March 2022 were received, discussed and considered in confidence pursuant to Section 90(3) (b) and (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:

1. The resolution, report and 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 2029.
2. The confidentiality of the matter be reviewed in December 2023.
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 34 - Item 12.2 - UPark Leasing Matter

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 12.2 listed on the Agenda for the meeting of the Council held on 8 March 2022 were received, discussed and considered in confidence pursuant to Section 90(3) (i) and Section 90(3) (b) and (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council does 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 2029.
2. The confidentiality of the matter be reviewed in December 2023.
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 9.42 pm

Clare Mockler,
Chief Executive Officer

Arman Abrahamzadeh
Deputy Lord Mayor

Documents Attached:

Minute 11 - Item 15.1 – 15.8 – Question on Notice Replies, Distributed Separately

Noise Pollution on O'Connell Street

ITEM 15.1 08/03/2022

Council

Council Member
Councillor Couros

Public

Contact Officer:
Ilia Houridis, Director City
Shaping

QUESTION ON NOTICE

Councillor Couros will ask the following Question on Notice:

'Can administration please advise if they have worked with the State Government or if we have conducted our own reports regarding noise pollution on O'Connell Street. If so, can these reports please be provided to Elected Members?'

REPLY

1. We understand the intent of this Question on Notice relates primarily to noise from traffic/roadways on O'Connell Street.
2. We respond to requests and complaints from community members regarding noise from a variety of sources (e.g. construction sites, licensed premises etc).
3. Council does not have the regulatory powers to assess vehicles against Australian Design Rules requirements or to administer the Summary Offences Act, which can be applied if a vehicle/motorbike has been modified with a non-standard exhaust.
4. Noting the above, Council nonetheless provided assistance with an investigation regarding motorcycle noise in O'Connell Street in 2017. Temporary trial noise sensors were set up to capture traffic noise near the intersection of O'Connell Street and Brougham Place. This activity was for informal information gathering purposes, not conducted or reviewed by certified acoustic engineers.
5. Our records indicate one customer complaint about noise from traffic along O'Connell Street has been received in the last 12 months.
6. It should be noted that in 2016 the City of Adelaide collaborated with the Environmental Protection Agency (EPA) to undertake noise monitoring in various locations. The majority of locations were CBD-based, with the closest location to O'Connell Street being the corner of King William Road and Victoria Drive, near Adelaide Oval. While not specific to O'Connell Street, the report is available publicly here: [Adelaide CBD strategic noise monitoring \(epa.sa.gov.au\)](https://www.adelaide.gov.au/epa/strategic-noise-monitoring).

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

Temporary Street Closures in North Adelaide

ITEM 15.2 08/03/2022
Council

Council Member
Councillor Couros

Public

Contact Officer:
Iliia Houridis - Director City Shaping

QUESTION ON NOTICE

Councillor Couros will ask the following Question on Notice:

Council notes that as part of Reignite 2.0 Council is looking at temporary street closures to support business. Can administration advise what street closures and activations are planned for Melbourne Street and/or Jerningham Street and O'Connell Street as part of the Reignite Adelaide program?

REPLY

1. As part of Reignite Adelaide, Council has initiated two new events involving temporary closure of Jerningham Street. These events are:
 - 1.1. A family-friendly street party in collaboration with the Lion Hotel to coincide with the Crows first game of the season on Sunday 20 March 2022.
 - 1.2. A new curated, high-end market event on Saturday 7 May 2022 with a cluster of stalls on Jerningham Street and additional stalls along Melbourne Street to showcase existing businesses.
2. Both events are intended to draw new visitation to Melbourne Street and introduce more vibrancy and creative connections. This action supports the draft Melbourne Street Master Plan vision and objectives (approved by Council on 14 December 2021).
3. Based on stakeholder feedback, road closures of Jerningham Street rather than Melbourne Street are preferred, providing a balanced approach that reduces disruption to vehicle traffic while still presenting opportunities for event-related activity.
4. Council's Place Coordinator will continue to work with all stakeholders in Melbourne Street to identify opportunities for future events, activation, outdoor dining and other opportunities through Reignite Adelaide.
5. Regular updates on the progress of these initiatives and future opportunities will be provided to Council Members.

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

88 O'Connell Development – Changes of Use

ITEM 15.3 08/03/2022
Council

Council Member
Councillor Martin

2018/02324
Public

Contact Officer:
Tom McCready, Director City
Services

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Having regard to the Government Architect's response and comments on the second application (prompted by the legal challenge to the development) for the development at 88 O'Connell Street, dated 16 November, 2021:

- a. Could the Administration advise, specifically, what conversations, if any, have occurred with C and G, contracted by the City of Adelaide to deliver the project, in respect of the following changes to the functions or the concept plans previously approved by Council for the development:

Ground floor

1. ".....(Medical) consulting rooms (...in lieu of retail...)...are now proposed in the south west corner, fronting O'Connell and Archer Street .." which could lead to "potentially compromised public realm activation on the main street frontages includes obscured glazing (an anticipated requirement for privacy) and limited operating hours ..."
2. "... retail changed to shops/restaurants ..."
3. "studio (wellness) description changed to indoor recreation facility ..."

Level One

1. "... commercial and medical consulting room uses changed to offices ..."

Level 2

1. "... commercial uses changed to offices ..."
2. "... club changed to restaurant ..."
3. "... day spa changed to public day spa (personal or domestic services establishment)
4. "... removal of private dog park"

- b. Could the Administration advise whether such changes are at variance with either the original Guiding Principles endorsed by Council, following public consultations, or the commercial terms of the contract between City of Adelaide and C and G?
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REPLY

1. In relation to part (a), we were advised by Commercial & General that a second planning application was to be lodged with the State Commission Assessment Panel (SCAP) which was prompted by the legal challenge to the development.
2. As part of this notification, we were advised that some changes in terminology were to be applied in the planning application to reflect land use definitions contained in the Planning, Development, and Infrastructure (PDI) Act and subordinate Regulations.
3. In addition to the above, the application also comprised a change of use from retail to consulting room at ground level (on the corner of Archer and O’Connell Street). The proposed land use mix within the development is the responsibility of Commercial & General.
4. In relation to part (b), the changes as listed above are not considered to be at variance with the Guiding Principles.
5. Furthermore, while the Land Facilitation Agreement remains a confidential agreement between the City of Adelaide and Commercial & General, we can advise that the matters noted above do not require a decision of Council.

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

Council Member
Councillor Martin

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 following:

1. The Asset Sustainability Ratio achieved by the City of Adelaide for each of the financial years 2018/19, 2019/20 and 2020/21? and
2. The estimated Asset Sustainability Ratio likely to be achieved for the current financial year?'

REPLY

1. The Asset Sustainability Ratio is calculated as the net asset renewals (capital expenditure incurred on the renewal or replacement of existing assets), as a percentage of the Infrastructure and Asset Management Plan required expenditure. The Ratio achieved for the previous 3 financial years is as follows:
 - 1.1. 2018-2019: 76%
 - 1.2. 2019-2020: 40%
 - 1.3. 2020-2021: 72%
2. The 2021-2022 ratio adopted through the Business Plan and Budget process was 60%.
3. The current estimated 2021-2022 ratio adopted by Council in Budget Review 2 on the 8th February 2022 is 77%, based on total capital expenditure on asset renewals of \$39.135m, including non-infrastructure assets such as Plant & Fleet.
4. The ratio increased by 17% as a result of the finalisation of the 2020-2021 Financial Statements with projects and infrastructure works continuing into 2021-2022, as well as additional projects that have secured external funding.
5. A revised Asset Sustainability Ratio will be presented to Council through Budget Review 3.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4.5 hours.
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88 O'Connell Development Construction Commencement

ITEM 15.5 08/03/2022
Council

Council Member
Councillor Martin

Public

Contact Officer:
Tom McCready, Director City Services

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration confirm that consistent with social media advertisements by the development's residential sale agent, urging investors to quickly make decisions about purchasing apartments, construction of the development the City of Adelaide contracted Commercial and General to complete will begin next month or is it possible construction will begin at a later date?'

REPLY

1. Commercial & General have advised that they propose to commence construction in early April 2022.
2. As at the time of writing, we are not able to provide an exact start date. However, taking into consideration the complexity of the development there is likely to be site establishment works which will precede official commencement of construction.

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

Facial Recognition CCTV Cameras

ITEM 15.7 08/03/2022
Council

Council Member
Councillor Martin

Public

Contact Officer:
Amanda McIlroy, Chief
Operating Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Having regard to the decision of Council concerning the purchase of new CCTV Cameras, at its meeting on 9 November 2021, for 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", can the Administration advise if the formal undertaking was sought, and, if so, what is the outcome?'

REPLY

1. Following Council's decision of 9 November 2021, a letter was sent from the Acting Chief Executive Officer on 2 December 2021 to the South Australia Police (SAPOL) advising of Council's request, and seeking SAPOL's consideration to the request *"that SAPOL provide a formal undertaking 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"*.
2. As of March 7 2022, we have not received a formal response from SAPOL.

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

Council Member
Councillor Martin

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Lord Mayor advise when the Governor of South Australia, Her Excellency the Honourable Frances Adamson AC, who was appointed 5 months ago will be formally welcomed to the Town Hall and the City of Adelaide?'

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

REPLY

1. The Lord Mayor's Office maintains regular contact with Government House and a welcome to Town Hall at an appropriate time has been raised by the Lord Mayor with Her Excellency since her appointment as Governor of South Australia.
2. With the gradual easing of health and safety restrictions in South Australia implemented 26 December 2021 to contain the spread of the Omicron COVID-19 variant, we look forward to formally, and safely, welcoming Her Excellency and Mr Bunten to the Town Hall and the City of Adelaide. Councillors will be advised of event details in due course.

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