



# AGENDA & REPORTS

for the meeting

Tuesday, 8th March, 2022

at 5.30 pm

in the Council Chamber, Adelaide Town Hall



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

## Agenda

Item		Pages
<b>1.</b>	<b>Acknowledgement of Country</b>	
	At the opening of the Council Meeting, the Lord Mayor will state: 'Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognize 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.'	
<b>2.</b>	<b>Acknowledgement of Colonel William Light</b>	
	Upon completion of the Kurna Acknowledgment, the Lord Mayor will state: 'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'	
<b>3.</b>	<b>Prayer</b>	
	Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Chief Executive Officer will ask all present to pray - 'Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen'	
<b>4.</b>	<b>Memorial Silence</b>	
	The Lord Mayor will ask all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.	
<b>5.</b>	<b>Apologies and Leave of Absence</b>	
	On Leave - Councillor Hyde	
	Apologies - Nil	

## 6. Confirmation of Minutes

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.

## 7. Deputations

Granted at time of Agenda Publication – 4 March 2022

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

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# Agenda Item 8.1

## Petition - 156-172 Franklin Street

Tuesday, 8 March 2022  
Council

Strategic Alignment - Enabling Priorities

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

Public

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

### EXECUTIVE SUMMARY

This report presents a petition for Council to receive. The petition asks 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.

There are 398 signatories to the petition; in addition 15 emails were also received in support of the petition.

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### RECOMMENDATION

#### 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
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> Presentation of petitions align with the Strategic Plan objective that community consultation underpins everything we do.
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with City of Adelaide Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> .
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

1. A petition has been received which states:

*'We the undersigned, do hereby ask the Adelaide City Councillors to uphold and enforce the current and legal LMA (Land Management Agreement) that is in place for the proposed development site known as the Loft (Certificates of title volume 6057 Folio 769) located at 156-172 Franklin Street, Adelaide, South Australia.*

*Additionally, we ask that you oppose the current development plan:*

- *open Balfour's Way to cars and trucks.*
- *the proposed traffic flow of the cars through Gallery and Altitude carpark.*
- *any additional building height over 25 metres with a 20% tolerance.*

2. In addition, 15 emails were received in support of the petition, stating:

*'...hereby state that I am in support of the said Petition relating to:*

*Retaining the existing 2014 Land Management Agreement (LMA) over 156-172 Franklin Street, Adelaide, ensuring that the building height of any development on this site remains limited at the height in accordance with the 2014 LMA. In petitioning, we wish you to note that any increase of height at this site will:*

- *Substantially erode property prices of existing apartment owners,*
- *Decrease the amenity and quality of life for residents currently in the precinct,*
- *Be contrary to the overarching plan for this precinct as previously endorsed by the Council; and*
- *Create Serious reputational damage for the City of Adelaide as an ideal place to live and invest in.*

*We further ask that Adelaide Council consider the following and the impact this will have on the area and residents:*

- *The developers traffic management diagram for Balfour's Way (Waste Removal)*
- *The developer's traffic management diagram for the car parks (Car Park Access through Gallery and Altitude)*

3. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to all Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
4. To determine that a document presented is a petition pursuant to regulation 10 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), the following matters in conjunction with the requirements of the City of Adelaide Standing Orders, are assessed prior to the presentation of a petition to the Council:

- 4.1. What is a Petition?

A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.

- 4.2. Does the Petition contain original signatures or endorsements, accompanied by an address?

A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.

- 4.3. Does each page of the Petition identify what the signature is for?

Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to.

- 4.4. Language in the Petition?

The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.

5. Regulation 10 states that a petition to Council must:

- 5.1. Be legibly written or typed or printed.



- 5.2. Clearly set out the request or submission of the petitioners.
- 5.3. Include the name and address of each person who signed or endorsed the petition.
- 5.4. Be addressed to the Council and delivered to the principal office of the Council.
6. This petition listing 398 signatories meets the requirements of the Regulations and is presented for Council to receive.

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## ATTACHMENTS

Petition distributed separately to Lord Mayor and Councillors

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- END OF REPORT -

# Attachment A

Document is Restricted

## Advice of Kadaltilla / Park Lands Authority - 24 February 2022

Tuesday, 8 March 2022  
Council

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

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

Public

## EXECUTIVE SUMMARY

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

Future reports to Council on matters considered by Kadaltilla will include the Authority's advice.

Kadaltilla met on Thursday 24 February 2022 (see Agenda document [here \(cityofadelaide.com.au\)](https://www.cityofadelaide.com.au) ).

Deliberations of the Board in relation to:

- CLMP Objectives, Targets and Measures
- Reimagining Victoria Park / Pakapakathi (Park 16)
- Heritage Listing of the Adelaide Motor Sport Circuit in Victoria Park / Pakapakathi (Park 16)

resulted in advice from the Board for Council to note.

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## ADVICE TO NOTE

THAT COUNCIL NOTES THE FOLLOWING ADVICE OF KADALTILLA / PARK LANDS AUTHORITY:

**1. Advice 1 – CLMP Objectives, Targets and Measures**

THAT KADALTILLA / PARK LANDS AUTHORITY ADVISES COUNCIL:

That Kadaltilla / Park Lands Authority:

1. Supports the current review of Targets and Measures for Adelaide Park Lands Community Land Management Plans as outlined in Item 5.1 on the Agenda for the meeting of the Board of Kadaltilla / Park Lands Authority held on 24 February 2022.

**2. Advice 2 – Reimagining Victoria Park / Pakapakathi (Park 16)**

THAT KADALTILLA / PARK LANDS AUTHORITY ADVISES COUNCIL:

That Kadaltilla / Park Lands Authority:

1. Supports the development of a new Landscape Concept Plan for Victoria Park / Pakapakanthi (Park 16), which responds to the APLMS and will consider and address the following:
  - 1.1. Lack of trees and shade, particularly, but not exclusively, at the northern end of the Park around the bitumen motor sport track and historic grandstand
  - 1.2. Need to provide a hospitable and attractively landscaped environment for a future, hotter climate

- 1.3. Cultural landscape and social values of the Park, including the associative values attached to the motor sport track, horse-racing, cycling and other contemporary uses
- 1.4. Remnant native plant and animal habitat and original vegetation
- 1.5. Many informal and formal uses of the Park
- 1.6. Limitations on tree plantings imposed by soil contamination
- 1.7. The desire for an inspiring and sustainable landscape.
2. Notes that in developing the Landscape Concept Plan, the City of Adelaide Administration will engage directly with the:
  - 2.1. 'Re-imagining Victoria Park' group
  - 2.2. Adjacent City of Adelaide residents
  - 2.3. Park users who have a lease or license for Park 16, including event holders
  - 2.4. Other stakeholders and the general public.
  - 2.5. Engage with Kaurna.

**3. Advice 3 – Heritage Listing of the Adelaide Motor Sport Circuit in Victoria Park / Pakapakathi (Park 16)**

**THAT KADALTILLA / PARK LANDS AUTHORITY ADVISES COUNCIL:**

That Kadaltilla / Park Lands Authority:

1. Notes that the Victoria Park / Pakapakanthi (Park 16) component (including the 'Senna Chicane') of the Adelaide motor sport street circuit, as a stand-alone section, is unlikely to satisfy the requirement for entry into the South Australian Heritage Register as a State Heritage Place as it does not meet at least one of the required criteria identified in the *Heritage Places Act 1993*.
2. Recommends that the APLMS does not contemplate the heritage listing of any portion of the Adelaide Motor Sport Street Circuit within Victoria Park / Pakapakanthi (Park 16) but supports the continued acknowledgement and celebration of the history of Park 16 and the other heritage values of the park through the development of the proposed landscape concept plan.
3. Suggests further acknowledgement of any potential state significant cultural associations of Park 16 with horse racing, motor sports and other values could be referenced in the proposed State Heritage listing of the Adelaide Park Lands as a State Heritage Area.

- END OF REPORT -

## Recommendation of the Reconciliation Committee - 23 February 2022

Tuesday, 8 March 2022  
Council

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

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

Public

### EXECUTIVE SUMMARY

The City of Adelaide Reconciliation Committee is required to recommend to Council a Reconciliation Action Plan, provide input to policy development and strategic advice and monitor the implementation of the guiding principles of Council's Reconciliation Vision Statement across Council.

The Reconciliation Committee met on Wednesday 23 February 2022. See here [cityofadelaide.com.au](http://cityofadelaide.com.au) for the Reconciliation Committee Agenda.

The deliberations of the Reconciliation Committee have resulted in the presentation of the following recommendations to Council to note in relation to:

- Stretch Reconciliation Action Plan Reporting timelines

The Lord Mayor will seek a motion for the recommendations presented by the Reconciliation Committee below for determination by Council.

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### RECOMMENDATION

#### THAT COUNCIL

1. **Recommendation 1** - Stretch Reconciliation Action Plan Reporting timelines

#### That Council:

1. Notes that a progress report of the Stretch Reconciliation Action Plan 2021-2024 will be presented to Reconciliation Committee for noting in May and December each year.
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### ATTACHMENTS

Nil

# Agenda Item 9.3

## Report of the Chief Executive Officer Performance Review Committee - 3 March 2022

Tuesday, 8 March 2022  
Council

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

Public

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

## EXECUTIVE SUMMARY

The Chief Executive Officer Performance Review Committee (CEOPRC) is required to report to Council after every meeting to inform Council of its decisions (under delegation granted 9 November 2021) and identify any advice and/or recommendation appropriate for Council decision.

The CEOPRC met on Thursday 3 March 2022 and resolved the following under delegation:

1. Revised Strategic Priorities
  1. Approves the revised wording for the strategic priorities, as provided in Item 4.1 on the Agenda for the meeting of the CEO Performance Review Committee held on 3 March 2022, subject to the following revisions:
    - 1.1 Inclusion of the following dot point in the "Build partnerships to enable new opportunities" section -
      - Build and maintain relationships with city stakeholders with a stakeholder management plan.
    - 1.2 Vary the 2<sup>nd</sup> and 3<sup>rd</sup> dot point in the "Robust financial management" section to read -
      - Identify a minimum of 2 new revenue streams
      - Identify 2 underperforming city shaping sites to bring to market
  2. Notes that the revised strategic priorities will be used as a component to measure the CEO's performance as agreed at the meeting of the CEO Performance Review Committee held on 30 November 2021.
2. 360 Degree Leadership Review Tools

That the CEO Performance Review Committee:

  1. Authorises the use of Tool and Provider 1 as the mechanism to provide confidential 360 degree feedback to the CEO on leadership strengths and opportunities for improvement.

The Lord Mayor will seek a motion to note the report of the meeting.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the report of the meeting of the Chief Executive Officer Performance Review Committee held on 3 March 2022.

Tuesday, 8 March 2022

Council

## Community Infrastructure Funding Recommendations

Strategic Alignment - Thriving Communities

Public

**Program Contact:**

Christie Anthoney - Associate  
Director City Culture

**Approving Officer:**

Iliia Houridis - Director City  
Shaping

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## EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for grant allocations for the 2021/22 Community Impact Grants Community Infrastructure Category. The Community Infrastructure Grants are for minor infrastructure improvements, replacement and new infrastructure, and are open to community groups who are seeking to upgrade, improve or replace infrastructure that will clearly benefit the community through improved access, social inclusion, and participation.

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## RECOMMENDATION

### THAT COUNCIL

1. Approves the following 2021/22 grant allocation recommendations as per Attachment A to Item 10.1 on the Agenda for the meeting of the Council held on 8 March 2022:
    - 1.1. Drop In Care Space - \$31,465
    - 1.2. Park Terrace Community Garden - \$19,752
    - 1.3. South Australian Disc Golf - \$48,783
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p><b>Strategic Alignment – Thriving Communities</b></p> <p>This report supports Council’s vision of Adelaide as the most liveable City in the world. The Community Impact Grants support the delivery of the Thriving Communities outcomes.</p>
Policy	The recommendations in this report align with the Community Impact Grants & Strategic Partnerships Guidelines [Link 1 view <a href="#">here</a> ].
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Grant recipients are required to provide public liability insurance, sign a grant agreement that identifies the key deliverables of the project and satisfactorily acquit their grant on project completion, inclusive of required approvals.
Opportunities	The Community Impact Grants extend the community value achieved by Council by enabling community organisations to deliver City of Adelaide’s strategic priorities according to individual and community needs and opportunities.
21/22 Budget Allocation	Community Impact Grants and Strategic Partnerships budget allocation is \$746,000 in total with \$100,000 allocated for the Community Infrastructure category.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Grant recipients are funded on an annual basis and must acquit within two years.
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report. Physical assets created as a result of this funding are owned by the applicant who is responsible for the lifecycle costs of the asset.
Other Funding Sources	Other grant funding contributors, co-contributions and in-kind support from applicants will usually be included in applications for grants.



## DISCUSSION

1. The guidelines for the new Community Impact Grants and Strategic Partnerships Program were approved by Council at its meeting on 8 June 2021.
2. The purpose of the Community Impact Grants and Strategic Partnerships Program is to provide financial support to eligible clubs, groups, educational institutions, organisations and residents to ensure the outcomes of Council's Strategic Plan 2020-2024 are realised.
3. The Community Impact Grants and Strategic Partnerships program has a budget of \$746,000 and consists of the following categories:

FUNDING CATEGORY	DESCRIPTION	AMOUNT	AVAILABILITY
<b>Quick Response Grants</b>	Quick turnaround grants for small scale community initiatives	Up to \$2,000	Open and assessed all year round
<b>Community Impact Grants</b>	Small to medium sized activities, events or programs	Up to \$25,000	Open two rounds per year (Q1 & Q3 of financial year)
<b>Community Infrastructure Grants</b>	Minor Infrastructure improvements available to community groups	Up to \$100,000	Open one round per year (Q2 of financial year)
<b>Strategic Partnerships</b>	Large innovative projects that are a mechanism for the City of Adelaide (Council) to work as a genuine and trusted partner with organisations to achieve the aspirations of Council and the partner organisation, adding flexibility and scope not available in our typical grants program	Up to \$50,000 per year for up to three years	Open one round per year (Q2 of financial year)

4. The Quick Response and Community Impact Grants program launched in August 2021. Council approved the funding recommendations for Round One of the Community Impact Grants over \$10,000, at its meeting on 14 December 2021.
5. The Community Infrastructure Grants were open between 1 December 2021 and 20 January 2022:
  - 5.1. Approximately \$100,000 total is allocated to Community Infrastructure Grants.
  - 5.2. Ten applications were received with requests totalling \$628,805. All applications were received through the new grants program Smarty Grants.
  - 5.3. Applications were assessed by the Grants Coordinator and an assessment team consisting of representatives from City Lifestyle, Infrastructure Planning, Park Lands & Sustainability and City Planning & Heritage. Final recommendations were then agreed at an assessment panel.
  - 5.4. Seven applications were unsuccessful and not recommended for funding. A summary of these applications is provided here [Link 2 view [here](#)].
  - 5.5. Three applications are recommended for funding in this report (as listed in **Attachment A**).
6. A financial breakdown of the Community Impact Grants & Strategic Partnerships Program is presented in the table below as at 27 January 2022:

Grant Program	Grant Category	2021/22 Financial Year					Budget Remaining
		Budget Allocation	Approved through CEO Delegation	Council Approval (this report)	Previously endorsed by Council 21/22	Multi-year funding (previously endorsed)	
Community Impact Grants & Strategic Partnerships	Quick Response	\$746,000	\$30,426	N/A	N/A	N/A	\$288,964
	Community Impact		\$33,051		\$171,825	N/A	
	Community Infrastructure		N/A	\$100,000		N/A	
	Strategic Partnerships		February 2022	N/A	N/A	\$121,734	

7. If all recommendations in this report for the Community Infrastructure grants are approved, \$288,964 of the grants budget will be remaining. These funds will be expended through delivery of Strategic Partnerships, Community Impact Grants Round Two and Community Impact Quick Response Grants in the remainder of 2021/22 financial year.
8. The first round of Community Impact Grants received applications totalling \$397,012. To date, \$235,302 total funding has been granted to Community Impact and Quick Response Grants, and approximately \$128,266 is expected to be allocated to Strategic Partnerships, in addition to the \$121,734 pre-committed.
9. This was the first time Council has offered a Community Infrastructure grant round. The following reflections are worth noting:
  - 9.1. Recognising the significant cost that infrastructure projects can attract, the maximum of \$100,000 was offered to provide the opportunity to fund either a single larger-scale project, or several smaller projects.
  - 9.2. A total of ten applications were received. More worthy applications were received for high value infrastructure projects than anticipated, reaffirming the need for this fund. Four of the ten applications requested the maximum \$100,000 funding amount.
  - 9.3. All of the ten applications received were considered by the panel to be of high quality and the round was highly competitive, again reaffirming the need for this fund.
  - 9.4. The panel has made the difficult decision to recommend funding three smaller projects rather than one signature project.
  - 9.5. Administration will continue to investigate other funding options for the worthwhile unsuccessful applications that were not able to be funded from this grant.
  - 9.6. At the end of the 2021/22 Financial Year, the City Lifestyle team will review the breakdown of the funding across the Community Impact Grants and Strategic Partnerships program and if necessary, provide some recommendations to review allocations.

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## DATA AND SUPPORTING INFORMATION

**Link 1** - Community Impact Grants & Strategic Partnerships Guidelines

**Link 2** - Summary of Applications not recommended for Funding

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# ATTACHMENTS

**Attachment A** – 2021/22 Community Infrastructure Grant recommendations for Council endorsement.

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- END OF REPORT -

## ATTACHMENT A - 2021/22 Community Infrastructure Grant funding recommendations for Council endorsement

### Community Impact Grants & Strategic Partnerships Grants Program

The purpose of the Community Impact Grants Program is to provide financial support to eligible clubs, groups, educational institutions, organisations and residents to ensure the outcomes of Council's Strategic Plan are realised.

#### Category – Community Infrastructure

##### LIMIT OF FUNDING

Maximum of \$100,000 per application

##### FUNDING OPPORTUNITIES

One round per annum

##### FUNDING AVAILABLE

\$100,000 is allocated to Community Infrastructure Category

##### PROGRAM PRIORITIES

Infrastructure improvements or new infrastructure contributing to Council's key strategic themes:

Priority	Description
<b>Welcoming</b>	Create opportunities for people to welcome newcomers into their local neighbourhood
<b>Participation</b>	Encourage residents and community groups to actively participate in their local city community
<b>Reconciliation</b>	Develop and strengthen Reconciliation practices. Support, promote and share Aboriginal and Torres Strait Islander cultures recognising the Kurna people as traditional owners of the land
<b>Social Inclusion</b>	Deliver inclusive responses to meet the needs of isolated and marginalised groups

## ATTACHMENT A - 2021/22 Community Infrastructure Grant funding recommendations for Council endorsement

<b>Neighbourhood Connection</b>	Create opportunities for people to connect with each other. Celebration of diverse community and collaborations
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### ASSESSMENT CRITERIA

Criteria	Consideration	Weighting
<b>Community Benefit</b>	The application identifies a clear benefit for the community and will lead to an increase in community access and/or participation.	35%
	The application demonstrates evidence and /or clear reason for why the project was developed.	
	The application addresses an identified need, gap or deficiency in the availability of facilities in the community.	
	The application identifies a clear target group that will benefit from the project.	
	The application identifies a clear plan to measure the benefit of the project.	
<b>Strategic Alignment</b>	The application identifies a clear outcome/s, which is/are aligned to the City of Adelaide Strategic Plan (2020 – 2024)	25%
	The application demonstrates consideration of: <ul style="list-style-type: none"> <li>• environmental sustainability (see Environmental Leadership outcomes in the City of Adelaide Strategic Plan 2020-2024)</li> <li>• inclusivity of all members of our community and accessibility for all.</li> </ul>	
<b>Quality Infrastructure</b>	The application demonstrates that the project will: <ul style="list-style-type: none"> <li>• Increase community access</li> <li>• Increase a facility’s carrying capacity or participation</li> <li>• Provide fit for purpose facilities</li> </ul>	20%

**ATTACHMENT A - 2021/22 Community Infrastructure Grant funding recommendations for Council endorsement**

	<ul style="list-style-type: none"> <li>• Address a safety issue or disability access</li> <li>• Reduce the environmental footprint of the facility</li> <li>• Improve the aesthetic of a facility</li> </ul>	
<b>Financial Risk and Project Delivery</b>	The application outlines a clear plan for delivery – including consideration of risk, integration with other partners and resources required.	20%
	The project proposed represents good value for money and Council will receive a good return on investment.	
<b>Total</b>		<b>100%</b>

**COMMUNITY INFRASTRUCTURE GRANTS – DETAILS OF RECOMMENDATIONS FOR FUNDING:**

Organisation Name	Project Name	Total Cost	Amount Requested	Amount Recommended	Project Description	Recommendation & Supporting Comments	Funding Conditions
Drop In Care Space (Cnr Whitmore Sq & Sturt St)	Drop In Care Space: Accessibility Improvements	\$63,070	\$58,770	\$31,465	<p>Upgrade and improve the accessibility and facilities of their new community drop-in centre in order to meet the needs of isolated and marginalised groups, including people with disabilities, and create an inclusive community space where individuals have the opportunity to connect and participate in activities. Proposed upgrades include:</p> <ul style="list-style-type: none"> <li>• Automatic opening front entry and rear exit doors</li> <li>• Accessibility improvements to make the toilet fully accessible for wheelchair users</li> <li>• Construction of a wheelchair accessible community garden</li> <li>• Kitchen renovations including adding additional bench space, a new stove and wheelchair accessible sink</li> <li>• Widening internal doorways</li> </ul>	<p>Part Funding (\$31,465) recommended. Well written application with supporting evidence of need. The Drop in Care Space is still in its infancy with a vision to establish a community drop-in centre that is accessible and welcoming to everyone aged 18+. The organisation already has a good level of community support evidenced by a successful GoFundMe campaign attracting 74 donations totalling more than \$10,000 to secure tenure of the building. They</p>	<p>Deliverables</p> <p>Funding is subject to Drop In Care Space:</p> <ol style="list-style-type: none"> <li>1. Agreeing and adhering to the grant schedule and key performance indicators set by the City of Adelaide</li> <li>2. Purchasing and installing automatic front and rear entrance doors</li> <li>3. Renovating existing toilet block to provide a wheelchair accessible toilet</li> <li>4. Tracking visitation (i.e. changes to visitation) to the Drop in Care Space by people who use wheelchairs or mobility aids for 6-months post installation of the accessible doors and toilet.</li> <li>5. Providing a case study to the City of Adelaide of a regular visitor to the Drop in Care Space outlining how they have benefitted from the renovations and the impact their involvement at the Drop In Care Space has had on their wellbeing</li> </ol>

**ATTACHMENT A - 2021/22 Community Infrastructure Grant funding recommendations for Council endorsement**

					<p><b>Community Impact Grant Priority – Social Inclusion</b></p>	<p>have secured a five-year lease with an additional five-year first right of renewal, providing confidence that the investment in infrastructure will result in the intended benefits for the community. Providing easy access for people with a disability is a necessary component for this organisation to create a welcoming and inclusive space and aligns with Council’s Strategic Plan and Disability Access and Inclusion Plan.</p>	<p>6. Measuring the number of City of Adelaide residents using the centre 7. Acknowledging Council grant funding on all public communications related to the renovations and improvements in accessibility 8. Providing the City of Adelaide with reports and acquittals post implementation of the program</p>
Park Terrace Community Garden Committee	Permeable Fence to Community Garden Perimeter	\$19,752	\$19,752	\$19,752	<p>The construction of a permeable fence. The total length will be 115 metres and make provision for 2 accessible gates.</p> <p><b>Community Impact Grant Priority - Participation</b></p>	<p>Full funding (\$19,752) recommended. Well written application clearing outlining the need for the project and the potential for the community garden to attract new members once the project is complete. The project gained in principle approval of Council at its meeting on 14 December 2021 and it aligns with a number of Council’s strategic plan outcomes and grant priorities areas.</p>	<p>Deliverables Funding is subject to the Park Terrace Community Garden Committee:</p> <ol style="list-style-type: none"> <li>1. Agreeing and adhering to the grant schedule and key performance indicators set by the City of Adelaide</li> <li>2. Purchasing the materials and completing construction of the permeable fence according to the design principles that have been approved by Council, with input from APLA in November 2021</li> <li>3. Providing Council with an overview of a plan for future promotional and marketing activities to attract back previous members and new members once the fence has been constructed</li> <li>4. Providing a case study to Council highlighting the impact of the new fence in reinvigorating enthusiasm, commitment and participation of existing members and any connection between the new fence and the</li> </ol>

**ATTACHMENT A - 2021/22 Community Infrastructure Grant funding recommendations for Council endorsement**

							<p>return of previous members and/or attracting new members</p> <p>5. Acknowledging the City of Adelaide grant funding on all public communications regarding the construction of the fence</p> <p>6. Providing the City of Adelaide with reports and acquittals post implementation of the program</p>
South Australian Disc Golf	Tee Pads	\$48,783	\$48,783	\$48,783	<p>The application is for the construction of new tee pads as the current tee off sections of natural grass have been torn up from consistent use from SA Disc Golf competitors and heavy use by the public. The deterioration has created unsteady ground to throw from and has become a safety issue. SA Disc Golf have been in consultation with Council’s Public Realm Team who have recommended the use of Soilbond for construction of the tee pads, a material already used in areas of the Park Lands for paths.</p> <p><b>Community Impact Grant Priority - Participation</b></p>	<p>Full funding (\$48,783) recommended. The disc golf course is easily accessible to the public, can be used casually at no cost and is a popular activity in the Park Lands. The sport of disc golf continues to grow in popularity and is a low-cost, socially inclusive sport. The disc golf course plays a key role in activation of the Park Lands, addresses many barriers to participation in physical activity and aligns with a number of Strategic Plan outcomes. The construction of the tee pads will improve both the safety and quality of the course for the community and ensure that this important asset maintains excellent condition for many years to come.</p>	<p>Deliverables</p> <p>Funding is subject to SA Disc Golf:</p> <ol style="list-style-type: none"> <li>1. Agreeing and adhering to the grant schedule and key performance indicators set by the City of Adelaide</li> <li>2. Constructing 9 new tee pads on the existing disc golf course located in Ityamai-itpina /King Rodney Park (Park 15) as per specifications provided by the City of Adelaide</li> <li>3. Continuing to work closely with Council staff throughout the delivery of the project</li> <li>4. Providing a case study to the City of Adelaide which outlines how SA Disc Golf worked together with City of Adelaide staff to jointly plan and deliver the upgrade, including any learnings that may improve the effectiveness of future, similar partnerships</li> <li>5. Acknowledging Council grant funding on all public communications regarding the installation of the tee pads</li> <li>6. Providing the City of Adelaide with reports and acquittals post implementation of the project</li> </ol>



# Pedestrian Footpath Safety - E-Scooters and Bicycles

Tuesday, 8 March 2022  
Council

Strategic Alignment - Thriving Communities

**Program Contact:**  
Geoff Regester – Acting  
Associate Director Infrastructure

Public

**Approving Officer:**  
Tom McCready, Director City  
Services

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## EXECUTIVE SUMMARY

At its meeting on 14 December 2021, Council requested that we provide advice on the legal powers available to the City of Adelaide (CoA) to monitor and moderate the behaviours of people riding e-scooters and bicycles on footpaths, particularly in relation to the safety of people walking/working on footpaths.

This report provides a summary of the actions that CoA could take in relation to managing people using e-scooters and bicycles on footpaths in the city.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the information included in this report and the options available to Council in relation to the safe use of e-scooters and bicycles on footpaths.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Thriving Communities</b> A safe, affordable, accessible and well-connected city for people of all ages and abilities, and all transport modes. Healthy and resilient communities. Safe and welcoming community spaces.
Policy	Not as a result of this report
Consultation	Ongoing consultation with the Department for Infrastructure and Transport and other Councils regarding e-scooter operations.
Resource	Not as a result of this report
Risk / Legal / Legislative	Council has a responsibility to provide a safe environment for all road/path users.
Opportunities	Opportunity to improve the safety and experience for people using city streets.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

1. At its meeting on 14 December 2021, Council resolved the following in relation to pedestrian footpath safety:  
*'That Council:*  
*Requests the Administration provide advice to the February 2022 meeting of Council about the legal powers available to it to monitor and to moderate the speed and behaviours of people who ride scooters and bicycles on City of Adelaide footpaths, including potential actions Council might implement to increase safety for pedestrians on footpaths, in particular children and the aged, as well as hospitality workers who wait on tables for outdoor cafes and restaurants.'*
2. At its meeting on 14 September 2021, Council resolved the following in relation to the trial of e-scooters in the city:  
*'That Council:*
  1. *Notes the outcomes of the E-scooter trial and that the trial is considered to have been successful.*
  2. *Approves the continuation of the E-scooter trial and the expansion of the boundary to include the shared path on the northern side of Wakefield Road to facilitate travel between the City of Adelaide and City of Norwood, Payneham and St. Peters.*
  3. *Authorises the Lord Mayor to write to the Minister for Infrastructure and Transport noting the success of the trial, requesting approval to extend the trial for a further 12 months, and supporting the inclusion of E-scooters in the Australian Road Rules.*
  4. *Notes that the Administration will review and amend the permit conditions as necessary to ensure E-scooters in the City of Adelaide are operated as safely and efficiently as possible, with a specific focus on delivering the appropriate placement of E-Scooters while not in use, such as designated E-scooter parking bays.'*
3. Discussions between CoA and e-scooters providers are underway to ensure e-scooters within the city are operated as safely and efficiently as possible, including trialling initiatives that will ensure the appropriate placement of e-scooters when not in use.

## Strategic context

4. Council's Strategic Plan 2020-2024 sets out a series of priorities and actions to achieve our vision for Adelaide to be the most liveable city in the world. Transforming the ways we move around is listed as one of our Strategic Priorities.
5. The Strategic Plan includes 'Thriving Communities' as an overarching outcome, and the creation of a city that is welcoming, inclusive and accessible to all, which includes:
  - 5.1. Safe and welcoming community spaces.
  - 5.2. A safe affordable, accessible, well-connected city for people for all ages and abilities, and all transport modes.
6. One of the actions of the Strategic Plan is to work with the State and Federal Governments to future proof infrastructure for emerging modes of transport, and trial smart, sustainable forms of public transport.

## Summary of the issue

7. It is understood that there have been a number of complaints from members of the public relating to collisions or near-misses between people on foot and people riding e-scooters/ bicycles on footpaths.
8. Council records show that in in 2021 there were seven complaints related to a collision or near-miss with an e-scooter riding on a footpath, and two complaints related to a bicycle being ridden on a footpath
9. Data from the e-scooter operators notes that there are, on average, eight incidents a month relating to injuries, near-misses or collisions.
10. It is acknowledged that many collisions or near-misses of this nature may go unreported.

## E-Scooters

11. E-scooters are an emerging mode of transport that have become popular in cities around the world. They provide a sustainable option for short journeys or the first/last leg of a longer trip when combined with another mode (such as public transport).

12. CoA is currently collaborating with the State Government to trial e-scooters within the city and North Adelaide. Based on the information currently available, it is considered that this trial is successful. The e-scooter trial was the subject of a report to Council on 14 September 2021.
13. The current trial only allows shared e-scooters that are operating subject to a business permit issued by Council to be ridden within a designated area. Personal e-scooters (i.e. those owned personally, not run by a commercial operator via our permit system) are not currently legal to use on streets and footpaths.
14. The road rules that apply to the use of shared e-scooters include the following.
15. Riders:
  - 15.1. Must be at least 18 years old.
  - 15.2. Must wear an approved bike helmet.
  - 15.3. May ride on footpaths and shared paths unless otherwise prohibited.
  - 15.4. May ride on a road only when crossing or to avoid an obstruction for up to 50 metres. If road travel is required, riders:
    - 15.4.1. Must travel less than 50 metres along the road I avoid the obstruction.
    - 15.4.2. Must keep as far to the left side as possible.
    - 15.4.3. Must obey any traffic signals.
  - 15.5. Must not ride on a road:
    - 15.5.1. With a dividing line or median strip.
    - 15.5.2. Where the speed limit is greater than 50km/h.
    - 15.5.3. Which is one-way with more than one marked lane.
    - 15.5.4. If otherwise prohibited.
  - 15.6. Must not ride in a bike lane or bus lane.
  - 15.7. Must use a warning to avert danger.
  - 15.8. Must have proper control at all times and ride with due care and reasonable consideration for other persons.
  - 15.9. Must not exceed 15 km/h or a lesser speed if required in the circumstances to stop safely to avert danger.
  - 15.10. Must not ride abreast.
16. CoA has the authority to manage conditions with the operator via the permit. However, Council does not have authority to address or enforce issues with specific individuals using e-scooters if they are breaching road rules while in motion, such as wearing a helmet, speed or perceived 'dangerous' driving. South Australian Police can take enforcement action for any breaches of the Australian Road Rules or offences that may apply.
17. Through the permit conditions, CoA works with the e-scooter operators to manage use of shared e-scooters within the city. This includes utilising the ability to geo-fence e-scooters so that they cannot be used in certain areas of the city at particular times. Currently e-scooters cannot be used in Rundle Mall at any time, or in the City West Declared Public Precinct (as defined by SAPOL) between 6:00 pm to 6:00 am on Fridays and Saturdays.
18. It is possible for CoA to amend the conditions of the permits and add further locations/streets where e-scooters cannot be ridden. Whilst this may improve safety and experience for people walking / using the footpath, it is noted that this may have other impacts such as the reduced attraction of the well-used shared e-scooters as a mode of transport.
19. The road rules state that e-scooters must not exceed 15 km/hr. If CoA is seeking to reduce e-scooters speed limits on all or some streets, the recommended approach would be to request this of the State Government at a broad level, rather than via the operator's permit which would create something that is CoA-specific and in conflict to the gazetted max speed limit. A lower maximum speed limit could be set at a permit level for the operator to abide by, however it is anticipated this would cause confusion and challenges for compliance monitoring.

20. As noted in the report to Council on 14 September 2021 (Link 1 view [here](#)), the National Transport Commission (NTC) has recently published an amendment to the Australian Road Rules to include personal mobility devices, including e-scooters. Whilst these national rules are currently a model law with no legal effect, the South Government may choose to incorporate them into the road rules (with or without amendments).
21. If this were to occur, Ministerial approval would no longer be required for the operation of e-scooters, and all devices, including shared mobility and privately owned devices, will be legal for use on public roads in every jurisdiction across the state. Under this circumstance, privately owned e-scooters could not be geo-fenced to prevent them from being ridden on specified city streets/precincts.
22. At this stage, without knowledge of how or when the road rules may change, it is not possible to determine how CoA could respond to best manage the use of e-scooters on our streets.
23. It is noted that e-scooters are also being trialled in other Australian cities, with different rules applying, including in Victoria where shared e-scooters can be ridden on bicycle lanes, shared paths and lower speed roads (up to 50 km/hr). E-scooters are not to be ridden on footpaths in Victoria. Any changes to the legislation to change the rules relating to where e-scooters can be ridden in South Australia would be determined by the state government.

### **Bikes on footpaths**

24. People are allowed to ride bicycles on footpaths in South Australia, regardless of the age of the bike rider.
25. People riding on footpaths must adhere to the Australian Road Rules (South Australia), which include the following in relation to cycling:

#### **250 – Riding on a footpath or shared path (part)**

(2) *The rider of a bicycle riding on a footpath or shared path must—*

- (a) *keep to the left of the footpath or shared path unless it is impracticable to do so; and*
- (b) *give way to any pedestrian on the footpath or shared path.*

#### **253 – Bicycle riders not to cause a traffic hazard**

*The rider of a bicycle must not cause a traffic hazard by moving into the path of a driver or pedestrian.*

26. Bike riders must not ride on footpaths to which a 'No Bicycles' sign applies. Council has the authority to install 'No Bicycles' signs on footpaths within the City of Adelaide. However once installed, Council does not have the authority to enforce breaches of the signs, this is the responsibility of SAPOL.
27. The following road rule applies to 'No Bicycles' signs:

#### **252—No bicycles signs and markings**

(1) *The rider of a bicycle must not ride on a length of road or footpath to which a no bicycles sign, or a no bicycles road marking, applies.*

(2) *A no bicycles sign, or a no bicycles road marking, applies to a length of road or footpath beginning at the sign or marking and ending at the nearest of the following:*

- (a) *a bicycle path sign or bicycle path road marking;*
- (b) *a bicycle lane sign;*
- (c) *a separated footpath sign or separated footpath road marking;*
- (d) *a shared path sign;*
- (e) *an end no bicycles sign;*
- (f) *the next intersection.*

28. The speed limit for a someone riding a bike on a footpath is the same as the speed limit on the adjacent road, which, for the majority of city streets, is 50 km per hour.
29. These road rules, involving a 'moving traffic offence' are only able to be enforced by SAPOL officers. Council's Community Safety Officers are not able to enforce rules relating to people riding bikes on footpaths.
30. The State Government provide the following information for people riding on footpaths, [My Licence - Cycling Laws](#)

31. It is considered that people are more likely to ride their bike on the footpath when they believe that the adjacent road is unsafe or inconvenient (such as a one-way street). Improving the safety of our streets and providing more separated bike infrastructure will provide safe spaces for people to ride bikes and improve the safety of people on footpaths, thereby working towards our aim to create a city that is welcoming, inclusive and accessible to all.

#### Education and information

32. CoA provides information on our website to people moving about the city, [Etiquette when moving about the city | City of Adelaide](#)
33. The information focuses on planning ahead, obeying the road rules and paying attention to surroundings and sharing the space. Specific information is provided aimed at pedestrians, cyclists and drivers and includes written information and short videos to highlight specific issues.
34. We have also installed various informal signs / footpath decals at locations where we have known issues, such as the 'Keep Left', 'Slow' and 'Narrow Path Please Share' path decals that we have installed at specific locations around the city and Park Lands.
35. It is difficult to measure the impact of these education, information and informal signage initiatives.
36. We could review the information currently available on our website and the signage/path decals used and consider whether we could add further information or initiatives that may assist in addressing the behaviour of people riding e-scooters and bikes on footpaths. This is likely to require funding to implement any initiatives that are identified and selected for implementation.

#### Summary

37. There are existing road rules in place to manage the appropriate usage of e-scooters and bicycles on footpaths – however, unfortunately some users of e-scooters and bicycles do not abide by these rules. Enforcement of these road rules is the responsibility of the South Australian Police, with resources to enforce these rules being prioritised along with other policing matters.
38. Council has the authority to take a number of actions to monitor and manage the use of e-scooters and bicycles on footpaths in the city, including:
- 38.1. Monitor complaints via the e-scooter operators and through our existing communication and record keeping systems
  - 38.2. Installation of 'No Bicycles' signage on footpaths
  - 38.3. Geo-fence the operation of shared e-scooters to effectively 'ban' them for specific streets/locations at certain times of the day
  - 38.4. Implement education/information campaigns to encourage people to do the right thing and obey current laws

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## DATA AND SUPPORTING INFORMATION

State Government My Licence Cycling Laws

CoA website information – Etiquette when moving about the City of Adelaide

**Link 1** – Report to Council – 14 September 2021

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## ATTACHMENTS

Nil

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- END OF REPORT -

## Resource Recovery Strategy Progress Report

Strategic Alignment - Environmental Leadership

Public

**Program Contact:**

Sarah Gilmore - Associate  
Director Park Lands, Policy &  
Sustainability

**Approving Officer:**

Ilia Houridis - Director City  
Shaping

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## EXECUTIVE SUMMARY

*The Resource Recovery (Organics, Recycling and Waste) Strategy 2020-2028* [Link 1 view [here](#)] and *Action Plan 2020-2028* [Link 2 view [here](#)] (the Strategy and Action Plan) was adopted by Council on 10 November 2020.

The Progress Report provides an overview of progress against the key actions listed for each Target Area in the Action Plan and project highlights for the period 10 November 2020 to 31 December 2021, and this is summarised in this report.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the Progress Report on the implementation of the Resource Recovery (Organics, Recycling and Waste) Strategy and Action Plan 2020-2028 for the period 10 November 2020 to 31 December 2021 as shown in Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 8 March 2022.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p><b>Strategic Alignment – Environmental Leadership</b> Strategic Alignment – Enabling Priorities</p> <p>4.2 Implement improvements to city-wide waste and recycling services to support the transition to a circular economy.</p> <p>4.3 Educate and support our community to zero-waste, water sensitive, energy efficient and adaptive to climate change.</p> <p>4.4 Support our community to transition to a low carbon economy through education, incentives and appropriate infrastructure</p>
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Opportunities to reduce exposure to the Solid Waste Levy and achieve the City of Adelaide's long-term sustainability goals.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Strategy and Action Plan have an 8-year timeframe.
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Two financial grants totalling \$93,000 (exc. GST) were awarded to the City of Adelaide by Green Industries SA for the delivery of two projects. Additional grants and partnerships will continue to be pursued during the life of this strategy.



# DISCUSSION

## Overview

1. The City of Adelaide (CoA) provides a range of waste and recycling services to keep the city's streets and communities clean and safe and to pursue its strategic outcomes of achieving Council's endorsed motion of becoming the first 'zero waste' city in Australia.
2. On 10 November 2020, the *Resource Recovery (Organics, Recycling and Waste) Strategy 2020*-[Link 1 view [here](#)] and *Action Plan 2020-2028* [Link 2 view [here](#)].
3. The Strategy and Action Plan provide an 8-year framework to redefine the concept of waste, recover moreresources, and build a circular economy in the City of Adelaide.
4. Details surrounding the outcome of the city-wide waste audit which informed the development of the Strategyand Action Plan can be viewed at Link 3 view [here](#).
5. The attached Progress Report provides a status update against the Key Actions listed for each Target Areain the Action Plan and project highlights for the period 10 November 2020 to 31 December 2021.

## Summary of Outcomes - 10 November 2020 until 31 December 2021

6. Highlights of actions delivered include:
  - 6.1. The Circular Economy Team was established through recruitment and onboarding of experts in resource recovery, circular economy, community engagement and the waste and recycling industrybetween November 2020 and May 2021.
  - 6.2. A variety of engaging and informative events were hosted by the City of Adelaide for the communitywhich included a trivia night and information sessions.
  - 6.3. A new Circular Economy category was integrated into the Carbon Neutral Adelaide Awards.
  - 6.4. New education collateral including Annual Recycling and Waste Calendars for 2021 and 2022, with astrong focus on education and how to recycle, were delivered to residents and made available online.
  - 6.5. A new Kitchen Caddy Kit and program, funded in-part by a \$21,000 grant awarded through GreenIndustries SA, delivered 59 Kitchen Caddy Kits to resident's door, and 215 Kitchen Caddy Kits to residents in multi-unit dwellings in addition to being available for collection at community centres, libraries, and the Customer Centre.
  - 6.6. A program of tailored support for multi-unit dwellings was launched in September 2021 and in 4 months reached 373 apartments/flats in 11 multi-unit dwelling buildings. The program delivers onsite, site-specific advice for building managers to ensure that the back of house systems prioritise resourcerecovery, and provides education sessions for residents that focus on how to divert green organics and use the yellow recycling bin.
  - 6.7. Building on a successful pilot in 2020, a cross-organisation business support team was established asbusiness-as-usual in 2021 comprised of Resource Recovery Officers, Environmental Health Officers and Building Compliance Officers. This initiative provides businesses across the city with multi- disciplinary, customer-centric bespoke advice on waste management and resource recovery.
  - 6.8. Successful application to Green Industries SA secured \$72,000 (ex. GST) in grant funding for the Cityof Adelaide to pilot new resource recovery infrastructure to recycle food waste and compostable materials in Rundle Mall. A 24-hour baseline waste audit was completed, and advice from a behavioural-change specialist and an infrastructure design process have commenced to inform the system and bins to be installed.
  - 6.9. A review of the business cardboard recycling program was undertaken and informed a pilot projectthat will trial a precinct-based solution to cardboard collection.

- 6.10. Roll-out of a new resource recovery program from 17 January 2022, for the City of Adelaide internal operations, businesses, and facilities, providing new separated waste bins and a re-designed 'back-end system' of waste management including a new contract for waste and recycling collections, engagement with cleaning contractors and reorganisation of waste rooms.

### 2022 Priorities

7. The following actions are priorities for 2022:
  - 7.1. More tools and educational resources for businesses through an online portal/ordering system and when a new service is delivered.
  - 7.2. A project to roll out RFID (radio-frequency technology) tags on kerbside collection bins to provide real-time, comprehensive data on waste collection that assists in managing contamination rates, bin assets and customer service improvements.
  - 7.3. The learnings from the Rundle Mall project will inform future public space waste and recycling systems.
  - 7.4. Innovative service models for kerbside collection will be investigated to build on a precinct-based cardboard pilot to support organics collection for businesses and/or residents.
  - 7.5. Multi-unit dwellings will continue to be a high priority with a focus on better understanding our customers and their service delivery needs.
  - 7.6. An increased focus on programs that deliver a circular economy including supporting the community and business community to keep goods and resources in circulation, longer. This may include support for a sharing economy, such as a Library of Things, or Repair Cafes.

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## DATA AND SUPPORTING INFORMATION

**Link 1** - Resource Recovery (Organics, Recycling and Waste) Strategy 2020-2028

**Link 2** - Resource Recovery (Organics, Recycling and Waste) Action Plan 2020-2028

**Link 3** - Report - Item 4.1 - Workshop - Waste Audit Results & Waste and Recycling Management Strategy Direction - The Committee - 3 December 2019

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## ATTACHMENTS

**Attachment A** – Resource Recovery (Organics, Recycling and Waste) Strategy & Action Plan 2020-2028 – Progress Report 10 November 2021 – 31 December 2022

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- END OF REPORT -



## RESOURCE RECOVERY (ORGANICS, RECYCLING & WASTE) STRATEGY & ACTION PLAN 2020-2028

### Progress Report

10 November 2020 - 31 December 2021



**A UNIQUE TEAM CREATING AN EXTRAORDINARY CITY**

The City of Adelaide acknowledges the Kaurna people as the Traditional Owners of the Country where the city of Adelaide is located, and pays its respect to Elders past, present and emerging.

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## Introduction

The City of Adelaide's *Resource Recovery (Organics, Recycling and Waste) Strategy and Action Plan 2020–2028* was adopted by Council on 10 November 2020. It provides a solid framework to redefine the concept of waste, improve resource recovery and build a circular economy in the City of Adelaide.

The City of Adelaide's *Resource Recovery Vision* is to be the first city in Australia to achieve 'zero avoidable waste to landfill' ('zero-waste'). Aligning with the State Government's target, this equates to: 'the diversion of all waste from landfill where it is technologically, environmentally and economically practicable to do so. 'Unavoidable' waste therefore refers to wastes for which no other current treatment is available including (but not limited to) asbestos, toxic and quarantine waste.'<sup>1</sup>

This *Resource Recovery Vision* will guide the City of Adelaide through to 2028 and will promote a circular economy through reducing waste, increasing resource recovery, and delivering exceptional customer service.

The City of Adelaide's *Resource Recovery Vision* of 'zero-waste' is measured by the following:

- Divert 75 percent of residential kerbside collected waste from landfill
- Divert 90 percent of waste from City of Adelaide activities and events from landfill
- Reduce waste generation by 5 percent per capita
- Reduce contamination to below 10 percent in kerbside collected yellow co-mingled recycling
- Reduce food waste in the kerbside collected waste bin by 50 percent
- Apply the waste management hierarchy in all actions and consider material safety

This progress report provides a status update against the Key Actions listed for each Target Area in the *Resource Recovery (Organics, Recycling and Waste) Action Plan 2020–2028* and project highlights for the period 10 November 2020 to 31 December 2021. Subsequent progress reports will follow the calendar year cycle.

A timeline of illustrating milestones associated with key projects is provided in the Appendix.

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<sup>1</sup> A Vision for A Circular Economy Waste Strategy 2020–2025 Consultation Draft, Green Industries SA, 2020.

## Target Area 1: Residents & the Community

This Target Area aims to provide support to residents and the community using the residential kerbside collection to achieve zero-waste at home.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
<b>Priority Item 1: Eliminate food waste.</b>						
<b>1.1 Provide residents, community members and community event organisers with the tools and services to eliminate food from the waste stream.</b>	●	●	●	●		
1.1.1 Investigate and remove the barriers to adopting the green organics service.	●	●			Complete	Online portal live in September 2021 for residents to order a Kitchen Caddy Kit for delivery to resident door. See 'Enhanced Kitchen Caddy Program' for more details.
1.1.2 Increase accessibility to green organics bins, kitchen caddies, certified compostable liner bags, education and other tools that support reduction of food waste.		●			Complete	New Kitchen Caddy Kit completed in May 2021. See 'Enhanced Kitchen Caddy Program' for more details.
1.1.3 Develop, implement and fund projects and campaigns targeting the items that do not belong in the red waste bin (such as food waste), to increase recovery of these materials.		●	●		Started	Discussions commenced.
<b>Priority Item 2: Engage, educate, and inspire.</b>						
<b>2.1 Develop and provide a multi-faceted, multi-lingual suite of educational resources for residents, community and community event organisers to reduce waste generation and increase resource recovery.</b>	●	●	●	●		
2.1.1 Develop a new information and education program for residents using the three-bin kerbside system. Include collateral, signage and information sessions.	●	●			Complete	New education collateral created in September 2021. Inaugural 'Talkin' Trash Trivia Night' held in support of National Recycling Week for residents delivered. See 'Waste and Recycling Education & Engagement Program' below.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
2.1.2 Develop partnerships and collaborations with other councils, organisations, industry, academia and varying levels of government to deliver unique programs, strengthen and unite waste reduction initiatives, and recognise high waste diversion achievers.	☼	☼	☼	☼	Complete	Joint Council Contract collaboration to deliver a new organics recycling video completed in November 2021. Reoccurring meetings held with joint-council waste educators and other council waste educators.
2.1.3 Offer regular outreach, education events and information sessions and recycling tours for residents and elected members.	☼	☼	☼	☼	Started	Internal tour for some CoA staff for training purposes held in May 2021. COVID-19 resulted in a temporary hold on tours for community members.
2.1.4 Support and implement community programs targeting waste avoidance, reduction and reuse (e.g., repair cafés and lending libraries, ambassador programs).	☼	☼	☼	☼	Started	Early discussions held.
<b>Priority Item 3: Foster innovation, new technologies, and data collection.</b>						
<b>3.1 Establish data collection methods for resource recovery and cost signalling mechanisms linked to waste disposal.</b>	☼	☼	☼	☼		
3.1.1 Support and implement innovative technology and behaviour change to deliver improved municipal resource recovery systems and infrastructure (for example, investigate kerbside bin size options).			☼	☼	Started	Investigations have commenced into a precinct-based pilot.
3.1.2 Investigate methods to install data collection methods (for example, radio-frequency identification (RFID) tags on all City of Adelaide kerbside bins) to provide ongoing feedback and improve service outcomes, communicate feedback to residents and target resource recovery behaviours.		☼	☼		Started	RFID program in development. See 'Improving Data Through RFID Technology Project' for more details.
3.1.3 Conduct regular comprehensive waste audits and report publicly on results. (Data should be collected in a way that is useful cross-program for example the Carbon Neutral Adelaide program).		☼	☼	☼	2022 Activity	A kerbside residential waste audit was conducted in 2019. A second audit is planned for 2022. Communication of results will be shared in upcoming reports.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
3.1.4 Facilitate additional collection locations for hard-to-recycle items for residents to access (for example within City of Adelaide facilities and community centres).		●	●	●	Started	New bins to collect batteries will be installed in conjunction with the Battery Stewardship Program in 2022.
<b>Priority Item 4: Prioritise and centralise resource recovery.</b>						
<b>4.1 Increase visibility of the associated cost and volume of residential waste and of the benefits of adopting the circular economy.</b>	●	●	●	●		
4.1.1 Investigate decoupling waste fees from rates for clarity of cost.			●		2023-2025 Activity	
4.1.2 Establish incentives programs, or financial models to encourage reduction of waste generation. For example, financial incentives, alternative collection service frequencies, bin sizes, service cost models and other behaviour-change tactics that encourage waste reduction and source separation.		●	●		2022-2025 Activity	
4.1.3 Target and clarify misinformation and provide clarity regarding resource recovery.	●	●			Complete	Communications via social media posts have addressed how to recycle and other topics. See 'Waste and Recycling Education & Engagement Program' for more details.
4.1.4 Provide resources for at-home waste avoidance, reduction and management.		●	●		Started	New Kitchen Caddy Kit provided for home use. This will continue to be expanded upon. See 'Enhanced Kitchen Caddy Program' for more details.
<b>Priority Item 5: Advocate and align policies, guidelines and practices to the circular economy.</b>						
<b>5.1 Drive initiatives and advocacy in our local communities to position the City of Adelaide as a leader in resource recovery.</b>	●	●	●	●		
5.1.1 Advocate for the development and improvement of policies, and guidelines that support the consumer enact the circular economy, product stewardship, and waste avoidance/reduction/diversion.	●	●	●	●	Ongoing Activity	Advocacy was provided in early 2020, however it is out of the timeline period.
5.1.2 Advocate for changes to legislation that prioritises material	●	●	●	●	Multi-year activity	



Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
recovery services over waste services.						
5.1.3 Develop new City of Adelaide policy and guidelines for kerbside collection that align to this strategy.		✪	✪		Started	Review has commenced

## Key Projects

### Waste and Recycling Education & Engagement Program

A significant increase in waste and recycling education and engagement was delivered during the reporting period. Despite the continuation of COVID-19 impacting in-person events, a variety of engaging and informative events were hosted by the City of Adelaide for the community including “Trash Talkin’ Trivia Night” an inaugural event for community held in support of National Recycling Week and a series of Living Smart education sessions. In addition, an education and awareness raising program via the City of Adelaide’s social media channels and new education collateral was established to support and encourage residents to reduce waste and increase use of green organics and yellow recycling bins.



Image: “Talkin’ Trash Trivia Night” community event

## Enhanced Kitchen Caddy Program

During the reporting year, an enhanced program supporting residents to divert food scraps and compostable materials from landfill using new Kitchen Caddy Kits and the CoA green organics kerbside collection service was developed.

The development of the new Kitchen Caddy Kit was funded in-part by a \$21,000 grant received through *Green Industries SA's SA Kerbside Performance Plus Food Organics Incentive Program, Waste and Resource Recovery Modernisation and Council Transition Package 2019-2020*. Using the grant funding and a 50% additional contribution from the City of Adelaide, a robust foundation to support this program and act as a platform for future programs was built.



Image: New Kitchen Caddy Kit with the new education pieces included.

The Kitchen Caddy Kit includes:

- A new and improved ventilated caddy design with bases made from 100% recycled content. The lime green lids which match the green organics bin for program consistency, feature embossed point-of-action custom educational visuals.
- Education material leveraging the 'Which Bin' branding are tailored to CoA residents and includes a detailed instructional brochure, colourful fridge magnet, instructions on how to get a new green bin, and a double-sided organics/recycling flyer.
- Australian Certified compostable liner bag with new custom informational wrap ties the program elements together.

An online ordering system to facilitate delivery of the Kitchen Caddy Kits to residents was launched in September 2021. The kits are delivered by the Waste and Recycling Education Coordinator to provide face-to-face support for residents. This is in addition to the existing option of collecting the Kitchen Caddy Kits from the City of Adelaide community centres, libraries, and the customer centre. Tailored support is provided to residents living in multi-unit dwellings. See *Target Area 2: Residents Living in Multi-Unit Dwellings* for more details.

Updates to the CoA website were made to support the education program and make the information accessible for culturally and linguistically diverse community members. Waste related information is dynamic and instantly translatable into over 65 different languages.

## Target Area 2: Residents Living in Multi-Unit Dwellings

This Target Area aims to tailor supportive services to residential multi-unit dwellings (including apartments, low-rises and high rises) in development through to occupancy.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
<b>Priority Item 1: Eliminate food waste.</b>						
<b>1.2 Provide multi-unit dwelling building owners, managers and residents with tailored waste management solutions that target elimination of food from the waste stream.</b>	●	●	●	●		
1.2.1 Identify the challenges associated with food waste diversion in multi-unit-dwellings, and tailor programs to address these challenges.		●			Started	Identification of challenges has been completed. Interventions are being considered and reviewed.
1.2.2 Increase accessibility to 'murfes' (small recycling bins), kitchen caddies, certified compostable liner bags, education and other tools specific to multi-unit dwellings.		●			Complete	On-site education sessions and delivery of educational tools and resources are being delivered to residents of multi-unit dwellings. See 'Driving Resource Recovery in Multi-Unit Dwellings Program' for more details.
1.2.3 Develop and implement projects and campaigns targeting items that do not belong in the shared bulk red waste bin (such as food waste) to increase recovery of these materials.		●	●		2022 Activity	
<b>Priority Item 2: Engage, educate, and inspire.</b>						
<b>2.2 Develop and provide a multi-lingual waste management education toolkit for building managers and residents.</b>	●	●	●	●		
2.2.1 Develop and deliver multi-lingual education toolkits and printable materials accessible on the City of Adelaide's website for residents and building personnel.	●	●			Started	Translatable collateral has been developed for residents and is available online. New landing pages will be developed for resource recovery and will include the new signage developed for multi-unit dwellings.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
2.2.2 Support residents with at-home waste management through education information sessions for residents and building personnel.		●			Complete	Tailored on-site consultation with building managers to support back-of-house resource recovery has been developed and is being delivered weekly. See 'Driving Resource Recovery in Multi-Unit Dwellings Program' for more details.
2.2.3 Develop an ambassadors program, build relationships and recognise high achievers in waste reduction and diversion.		●	●		2022 - 2025 Activity	
<b>Priority Item 3: Foster innovation, new technologies, and data collection.</b>						
<b>3.2 Establish behaviour feedback mechanisms through data collection methods specific to multi-unit dwellings.</b>	●	●	●	●		
3.2.1 Facilitate regular assessments and audits of multi-unit dwellings to ensure measurable and verifiable improvements to waste management. Report progress to residents, building management and other associated stakeholders.			●		Complete	A report on MUDS high contaminators has been developed and is in review. On-premise assessments occur regularly.
3.2.2 Investigate ongoing data collection methods (for example, radio-frequency identification (RFID) tags on bulk bins) to improve service outcomes, communicate feedback and resident behaviours.		●	●		Started	RFID program in development. See 'Improving Data Through RFID Technology Project' for more details.
<b>Priority Item 4: Prioritise and centralise resource recovery.</b>						
<b>4.2 Centralise best practice waste management decisions at development phase, during build and in occupancy phases.</b>	●	●	●	●		
4.2.1 Facilitate and provide guidance in the form of a resource on waste management best practises for all new development applications so that waste management is prioritised early on in development, during build, and during occupation.		●	●	●	Started	Program investigation commenced. See 'Multi-Unit Dwelling Building Development Investigation' for more details.
4.2.2 Provide assistance for existing developments to access waste management best practises to enhance or support existing or new waste management systems.			●	●	Started	New supportive program for building managers is provided. See 'Driving Resource Recovery in Multi-Unit Dwellings Program' for more details.
4.2.3 Transition multi-unit buildings to a shared three bin system, where appropriate.		●	●	●	Complete	Tailored on-site consultation with building managers to support back-of-house resource recovery has been developed and is being

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
						delivered weekly. Several sites have been transitioned to better back-of-house bin systems. See 'Driving Resource Recovery in Multi-Unit Dwellings Program' for more details.
<b>Priority Item 5: Advocate and align policies, guidelines and practices to the circular economy.</b>						
<b>5.2 Drive initiatives and advocacy for improvements to waste management for multi-unit dwellings to enable the city to be a vehicle for resource recovery.</b>	●	●	●	●		
5.2.1 Advocate for policies and guidelines that prioritise waste avoidance and diversion and associated user behaviour in building design, occupancy and building management.	●	●	●	●	Started	'Site Service Agreements' have been reviewed and are being implemented at new sites. This will be improved in the coming year alongside the policy review.
5.2.2 Develop new City of Adelaide policies and guidelines for waste management that align to this strategy for City of Adelaide serviced multi-unit dwellings.	●	●	●	●	Started	Policy review is underway.

## Key Projects

### Driving Resource Recovery in Multi-Unit Dwellings Program

During the reporting year, bespoke support was provided to building managers and residents of multi-unit dwellings.



For building managers, onsite, tailored advice was provided to ensure that the back of house systems prioritised resource recovery. This resulted in changes in bin type, bin configuration, additional streams, and new building signage, which was provided free by the City of Adelaide.

Education sessions for residents were conducted on-site; near the bin room, in the lobby, in a neighbouring community centre or on the building verge. These sessions focused on how to divert green organics like food scraps and garden organics practically and successfully using the Kitchen Caddy Kit which was provided.

In addition, other information, like how to recycle using the yellow recycling bin and what to do with bulky goods was shared, and small yellow recycling bins for under kitchen benches were also provided.

Launched in September 2021, in only 4 months this program has already reached 373 apartments/flats in 11 multi-unit dwelling buildings.

Image: Above - Circular Economy Team delivering a new green bin and education session onsite to building managers and residents.

### Multi-Unit Dwelling Building Development Investigation

While there are many opportunities to support the diversion of waste, and reduce contamination at a residential level, visual inspections of multi-unit dwellings identified that the design of the building can also impact diversion outcomes.

In the reporting year, investigations commenced to support best practice resource recovery in new residential multi-unit building developments. Further development will continue in 2022.

## Target Area 3: Businesses

This Target Area aims to expand support for business, in particular those eligible for kerbside collection provided by the City of Adelaide.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20 - 22	23 - 25	26-28	Progress	Details
<b>Priority Item 1: Eliminate food waste.</b>						
<b>1.3 Investigate and provide a green organics collection service and tools to businesses with a City of Adelaide kerbside collection service.</b>	●	●	●	●		
1.3.1 Explore and implement innovative solutions for green waste diversion for commercial enterprises (e.g. precinct based collection).		●	●		Started	Precinct-based opportunities were explored and development continues.
1.3.2 Support businesses to operate more sustainably, including transitioning from single use plastics to reusable containers or compostable serve-ware, and implementing a green organics service.		●	●		Started	City of Adelaide is part of the Green Industries SA Single-Use Plastic-Free Precinct Pilot Program. An incentives program for businesses is in development and will be launched in 2022. See 'Business Support Team' for more details.
<b>Priority Item 2: Engage, educate, and inspire.</b>						
<b>2.3 Develop and provide multi-lingual information targeting waste management best practices for business.</b>	●	●	●	●		
2.3.1 Consider and develop methods for incentivisation for reduction and diversion of waste.		●	●	●	Started	An incentives scheme to support businesses with resource recovery is underway. See 'Business Support Team' for more details.
2.3.2 Offer regular information meetings for businesses to assist them in establishing or maintaining good waste management practises. Consider links to existing programs such as the Sustainability Incentives Scheme (SIS).		●	●		Complete	A cross organisation team involving Circular Economy, Community Safety Officers and Environmental Health Officers provide cross-disciplinary support and advice to businesses regarding resource recovery and bin storage and placement for optimal results. See 'Business Support Team' for more details.
2.3.3 Recognise high achievers in waste reduction and diversion.		●	●	●	Complete	A new Circular Economy category for the Carbon Neutral Awards was

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20 - 22	23 - 25	26-28	Progress	Details
						developed to recognise Carbon Neutral Adelaide businesses moving toward or contributing to a circular economy.
<b>Priority Item 3: Foster innovation, new technologies, and data collection.</b>						
<b>3.3 Partner with circular economy businesses to encourage waste reduction and resource sharing for businesses.</b>	●	●	●	●		
3.3.1 Investigate and implement innovative technology and data collection methods to improve service outcomes, communicate feedback to businesses (i.e. RFID, precinct-based waste management, high performers recognition programs).			●	●	Started	A new data collection method has been established which will contribute to engagement. See 'Business Support Team' for more details.
3.3.2 Consider collaboration with organisations and other innovative programs (for example, Carbon Neutral Partners and City Switch programs) to drive unique and innovative solutions to resource recovery challenges.		●	●	●	Complete	A new Circular Economy category for the Carbon Neutral Awards was developed to recognise Carbon Neutral Adelaide businesses moving toward or contributing to a circular economy.
<b>Priority Item 4: Prioritise and centralise resource recovery.</b>						
<b>4.3 Establish protocols that stipulate robust resource management plans must be approved and contingent to a business opening.</b>	●	●	●	●		
4.3.1 Position Council as an ally that businesses can rely on for waste management best practices.			●	●	2023-2028 Activity	
4.3.2 Establish protocols to evaluate businesses on their resource recovery practises based on their resource recovery plans.			●	●	2023-2028 Activity	
4.3.3 Work with businesses across the city to improve waste and waste bin amenity.		●	●	●	Complete	A cross organisation team involving Circular Economy, Community Safety Officers and Environmental Health Officers provide cross-disciplinary support and advice to businesses regarding resource recovery and bin storage and placement for optimal results. See 'Business Support Team' for more details.



Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20 - 22	23 - 25	26-28	Progress	Details
<b>Priority Item 5: Advocate and align policies, guidelines, and practices to the circular economy.</b>						
<b>5.3 Advocate for improvements in policy and legislation related to business and industry that support the circular economy.</b>	●	●	●	●		
5.3.1 Work with and advocate for improvements to the waste system and infrastructure.	●	●	●	●	Ongoing Activity	
5.3.2 Advocate for improvements in legislation surrounding accountability in material use/design, lifecycle which support the circular economy.	●	●	●	●	Ongoing Activity	
5.3.3 Develop new policy and guidelines for waste management for kerbside collection for businesses that align to this strategy.		●	●		Started	Policy review is underway.

## Key Projects

### Business Support Team

Building on a successful pilot in 2020 a cross-organisation business support team has been established as business-as-usual. This initiative provides businesses across the city with multi-disciplinary, customer-centric bespoke advice on waste management, resource recovery and ultimately sees bins which are permanently stored unlawfully in the public space, removed.



The team comprises of Resource Recovery Officers, Environmental Health Officers and Building Compliance Officers which helps to address a range of topics which surround waste management.

A new data collection method via a tablet device and an online survey portal was established to facilitate on-the-ground data collection and support communication with the business community.

An opportunity to increase support for businesses was identified, which resulted in the development of an incentive program. The incentive program will be finalised and launched during the next reporting year.

During the reporting year:

- 80+ businesses supported with resource recovery advice
- 42 bins removed from permanent storage on the kerbside
- 14 business owners participated in a Council-run waste management roundtable

Image: Above - Cross-organisation team supporting businesses with resource recovery. Team members include Environmental Health Officers, Building Compliance Officers and Resource Recovery Officers.

### Business Cardboard Recycling Precinct Pilot

The Business Cardboard Recycling service is a long-term and embedded program that commenced from a pilot program in 2002.

The program provides a weekly collection service where businesses can place small volumes of cardboard on the kerbside for collection and recycling by the City of Adelaide, separate to the yellow recycling bin. The service intent is small producer businesses, but in practice participation is much broader. Since the program was adopted city-wide, the program has largely maintained the same format except for consolidation of collection days from five to three days per week in 2020. This service is a value-add provision for participating businesses as there is no statutory requirement for council to deliver a dedicated cardboard collection.

The service is valued by the business community however, it continues to attract interest from various stakeholders because of presentation issues, which results in loss of street amenity, access, and public safety risks.

While there are no legislative drivers, the program remains important because it delivers on the City's commitment to *Environmental Leadership* and building *Strong Economies* where we will know we have succeeded "when more businesses think that the city is a good place to do business".

During the reporting year, a strategic and comprehensive review of the program to uncover opportunities for improvement was undertaken. This resulted in a pilot program which will ease collection amenity issues and support businesses in resource recovery through the installation of new infrastructure which will be accessible by several businesses in the pilot area. The pilot will be launched in 2022.

### Improving Data Through RFID Technology Project

The delivery of the Resource Recovery Strategy relies on driving long-term and sustained improvement to resource recovery within the City of Adelaide. To inform these changes improved waste and resource recovery related data is needed. This data will assist to identify, target, and improve existing and future resource recovery efforts and Council services. This is important to inform service delivery models, particularly for businesses where additional services may be proposed, as well as to provide data on contamination, bin asset tracking, and customer service support.

Therefore, a project plan was developed in support of the application of radio-frequency technology (RFID). RFID is a small tag that when applied to bins can provide information including inventory/asset details, servicing details, like streams and collection details, which is important for communication with residents and for CoA staff to perform day-to-day tasks more efficiently.

It is expected that the results of this project will see:

- Improved customer service
- A more responsive and equitable resource recovery system supported
- Improved evidence-based decision making in resource recovery
- Innovative methods in resource recovery supported

In the upcoming year, the project will be executed through a phased approach and more information will be communicated.

## Target Area 4: Public Spaces

This Target Area aims to establish public space like streets and Park Lands as conduits for resource recovery.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20 - 22	23 - 25	26 - 28	Progress	Details
<b>Priority Item 1: Eliminate food waste.</b>						
<b>1.4 Investigate the collection of organic materials in public spaces.</b>	●	●	●	●		
1.4.1 Investigate and facilitate collection of food waste and compostable products (green organics) and dog waste in the public space.			●	●	Started	New education material is in progress for dog park compostable liner dispensers. New pilot program is in place for Rundle Mall. See 'Rundle Mall Goes Green' for more details.
1.4.2 Facilitate the distribution of Australian certified compostable dog waste bags in the public space.		●	●	●	Complete	Australian certified compostable dog waste bags have replaced plastic bags in the public space.
<b>Priority Item 2: Engage, educate, and inspire.</b>						
<b>2.4 Create a consumer-centric public space waste management system that is consistent with the three-stream system.</b>	●	●	●	●		
2.4.1 Increase visibility and consistency of signage relating to waste, recycling, organics bins.		●	●		2022 Activity	
2.4.2 Facilitate unique engagement and events to support public place waste education.		●	●		2022 Activity	
<b>Priority Item 3: Foster innovation, new technologies, and data collection.</b>						
<b>3.4 Leverage opportunities in public spaces to drive resource recovery through lifecycle thinking and technological innovation.</b>	●	●	●	●		
3.4.1 Investigate innovations in public places such as streets and the Park Lands and including City of Adelaide hire, lease, and rental spaces ( i.e. pet waste, club, sporting organisation waste) through collaborations with industry and academia.			●	●	Started	A pilot program implementing green organics collection in an innovative way for Rundle Mall is underway. See 'Rundle Mall Goes Green' for more details.
3.4.2 Execute regular data collection and auditing of innovation implementation to measure ongoing progress. Report progress publicly.			●	●	Started	A waste audit was conducted in Rundle Mall and will be shared in a report. See 'Rundle Mall

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20 - 22	23 - 25	26 - 28	Progress	Details
						Goes Green' for more details.
<b>Priority Item 4: Prioritise and centralise resource recovery.</b>						
<b>4.4 Centralise waste management decisions in assets and infrastructure projects.</b>	●	●	●	●		
4.4.1 Investigate building a consistent resource recovery system (residential, workplaces, public spaces etc..) to support a consumer centric approach.			●	●	Complete	A pilot program implementing green organics collection in an innovative way for Rundle Mall is underway. See 'Rundle Mall Goes Green' for more details.
4.4.2 Prioritise projects and materials that utilise recycled content (for example, recycled roads).			●	●	Started	A criterion for the materials used in the Rundle Mall organics pilot is to contain recycled materials.
<b>Priority Item 5: Advocate and align policies, guidelines, and practices to the circular economy.</b>						
<b>5.4 Drive the circular economy through collaboration.</b>	●	●	●	●		
5.4.1 Facilitate collaboration with other councils to develop a consistent methodology for waste particularly in the public realm.	●	●	●	●	Started	Ongoing discussions with other councils occur. More focus for public space resource recovery will occur as part of the Rundle Mall organics pilot.
5.4.2 Investigate place-based waste generation to assist with reduction at touch point (i.e. link between cafés and nearby public bins).			●		Started	Considered as part of the Rundle Mall organics pilot. See 'Rundle Mall Goes Green' for more details.

## Key Project

### Rundle Mall Goes Green

Rundle Mall welcomes 22 million people each year. Approximately 47 tonnes of waste and recycling material is collected from the public space annually, with 17 tonnes of this being organic material that could be composted if separated. There is significant opportunity to reduce this material by diverting green organics from landfill and turning it into nutrient rich compost.

Following a successful application for Green Industries SA's (GISA) *Council Modernisation Grant* in February 2021, the City of Adelaide is leading a collaborative and co-funded initiative to pilot new infrastructure to improve resource recovery and enable collection and recycling of food waste and compostable materials in Rundle Mall.

The pilot program planning is underway and once the new system is installed in May 2022 it will run for 12 months. After 12 months of monitoring and review, improvements may be made and the findings will inform how to effectively manage organics recycling in public spaces, positioning the City of Adelaide as a leader in this realm.

During the reporting period, a 24-hour baseline audit was completed (complimenting the 2019 city-wide waste audit), a behavioural-change specialist was engaged to drive observation and public listening activities, and a design consultancy was engaged.

This project is well-timed with new legislation in place which is expected to result in a shift of waste material to compostable material which could be diverted from landfill. From 1 March 2021 single-use plastic straws, cutlery and stirrers were prohibited from sale, supply or distribution in South Australia. From March 1, 2022, expanded polystyrene cups, bowls, plates, clamshell containers and Oxo-degradable plastic products (for example dog waste bags) will also be prohibited. Oxo-degradable plastic products have additives which enable the plastic to break down into small fragments ('microplastics') which do not completely decompose. As the regulation evolves materials for inclusion will expand and integrate more products in future years.

The new bin system and infrastructure will include green organics, yellow recycling and red waste streams, and will:

- Consider aesthetics and litter control within the precinct.
- Consider waste audit data, public behaviours, 'informal recyclers', visitor flows within adaptable event spaces and connected lane ways, and maintenance/ collection systems to ensure durability, fit-for-purpose, longer-term flexibility, and suitability for the Mall.
- Leverage the Green Industries SA's 'Which Bin' branding to provide consistent messaging across 'Work, Play and Home' making it easier for the public recover resources and minimise contamination.
- Contribute to public space research and apply learnings to other CoA public spaces.
- Anticipate an increased diversion of waste from landfill and recover organic material for processing into soil improvement products (compost).

## Target Area 5: CoA Own Operations

This Target Area aims to establish the City of Adelaide's own operations, businesses and facilities as a visible leader in exceptional waste management.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
<b>Priority Item 1: Eliminate food waste.</b>						
<b>1.5 Mandate diversion of all food waste and compostable products from the City of Adelaide's own operations, buildings and tenants and provide support and services to achieve this.</b>	●	●	●	●		
1.5.1 Facilitate and mandate diversion of all food waste from City of Adelaide's own operations, buildings and tenants.		●	●	●	Started	Back-of-house now includes organics collection for most CoA facilities. This will be expanded upon as part of the new resource recovery system. See "'Binning it Better" CoA's Internal Resource Recovery Program' for more details.
1.5.2 Ban the use of single-use plastic serve-ware and replace with alternatives such as reusable containers and Australian certified compostable serve-ware.		●	●	●	Started	Collaboration with the CoA events team resulted in the use of only compostable serve-ware at the Year End Lunch on the Green Employee event. Work continues in this space.
1.5.3 Measure, audit and assess food waste generation for food waste reduction opportunities.		●	●		Started	CoA facilities will be audited as part of the resource recovery system installation. This will take place in 2022
<b>Priority Item 2: Engage, educate, and inspire.</b>						
<b>2.5 Establish a resource recovery as part of workplace culture in City of Adelaide properties, rentals, leases, and facilities.</b>	●	●	●	●		
2.5.1 Create an education program (including onboarding, ongoing training, program execution and maintenance) to support employees and visitors to improve waste avoidance, reduction and diversion.	●	●			Started	New education and information in the organisation's intranet was created. Work continues to create an online training model for staff.
2.5.2 Install visible and consistent bins and bin signage on public place and event bins and internally in City of Adelaide operations and community centres.		●	●		Started	New resource recovery system starting with CLC, EC and the depot has been launched. Other facilities will be installed soon. See "'Binning it Better" CoA's Internal Resource Recovery Program' for more details.

Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
2.5.3 Establish a waste management program and resource recovery plan for each City of Adelaide site and facility. (Modelling from the Workplace Safety Program.)	●	●	●		Started	New resource recovery system starting with CLC, EC and the depot has been launched. Other facilities will be installed soon. See "Binning it Better" CoA's Internal Resource Recovery Program' for more details.
<b>Priority Item 3: Foster innovation, new technologies, and data collection.</b>						
3.5 Establish data collection methods and ensure data is linked to key roles for sustained resource recovery.			●	●		
3.5.1 Investigate and implement innovative solutions for hard waste and illegal dumping.			●	●	2023-2028 Activity	
3.5.2 Facilitate additional collection points for hard-to-recycle products for non-commercial users to access.		●	●	●	2022 Activity	
<b>Priority Item 4: Prioritise and centralise resource recovery.</b>						
4.5 Review resource recovery programs annually and establish adequate funding and resources to support strategy goals.	●	●	●	●		
4.5.1 Develop protocols for City of Adelaide undertakings (internal operations, assets, infrastructure projects, capital projects, and procurement) to consider the effects of waste in all activities.			●	●	2023-2028 Activity	
4.5.2 Execute regular data collection and auditing to measure ongoing progress. Report progress to internal staff.		●	●	●	2022 Activity	Audit results from the internal resource recovery program will be shared with staff. Work has been undertaken to consolidate waste related data. A portal to share resource recovery related data will be developed in 2022.
4.5.3 Review Action Plan annually and budget for sustainability and continuity.		●	●	●	Complete	The Strategy and Action Plan are reviewed and monitored closely throughout the year for program development and budget considerations.
<b>Priority Item 5: Advocate and align policies, guidelines and practices to the circular economy.</b>						
5.5 Review internal City of Adelaide policies and guidelines to ensure alignment to this strategy and long-term vision.	●	●	●	●		
5.5.1 Consolidate similar services for efficiency and best value and ensure that contracts require	●	●	●	●	Complete	Consolidation of contractor services and a new contractor has been



Resource Recovery Action Plan 2020-2028						
Action Item	Quick Win	20-22	23-25	26-28	Progress	Details
data collection. Review contracts regularly for fit for purpose.						established to service CoA facilities and businesses
5.5.2 Review City of Adelaide internal waste management guidelines, policies and by-laws.		●	●		Started	Policy review is underway.
5.5.3 Develop protocols to ensure procurement avoids waste, is made sustainably, can be reused, recycled or composted at end of life. Favour companies that have product stewardship or extended producer responsibility policies in place.	●	●	●	●	Started	Sustainability outcomes were integrated into the new Procurement Policy. Internal discussions surrounding integrating more sustainable materials in council procurements are ongoing.

## Key Project

### "Binning it Better" CoA's Internal Resource Recovery Program

A new resource recovery program has been developed for the City of Adelaide internal operations, businesses, and facilities. New, well-designed bins were purchased and a comprehensive back-end system developed to support successful and seamless diversion. Important elements to this back-end system which were addressed includes new contract for waste and recycling collections, engagement with cleaning contractors, renovation of waste rooms and reorder of kitchens. To support staff using the new system, education was developed and Ambassadors for every floor/area of each facility were recruited to help answer any staff questions or troubleshoot.

The launch of the new system began on 17 January 2022 at the Colonel Light Centre and Eagle Chambers and further City of Adelaide sites will be included over several months. An audit will take place several months after the launch to measure the impact of the new program. The results of the program will be shared in the next Annual Report.

- 8-Stream resource recovery program designed for the City of Adelaide
- 24 Ambassadors nominated from existing staff and trained to support staff recovery resources at work

## Appendix:

### Program Milestones - Timeline

#### **Jan 2020**

- Feedback provided to Green Industries SA regarding the Single Use Plastics and Other Plastic Products (Waste Avoidance) Bill.

#### **June – Sept 2020**

- City- Wide Waste Audit (kerbside, residents, businesses, MUDS & 4x CoA Operations)

#### **November 19-April 2020**

- CoA Waste program review research and structure development

#### **Mar-Jun 2020**

- Resource Recovery Strategy and Action Plan Drafted

#### **Aug 2020**

- Council Committee for endorsement for public consultation for draft Strategy and Action Plan

#### **Sept 2020**

- Council endorsement for public consultation for draft Strategy and Action Plan
- CoA Provided feedback to Green Industries SA regarding their new 'South Australia Waste Strategy 2020-2025' and the 'Valuing Our Food Waste' consultation drafts.

#### **Sept – Oct 2020**

- Community engagement for draft Strategy and Action Plan

#### **November 10 2020**

- Council Adoption - Resource Recovery (Organics Recycling and Waste) Strategy and Action Plan

#### **Nov- Dec 2020**

- Internal and external announcement & communications of resource recovery for Resource Recovery Strategy and Action Plan adoption

#### **Feb-Dec 2020**

- Coromandel Place Pilot (Supporting businesses in resource recovery and compliance with CoA Waste Management Bylaw)

#### **Dec 2020**

- Newly Designed residential recycling and Waste Calendars booklet delivered
- Recruitment of Waste and Recycling Education Coordinator
- Development of Resource Recovery Advisor Roles

#### **Jan 2021**

- Recruitment / onboarding new Waste and Recycling Education Coordinator Role
- Onboarding new Education Officer contractor role
- Success in application for GISA Grant Kitchen Caddies

#### **April 2021**

- Recruitment / onboarding new resource recovery Advisor #1 role
- New Educative flier completed for residents

#### **May 2021**

- Recruitment / onboarding new Resource Recovery Advisor role #2
- Recruitment / onboarding new Resource Recovery Advisor role #3
- Low Carbon & Circular Economy Team Tour to recycling facilities
- New Kitchen Caddy Kit completed with new caddy design and liners and education

#### **June 21**

- Plan & Purchase of equipment for CoA internal resource recovery system complete

#### **July 21**

- Recruitment / onboarding new waste and recycling education coordinator role
- Successful grant application for GISA Council Modernisation Funding
- MUDS development process cross-org task-force meeting held

#### **Aug 2021**

- New and updated multi-lingual resource recovery web pages

#### **Aug- Nov 21**

- 2x Multi-stakeholder workshop for Rundle Mall

#### **Sept 2021**

- Online ordering system of delivery for Kitchen Caddy Kits Live
- First of several (and ongoing) education sessions delivered to MUDS residents
- Waste audit conducted in Rundle Mall
- Cross-team business roundtable facilitated for businesses regarding waste management
- Residents Forum – Resource Recovery presentation delivered
- RFID project business plan drafted

#### **Oct 2021**

- Resource Recovery reference group kick-off meeting

#### **Nov 2021**

- Inaugural *Talkin' Trash Trivia Night* for community in support of National Recycling week
- New educational videos explaining the green organics and composting system in SA completed
- Cardboard project business plan created

#### **Dec 21**

- New residential recycling and waste calendars with more education delivered
- Additional educational fliers developed
- Development of resource recovery initiatives program for businesses

#### **Jan 21**

- Roll out of new CoA Internal Resource Recovery System
- Green organics in Rundle Mall – media announcement

# Agenda Item 10.4

## Quarterly Forward Procurement Report Q4

Tuesday, 8 March 2022  
Council

Strategic Alignment - Strong Economies

**Program Contact:**  
Grace Pelle - Manager Finance & Procurement

Public

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

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## EXECUTIVE SUMMARY

In accordance with the Procurement Policy and Operating Guidelines, a forward Procurement Report is presented to Council every quarter outlining significant planned procurement activities for the next quarter.

On 7 December, Council resolved to update the guidelines to allow Chief Executive Officer approval of significant procurement contracts. Significant procurements are defined as those with procurement expenditure estimated to be equal to or above \$2 million.

This report covers Quarter 4 for the 2021/2022 financial year.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the Procurements set out in Attachment A to Item 10.4 on the Agenda for the meeting of the Council held on 8 March 2021 which will be released to the market during Quarter 4 of the 2021/2022 financial year.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<a href="#">Strategic Alignment – Strong Economies</a> This report supports the delivery of all four community outcomes and the enabling priorities outlined in Council's 2020-2024 Strategic Plan.
Policy	This report is prepared in accordance with the requirements of Council's Procurement Policy. Council's current delegations for procurement are outlined in the Procurement Policy and Procurement Approvals Operating Guideline.
Consultation	All Programs were consulted with in respect to significant procurement activity that is anticipated to occur in the fourth quarter of the 2021/22 financial year.
Resource	Not as a result of this report
Risk / Legal / Legislative	Section 49 of the <i>Local Government Act 1999 (SA)</i> outlines the principles that Council will apply to procurement.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. The purpose of the Quarterly Forward Procurement Report is to provide further information and visibility to Council on major procurement and contracting activity.
2. The following is an extract from the Procurement Policy, adopted by Council on 8 June 2021:  
*“The Council will have regard to the following measures in ensuring probity, accountability and transparency”*
  - Council Members will be provided with a quarterly forward procurement plan for consideration, detailing tenders and subsequent contracts that have an estimated value of over \$4,000,000 (ex GST) or that are of high risk and will require Council Member approval;
  - Council Members will be requested to approve the award of all contracts that exceed \$4,000,000 (ex GST).”
3. On December 7, 2021, Council resolved to update the Procurement policy and associated guidelines to allow Chief Executive Officer approval of contracts up to \$2,000,000 provided the expenditure is within Council approved budget, effectively amending the values in the point above.
4. As such, a Quarterly Forward Procurement Report is provided to Council each quarter outlining planned procurement activities with an estimated spend over \$2,000,000.
5. Based on the Procurement Summary Report, Council will either:
  - 5.1. Approve the proposed procurement process as required.
  - 5.2. Request the Chief Executive Officer to make amendments to the proposed procurement process, consistent with the Procurement Policy and applicable legislation.
6. This report covers Quarter 4 of the 2021/2022 financial year.
7. The Procurements listed in **Attachment A** of this report will be released to the market during Quarter 4 of the 2021/2022 financial year.
8. The Procurement Policy requires the provision of a forward procurement plan for expected expenditure over \$150,000 to be made publicly available on the City of Adelaide website. This report is prepared at the start of the financial year and represents an estimate of procurements based on the approved business plan and budget and upcoming expiring contracts. This is available via the website (Link 1 view [here](#)).

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## DATA AND SUPPORTING INFORMATION

**Link 1** – Procurement Policy

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## ATTACHMENTS

**Attachment A** – Quarter 4 2021/22 Forward Procurement Report

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# ATTACHMENT A

## Attachment A – Quarter 4 2021/22 Forward Procurement Report

Program	Description	Proposed Procurement Approach	Anticipated Spend per year	Expected Qtr at Market	Comments
City Culture	Revenue generating contract for the provision of catering services to the Adelaide Town Hall and wider CoA facilities.	Open Tender	\$1.25m per annum over a 5-year term.	Q4	Council will charge the hirer the fee for the Services. It is proposed the Supplier will pay to the Council a commission fee based on an agreed percentage.
Strategic Property & Commercial	Revenue generating contract for the provision of bus shelter cleaning, maintenance, and advertising.	Open Tender	\$700k per annum over a 5-10-year term.	Q4	Council is looking to enter into an Agreement for the installation, maintenance and repair of the bus shelter infrastructure and the management of advertising space on it.
City Operations	Concrete Maintenance Services	Open Tender	\$700,000 per annum over a 3-5 year term. (based on historical data)	Q4	Council is looking to enter into an Agreement for Concrete Maintenance Services to lay and form kerbing and associated concreting and form work in various locations throughout the CBD
Infrastructure	Supply of LED smart lighting for the City Deal Smart Lighting project	Open Tender	\$540,000 per annum over 3-5 year term	Q4	There is a need to secure an up to 5 year contract to supply LED lighting to primarily service the City Deal Smart LED lighting project. The supply options may also be utilised in other aspects of Council lighting solutions including renewals.

Program	Description	Proposed Procurement Approach	Anticipated Spend per year	Expected Qtr at Market	Comments
AEDA	Digital technology and software for the Experience Adelaide smart visitor centre.	Expression of Interest	Approximately \$3 million	4	As part of the City deals funding, Council are looking to enter agreement(s) with experienced suppliers to provide digital technology and software for the new Experience Adelaide smart visitor centre.

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## Commence Community Land Revocation - Tynte Street Car Park

Tuesday, 8 March 2022

Council

Strategic Alignment - Enabling Priorities

Public

**Program Contact:**

Shaun Coulls - Acting Associate  
Director Strategic Property &  
Commercial

**Approving Officer:**

Tom McCready - Director City  
Services

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## EXECUTIVE SUMMARY

The City of Adelaide's Strategic Plan 2020-2024 incorporates a key action to "Implement the Strategic Property Review", recognising the role that the City of Adelaide's property portfolio plays as one of the most powerful transformational levers that can shape and accelerate city liveability, growth and investment.

The Strategic Property Action Plan was received by Council in April 2020 with Council approving the Tynte Street Car Park land at 171-175 Tynte Street, North Adelaide as an asset opportunity for divestment subject to further investigations.

Subsequent investigations have confirmed that the Tynte Street Car Park land represents an under-performing asset suitable for sale with the car park providing a low return on investment, limited civic value and limited future city shaping potential.

To enable Council to proceed with divestment of the Tynte Street Car Park land, it is first necessary for Council to revoke the community land classification of the land, in accordance with the process required under the *Local Government Act 1999* (SA) ('the Act').

This report sets out the divestment approach for the Tynte Street Car Park land and recommends that Council approves to commence the process to revoke the land from its community land classification. The report also seeks Council's approval to undertake public consultation in accordance with the information at **Attachment A**.

Should Council resolve to approve the commencement of the revocation of community land process, public consultation will occur for at least 21 days, in accordance with Section 194 of the Act and Council's Public Consultation Policy. The results of the public consultation will be presented back to Council in a future report.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes that the Tynte Street Car Park land at 171-175 Tynte Street has been identified as an under-performing asset suitable for sale.
  2. Approves the commencement of the process to revoke the community land classification of the Tynte Street Car Park land (171-175 Tynte Street), identified as Allotment 5 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 700 and Allotment 6 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 702, for the purpose of enabling its sale, pursuant to Section 194 of the *Local Government Act 1999* (SA).
  3. Approves the report provided pursuant to Section 194(2)(a) of the *Local Government Act 1999* (SA) as per Attachment A to Item 10.5 on the Agenda for the meeting of the Council held on 8 March 2022, which will be used for the purposes of public consultation on the proposed community land revocation.
  4. Notes that a further report will be presented to Council detailing the outcomes of the public consultation phase of the revocation process to enable Council to determine whether the revocation and sale should proceed.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities 5.04 Implement the Strategic Property Review
Policy	The Strategic Property Action Plan supports the Acquisition and Disposal of Land and Assets Policy, which requires Council to regularly review its assets ensuring value for money and growth in community wealth. The public consultation process for the proposed community land revocation will be conducted in accordance with the requirements of Council's Public Consultation Policy.
Consultation	The proposed revocation has been considered in consultation with relevant Council Programs. Public consultation will be undertaken using a variety of mediums in accordance with Council's Public Consultation Policy.
Resource	Not as a result of this report
Risk / Legal / Legislative	The community land revocation process will be undertaken in accordance with Section 194 of the <i>Local Government Act 1999 (SA)</i> . The revocation of the community land classification is subject to approval by the Minister for Planning and Local Government.
Opportunities	Revocation of the community land classification of the Tynte Street Car Park land will enable the sale of an underperforming asset identified for divestment within the Strategic Property Action Plan. Proceeds from the sale of the Tynte Street Car Park land will be transferred to the City of Adelaide's Future Fund supporting income generating and city shaping opportunities.
21/22 Budget Allocation	The Strategic Property and Commercial Program's 2021/22 budget incorporates \$100,000 for the implementation of strategic property activities.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	The proposed sale of the Tynte Street Car Park land will enable operational cost savings to the City of Adelaide in the order of \$4,800 per annum (based on 2020/21 actual costs).
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. The City of Adelaide's property portfolio is one of the most powerful transformational levers to shape and accelerate City liveability, growth and investment.
2. On 14 April 2020, Council received the Strategic Property Action Plan and approved the identified asset and city shaping opportunities, including the divestment of the Tynte Street Car Park, subject to further investigations.
3. The Strategic Property Action Plan responded to Council's legislative, strategic and policy requirements to use resources fairly, effectively and efficiently. The Action Plan required regular review of Council's land and assets with appropriate actions to improve public value or dispose where public value cannot be improved.
4. The Strategic Property Action Plan identified the Tynte Street Car Park as an underperforming asset given that it offered limited community value, a low return on investment and limited city shaping potential. The divestment of the asset was recommended, subject to further investigations and community land revocation.
5. Prior to the Strategic Property Review, on 24 July 2012 Council requested that the Administration investigate potential sale and/or redevelopment options for the Tynte Street Car Park land for the purpose of residential or mixed use development, with the options to be presented back to Council for consideration. Council also resolved that the licensee of the car park be advised that Council would not renew the licence with the tenancy to operate as a monthly arrangement. These resolutions were revoked, however, by a subsequent Motion on Notice on 23 July 2013.
6. The land is currently the subject of a Community Land Management Plan (CLMP), with the CLMP and site plan for the Tynte Street Car Park land available at Link 1 view [here](#).
7. On 19 February 2019, Council endorsed an updated CLMP for the Tynte Street and Dunn Street car parks, which reflected the granting of a licence to TPG Network Pty Ltd over a small portion of the Dunn Street Car Park to support the Ten Gigabit Adelaide project. The updated CLMP also removed the Walter Street car park following its sale in 2016.

## The Site

8. The Tynte Street Car Park land currently comprises two contiguous allotments located at 171-175 Tynte Street, North Adelaide, identified as Allotment 5 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 700 and Allotment 6 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 702. Both of the current certificates of title are available at Link 2 view [here](#)
9. The site as a total area in the order of 785 square metres and a combined frontage of 20.73 metres to Tynte Street. Allotment 5 has been developed with a bituminised car park containing 22 car park spaces.
10. The land accommodates five trees or shrubs. None of these trees are classified as 'regulated' or 'significant' trees under the *Planning, Development and Infrastructure Act 2016* (SA).
11. The eastern allotment (Allotment 6) is subject to a registered right of way, marked 'A' on Certificate of Title Volume 5497 Folio 702. This right of way is in favour of the adjoining land at 165-169 Tynte Street (Allotment 1 in Filed Plan 4892 comprised in Certificate of Title Volume 5138 Folio 104), accommodating the former Daniel O'Connell Hotel which has been converted into a two-storey detached dwelling.
12. The registered right of way is 2.44 metres in width and 18.29 metres in length. Access to this right of way is afforded via a single vehicle width crossover to Tynte Street and the majority of the right of way is bituminised. There are three raised manhole lids within the right of way that provide access to a grease arrestor within the land, previously used by the Daniel O'Connell Hotel on the adjoining land.
13. The right of way correlates to a former private road in favour of the former hotel that was in place when the Corporation of the City of Adelaide acquired the land on 12 March 1971. The right of way is limited to rights for the adjoining owner and their visitors to pass and repass with or without vehicles.
14. The adjoining land to the east has a double doorway that opens onto Council's Tynte Street Car Park land outside of the extent of the current right of way, as well as a gate for vehicle access gate that provides access via the car park to the south owned by the strata group associated with the medical centre. As access to the double doorway is not protected by any registered right of way, this could be blocked by a future owner of the subject land if sold.

## Licence Arrangements

15. The Tynte Street Car Park is subject to a non-exclusive licence agreement in favour of Strata Corporation 4166 Incorporated for car parking of 22 vehicles for the use of the adjoining North Adelaide Medical Centre during the hours of 6:00am and 6:00pm Monday to Friday. The car park is available for public use outside of these times.
16. The licence was executed on 14 May 2019 for a five-year term that commenced on 1 December 2018 and expires on 30 November 2023. The licence includes a redevelopment clause that enables Council to sell or redevelop the land upon providing at least six months prior notice to the licensee.
17. In addition to the licence over the subject car park owned by the City of Adelaide (providing 22 spaces), the medical centre has access to 39 car parks to the south and south-east that forms part of their common property.
18. The licensee contacted the Administration in November 2021 to express an interest in purchasing the land in the event that the community land classification is revoked. The adjoining owner expressed interest in purchasing the land for staff car parking noting that the adjoining owner's existing car park only provides sufficient parking for the owners of each strata unit within the North Adelaide Medical Centre.
19. The adjoining landowner to the east, has converted the former Daniel O'Connell Hotel into a two-storey detached dwelling, has also previously expressed a desire to acquire a right of way or licence over portion of the Tynte Street Car Park land in order to obtain vehicle access to the rear of their land. The creation of this right of way or licence did not proceed, primarily due to concerns at the time from Council's Horticulture Team regarding the potential impacts upon one unregulated Pepper Tree along the eastern boundary of Council's land.

## Reasons for Disposal

20. The following asset assessment utilising the criteria within the Strategic Property Action Plan supports the disposal of the Tynte Street Car Park.

Criteria	Assessment
<b>Does the asset serve an importance civic role?</b>	<p>The land has limited civic value noting that it is licenced to the adjoining medical centre for staff parking from 6:00am to 6:00pm on weekdays and only being available for public use outside of these times.</p> <p>In addition, on-street parking time limitations in the area do not apply after 6:00pm, allowing unlimited public on-street parking outside of the licence times.</p> <p>Potential exists for the car park to continue to be used by the adjoining medical centre if sold.</p>
<b>Does the asset currently align with the City's Strategic Pillars?</b>	The land offers limited strategic value being primarily utilised for staff car parking associated with the adjoining medical centre.
<b>Does the asset have potential for future alignment with Strategic Pillars, or have city shaping potential?</b>	The land offers little city shaping potential being located within City Living Zone, North Adelaide Low Intensity Subzone and Historic Area. This includes a maximum building height guideline of two storeys and the maximum site coverage guideline of 50 percent resulting in limited development outcomes.
<b>Is the commercial and/or community value optimised?</b>	<p>The Tynte Street Car Park land is licensed to Strata Corporation 4166 Incorporated, which manages the adjoining medical centre. The net income to Council from the licence arrangement was \$28,946 for the 2020/21 financial year, after deducting Council's costs for water, electricity, insurance and the Emergency Services Levy. This annual income is low relative to the market value of the land.</p> <p>The community value of the site is not optimised, as the site is exclusively licenced for staff parking for the adjoining private medical centre from 6:00am to 6:00pm on weekdays. The site is only available for community use outside of these times.</p>

## Community Land Revocation Process

21. As of 1 January 2000, all local government land (except roads) that is owned by Council, or is under the care, control and management of Council, is classified as community land pursuant to Section 193 of the *Local Government Act 1999 (SA)* ('the Act').
22. Land that is community land cannot be disposed, sold or transferred unless it has been excluded or revoked from its classification as community land.
23. Since 1 January 2003, removal from the classification as community land can only proceed by the revocation process, as prescribed by Section 194 of the Act. The proposal to revoke the land requires Council to undertake public consultation in accordance with Council's Public Consultation Policy, with approval to be given by the Minister for Planning and Local Government before the Council can resolve to formally revoke the classification.
24. The land proposed to be revoked from its community land classification comprises of the whole of the Tynte Street Car Park land, comprising two contiguous allotments identified as Allotment 5 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 700 and Allotment 6 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 702. Both allotments are owned by the Corporation of the City of Adelaide
25. The necessary additional information to commence the revocation of community land process in accordance with the Act is provided at **Attachment A**.
26. The public will be provided notice of the proposed revocation and invited to make submissions for a period of not less than 21 days through the following forms of engagement:
  - 26.1. Letters sent to adjoining landowners, including the North Adelaide Medical Centre as the licensee, outlining the proposed revocation and directing them to Council's Your Say Adelaide website for further information and to make a submission.
  - 26.2. A sign installed on the land facing the Tynte Street frontage.
  - 26.3. A notice published in The Advertiser newspaper.
  - 26.4. Information about the proposal, including supporting public Council report and proposal document at **Attachment A**, made available at Council's libraries and customer centre, as well as on the City of Adelaide's Your Say website, with the public able to make submissions online.
27. The public will be able to make submissions via the City of Adelaide's Your Say website, by email or by letter sent to the City of Adelaide within the public consultation period.
28. The results from the public consultation process will be brought back to Council for its consideration.

## Proposed Divestment Approach

29. The revocation of community land classification is proposed for the purpose of sale of the land to the open market given that it is an underperforming asset. The revocation process incorporates the expectation that Council will consider the revocation of community land on an objective basis and determine, on balance, what is in the best interests of the community.
30. The disposal of land is guided by the Council's Acquisition and Disposal of Land and Assets Policy (the Policy). This Policy is required ensure ethical and fair treatment of participants and probity, accountability and transparency in all disposal processes, in accordance with Section 49 of the Act.
31. To facilitate a fair and transparent process that obtains the best outcome and value for Council in accordance with the Policy, it is proposed that the land will be offered for open market sale should the revocation of community land ultimately be approved by Council.
32. Disposal of the subject land and building will remove Council's on-going financial obligations in respect to maintenance, administration of licensing, risk, insurance, graffiti management etc. associated with the Tynte Street Car Park land. The operational costs for the land were \$4,782 in the 2020/21 financial year.
33. It is proposed that the net proceeds from the sale of the subject land (subject to Council consideration of the community land revocation process outcomes) be assigned to Council's Future Fund to be used in accordance with Council's Future Fund & Investment Policy and Treasury Policy supporting income generating and city shaping opportunities.

### Next Steps

34. Should Council resolve to proceed with the revocation of community land process, public consultation will be undertaken in accordance with the proposal at **Attachment A**, Council's Community Consultation Policy and Section 194(2) of the Act.
35. Following the completion of the public consultation period, a further report summarising the outcomes of public consultation and any submissions received will be presented back to Council to consider whether to proceed with the community land revocation.
36. Should Council resolve to proceed with the revocation, all public submissions and associated consultation information will be presented to the Minister for Planning and Local Government for approval to revoke the land from its community land classification.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – Off-Street Car Park Facilities Community Land Management Plan

**Link 2** – Certificates of Title

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## ATTACHMENTS

**Attachment A** — Proposal to revoke the Community Land classification of the Tynte Street Car Park

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- END OF REPORT -

**ATTACHMENT A**

**City of Adelaide**

**Proposal to revoke the  
Community Land classification  
of the Tynte Street Car Park**

**March 2022**

# Proposal to revoke the community land classification of the Tynte Street Car Park land

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Off-street Car Parking Facilities Community Land Management Plan	Appendix A
Tynte Street Car Park land aerial image	Appendix B
Certificates of Title	Appendix C
Community Consultation Policy Extract of steps required for Community Land Revocation	Appendix D



# Proposal to revoke the community land classification of the Tynte Street Car Park land

## 1. Introduction

Land owned by a Council or under a Council's care, control and management is classified as community land pursuant to Section 193 of the *Local Government Act 1993* (SA) ('the Act'). Section 196 of the Act requires a council to manage community land in accordance with a **management plan** for the land.

The land at 171-175 Tynte Street is owned by the Corporation of the City of Adelaide and is used for the objective of providing a car park "*to support the local medical centre and to facilitate the use of the medical centre by members of the public*". At other times, "*the car park is provided as a free community off-street car park to support the residents and visitors to the area*".

A management plan known as the Off-Street Car Parking Facilities Community Land Management Plan (the Plan) was adopted by the City of Adelaide (the Council) on 26 February 2019. A copy of the Plan is attached at **Appendix A**.

The Tynte Street Car Park land incorporates a 22-space bituminised car park for use by the staff of the adjoining North Adelaide Medical Centre under a licence agreement from 6:00am to 6:00pm Monday to Friday. The car park is used by the public outside of 6.00am to 6.00pm, noting that there are no on-street public parking restrictions during these times.

The Tynte Street Car Park land comprises two contiguous allotments. Allotment 5 accommodates the sealed car park and has a frontage of 18.29 metres to Tynte Street and is approximately 670 square metres in area. Allotment 6 is a narrow parcel to the east of the car park with a frontage of only 2.44 metres to Tynte Street and an area of approximately 110 square metres.

Allotment 6 is subject to a free and unrestricted right of way of 18.29 metres in length in favour of the adjoining land to the east (the former Daniel O'Connell Hotel, now a private residence). Allotment 6 has also been developed with a grease arrester that is ancillary to the adjoining former pub, there are no registered or ongoing rights for this grease arrester to be constructed within Council's land.

Council is proposing the sale of both allotments comprising the Tynte Street Car Park land, recognising that the land provides an under-utilisation of the land with limited financial return and strategic benefit to the community in its current form. Sale of the Tynte Street Car Park land is proposed by an offer to the open market.

Council is proposing to revoke the community land classification of the Tynte Street Car Park land, as defined within the Off-street Car Parking Facilities Community Land Management Plan at **Appendix B**, pursuant to Section 194 of the Act for the purposes of this sale.

In broad terms the community land classification revocation process is as follows:

- Council approves the proposed revocation for community consultation;
- The proposed revocation is the subject of community consultation;
- Council reviews the consultation outcomes, amends the proposal as necessary, and then submits the proposal to the relevant Minister for approval;
- Council passes a resolution to revoke the community land classification after approval from the relevant Minister.

Section 194(2) of the Act requires the Council to consider a report on the proposal. This paper has been prepared for that purpose.

## **2. Context**

The City of Adelaide owns the fee simple in the land at 171-175 Tynte Street, North Adelaide, which accommodates the Tynte Street Car Park. The land comprises:

- Allotment 5 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 700; and
- Allotment 6 in Filed Plan 7308 comprised in Certificate of Title Volume 5497 Folio 702.

The land accommodates a 22-space bituminised car park, as well as a right of way in favour of the adjoining land to the east and a grease trap associated with the former Daniel O'Connell Hotel (now a private residence).

The licence with the adjoining medical centre, Strata Corporation 4166 Incorporated, is for a five (5) year term that commenced on 1 December 2018 and expires on 30 November 2023. The licence is subject to a redevelopment clause that enables Council to redevelop or sell the land upon giving at least six (6) months' notice to the licensee.

The licence permits the land to be used for the parking for 22 cars for the use of the North Adelaide Medical Centre during the hours of 6.00am and 6.00pm Monday to Friday. The land is available for use as a public car park outside of these times.

### 3. Description of the land

Common name:		Tynte Street Car Park
Address:		171-175 Tynte Street, North Adelaide
Legal Description	- Description of land:	Allotment 5 and Allotment 6 in Filed Plan 7308 in the area named North Adelaide, Hundred of Yatala
	- Volume/Folio:	Volume 5497 Folio 700 Volume 5497 Folio 702
Total area:		780 square metres
Custodian:		City of Adelaide
Owner:		The Corporation of the City of Adelaide
Lease or Licence:	- Name of Lessee/Licensee:	Strata Corporation 4166 Incorporated
	- Term:	Five years, expiring 30 November 2023
	- Purpose:	Car parking for the use of the North Adelaide Medical Centre

The Certificates of Title for the Tynte Street Car Park land are attached at **Appendix D**.

## 4. The Proposal

Section 194(2) of the Act requires the Council to prepare and consider a report on the proposal, addressing the following points:

- Summary of the reasons for the proposal;
- Statement of any dedication, reservation or trust to which the land is subject;
- Statement of whether revocation of the classification is proposed with a view to sale or disposal;
- Details of any government assistance given to acquire the land if it is proposed to sell the land;
- Statement of how the Council proposes to use the proceeds if it is proposed to sell the land;
- Assessment of how implementation of the proposal would affect the area and local community;
- Land ownership issues.

The details are presented in the following paragraphs.

### 4.1 Summary of the reasons for the proposal

The revocation of the Tynte Street Car Park land is proposed for the purpose of sale of both Allotments 5 and 6 to the open market.

The Strategic Property Action Plan, received by Council on 14 April 2020, identified the Tynte Street Car Park as being potentially suitable for disposal due to its limited civic role and city shaping potential, subject to further investigations.

Disposal of the land is proposed on the basis of the following:

Criteria	Assessment
<b>Does the asset serve an importance civic role?</b>	<p>The land has limited civic value noting that it is licenced to the adjoining medical centre for staff parking from 6:00am to 6:00pm on weekdays and only being available for public use outside of these times.</p> <p>In addition, on-street parking time limitations in the area do not apply after 6:00pm, allowing unlimited public on-street parking outside of the licence times.</p> <p>Potential exists for the car park to continue to be used by the adjoining medical centre if sold.</p>

<b>Criteria</b>	<b>Assessment</b>
<b>Does the asset currently align with the City's Strategic Pillars?</b>	The land offers limited strategic value being primarily utilised for staff car parking associated with the adjoining medical centre.
<b>Does the asset have potential for future alignment with Strategic Pillars, or have city shaping potential?</b>	The land offers little city shaping potential being located within City Living Zone, North Adelaide Low Intensity Subzone and Historic Area. This includes a maximum building height guideline of two storeys and the maximum site coverage guideline of 50 percent resulting in limited development outcomes.
<b>Is the commercial and/or community value optimised?</b>	<p>The Tynte Street Car Park land is licensed to Strata Corporation 4166 Incorporated, which manages the adjoining medical centre. The net income to Council from the licence arrangement was \$28,946 for the 2020/21 financial year, after deducting Council's costs for water, electricity, insurance and the Emergency Services Levy. This annual income is low relative to the market value of the land.</p> <p>The community value of the site is not optimised, as the site is exclusively licenced for staff parking for the adjoining private medical centre from 6:00am to 6:00pm on weekdays. The site is only available for community use outside of these times.</p>

The open market sale process, whether by expressions of interest, auction or private treaty will be determined based upon sales agent advice subject to revocation of the community land classification.

The sale of the land to the open market will be undertaken without placing conditions regarding the future development of the land, in recognition that there is likely are a wide variety of buyers who will have different intentions for the land.

It is proposed that proceeds from the sale of the Tynte Street Car Park land will be assigned to Council's Future Fund in accordance with Council's Future Fund & Investment Policy and Treasury Policy supporting income generating and city shaping opportunities.

#### **4.2 Statement of any dedication, reservation or trust to which the land is subject**

The land is not subject to any dedication, reservation or trust.

The Council is the long-term owner of the property. Both allotments are defined by a Torrens Title real property description. The Certificates of Title confirm that the land is held in fee simple by the Corporation of the City of Adelaide.

#### **4.3 Statement of whether revocation of the classification is proposed with a view to sale or disposal**

Council is proposing to offer the land for sale.

Clause 4.2 of Council's Acquisition and Disposal of Land and Other Infrastructure Assets Policy requires that:

*"The process for disposal will be fair and transparent and ensure that Council obtains the best outcome and value from the disposal".*

Allotment 5 and Allotment 6 are proposed to be offered by advertisement to the open market to ensure that the process is open and transparent, with the sale to be based on Council's market value as determined by independent valuation to ensure that Council obtains the best value from the disposal.

Council must revoke the community land classification of the land prior to proceeding with the sale of the Tynte Street Car Park land, in accordance with Section 201 of the Act.

#### **4.4 Details of any government assistance given to acquire the land if it is proposed to sell the land**

Historical certificates of title demonstrate that the Corporation of the City of Adelaide purchased the land from a private entity (Friendly Service Station Pty Ltd) on 12 March 1971.

An historical records search has not found any evidence that government assistance was provided to the Council to acquire the land.

#### **4.5 Statement of how the Council proposes to use the proceeds if it is proposed to sell the land**

Subject to Council's resolution, the proceeds from the sale of the Tynte Street Car Park land are proposed to be assigned to Council's Future Fund in accordance with Council's Future Fund & Investment Policy and Treasury Policy supporting income generating and city shaping opportunities.

#### **4.6 Assessment of how implementation of the proposal would affect the area and local community**

The disposal of the Tynte Street Car Park land will result in the car park no longer being available for public use. Possible redevelopment of the land will depend on the intentions of the eventual purchaser, with any redevelopment supporting investment and activation within the precinct.

More specifically, the proposal is expected to have the following affects:

- The car park will no longer be available for the use of Strata Corporation 4166 Incorporated (the adjoining North Adelaide Medical Centre), unless this party chooses to purchase the land through the open market sales process or negotiates a new lease with the eventual purchaser. Council will address such matters in accordance with the terms of the existing Licence.
- The car park will no longer be available to members of the public. In this regard, it is noted on-street parking in the area is generally not subject to time restrictions outside of the hours of 6.00am and 6:00pm, meaning that there are also numerous on-street parking options for the public outside of the licence times.
- The proceeds from the sale of the land will be assigned to Council's Future Fund, subject to Council's resolution. Proceeds of sale that are assigned to Council's Future Fund will be used in accordance with Council's Future Fund & Investment Policy Treasury Policy and support future income generating and strategic assets providing broader benefits to the community.

#### **4.7 Land ownership**

The Corporation of the City of Adelaide is the owner of the land, and therefore there are no requirements made as a condition of approving the proposed revocation.

### **5. Community consultation program**

Section 194(2)(b) of the Act requires the Council to consult with the community on the proposal in accordance with the Council's public consultation policy.

Table 1 of the Council's Public Consultation Policy specifies the steps to be followed for the proposed revocation of classification of community land. A copy of Table 1 from Council's Public Consultation Policy that outlines the consultation required for revocations of community land classification is attached as **Appendix D**.

Council's online engagement hub "Your Say Adelaide" will be a feature of the consultation program.

In addition to the mandatory requirements of the Policy, it is proposed to notify key stakeholders affected by this proposal. This includes the adjoining landowners and North Adelaide Medical Centre in its capacity as the licensee.

The Council will further assess the proposed revocation of community land classification of the Tynte Street Car Park land following public consultation, with all submissions received from the public to be provided to Council to inform decision making about whether to proceed to seek Ministerial approval for the proposed revocation.

## 6. Indicative timeframe

The following table presents an indicative timeframe for the revocation process:

Milestone	2022			
	March 2022	April 2022	May 2022	June 2022
Public consultation period				
Report to Committee on public consultation results				
Council consideration and approval in response to the report on public consultation results. Includes recommendation to seek Minister's approval				
Submit proposal to Minister for community land classification revocation approval				

The Council will ultimately be required pass a resolution to revoke the community land classification following the Minister's approval. The timing of this Council resolution will depend on the timeframe for obtaining the Minister's approval.



# Appendix A

## Off-Street Car Parking Facilities Community Land Management Plan

### OFF-STREET CAR PARKING FACILITIES

Community Land Management Plan

26 February 2019



## DOCUMENT PROPERTIES

### Contact for enquiries and proposed changes

If you have any questions regarding this document or if you have a suggestion for improvements, please contact:

Contact Officer: Tom McCready  
Title: Associate Director-Property  
Program: Property  
Phone: (08) 8203 7151  
Email: T.McCready@cityofadelaide.com.au

### Record Details

HPRM Reference: ACC2019/18963  
HPRM Container: 2017/03832

### Version History

Version	Revision Date	Revised By	Revision Description
1.0	26/01/19	Corna Kotze	Draft update-amend of CLMP
1.1	31/01/19	Paul Addle	Review-amend draft update of CLMP
1.2	31/01/19	Duncan Frazer	New CLMP template and format
1.3	31/01/19	Corna Kotze	Update to new template
1.4	01/02/19	Paul Addle	Review-settle draft CLMP



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## 1. INTRODUCTION

Section 199 of the Local Government Act 1999 (the Act) requires a council to manage Community Land in accordance with a Community Land Management Plan (CLMP) for the land. Land owned by a council or under a council's care, control and management is classified as Community Land.

The Corporation of the City of Adelaide owns a number of properties under the care and control of the City of Adelaide (Council) used for the purposes of off-street car parking.

Section 196(2) of the Act allows a council to prepare a single management plan for one or more separate holdings of community land.

Accordingly, a single management plan was prepared and adopted by Council on 30 August 2010 for the two properties addressed in this CLMP and is referred to as the Off-Street Car Parking Facilities Community Land Management Plan. There are other Council properties classified as Community Land used for off-street car parking and these are the subject of the UPark Community Land Management Plan.

Section 196 of the Act sets out the structure and content and other matters relevant to CLMPs. This amended CLMP has been prepared in accordance with Section 196.

Section 197 of the Act specifies the public consultation process associated with the development and amendment of CLMPs, addressed in section 6 of this document.

## 2. COUNCIL PROPERTIES BEING USED AS CAR PARKS

The two car parks addressed in this CLMP are:

2.1.1 Dunn Street Car Park: 21-31 Dunn Street North Adelaide (Dunn Street Car Park).

2.1.2 Tynte Street Car Park: 171-175 Tynte Street North Adelaide (Tynte Street Car Park)

Referred to collectively in this CLMP as "the Car Parks"

A locality map showing the location of the two car parks is presented in Figure 1.

An aerial photograph of each car park is presented in Figure 2 and 3.



Figure 1: Off-Street Car Parking Facilities locality map



Off-Street Car Parking Facilities

Figure 2: Aerial photo delineating Dunn Street Car Park community land boundary

City of Adelaide Community Land Management Plan  
Community Land Category - Off Street Car Parking Facilities  
Detail Map 3 of 3

Dunn Street Car Park  
Legal Description - CT5633/973, CT5907/896, CT5154/320 & CT5128/277



Figure 3: Aerial photo delineating Tynte Street Car Park community land boundary

City of Adelaide Community Land Management Plan  
Community Land Category - Off Street Car Parking Facilities  
Detail Map 1 of 3

Tynte Street Car Park  
Legal Description - CT5497700 & CT5497702



### 3. DETAILS OF THE COMMUNITY LAND MANAGEMENT PLAN

#### 3.1 Property Identification (Section 196(3)(a) of the Local Government Act 1999)

Name of Property	Location	Certificates of Title
Dunn Street Car Park	21-31 Dunn Street North Adelaide	Volume 5128/Folio 277 Volume 5154/Folio 320 Volume 5907/Folio 896 Volume 5633/Folio 973
Tynte Street Car Park	171-175 Tynte Street North Adelaide	Volume 5497/Folio 700 Volume 5497/Folio 702

#### 3.2 Owner (Section 196(4))

The Corporation of the City of Adelaide is the owner of the land on which the Car Parks are located.

#### 3.3 Purpose for which land is held (Section 196(3)(b))

The land is held for the purpose of providing:

- 3.3.1 A free community off-street car park to support the Melbourne Street retail and commercial precinct and the North Adelaide Medical Centre, residents and visitors to the area.
- 3.3.2 Telecommunication equipment and other associated services infrastructure under licence as required, and
- 3.3.3 Other uses as determined by the Council from time to time in accordance with this CLMP.

## 4. DUNN STREET CAR PARK

#### 4.1 Objectives for management of the land (Section 196(3)(c))

The objectives are to promote, encourage and provide the land for use by the public and to support the Melbourne Street retail and commercial precinct and to provide or facilitate the provision of facilities and infrastructure on the land to meet the current and future needs of the local community and of the wider public in relation to;

- Car parking, public utilities, essential services, community services and other uses as determined by the Council from time to time in accordance with this CLMP; and
- Entering into a lease, licence or other interest that may be granted in respect of the land in accordance with this CLMP.





#### 4.2 Management arrangements (Section 196(3)(c))

The car park has parking restrictions of varying durations;

- Opening hours of car park at Council's discretion;
- Disabled parking will be provided in accordance with relevant legislative access requirements;
- Parking controls will be enforced;
- Support infrastructure consisting of drainage, lighting, landscaping;
- Electricity Transformer;
- Telecommunications equipment and services infrastructure;
- Easements and Rights of Way.

#### 4.3 Leases and Licences Consistent with CLMP

Licence to TPG Network Pty Ltd or nominee for telecommunication equipment.

#### 4.4 Performance targets and measures (Section 196(3)(d))

Council is responsible for keeping the car park in good condition, safe and accessible and free from graffiti. Attention is given to ensuring there is a turn-over of vehicles in accordance with the specified time limits.

Performance targets are:

- To provide a clean and well-maintained car parking facility
- To reduce the occurrence of vandalism and graffiti, and repair promptly
- To reduce the amount of littering and encourage recycling
- To ensure car parking use does not impact on the amenity of surrounding properties
- To ensure access to car park for people with disabilities
- To ensure turnover of car parks to maximise number of users
- To provide adequate lighting to ensure safe use of car park facility by the public
- To ensure parking controls installed on the land and clear and unambiguous.

Performance measures are: up-keep

- Maintain a records register of public comments in relation to the land and review annually to determine the condition of the facilities and identify any maintenance requirements for the facilities upkeep
- Survey and direct observation/inspections and audits (6 monthly)
- Issue expiation fines for any infringements of parking controls



#### Off-Street Car Parking Facilities

- Maintain and review regularly a register of reported incidents, investigate with SAPOL as to reported incidences on the land and respond as necessary to mitigate incidents.

#### 4.5 Policies related to the management of the land (Section 196(3)(c))

- Access and Inclusion Strategy 2012-2016
- Adelaide (City) Development Plan
- Asset Management Policy
- Cabling and Communications Policy
- City Community Policy
- City of Adelaide 2016-2020 Strategic Plan
- Community Engagement Strategy
- On-Street Parking Policy
- The City of Adelaide Smart Move Transport and Movement Strategy 2012-22

#### 4.6 Relevant Legislation

- Australian Road Rules 1999
- Australian Standards
- Disability Discrimination Act 1992
- Expiation of Offences Act 1996
- Local Government Act 1999
- Private Parking Areas Act 1986
- Road Traffic Act 1961

## 5. TYNTE STREET CAR PARK

### 5.1 Objectives for management of the land (Section 196(3)(c))

One of the objectives for this car park is to support the local medical centre and to facilitate the use of the medical centre by members of the public.

At other times, the car park is provided as a free community off-street car park to support the residents and visitors to the area.

### 5.2 Leases and Licences Consistent with CLMP

The car park is subject to a licence to Strata Corporation 4166 Incorporated for use by the North Adelaide Medical Centre at 183 Tynte Street between the hours of 6am to 6pm Monday to Friday.



### 5.3 Management arrangements (Section 196(3)(c))

The car park is managed in accordance with the licence.

### 5.4 Performance targets and measures (Section 196(3)(d))

Performance targets are:

- Ensuring compliance with lease/licence terms and conditions
- To provide a clean and well-maintained car parking facility
- To reduce the occurrence of vandalism and graffiti, and repair promptly
- To provide adequate lighting to ensure safe use of car park facility by the public.

Performance measures are:

- Audit/review of lessee/licensee compliance
- Surveys and direct observation/inspections and audits (6 monthly).

### 5.5 Policies related to the management of the land (Section 196(3)(c))

- Access and Inclusion Strategy 2012-2016
- Adelaide (City) Development Plan
- Asset Management Policy
- Cabling and Communications Policy
- City Community Policy
- City of Adelaide 2016-2020 Strategic Plan
- Community Engagement Strategy
- On-Street Parking Policy
- The City of Adelaide Smart Move Transport and Movement Strategy 2012-22

### 5.6 Relevant Legislation

- Australian Road Rules 1999
- Australian Standards
- Disability Discrimination Act 1992
- Expiation of Offences Act 1996
- Local Government Act 1999
- Private Parking Areas Act 1986




Off-Street Car Parking Facilities

- Road Traffic Act 1961

Figure 4: Certificates of Titles: Dunn Street Car Park



WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1886

  
**South Australia**

VOLUME 5128 FOLIO 277  
Edition 1  
Date Of Issue 23/06/1993  
Authority RTD 7268098

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

  
REGISTRAR-GENERAL 

**REGISTERED PROPRIETOR IN FEE SIMPLE**  
THE CORPORATION OF THE CITY OF ADELAIDE OF GPO BOX 2252 ADELAIDE SA 5001

**DESCRIPTION OF LAND**  
ALLOTMENT 82 DEPOSITED PLAN 34102  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATALA

**EASEMENTS**  
TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

**SCHEDULE OF ENDORSEMENTS**  
NIL

PAGE 1 OF 2 End of Text.



Figure 5:

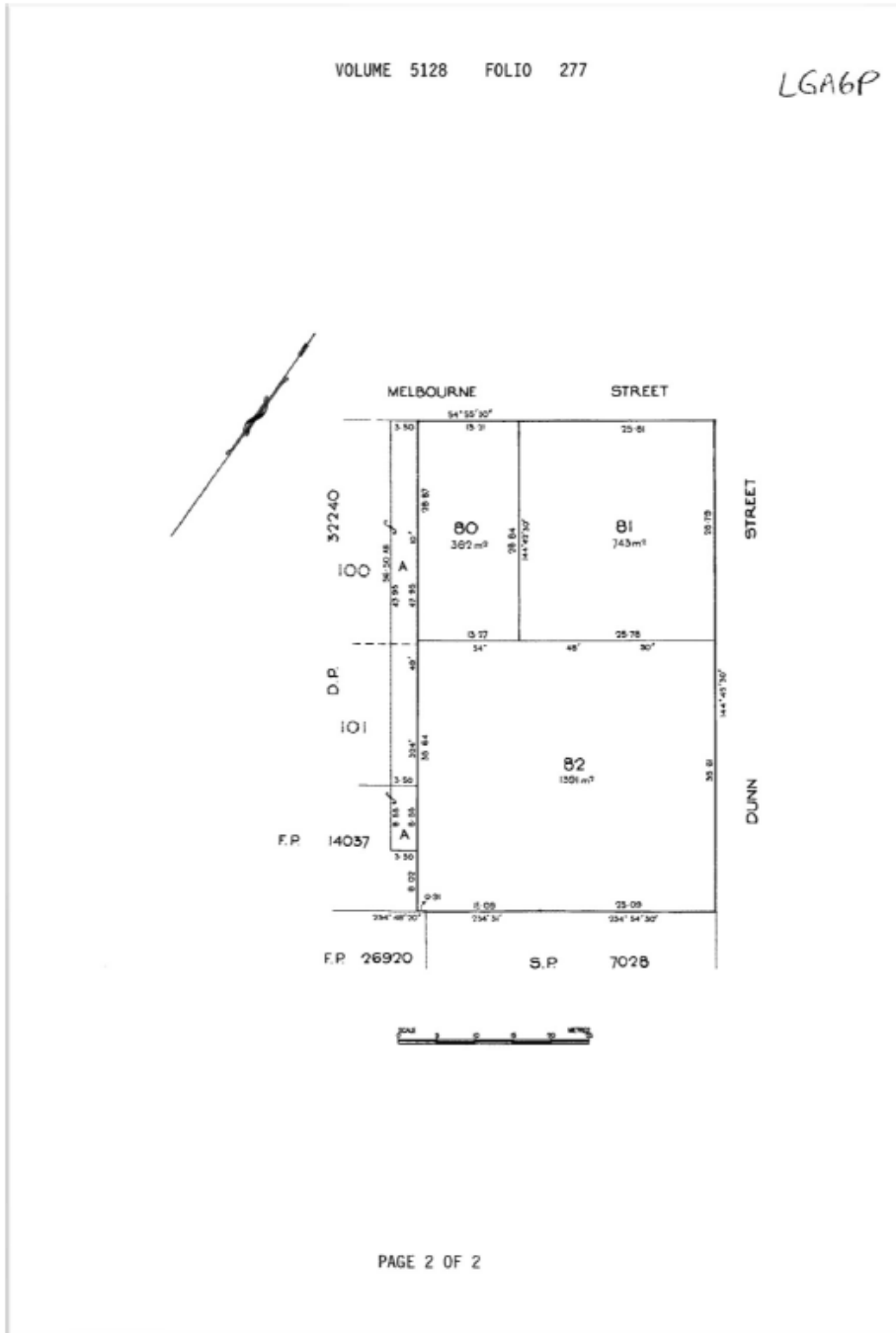




Figure 6:



 **Title Register Search**  
**LANDS TITLES OFFICE, ADELAIDE**  
For a Certificate of Title issued pursuant to the Real Property Act 1986

REGISTER SEARCH OF CERTIFICATE OF TITLE \* VOLUME 5633 FOLIO 973 \*

COST : \$17.40 (GST exempt )                      PARENT TITLE : CT 3227/8  
REGION : EMGAIL                                      AUTHORITY : CONVERTED TITLE  
AGENT : LGA6 BOX NO : 131                      DATE OF ISSUE : 12/03/1999  
SEARCHED ON : 18/12/2008 AT : 08:45:19      EDITION : 1

REGISTERED PROPRIETOR IN FEE SIMPLE  
-----  
THE CORPORATION OF THE CITY OF ADELAIDE OF GPO BOX 2252 ADELAIDE SA 5001

DESCRIPTION OF LAND  
-----  
ALLOTMENT 94 FILED PLAN 213364  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATALA

EASEMENTS  
-----  
TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

SCHEDULE OF ENDORSEMENTS  
-----  
NIL

NOTATIONS  
-----  
DOCUMENTS AFFECTING THIS TITLE  
-----  
NIL

REGISTRAR-GENERAL'S NOTES  
-----  
APPROVED FILED PLAN 14037  
CONVERTED TITLE-WITH NEXT DEALING LODGE CT 3227/8

END OF TEXT.

Page 1 of 2


The Registrar-General certifies that this Title Register Search displays the records 

Figure 7

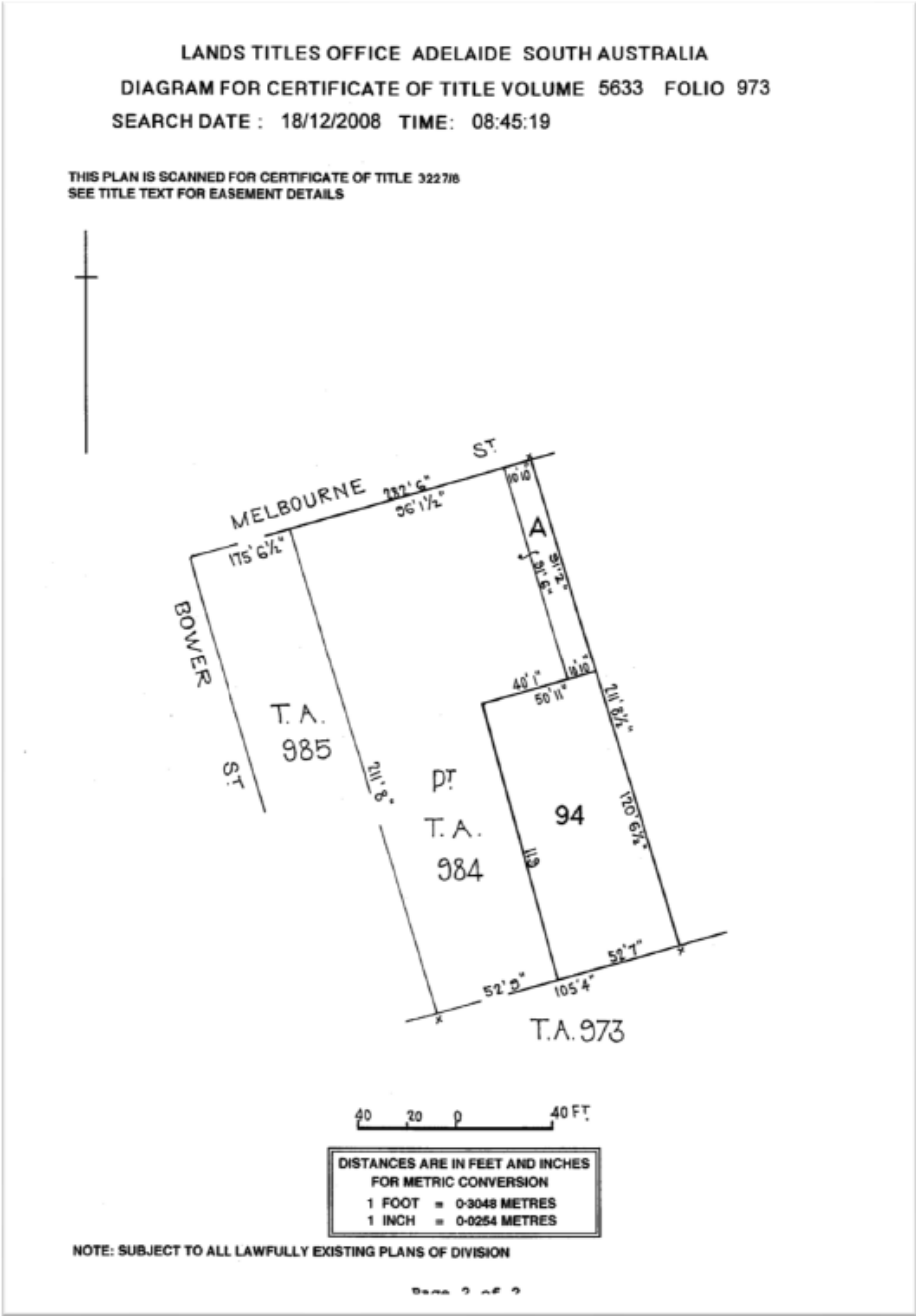




Figure 8:

**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1886

  
**South Australia**

VOLUME 5907 FOLIO 896  
Edition 1  
Date Of Issue 03/12/2003  
Authority ACT 9701795

*[Signature]*  
REGISTRAR-GENERAL 

**REGISTERED PROPRIETOR IN FEE SIMPLE**

THE CORPORATION OF THE CITY OF ADELAIDE OF GPO BOX 2252 ADELAIDE SA 5001

**DESCRIPTION OF LAND**

ALLOTMENT 31 DEPOSITED PLAN 34629  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATALA

**EASEMENTS**

SUBJECT TO THE EASEMENT OVER THE LAND MARKED E FOR SEWERAGE PURPOSES TO  
THE SOUTH AUSTRALIAN WATER CORPORATION (TG 8048604)

SUBJECT TO THE EASEMENT OVER THE LAND MARKED E FOR WATER SUPPLY PURPOSES  
TO THE SOUTH AUSTRALIAN WATER CORPORATION (TG 8046604)

SUBJECT TO EASEMENTS OVER THE LAND MARKED E (TG 7970532)

SUBJECT TO FREE AND UNRESTRICTED RIGHTS OF WAY OVER THE LAND MARKED A AND  
C

TOGETHER WITH A RIGHT OF WAY OVER THE LAND MARKED X ON FP 13041  
APPURTENANT ONLY TO THE LAND MARKED B HEREON (GRO NO.257 BOOK 29 AND GRO  
NO.258 BOOK 29)

TOGETHER WITH THE EASEMENT OVER THE LAND MARKED D APPURTENANT ONLY TO THE  
LAND MARKED Y (RE 7206478)

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED D  
APPURTENANT ONLY TO THE LAND MARKED Y

PAGE 1 OF 3 Cont.

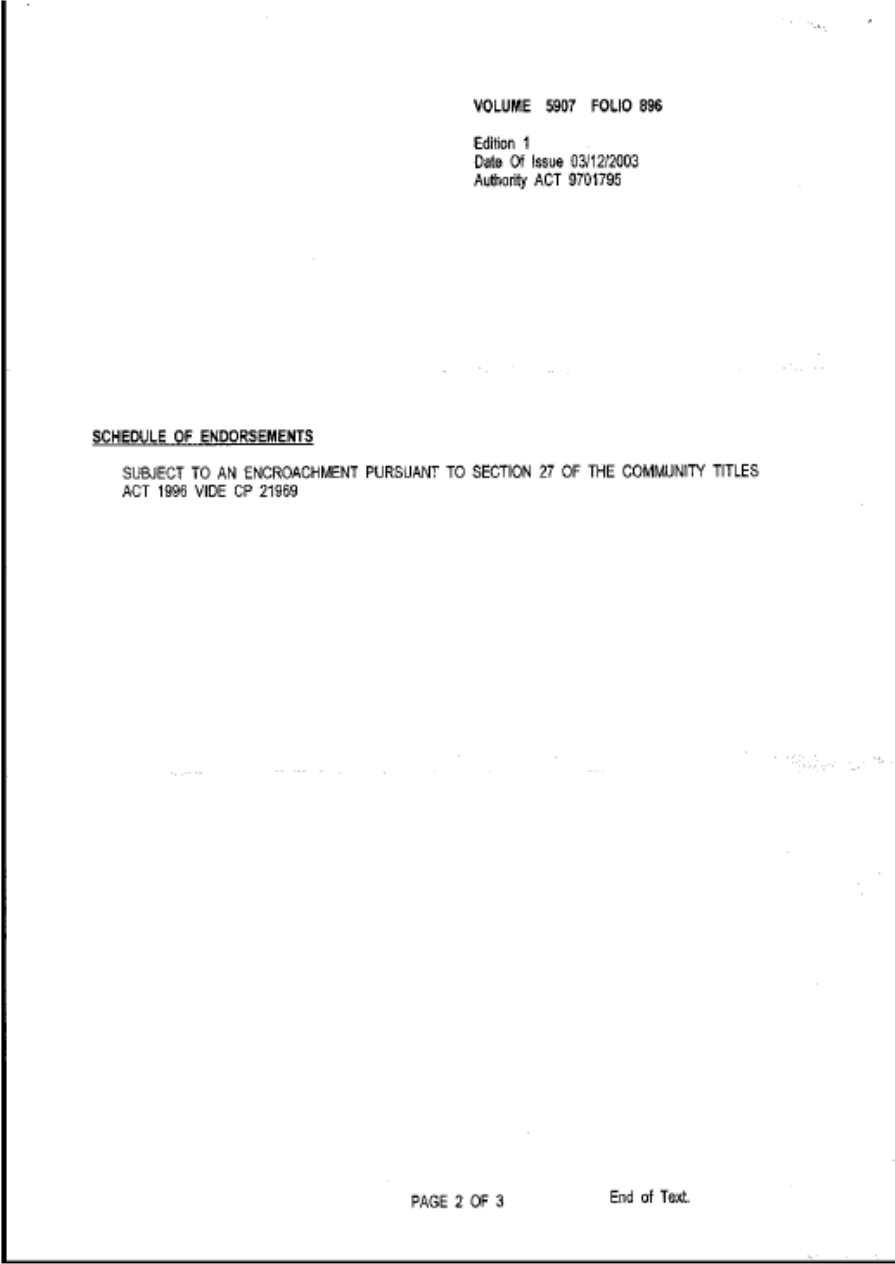
WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

SCANNED CRU 05/02/2004 16:42:06





Figure 9:



Off-Street Car Parking Facilities

Figure 10:

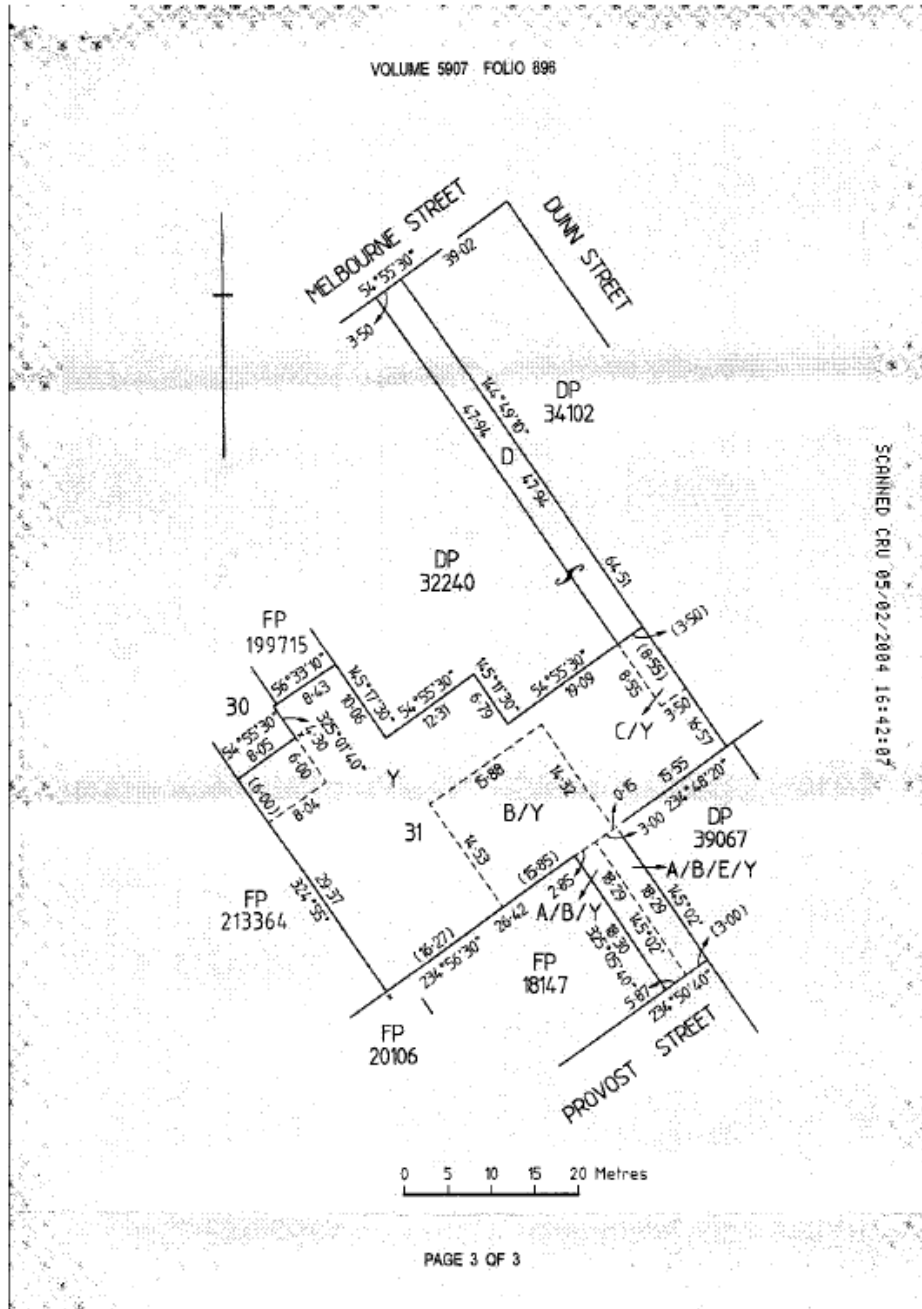


Figure 11:

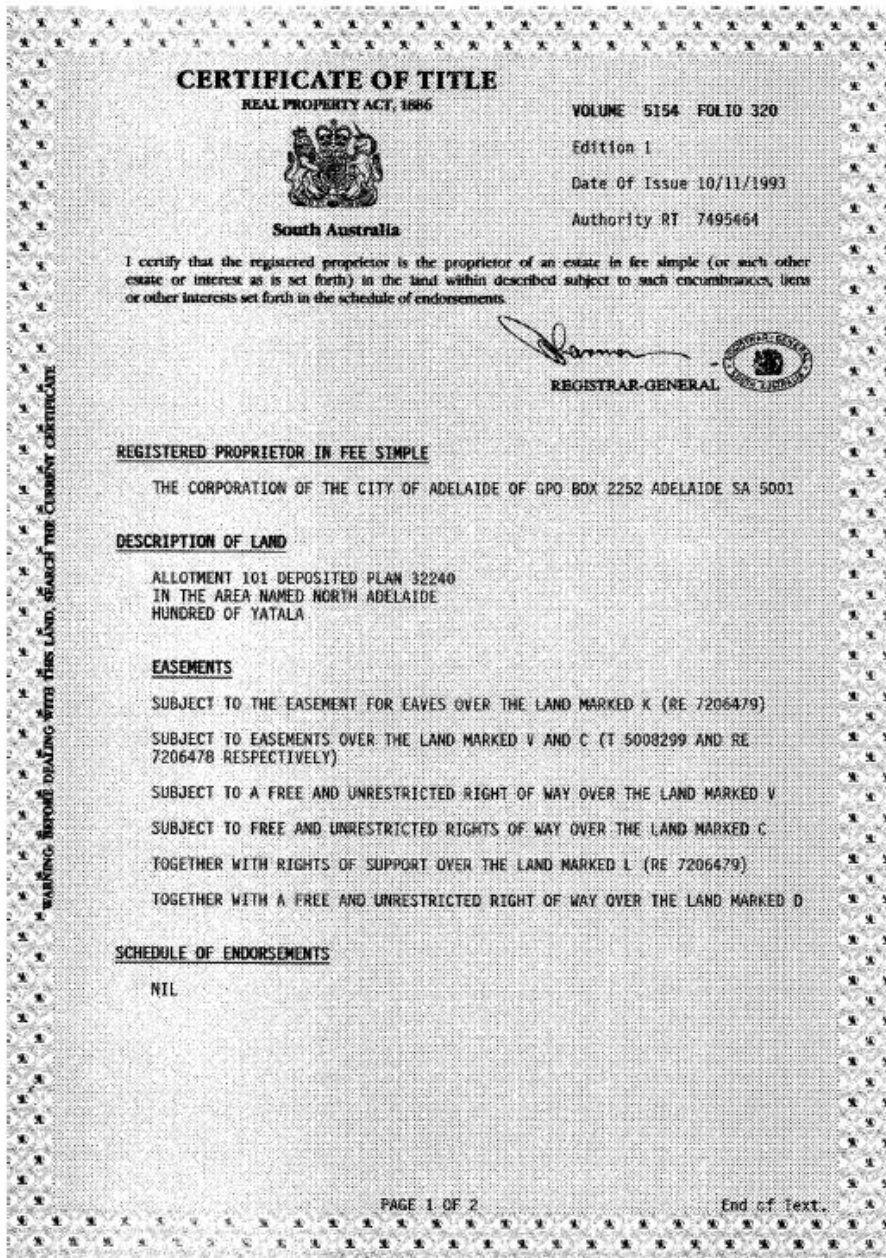


Figure 12:

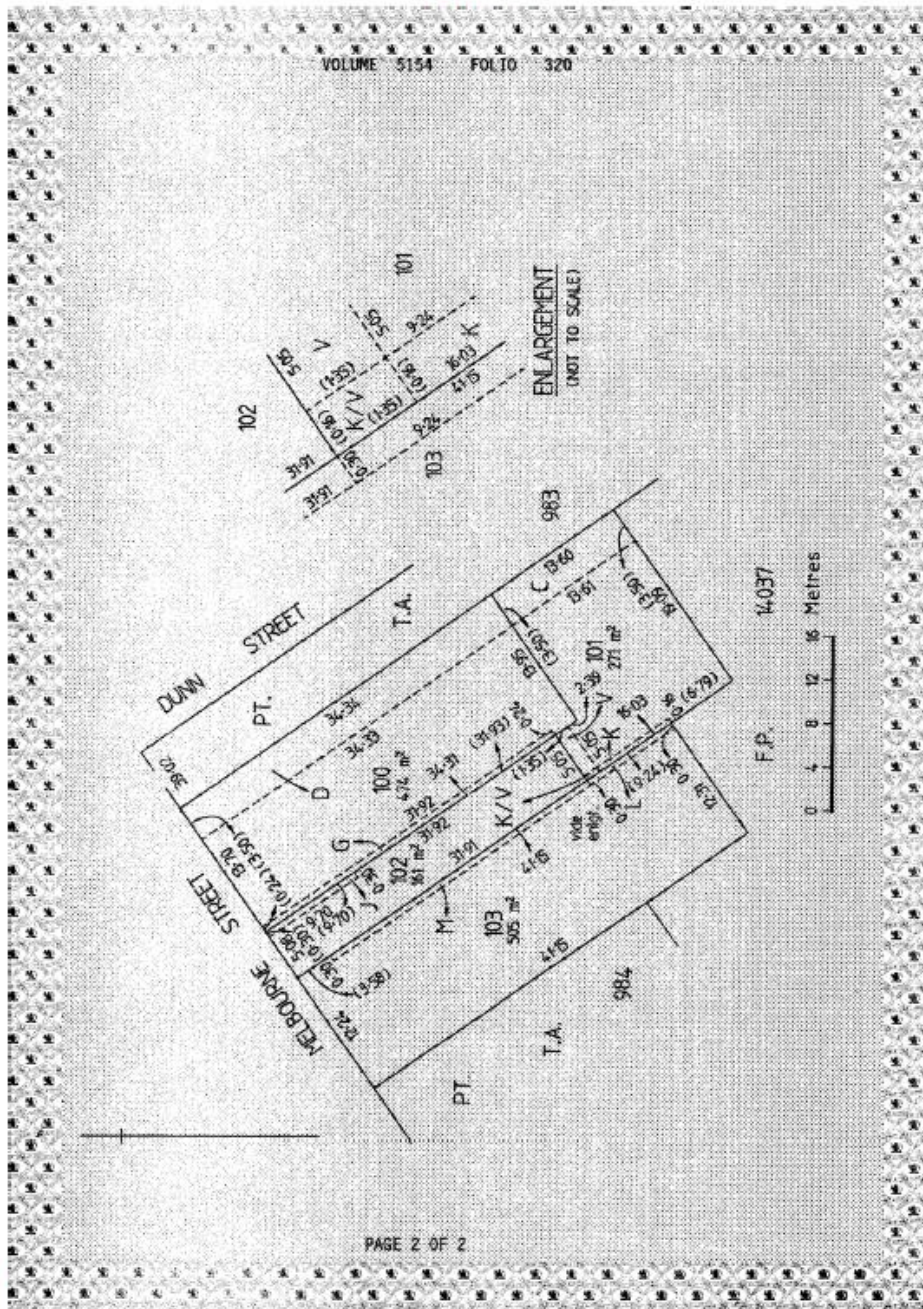



Figure 13: Certificates of Titles: Tynite Street Car Park



**Title Register Search**  
**LANDS TITLES OFFICE, ADELAIDE**  
For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE \* VOLUME 5497 FOLIO 700 \*

COST : \$16.10 (GST exempt )	PARENT TITLE : CT 4147/481
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : LGA6 BOX NO : 131	DATE OF ISSUE : 30/01/1998
SEARCHED ON : 15/06/2007 AT : 09:29:42	EDITION : 1

REGISTERED PROPRIETOR IN FEE SIMPLE  
-----  
THE CORPORATION OF THE CITY OF ADELAIDE OF GPO BOX 2252 ADELAIDE SA 5001

DESCRIPTION OF LAND  
-----  
ALLOTMENT 5 FILED PLAN 7308  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATAIA

EASEMENTS  
-----  
NIL

SCHEDULE OF ENDORSEMENTS  
-----  
NIL

NOTATIONS  
-----  
DOCUMENTS AFFECTING THIS TITLE  
-----  
NIL

REGISTRAR-GENERAL'S NOTES  
-----  
APPROVED GP 1122/71  
CONVERTED TITLE-WITH NEXT DEALING LODGE CT 4147/481

END OF TEXT.

Page 1 of 2

The Registrar-General certifies that this Title Register Search displays the records




Figure 14:

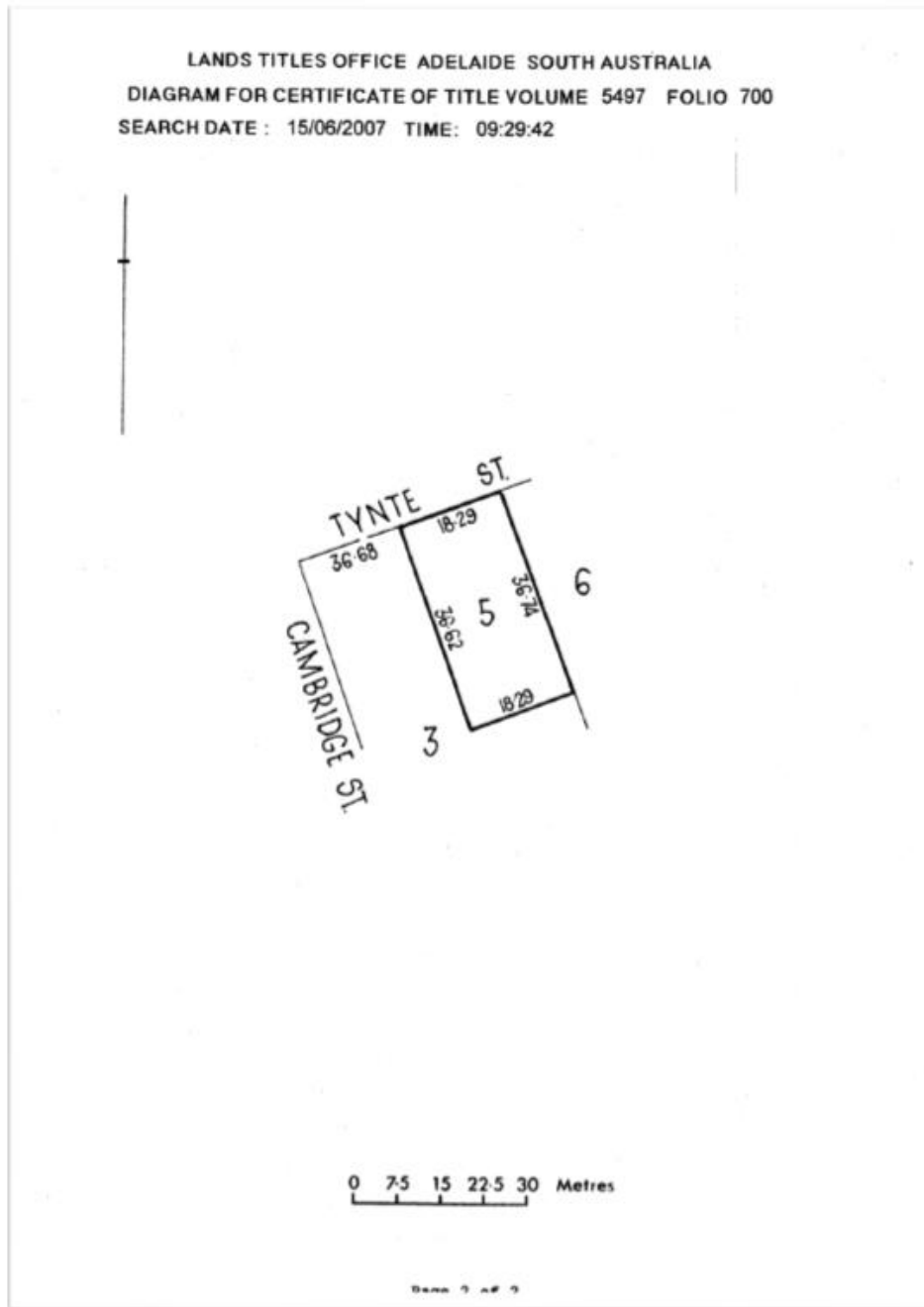



Figure 15:

 **Title Register Search**  
**LANDS TITLES OFFICE, ADELAIDE**  
For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE \* VOLUME 5497 FOLIO 702 \*

COST : \$16.10 (GST exempt )	PARENT TITLE : CT 4147/482
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : LGA6 BOX NO : 131	DATE OF ISSUE : 30/01/1998
SEARCHED ON : 15/06/2007 AT : 09:30:18	EDITION : 1

REGISTERED PROPRIETOR IN FEE SIMPLE  
-----  
THE CORPORATION OF THE CITY OF ADELAIDE OF GPO BOX 2252 ADELAIDE SA 5001  
-----

DESCRIPTION OF LAND  
-----  
ALLOTMENT 6 FILED PLAN 7308  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATALA  
-----

EASEMENTS  
-----  
SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A  
-----

SCHEDULE OF ENDORSEMENTS  
-----  
NIL  
-----

NOTATIONS  
-----  
DOCUMENTS AFFECTING THIS TITLE  
-----  
NIL  
-----

REGISTRAR-GENERAL'S NOTES  
-----  
APPROVED GP 1122/71  
CONVERTED TITLE-WITH NEXT DEALING LODGE CT 4147/482  
-----

END OF TEXT.

Page 1 of 2

The Registrar-General certifies that this Title Register Search displays the records


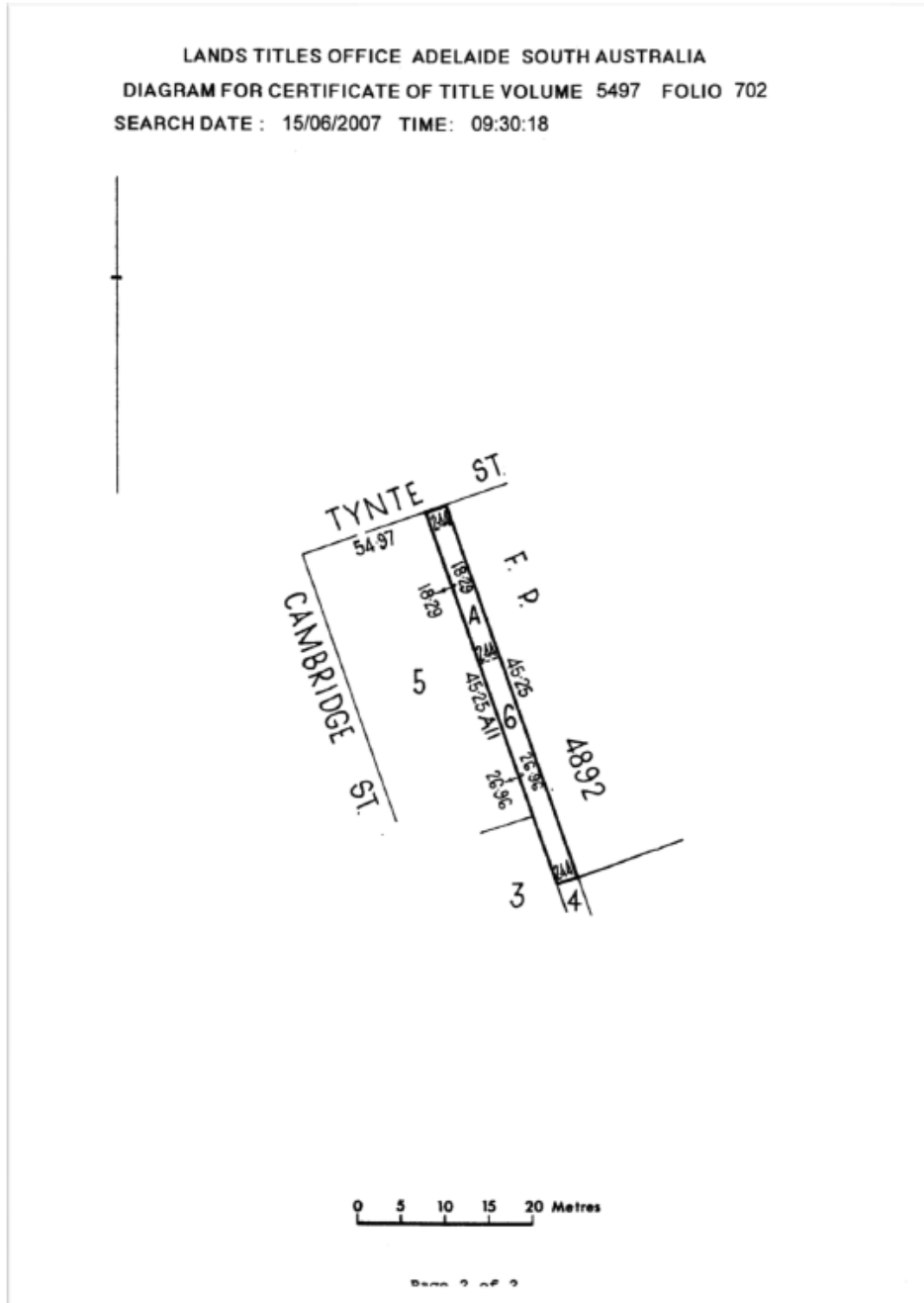




Figure 16:





# Appendix B

## Tynte Street Car Park land

City of Adelaide Community Land Management Plan  
Community Land Category - Off Street Car Parking Facilities  
Detail Map 1 of 3

Tynte Street Car Park  
Legal Description - CT5497/700 & CT5497/702



# Appendix C

## Tynte Street Car Park – Certificates of Title



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

Product	Register Search (CT 5497/700)
Date/Time	10/07/2017 04:29PM
Customer Reference	8092255
Order ID	20170710010770
Cost	\$585.00



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



### Certificate of Title - Volume 5497 Folio 700

Parent Title(s)	CT 4147/481		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	30/01/1998	Edition	1
		Edition Issued	30/01/1998

### Estate Type

FEE SIMPLE

### Registered Proprietor

THE CORPORATION OF THE CITY OF ADELAIDE  
OF GPO BOX 2252 ADELAIDE SA 5001

### Description of Land

ALLOTMENT 5 FILED PLAN 7308  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATALA

### Easements

NIL

### Schedule of Dealings

NIL

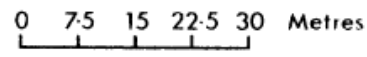
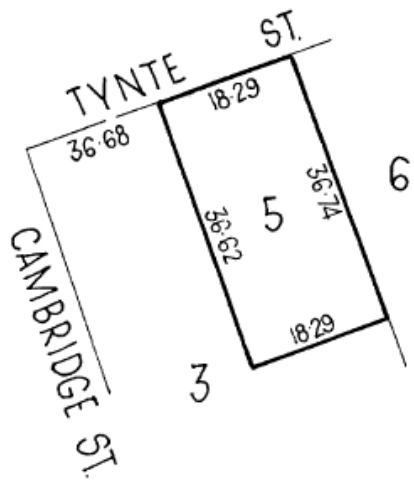
### Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

### Registrar-General's Notes

APPROVED G1122/1971

Administrative Interests	NIL
--------------------------	-----





REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5497 Folio 702

Parent Title(s) CT 4147/482  
Creating Dealing(s) CONVERTED TITLE  
Title Issued 30/01/1998 Edition 1 Edition Issued 30/01/1998

### Estate Type

FEE SIMPLE

### Registered Proprietor

THE CORPORATION OF THE CITY OF ADELAIDE  
OF GPO BOX 2252 ADELAIDE SA 5001

### Description of Land

ALLOTMENT 6 FILED PLAN 7308  
IN THE AREA NAMED NORTH ADELAIDE  
HUNDRED OF YATALA

### Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

### Schedule of Dealings

NIL

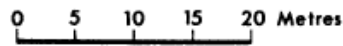
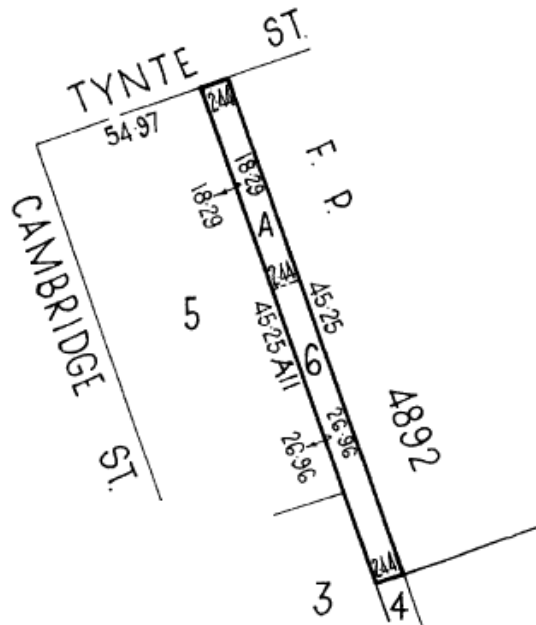
### Notations

Dealings Affecting Title NIL  
Priority Notices NIL  
Notations on Plan NIL

#### Registrar-General's Notes

APPROVED G1122/1971

Administrative Interests NIL



## Appendix D

### Community Consultation Policy

#### Table 1: Statutory Compliance with Local Government Act 1999

##### Extract of steps required for Community Land: Revocation of Classification (Section 194)

	Consultation steps	11
1	Council will provide public notice of the options for consideration.	✓
2	Information provided on a City of Adelaide corporate website.	✓
3	Council to ensure that any documents that are legislatively required to be freely available for inspection are on public display and print versions are available to purchase for a fixed fee in the customer centre; and freely available for view and/or purchase for a fixed fee in the City's libraries and community centres as required.	✓
4	Notice published in a local newspaper circulating in the City of Adelaide.	✓
5	Provide a minimum of 21 days for people to make submissions to Council (unless stated).	✓
6	Receipt of submissions by City of Adelaide.	✓
7	Submissions to be considered by Council in decision-making.	✓
8	Inform public of outcome (as per relevant section).	✓
9	Public meeting (as determined by relevant section).	
10	Provide opportunity for people who may be affected to be involved.	
11	Provide opportunity for people to attend Council meeting or Council Committee meeting.	
12	Submit report and proposal/other to Minister or Government department as required.	✓
13	Submissions to be considered in decision-making under delegation.	
14	Council may require the applicant to carry out certain consultation(s) to notify any potentially effected community and/or stakeholders of the proposal	
15	Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer.	

## Unsolicited Proposals

Tuesday, 8 March 2022

Council

Strategic Alignment - Enabling Priorities

**Program Contact:**

Grace Pelle - Manager Finance & Procurement

Public

2021/00122

**Approving Officer:**

Amanda McIlroy - Chief Operating Officer

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## EXECUTIVE SUMMARY

In early 2020, Council had a number of discussions regarding development of significant sites in the Adelaide Parklands. During this process there were several questions regarding unsolicited proposals. At its meeting on 14 April 2020, Council resolved to suspend these Guidelines. In February 2021, a workshop was subsequently held with Council Members on the Unsolicited Proposals Guideline (the Guidelines). In order to promote good governance and manage the risks and opportunities for future unsolicited proposals submitted, we recommend that the current Guidelines are revoked, and propose a new approach for the consideration of such proposals.

It is proposed that the Strategic Risk and Internal Audit group (SRIA) is used to assess the risks and opportunities from any unsolicited proposals submitted. Given that the consideration of an unsolicited proposal is directly related to an assessment of risk, it is appropriate to utilise SRIA to ensure that unsolicited proposals are assessed from a risk management perspective. This will ensure fairness and equity in the consideration of proposals, taking into account Council's strategic priorities, its policy framework and other approved guiding documents, as well as dealing with legal risk, reputational and political implications, in accordance with the Strategic Risk Register.

---

## RECOMMENDATION

### THAT COUNCIL

1. Approves the revocation of the Unsolicited Proposals Guidelines.
  2. Notes that the receipt of external unsolicited proposals will be managed by SRIA and assessed using the City of Adelaide's risk framework.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> Removal of guidelines that have been suspended due to their effectiveness, enables the Council to fairly and equitably consider all proposals within its existing governance and risk framework.
Policy	Revocation of the Unsolicited Proposals Guideline will remove the perception of uncertainty with regards to whether Council will consider unsolicited proposals and enable fair and equitable consideration based on risk and merit.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Utilising SRIA to ensure that consideration of unsolicited proposals are managed in accordance with the corporate risk appetite. Ensures consideration of all strategic risks and appropriate governance ensues.
Opportunities	With the suspension of guidelines, it increases the risk of perception that Council may not want to consider unsolicited proposals. Revocation of these suspended guidelines will enable Council to liaise with organisations that approach Council with these types of proposals.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report



# DISCUSSION

## Background

1. In early 2020, Council engaged in multiple discussions regarding development of significant sites in the Adelaide Parklands. Throughout the process there were numerous questions regarding the process for consideration of unsolicited proposals.
2. Following discussions on the Guidelines and their application, Council decided to suspend the Guidelines for further consideration in the future.
3. In February 2021, Governance led a workshop with Council regarding the revision of the Unsolicited Proposals Guideline (the Guidelines).

## Review

4. As a result of this, an internal review of the purpose of the guidelines was undertaken. The intent of the review was to assess the need for a policy or guideline to manage consideration of unsolicited proposals. The review looked at previous cases in this regard, including the review of the ICAC report dealing with an unsolicited approach to State Government for the sale of land at Gilman which was deemed to be maladministration.
5. Further, a review of the structures and approaches in other capital cities was also undertaken. Market comparisons support the view that such policies offer little or no value in managing proposals and any associated risks and opportunities.
6. The table below illustrates that other capital cities do not use a standalone policy or guideline. Research indicates that this is due to instances where policy has created additional red tape or application of policy has resulted in misleading advice in the consideration of such proposals.

Capital City	Stand Alone Policy/Guideline	Other Instrument
Brisbane	No	Better Brisbane Proposals
Melbourne	No	No
Sydney	No	Guide to Doing Business with Sydney
Perth	No	Investment Performance and Disposal policy enables unsolicited bids

7. For the purpose of assessing the Guidelines, unsolicited proposals were defined as any offering(s) coming from external parties that have not been received via an approved procurement method, such as open market tender or expression of interest.
8. Proposals are received at all levels from a range of interested parties including ICT companies, suppliers, property owners, developers etc. Principle area where these types of offers are received is in the property asset acquisition and disposal area. Given the recent review of the Land and Other Assets Acquisition and Disposal Policy by Council in January 2022, there is greater clarity about Council's ability to consider certain proposals.
9. *The Local Government Act 1999 (SA)* addresses a concept of uniqueness to decide whether an unsolicited proposal should be considered or whether it is deferred to open market. The complexity with this is that uniqueness is subjective and difficult to address in a comprehensive manner.
10. In addition, should a proposal not be perceived as being evaluated through a robust process or in accordance with established policy or guidelines, conflicts can arise, and legal risk is increased as was illustrated by the Gilman land proposal.

## Proposed approach

11. The receipt of an unsolicited proposal should be reviewed as an exploration of both opportunity and risk for the Council. Proposals ought to be reviewed constructively with a comprehensive review of the opportunity presented to Council, balanced with a risk-based approach which examines how risk can be managed.
12. The Strategic Risk and Internal Audit Group (SRIA) is a well established group that oversees and guides Council's risk management processes. SRIA's membership consists of the Executive Group and key senior leaders in the administration and as part of its role considers significant and strategic risk items, as well as developing a positive risk management culture in the organisation. Matters considered by SRIA are reported to the Audit and Risk Committee.

13. Given that the consideration of an unsolicited proposal is directly related to an assessment of risk, it is appropriate to utilise SRIA to ensure that unsolicited proposals are assessed from a risk management perspective. This will ensure fairness and equity in the consideration of proposals, taking into account Council's strategic priorities, its policy framework and other approved guiding documents, as well as dealing with legal risk, reputational and political implications, in accordance with the Strategic Risk Register.
14. SRIA's considerations will inform the best way that a proposal can be progressed so that Council receives appropriate advice to inform its considerations as a responsible and informed decision maker.
15. Proposal assessment processes will also include involvement, where appropriate, of Council's Committees to ensure relevant input is received. For instance, where a proposal involves the Park Lands then input would be sought from APLA as Council's advisory body for matters relating to the Park Lands.
16. Importantly, utilisation of SRIA also ensures that Council's Audit and Risk Committee are involved in the advisory process, providing added assurance about the robustness of the evaluation process. The SRIA Term of Reference are in the process of being reviewed to reflect the approach proposed in this report, to ensure that the evaluation process includes consideration of key elements such as:
  - 16.1. Strategic plan alignment,
  - 16.2. Relevance to existing policies
  - 16.3. Legislative compliance
  - 16.4. Providing transparency in the decision-making process
  - 16.5. Respecting, when appropriate, any confidentiality requirements to protect the interests of the City of Adelaide on behalf of ratepayers.

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## DATA AND SUPPORTING INFORMATION

Nil

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## ATTACHMENTS

Nil

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- END OF REPORT -

## Code of Conduct - Outcome

Tuesday, 8 March 2022  
Council

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski - Manager  
Governance

Public

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

## EXECUTIVE SUMMARY

On 11 August 2021 the (then Acting) Chief Executive Officer (CEO) of the City of Adelaide (the Council) received an allegation that Cr Phillip Martin had breached the Code of Conduct for Council Members (the Code).

The Complainant (who wishes to remain anonymous) alleged that Cr Martin breached the Code by way of comments made by him, primarily during an ABC Radio interview. The Complainant alleged that Cr Martin had misrepresented the Council's resolutions regarding the Adelaide Aquatic Centre.

The CEO was required to undertake a Preliminary Enquiry into the Complaint, to determine whether it warranted further action in accordance with clause 32 of the Standing Orders.

A Preliminary Enquiry found that there was prima facie evidence to suggest that there had been a breach of the Code. In accordance with Council's Standing Orders the matter proceeded to full investigation.

The report informs Council about the findings of the investigation.

---

## RECOMMENDATION

### THAT COUNCIL

1. Notes the report.
  2. Notes that following an investigation (Attachment A to Item 10.7 on the Agenda for the meeting of the Council held on 8 March 2022) 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 clause of the Code:  
*2.8 Endeavour to provide accurate information to the Council and to the public at all times.*
  3. Notes that, due to the minor and inconsequential nature of the breach, Cr Martin need not undertake any remedial action.
-

## IMPLICATIONS AND FINANCIALS

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

## DISCUSSION

1. Following the Preliminary Enquiry process, it was determined that, having regard to the material available, the Complaint warranted further investigation under clause 35 of the Standing Orders.
2. In accordance with subclause 33.4, the Complainant and Cr Martin were advised that the matter was to be referred for further investigation.
3. The Complaint was referred to independent legal counsel for it to be investigated on an objective basis and in accordance with the Standing Orders and the principles of procedural fairness.
4. In accordance with clause 45 of the Standing Orders, all determined and substantiated breaches of the Code will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of breach and the name of the Council Member found in breach.
5. Following the conclusion of the investigation into the Complaint, it was determined that Cr Martin's actions which were the subject of the complaint breached the following clauses of the Code:
  - 2.8 *Endeavour to provide accurate information to the Council and to the public at all times.*
6. The findings and recommendations made for the Council's consideration are set out in the enclosed Final Investigation Report.
7. Where an investigation has determined that a breach of Part 2 of the Code has occurred, clause 2.24 of the Code provides that the breach must be the subject of a report to a public meeting of the Council.
8. It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders as follows:
  43. *Council has the power to impose by resolution one or more of the following sanctions where a breach of Part 2 of the Code of Conduct has been established to Council's satisfaction*
    - 43.1 *take no action*
    - 43.2 *pass a censure motion in respect of the Council Member*
    - 43.3 *request a public apology, whether written or verbal*
    - 43.4 *request the Council Member to attend training on the specific topic found to have been breached*
    - 43.5 *resolve to remove or suspend the Council Member from a position within the Council (not including the Council Member's elected position on Council)*
    - 43.6 *request the Council Member repay monies to the Council.*
9. The recommendations to this report reflect the recommendation provided by the independent investigators in their final report.

---

## ATTACHMENTS

**Attachment A** – Final Investigation Report

---

- END OF REPORT -



# Final Investigation Report

Code of Conduct for Council Members

—

Adelaide City Council

Subject Member: Councillor Phil Martin

—

# Final Investigation Report

## Code of Conduct for Council Members

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<b>Report</b>	<b>4</b>
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<b>4. CONSIDERATION OF COMPLAINT</b>	<b>9</b>
4.1 Clause 2.2 – Act in a way that generates community trust and confidence in the Council.	10
4.2 Clause 2.3 – Act in a reasonable, just, respectful and non-discriminatory way when dealing with people	10
4.3 Clause 2.4 – Show respect for others if making comments publicly	11
4.4 Clause 2.5 – Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.	11
4.5 Clause 2.8 – Endeavour to provide accurate information to the Council and to the public at all times.	12
4.6 Clause 2.9 – Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions	14
4.7 Clause 2.10 – Not bully or harass other Council members	14
<b>5. FINDINGS</b>	<b>15</b>
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---

# Executive summary

This Code of Conduct Investigation concerns a complaint made against Councillor Martin, concerning comments made by him, primarily during an ABC Radio interview. The Complainant lodged a Code of Conduct complaint in relation to these comments, alleging that Cr Martin had misrepresented the Council's resolutions regarding the Adelaide Aquatic Centre.

Our findings are that Cr Martin has breached clause 2.8 of the Code of Conduct for Council Members. Clause 2.8 requires councillors to provide accurate information to the Council and to the public at all times. In making his comments regarding the Adelaide Aquatic Centre, Cr Martin failed to fulsomely and satisfactorily address the entirety of the matter and the debate.

Accordingly, Cr Martin has contravened the Code of Conduct for Council Members. However, we find this to be a minor, inconsequential breach. We acknowledge Cr Martin's strongly held belief in the truthfulness of his comments and we do not consider that Cr Martin must take any remedial action.

We have not found that Cr Martin breached clauses 2.2, 2.3, 2.4, 2.5, 2.9 and 2.10 of the Code of Conduct.

We recommend that the Adelaide City Council resolve to adopt the findings within this report, and for no further action to be taken.



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# Report

## 1. COMPLAINT

By emails dated 11 August 2021, the Adelaide City Council's (**Council**) Chief Executive Officer, Clare Mockler received a complaint against Councillor Phil Martin (the **Complaint**) from a complainant (**Complainant**). The complainant has not permitted their identity to be disclosed (**Complainant**).

### 1.1 Allegations

The Complaint relates to the conduct of Cr Martin in making statements on ABC Radio, and in a Council meeting, relating to a Council resolution concerning the Adelaide Aquatic Centre.

The Complaint alleged a breach of clauses 2.2, 2.3, 2.4, 2.5, 2.8, 2.9 and 2.10 of the Code of Conduct for Council Members (**Code**).

More specifically, the Complainant asserts that Cr Martin's comments were misleading, and misrepresented the intention of the Council and elected members.

Further, the complaint asserts that Cr Martin 'shamed' the Complainant, and alleges that Cr Martin constantly bullies the Complainant.

The Complainant subsequently supplemented their complaint with additional details and assertions by way of interview. These are outlined in more detail below.

The Complaint requires an investigation as to whether Cr Martin's conduct was in contravention of clauses 2.2, 2.3, 2.4, 2.5, 2.8, 2.9 and 2.10 of the Code, being as follows:

- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 *Show respect for others if making comments publicly.*
- 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*
- 2.8 *Endeavour to provide accurate information to the Council and to the public at all times*
- 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions*
- 2.10 *Not bully or harass other Council members.*

### 1.2 Identity of Complainant

Council's Standing Orders, Chapter 3 Part 3 contain the Complaint Handling Procedure under the Code of Conduct for Council Members (**Procedure**), which governs the investigation of the Complaint as well as the disclosure of the Complainant's identity. Specifically, clauses 28.6, 29, 34 and 36 each require strict confidentiality to be observed in undertaking the preliminary enquiry and investigation. Clause 34 explains that the CEO may make available to the subject councillor a copy of the complaint and details of the complainant, subject to the *Public Interest Disclosure Act 2018* (SA).

The *Public Interest Disclosure Act 2018 (SA)* (**PID Act**) applies to information that raises a potential issue of misconduct (which includes contravention of a code of conduct by a public officer).

As the Complaint asserts a contravention of the Code, the PID Act confidentiality regime applies and renders Complainant an 'informant' for the purposes of that Act. Section 8 of the PID Act requires that any person to whom a disclosure under the PID Act has been made, or who otherwise knows that such a disclosure has been made, must not knowingly divulge the identity of an informant, except so far as may be necessary to ensure the matters are investigated, or otherwise with the consent of the informant. The parties were advised of their confidentiality obligations pursuant to the Procedure and PID Act,

In accordance with clause 34 of the Procedure, Cr Martin was provided with a copy of the Complaint (with the Complainant's identity appropriately redacted).

## 2. PROCESS FOR REVIEW AND METHODOLOGY

### 2.1 Framework

This investigation of the Complaint is governed by Council's Procedure.

A preliminary enquiry of the Complaint was carried out by the CEO in accordance with the Procedure. The CEO determined that the complaint warrants referral to an independent legal counsel, or other appropriate authority, for a formal investigation and report to Council (in accordance with Standing Order 32.7). The CEO advised the Complainant and Cr Martin of this determination on 15 October 2021.

The Complaint was referred to investigation in accordance with Standing Order 35. MinterEllison was appointed as independent investigator in relation to the Complaint.

### 2.2 Process

Council's Procedure requires MinterEllison as independent investigator to provide to Council's CEO a written report which summarises:

- the allegations made in the Complaint;
- the evidence to which the investigation had regard;
- factual findings
- conclusions; and
- recommendations arising from the report.

Notably, the Procedure does not expressly provide for a procedure whereby a councillor will have an opportunity to review a draft or initial report, and make further comments and representations to the investigator in preparing a final report. Nonetheless, MinterEllison determined to afford Cr Martin (and the Complainant) an opportunity to do so, in the interests of procedural fairness.

Councillor Martin and the Complainant provided further submissions in relation to the content of the initial report, which were considered for the purposes of finalising the content of this final report. The further submissions resulted in minor changes to this final report but were not persuasive to change any finding or our final recommendation. .

Further, as there has been a finding of breach, this report is required to be considered by Council at a meeting that is open to the public. The Procedure allows for Cr Martin to make submissions to the Council meeting at which this report is considered.

## 2.3 Evidence

In conducting this investigation into the Complaint, we have had regard to and relied upon the Complaint, evidence adduced at interview and other materials received by email.

In accordance with Council's Procedure, the Complainant and Cr Martin were invited to make submissions regarding the Complaint, or attend an interview with the independent investigator by telephone.

Separate interviews were held with the Complainant and Cr Martin.

The standard of proof we have applied when assessing and accepting evidence in this investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, we have considered the nature of the assertions made and the consequences if they were to be upheld.

## 3. NATURE OF CONDUCT

### 3.1 Background

Council owns and operates the Adelaide Aquatic Centre, which was originally constructed in 1969 and converted into an indoor facility in 1985.<sup>1</sup> Council operates the Adelaide Aquatic Centre at a loss, which is rapidly approaching the end of its practical life and requires significant capital investment over the next 10 years to ensure ongoing operation.<sup>2</sup>

At the Council meeting of 13 April 2021, Councillor Alex Hyde moved the following Motion on Notice:

That Council:

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

Part 3 of the motion was varied to read as follows:

3. Affirms its intent to keep the current Adelaide Aquatic Centre functioning while a new Centre is constructed, on the condition that the City of Adelaide has a viable funding model that is substantial enough to construct a new Centre by 30 June 2022.

The motion, as varied, was put and carried (**Original Motion**).<sup>3</sup>

At the Council meeting of 10 August 2021, Cr Martin put a Motion on Notice which sought to revoke the Original Motion:

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

"That Council:

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<sup>1</sup> <https://yoursay.cityofadelaide.com.au/aquatic-recreational-facility>

<sup>2</sup> [Consultation Pack - AAC Needs Analysis - Extended.pdf \(amazonaws.com\)](#)

<sup>3</sup> Council Meeting Minutes (13 April 2021) pp. 15, 16.

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

**be revoked.**

This motion (the **Rescission Motion**) was lost.<sup>4</sup>

### 3.2 Allegations

The Complaint, as comprised in the initial 11 August 2021 email, was as follows:

*Dear Acting CEO/Clare Mocklar*

*I am writing to lodge a complaint regarding the behaviour of Councillor Phillip Martin towards the misrepresentation of information to the media on ABC on the 11th August 2021 (attached audio) and at council meeting on the 11th August 2021.*

*Councillor Martin stated on radio*

- *“Dominant Team Adelaide faction of council removed all of the capital works funding long term financial plan for Aquatic Centre”*
- *“Council is only committed to the Aquatic centre until June 2022”*
- *Councillor Martin read only part 3 of the original motion on the radio not part 4 which states to continue funding until 2024 therefore misleading the public*

*Councillor Martin reiterated the same in the council meeting even after Councillor Hyde advised Councillor Martin that we are funding renewables for the Aquatic Centre in the long term financial plan until 2024 of 5 million dollars and thereafter a decision of council is needed regarding any further spend. Councillor Martin further stated that the intent of the people that voted for the original motion (see below) was to let the Aquatic Centre die and are compromising the safety of the centre. These comments are misleading and misrepresent the intent of Councillors and the Adelaide City Council. His statements would give the community no confidence that the council is ensuring to maintain safety at the centre, that the centre is still funded within the long term financial plan, that the council intends on finding ways to fund for a new Adelaide Aquatic Centre.*

*In the council meeting he shamed me for voting against his motion to revoke the original motion passed on the 13th April 2021. He stated “[...] you should be ashamed of yourself” after I stated that his comments were a misrepresentation of the truth. I constantly feel bullied by Councillor Martin's comments about my intent and decisions and he has never tried to maintain a respectful relationship towards me.*

...

[sic]

The Complaint attached an excerpt of an ABC Radio interview of Cr Martin (on 10 August 2021), hosted by David Bevan, wherein Cr Martin discussed the Original Motion and his Motion on Notice (**Radio Interview**). Councillor Martin's comments in this Radio Interview form the basis for some aspects of the Complaint.

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<sup>4</sup> Council Meeting Minutes (10 August 2021), pp. 13, 14.

During an interview with the investigator on 11 November 2021, the Complainant supplemented the Complaint with further assertions, as follows.

- Cr Martin misrepresented the Original Motion to the public, leading the public to believe that Council had only committed to funding the Adelaide Aquatic Centre until June 2022, which, it is alleged, was not the actual effect of the Original Motion
- The actual effect of the Original Motion was to affirm an intention to construct a new centre, and to remove funding from the Adelaide Aquatic Centre after the 2023/24 financial year. If the requisite funding is not received, the matter will come back to Council to determine whether to continue funding the Adelaide Aquatic Centre itself.
- The Original Motion was clear and precise, having been debated and discussed by Council. Councillor Hyde explained the intent of the motion to Cr Martin, but Cr Martin refused to accept this explanation.
- Councillor Martin continued making his comments which were misleading and which misrepresented the intent of the Council. He is creating division that is not necessary, is not providing facts, and is confusing the public.

The Complainant was asked to speak to the second aspect of their complaint, relating to 'shaming' and 'bullying'. In response, the Complainant explained that, during the 10 August 2021 Council meeting, they attempted to provide a point of clarification, but Cr Martin said '... you should be ashamed of yourself.' The Complainant also spoke in more general terms about the alleged failure of Cr Martin to maintain respectful relationships. The Complainant asserted:

- they believe that Cr Martin always tries to put something in a newsletter to shame the Complainant, and misrepresents what the Complainant has said, which he has done five times
- Cr Martin is allegedly constantly bullying, in a journalistic, headline-grabbing way.
- that there is a pattern of Cr Martin (allegedly) belittling, intimidating and exerting pressure on the Complainant to shame the Complainant in the community.

### 3.3 Submissions

Written submissions were made by Cr Martin. These are summarised below.

- Councillor Martin asserts that the wording in paragraph 3 of the Original Motion is misleading, with a 'funding model that is substantial enough' being required by 30 June 2022, rather than the construction of a new centre. Councillor Martin explains that, at Council and Committee meetings in October and November, a budget for construction of a new centre was estimated to be about \$60 million. A 'viable' funding model for this required federal and State governments to contribute in excess of \$40 million, which governments have so far declined to fund the project.
- Councillor Martin explains that certain councillors have previously asserted that:
  - spending money on the current Adelaide Aquatic Centre is '... throwing good money after bad ...';
  - '... the Aquatic Centre is done ...'; and
  - '... we can't be spending more money on an asset like this ...' as it has reached the end of its life,
  - as well as '... the need to draw a line in the sand ...'.
- These statements, along with paragraph 3 of the Original Motion, assertedly display the intention of Council supporting the continued functioning of the Adelaide Aquatic Centre only until 30 June 2022 in the absence of a 'viable funding model' (being reliant on government funding by that date).
- Councillor Martin claims that the relationship between paragraph 3 and paragraph 4 of the Original Motion has not been explained by other elected members, and it has not been explained how paragraph 4 could be invoked once paragraph 3 has been.
- That is, paragraph 3 takes precedence (being the commitment to the continued functioning of the Adelaide Aquatic Centre until 30 June 2022), and paragraph 4 (being the commitment to the continued functioning of the Adelaide Aquatic Centre until the 2023/24 financial year) was only included to create ambiguity.
- Councillor Martin notes that the Complainant asserts that paragraph 4 is pre-eminent, and his own failure to refer to that paragraph is allegedly misleading. Councillor Martin asserts that this

logic requires a judgement that paragraph 3 has no bearing on the future functioning of the Adelaide Aquatic Centre.

- In relation to the 'bullying' assertions, Cr Martin refutes this, and points to occasions where the Complainant has harassed *him*.
- In relation to the 'shame' comment during the 10 August 2021 Council meeting, Cr Martin explains that, following the division, he said to the Complainant: 'Fancy ... voting that way', who responded by calling out 'shame on you, shame ...'.

Councillor Martin took part in an interview with the investigator on 2 December 2021, wherein he supplemented his written response to the Complaint.

During the interview, Cr Martin explained:

- There are two paragraphs, paragraph 3 and paragraph 4, which relate to the future funding of the Adelaide Aquatic Centre. The Complainant's asserts that preference should be given to the *latter* paragraph, which is contradicted by the *former*.
- Paragraph 4 is only included to enable a political argument that the Council supports the Adelaide Aquatic Centre beyond next year's election. However, to keep the Adelaide Aquatic Centre functioning beyond 30 June 2022 requires a viable funding model (being a \$40 million government contribution).
- Paragraph 4 does not change the intention of the Council. The elected members have displayed their intention for the Council to support funding of the Adelaide Aquatic Centre until 2022. That being the case, paragraph 4 is redundant, and has no work to do.
- In any event, it is beyond contention that the Council wishes to close the Adelaide Aquatic Centre. Even paragraph 4 has an end date.
- The difficulty is conveying and explaining such detail – in a three-minute Council debate, and in a four-minute radio interview – which is appropriate for the environment and forum.
- Councillor Martin held a point of view, and was asked to present that view. An alternative point of view was put to him, which he dismissed.
- There cannot be a requirement in every discussion for him to focus on the entirety of the debate, including other people's points of view. The functioning of the Council requires councillors to stand up and put their own point of view. They don't discuss the entire detail of the topic – but only that part of the argument they have chosen to argue.
- He made it clear that he was expressing a personal view relating to his rescission motion. paragraph 4 of the Original Motion was mentioned by Councillor Hyde. Councillor Martin addressed it to the extent of dismissing it.
- Councillor Martin also strongly denied the allegations of bullying.

The Complainant subsequently provided additional evidence in support, comprising copies of various 'North Adelaide Newsletters', purportedly prepared and circulated by Cr Martin (**Newsletters**).

In response, Cr Martin acknowledged he (along with Cr Moran) write and publish such periodic newsletters. Councillor Martin explained that the Newsletters clearly state that they represent the personal views of himself and Cr Moran. Councillor Martin also explained that the Newsletters:

... provide an account of issues to be considered or which have been considered by Council, often encouraging participation in Council consultations, noting comments during Council debates and referring ratepayers to the relevant youtube recording of such debates.

## 4. CONSIDERATION OF COMPLAINT

The Complaint alleges breaches of clauses 2.2, 2.3, 2.4, 2.5, 2.8, 2.9 and 2.10 of the Code. We have investigated these alleged breaches, and consider each clause in turn below.

#### **4.1 Clause 2.2 – Act in a way that generates community trust and confidence in the Council.**

##### Discussion

Clause 2.2 requires elected members to in a way that generates community trust and confidence in the Council. We must consider whether Cr Martin generated community trust and confidence in the Council.

To have 'trust' means 'to have or place trust, reliance or confidence in', 'to depend on; rely on'. To have 'confidence' means to have 'believe in the trustworthiness or reliability of a person or thing' (as those words are defined in the *Macquarie Dictionary*).

Councillor Martin disagreed with and sought to change a particular resolution and policy position of the Council. We do not find his statements extended to the integrity of the Council itself. We do not consider that the confidence, trustworthiness and reliability of the Council was diminished by virtue of Cr Martin's comments.

As explained below, a breach of clause 2.8 has been found in this instance. It has been submitted by the Complainant that a breach of clause 2.8 necessarily results in a breach of clause 2.2 because a councillor engaged in misleading behaviour has necessarily also failed to generate community trust and confidence in the Council. We do not consider that a breach of clause 2.8 will always result in a breach of clause 2.2. Each situation must be investigated and assessed on its own merits. Whilst a breach of clause 2.2 may arise in some circumstances, we do not consider that the evidence put forward in this matter demonstrates a breach of clause 2.2.

##### Findings

We do not find that Cr Martin breached clause 2.2 of the Code.

#### **4.2 Clause 2.3 – Act in a reasonable, just, respectful and non-discriminatory way when dealing with people**

##### Discussion

Clause 2.3 requires elected members to act in a reasonable, just, respectful and non-discriminatory way when dealing with people.

We adopt the *Macquarie Dictionary* definition of 'dealing' and 'deal', meaning 'conduct in relation to others; treatment', and 'to conduct oneself towards persons'.

In relation to the content of the requirement in clause 2.3 to act in a 'reasonable, just, respectful and non-discriminatory way', we adopt the ordinary meaning of the relevant words as defined in the *Macquarie Dictionary*:

- 'reasonable' means 'endowed with reason'
- 'just' means 'actuated by trust, justice, and lack of bias'
- 'respectful' means 'full of, characterised by, or showing respect'
- with 'respect' meaning 'esteem or deferential regard felt or shown', and 'to show esteem, regard, or consideration for'; and
- 'discriminatory' means 'exhibiting prejudice; showing discrimination'.

## Findings

We do not consider that the comments made in the Radio Interview were unreasonable, unjust, disrespectful or discriminatory.

Whilst the Newsletters do personally refer to the Complainant, the contents of the Newsletters appear to be factual and/or clear expressions of Cr Martin's personal opinion. We do not consider that the contents of the Newsletters (including those aspects which are personal opinions and including the passages referring directly to the Complainant) were unreasonable, unjust, disrespectful or discriminatory.

In relation to the overarching claims of ongoing bullying and harassment (including the alleged comments made during the relevant Council meeting) we are unable to conclude that such conduct has occurred to an extent sufficient to establish unreasonable, unjust, disrespectful or discriminatory behaviour.

As independent investigator, Council's Procedure requires us to summarise within this report: the allegations made in the Complaint, and the evidence to which we had regard. Accordingly, the claims of bullying and harassment are reproduced in this report out of necessity. However, we emphasise we find no evidence of any such behaviour on the part of Cr Martin as alleged in this Complaint.

There is a particular assertion about a comment made toward the Complainant, in the nature of 'shaming', during the relevant 10 August 2021 Council meeting. There is disagreement about the exact comment made by Cr Martin, which is also not clear on the evidence. In absence of determinative evidence we cannot find that the comment of Cr Martin goes beyond 'robust debate'. The comment therefore does not present a breach of clause 2.3 of the Code.

We do not find that Cr Martin breached clause 2.3 of the Code.

### **4.3 Clause 2.4 – Show respect for others if making comments publicly**

#### Commentary

Clause 2.4 requires elected members to show respect for others if making comments publicly.

We find Cr Martin's comments (within the Radio Interview, the Newsletters, and in the relevant Council meeting) each constitute 'comments' for the purposes of clause 2.4.

We also find that these comments were plainly public so as to invoke clause 2.4.

#### Findings

In the preceding paragraphs we have considered the content of Cr Martin's comments in the context of clause 2.3 and whether they were respectful. Our conclusion remains the same in the context of 2.4. We find that Cr Martin's comments were sufficiently respectful for the purposes of clause 2.4.

We do not find that Cr Martin breached clause 2.4 of the Code.

### **4.4 Clause 2.5 – Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.**

#### Commentary

Clause 2.5 requires councillors to clearly indicate that personal or public comments are a privately held view, not the view of the Council.



The Newsletters contain a clear disclaimer that the opinions expressed do not reflect the views of the Council. Similarly, when speaking during the Radio Interview, Cr Martin's comments were made in the context of discussing his own notice of motion, which itself was explained as a reversing a Council resolution that was already in place (and therefore clearly not the currently held view of the Council). Councillor Martin has also explained that, prior to speaking in the Radio Interview, he made it clear to the producers that he was speaking in a personal capacity.

In our view, Cr Martin made it sufficiently clear that his comments were his own view, and not that of Council. However, for the purposes of clause 2.8 of the Code this does not necessarily mean that he was permitted to speak without regard to broader obligations to 'provide accurate information ... at all times' (see below).

### Findings

We do not find that Cr Martin breached clause 2.5 of the Code.

### **4.5 Clause 2.8 – Endeavour to provide accurate information to the Council and to the public at all times.**

#### Particulars

It has been asserted that Cr Martin breached clause 2.8 of the Code.

The Complainant and Cr Martin devoted significant attention to the issue of whether Cr Martin provided accurate information when speaking in the Radio Interview.

The Original Resolution is extracted at Part 3.1 above. Issue centres on the interaction between paragraph 3 and 4 of that resolution, being as follows:

That Council:

...

3. Affirms its intent to keep the current Adelaide Aquatic Centre functioning while a new Centre is constructed, on the condition that the City of Adelaide has a viable funding model that is substantial enough to construct a new Centre by 30 June 2022.
4. Resolves to remove all capital works for the Adelaide Aquatic Centre from our ongoing works programs for the years after the 2023-24 Financial Year and amends our relevant Asset Management Plan for Buildings Policy accordingly.

...

The core of the complaint is that Cr Martin brought attention to paragraph 3, without acknowledging paragraph 4. It is said that by doing so, Cr Martin misrepresented the Original Resolution to the public.

The Complainant's submissions are summarised at Part 3.2 above, but in essence, it is asserted that the effect of the Original Resolution was to fund the Adelaide Aquatic Centre until at least 2023/24 (as explained in paragraph 4). It is asserted that Cr Martin falsely claimed (drawing on paragraph 3) that the effect of the Original Resolution was to fund the Adelaide Aquatic Centre until 30 June 2022.

Cr Martin's response and submissions are summarised at Part 3.3 above. In essence, Cr Martin contends that the Original Resolution is (deliberately) ambiguous, and that the preferred view is that the Adelaide Aquatic Centre will not receive funding beyond 30 June 2022 without a 'viable funding model', and there is simply no evidence of such a funding model being secured. Councillor Martin sees paragraph 3 as the pre-eminent and operative provision of the Original Resolution, with paragraph 4 (and the stated 2023/24 date) being redundant by virtue of funding likely ceasing on 1 July 2023.

## Commentary

In our view, Cr Martin's comments during the Radio Interview attracted the application of clause 2.8 of the Code, (i.e. Cr Martin was providing 'information ... to the public').

The Ombudsman's decisions in *Cr Andrews* [2018] SAOmbRp 10 and *Cr Charles* [2018] SAOmbRp 11 establish that creating, sending and sharing information to the general public can (when inaccurate and/or misleading) fall within this description and attract application of clause 2.8.

In those reports, two elected members created and circulated media releases which conveyed wrong information, in breach of clause 2.8. The elected members genuinely believed the content of the media release but it was simply inaccurate. Their conduct in 'creating, sending and sharing incorrect information to the general public which was misleading', fell short of their responsibilities pursuant to clause 2.8.

As a result, in our view, if the information conveyed by Cr Martin was inaccurate and/or misleading then Cr Martin's conduct will be in breach of clause 2.8 of the Code.

We have considered whether Cr Martin's comments in the Radio Interview were inaccurate or misleading.

We agree with the assertion that the wording of the Original Resolution presents some ambiguity. There are in fact two operative provisions which could appear, on a reasonable reading of the resolution, to be in conflict.

If Council was unable to realise a 'viable funding model' for the construction of a new centre, then paragraph 3 would indeed operate to remove funding for the current Adelaide Aquatic Centre. This is the circumstance envisaged by Cr Martin and if this did eventuate, then paragraph 4 would in fact have no work to do (i.e. the removal of funding beyond 2023/24 would be redundant with funding already being removed, years earlier).

It is not certain that a 'viable funding model' will be obtained. It is also not certain that a viable funding model *won't* be obtained. Thus it is not completely correct to say that funding will be provided beyond 30 June 2022, nor is it completely correct to say that funding won't be provided beyond 30 June 2022 (as maintained by Cr Martin). As a result, Cr Martin's assertions (that a viable funding model will not be obtained and therefore funding will be removed from 30 June 2022) are not factual, but are only speculation (however likely those circumstances may be).

It remains open for Cr Martin to argue that the viable funding model will not be received (and the funding will be removed). Importantly, this claim is grounded not in the wording of the Original Resolution itself, but in a more nuanced understanding of the likelihood of a 'viable funding model' being received. For Cr Martin to make such assertions, he should take steps to provide such further information and detail (to the public) upon which his argument rests. By not providing these additional chains of logic, Cr Martin's explanation of the operation of the Original Resolution was not fulsome nor sufficient. This is not to say his comments were strictly inaccurate, but they were incomplete, and thereby possibly misleading to the public.

We acknowledge the difficulty in conveying such information within the Radio Interview, being a forum with necessary time constraints for speakers to detail the specifics of their arguments. We also acknowledge Cr Martin's strongly held belief in the truthfulness of his comments. However, it is for the public to determine the truth of his assertions, and to do so, they must be properly informed. We find that a reasonable person acting objectively would find that Councillor Martin did not sufficiently inform the public of the entirety of the matter and the debate.

Councillor Martin's comments were accordingly misleading, but we do not find any nefarious intent, or deliberate effort to conceal information or misinform the public. Nevertheless, Cr Martin's intent and efforts fall short of endeavouring to provide accurate information.

## Findings

Clause 2.8 requires councillors to endeavour to provide accurate information to the Council and to the public at all times.

Sharing misleading information with the public will constitute a breach of clause 2.8. We find Cr Martin's comments were misleading, and as a result, we find that Cr Martin breached clause 2.8 of the Code.

### **4.6 Clause 2.9 – Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions**

#### Commentary

Clause 2.9 requires elected members to endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

The Ombudsman's report in *Cr Bagster* [2018] SAOmbRp 24 provides a useful illustration of conduct which will breach clause 2.9 of the Code. In that instance, Cr Bagster's communications toward other councillors suggested that he 'has no real interest in maintaining a respectful relationship with any of the elected members'. As Cr Bagster appeared 'to have made no genuine efforts to understand or tolerate views different to his own', his conduct breached clause 2.9 of the Code.

As previously discussed, Cr Martin's comments and conduct do not, in our view, demonstrate disrespect toward the Complainant. We do not consider that Cr Martin's actions evidence a failure to maintain a respectful relationship with the Complainant. Councillor Martin's comments have been expressed as disagreements with policy positions and resolutions of the Council (as supported by the Complainant), rather than comments directed toward the Complainant directly.

We note the overarching claims of bullying and harassment toward the Complainant, but we are unable to substantiate those assertions from the evidence provided.

## Findings

We do not find that Cr Martin breached clause 2.9 of the Code.

### **4.7 Clause 2.10 – Not bully or harass other Council members**

#### Discussion

Clause 2.10 requires elected members to not bully or harass other Council members.

In order to determine whether Cr Martin's conduct amounts to 'bullying' or 'harassment' and hence a breach of clause 2.10, it must first be established what sorts of conduct amount to bullying and harassment.

The Ombudsman has previously considered the term 'bullying' and harassment in the context of the Code (again in *Cr Bagster* [2018] SAOmbRp 24):

437. Based on the foregoing, I have adopted the following definition of bullying for the purposes of the present investigation:
  - the council member has engaged in repeated unreasonable behaviour directed towards a relevant person (especially by repeated threats, intimidation or demeaning behaviour); and
  - the behaviour creates a risk to health and safety (including a risk to mental health).
438. Similarly, and in the absence of any particular legislative definition to draw from, I have adopted the following definition of harassment for the purposes of the present investigation, drawn from the dictionary definition:
  - the council member has persistently and unreasonably disturbed a relevant person; and
  - the behaviour could reasonably be expected to trouble or stress that person.

We are unable to identify any evidence of *repeated* unreasonable behaviour or *persistent* disturbance. As explained above, we are unable to substantiate the assertions from the evidence provided.

### Findings

We do not find that Cr Martin breached clause 2.10 of the Code.

## 5. FINDINGS

Our finding is that Cr Martin has breached the Code. Specifically, his conduct in making the public comments in the Radio Interview (and elsewhere) fell short of the obligation found in clause 2.8 of the Code to endeavour to provide accurate information to the public at all times. As explained in the body of this Report, we do not find that Cr Martin deliberately misinformed or misled. He was also constrained by the short period of time allocated to speak – necessarily limiting the capacity to provide fulsome explanations and detail. Nonetheless, in circumstances where Cr Martin chose to speak publicly about the operation of the Original Resolution, it was incumbent on Cr Martin to satisfactorily address the entirety of the matter and the debate, and to explain that his assertions were not factual, but were made in argument (and did not carry the agreement of other elected members). In light of the mitigating circumstances discussed above, we are of the opinion that Cr Martin's breach of the Code is minor and, inconsequential (noting that this description of inconsequentiality attaches to the conduct and repercussions, not the Complaint itself).

For the reasons explained in the body of this Report, we have not found that Cr Martin breached any of clauses 2.2, 2.3, 2.4, 2.5, 2.9 and 2.10 of the Code.

We emphasise that this finding is based on the specific circumstances present in this case. Other breaches of clause 2.8 of the Code may display varying degrees of seriousness. It is important to acknowledge that a different breach of clause 2.8 may be deserving of more punitive measures, depending on the merit of that particular complaint and the characterisation of that particular conduct.

## 6. RECOMMENDATIONS

We recommend that Council, as part of its consideration of this matter, resolve to adopt the findings in this report. Due to the findings above, and the fact that the breach of the Code is minor and inconsequential, we recommend that no further action be taken.

## Code of Conduct - Outcome

Tuesday, 8 March 2022  
Council

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski - Manager  
Governance

Public

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

## EXECUTIVE SUMMARY

On 24 August 2021 the (then Acting) Chief Executive Officer (CEO) of the City of Adelaide (the Council), received an allegation that Cr Arman Abrahamzadeh had breached the Code of Conduct for Council Members (the Code).

Cr Phillip Martin and Cr Anne Moran (the Complainants) each alleged that Cr Abrahamzadeh breached the Code due to his use of the social media platform, Facebook. The Complaints concern a comment made by a member of the public on Cr Abrahamzadeh's public Facebook page. The Complainant's allege that the comment was false, offensive and inflammatory and that by allowing, facilitating and maintaining the comment, Cr Abrahamzadeh breached the Code.

The CEO was required to undertake a Preliminary Enquiry into the Complaint, to determine whether it warranted further action in accordance with clause 32 of the Standing Orders.

The Preliminary Enquiry found that there was prima facie evidence to suggest that there had been a breach of the Code. In accordance with Council's Standing Orders the matter proceeded to full investigation.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the report.
2. Notes that, following an investigation (Attachment A to Item 10.8 on the Agenda for the meeting of the Council held on 8 March 2022 into alleged breaches of the Code of Conduct for Council Members, it has been found the actions of Cr Abrahamzadeh 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.*
  - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
  - 2.4 *Show respect for others if making comments publicly.*
  - 2.9 *Endeavour to establish and maintain a respectful relationship with all Council Members, regardless of differences of views and opinions.*
3. Determines that Cr Abrahamzadeh make an apology at a public meeting of the Council for any offence or embarrassment caused by his actions, subject of this Report, to the Complainants, with such apology to be made within two ordinary meetings of the Council's receipt of this report.

## IMPLICATIONS AND FINANCIALS

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

## DISCUSSION

1. Following the Preliminary Enquiry process, the CEO determined that, having regard to the material available, the Complaints warranted further investigation under clause 35 of the Standing Orders.
2. In accordance with subclause 33.47, the CEO advised the Complainants and Cr Abrahamzadeh that the matter was to be referred for further investigation.
3. The Complaint was referred to independent legal counsel for it to be investigated on an objective basis and in accordance with the Standing Orders and the principles of procedural fairness.
4. In accordance with clause 45 of the Standing Orders, all determined and substantiated breaches of the Code will be listed by the CEO in a public register, which will be published on the Council website, listing the date, the type of the breach and the name of the Council Member found in breach.
5. Following the conclusion of the investigation into the Complaint, it was determined that Cr Abrahamzadeh's actions which were the subject of the complaint breached the following clauses of the Code.
  - 2.2 Act in a way that generates community trust and confidence in the Council.
  - 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
  - 2.4 Show respect for others if making comments publicly.
  - 2.9 Endeavour to establish and maintain a respectful relationship with all Council Members, regardless of differences of views and opinions.
6. The findings and recommendations made for the Council's consideration are set out in the enclosed Final Investigation Report.
7. Where an investigation has determined that a breach of Part 2 of the Code has occurred, clause 2.24 of the Code provides that the breach must be the subject of a report to a public meeting of the Council.
8. It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders as follows:
  43. *Council has the power to impose by resolution one or more of the following sanctions where a breach of Part 2 of the Code of Conduct has been established to Council's satisfaction:*
    - 43.1 *take no action*
    - 43.2 *pass a censure motion in respect of the Council Member*
    - 43.3 *request a public apology, whether written or verbal*
    - 43.4 *request the Council Member to attend training on the specific topic found to have been breached*
    - 43.5 *resolve to remove or suspend the Council Member from a position within the Council (not including the Council Member's elected Position on Council)*
    - 43.6 *request the Council member repay monies to the Council.*
9. The recommendation to this report reflects the recommendation provided by the independent investigators in their final report.

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## ATTACHMENTS

**Attachment A** – Final Investigation Report – Cr Martin & Cr Moran v Abrahamzadeh dated 3 February 2022

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- END OF REPORT -



## Final Investigation Report

Code of Conduct for Council Members

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Adelaide City Council

Subject Member: Councillor Arman Abrahamzadeh

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# Final Investigation Report

## Code of Conduct for Council Members

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# Executive summary

This Code of Conduct Investigation concerns two complaints made against Councillor Arman Abrahamzadeh, concerning a comment made by a member of the public on Cr Abrahamzadeh's public Facebook page. The comment referred to 'two feral councillors' and claimed that those councillors engage in 'conservative, racist, misogynistic behaviour'.

Councillor Anne Moran and Councillor Phil Martin both lodged respective Code of Conduct complaints in relation to this conduct, alleging that the comment was false, offensive and inflammatory, and that Cr Abrahamzadeh's conduct in allowing, facilitating and maintaining that comment was a breach of the Code of Conduct.

My findings are that Cr Abrahamzadeh breached clauses 2.2, 2.3, 2.4 and 2.9 of the Code of Conduct for Council Members.

I have found that, although the offensive comment was not posted by Cr Abrahamzadeh, it was publicly visible on Cr Abrahamzadeh's Facebook page for a period of (at least) one week. Councillor Abrahamzadeh is the administrator of his Facebook page and had control (and therefore responsibility) over posts and comments appearing on that page. I have found that he has capacity, and responsibility, to moderate and remove comments which are offensive or disrespectful. I consider Cr Abrahamzadeh to be a 'publisher' of the offensive comment and therefore I attributed a degree of responsibility to Cr Abrahamzadeh in respect to the contents of that comment.

In these circumstances, I have found that Cr Abrahamzadeh's conduct in allowing, facilitating and publishing the offensive comment:

- did not generate community trust and confidence in the Council (in breach of clause 2.2);
- was not reasonable, just, respectful or non-discriminatory (in breach of clause 2.3);
- did not show respect for others (in breach of clause 2.4); and
- did not maintain respectful relationships with all Council members (in breach of clause 2.9).

Accordingly, Cr Abrahamzadeh has contravened the Code of Conduct for Council Members.

I do not find that Cr Abrahamzadeh has breached clause 2.10 because I do not consider his actions amount to bullying or harassment.

I recommend that the Adelaide City Council resolve to adopt the findings within this report, and to require Cr Abrahamzadeh to publicly apologise to Councillors Moran and Martin.



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# Report

## 1. COMPLAINT

By letter dated 24 August 2021, the Council's Chief Executive Officer, Clare Mockler, received a complaint against Cr Arman Abrahamzadeh from Cr Phil Martin (**Cr Martin's Complaint**).

By emails dated 22 and 23 September 2021, Ms Mockler received a complaint against Cr Abrahamzadeh from Cr Anne Moran (**Cr Moran's Complaint**).

(To be referred to together as the **Complaints**).

Whilst these are separate complaints by separate complainants, they relate to the same conduct of Cr Abrahamzadeh. As a result, it has been determined to conduct concurrent investigations, within the same Investigation Report.

### 1.1 Allegations

The Complaints relate to a Facebook comment made by a member of the public in response to a Facebook post made by Cr Abrahamzadeh, and Cr Abrahamzadeh's conduct in allowing, facilitating and maintaining that comment, which is said to be false, offensive and inflammatory (the **Public Comment**).

The Complaints alleged a breach of clauses 2.2, 2.3, 2.4, 2.9, and 2.10 of the Code of Conduct for Council Members (**Code**).

More specifically, the Complaints assert that Cr Abrahamzadeh published on his public 'Arman Abrahamzadeh' Facebook page a post concerning the Council's Culture Investigation Report, providing a link to the Report and images of The Advertiser article concerning the Report. Following this, a member of the public responded to that post with a comment (being the Public Comment) referring to 'two feral councillors' and claiming that those councillors engage in 'conservative, racist, misogynistic behaviour'. It is asserted that this is a reference to councillors Moran and Martin, the two Complainants.

It is asserted that the Culture Investigation Report made no such findings of 'racist', 'misogynistic' or 'feral' behaviour on the part of those two councillors and as a result the Public Comment is 'false, offensive and inflammatory' and constitutes 'spreading untrue material'.

The Complaints contend that the Public Comment was publicly visible for a period of at least one week, and that following this, Cr Abrahamzadeh 'recurated' his Facebook post in a manner so as to remove the Public Comment. It is said that this demonstrates Cr Abrahamzadeh had the capacity to remove the comment, but failed to initially do so.

Councillors Martin and Moran subsequently supplemented their complaints with additional details and assertions by way of interviews. These are outlined in more detail below.

The Complaints require an investigation as to whether Cr Abrahamzadeh's conduct was in contravention of clauses 2.2, 2.3, 2.4, 2.9 and/or 2.10 of the Code, being as follows:

2.2 *Act in a way that generates community trust and confidence in the Council.*

2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*

2.4 Show respect for others if making comments publicly.

...

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions

2.10 Not bully or harass other Council members.

A copy of the Complaints are attached as **Annexure A** to this report.

## 1.2 Identity of Complainants

Council's Standing Orders, Chapter 3 Part 3 contain the Complaint Handling Procedure under the Code of Conduct for Council Members (**Procedure**), which governs the investigation of the Complaint as well as the disclosure of the Complainants' identity. Specifically, clauses 28.6, 29, 34 and 36 each require strict confidentiality to be observed in undertaking the preliminary enquiry and investigation. Clause 34 explains that the CEO may make available to the subject councillor a copy of the complaint and details of the complainants, subject to the *Public Interest Disclosure Act 2018* (SA).

The *Public Interest Disclosure Act 2018* (SA) (**PID Act**) applies to information that raises a potential issue of misconduct (which includes contravention of a code of conduct by a public officer).

As the Complaints assert a contravention of the Code, the PID Act confidentiality regime applies and renders the Complainants an 'informant' for the purposes of that Act. Section 8 of the PID Act requires that any person to whom a disclosure under the PID Act has been made, or who otherwise knows that such a disclosure has been made, must not knowingly divulge the identity of an informant, except so far as may be necessary to ensure the matters are investigated, or otherwise with the consent of the informant. The parties were advised of their confidentiality obligations pursuant to the Procedure and PID Act, and the Complainants authorised their identity to be divulged for the purpose of this investigation and report.

In accordance with clause 34 of the Procedure, Cr Abrahamzadeh was provided with a copy of the Complaints, and (in light of the authorisations given by the Complainants), details of the identity of the Complainants.

## 2. PROCESS FOR REVIEW AND METHODOLOGY

### 2.1 Framework

This investigation of the Complaints are governed by Council's Procedure.

Preliminary enquiries of the Complaints were carried out by the CEO in accordance with the Procedure. The CEO determined that the Complaints warranted further investigation (in accordance with Standing Order 32.7). The CEO advised the Complainants and Cr Abrahamzadeh of these determinations.

The Complaints were referred to investigation in accordance with Standing Order 35. MinterEllison was appointed as independent investigator in relation to the Complaints. As explained above, for administrative convenience the two complaints have been investigated concurrently and our findings in relation to each have been combined into a single Investigation Report.

## 2.2 Process

Council's Procedure requires MinterEllison as independent investigator to provide to Council's CEO a written report which summarises:

- the allegations made in the Complaints;
- the evidence to which the investigation had regard;
- factual findings;
- conclusions; and
- recommendations arising from the report.

Notably, the Procedure does not expressly provide for a procedure whereby a councillor will have an opportunity to review a draft or initial report, and make further comments and representations to the investigator in preparing a final report. Nonetheless, MinterEllison determined to afford Cr Abrahamzadeh (and the Complainants) an opportunity to do so, in the interests of procedural fairness.

Councillor Abrahamzadeh provided minor comments which were considered for the purposes of finalising the content of this final report.

Further, as there has been a finding of breach, this report is required to be considered by Council at a meeting that is open to the public. The Procedure allows for Cr Abrahamzadeh to make submissions to the Council meeting at which this report is considered.

## 2.3 Evidence

In conducting my investigation into the Complaints I have had regard to and relied upon the Complaints and evidence adduced at interviews.

In accordance with Council's Procedure, the Complainants and Cr Abrahamzadeh were invited to make submissions regarding their respective Complaint, or attend an interview with the independent investigator by telephone.

An interview was held with both Complainants (separately) and with Cr Abrahamzadeh, who all made oral submissions. See a summary of key submissions below.

The standard of proof we have applied when assessing and accepting evidence in this investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, we have considered the nature of the assertions made and the consequences if they were to be upheld.

## 3. NATURE OF CONDUCT

### 3.1 Background

In April and May 2020, Council resolved to appoint EMA Legal to undertake a Cultural Investigation Report. The Cultural Investigation Report, dated 26 November 2020, was confidentially provided to Council's Audit Committee on 5 February 2021.<sup>1</sup> On 11 August 2021 Council resolved to remove the confidentiality order, and subsequently the Cultural Investigation Report was publicly released.<sup>2</sup>

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<sup>1</sup> [https://dmzweb.adelaidecitycouncil.com/agendasminutes/files08/Attachments/Council\\_13\\_April\\_2021\\_Item\\_10.13\\_Link%201.pdf](https://dmzweb.adelaidecitycouncil.com/agendasminutes/files08/Attachments/Council_13_April_2021_Item_10.13_Link%201.pdf)  
<sup>2</sup> [https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Minutes/Council/2021/2021\\_08\\_11Council\\_Special.pdf](https://dmzweb.cityofadelaide.com.au/agendasminutes/files08/Minutes/Council/2021/2021_08_11Council_Special.pdf)



nonetheless it was eventually removed. (It was not necessary to interview the Lord Mayor to assess and/or make a finding whether Cr Abrahamzadeh breached the Code).

Councillor Moran asserted that the Public Comment was clearly directed at herself and Cr Martin. It was also asserted that Cr Abrahamzadeh curates his Facebook page and limits commenting by the public, and therefore he was conscious that the comment had been posted and chose to leave it there. That is, Cr Abrahamzadeh was aware of the accusations of misogyny, racism and xenophobia, but left the Public Comment on his Facebook on purpose.

An interview with Cr Martin was held on 8 November 2021.

Councillor Martin provided a significant amount of background information and context, relating to previous social media commentary of Cr Abrahamzadeh. Whilst providing context, it was not considered as evidence in support of Cr Martin's Complaint.

In respect to the Facebook Post itself, Cr Martin conceded that the Cultural Investigation Report contained criticism of himself, but asserted that the content of that Report had been misrepresented. It was submitted that Cr Abrahamzadeh had read the Cultural Investigation Report (as evidenced by his vote to accept and acknowledge its contents), yet he allowed the Public Comment to be published, which he knew not to be true. Further, Cr Abrahamzadeh's response to the Public Comment was *not* to refute it, but rather to send a smiley face and accept the offer of campaign assistance. Councillor Martin asserted that Cr Abrahamzadeh demonstrated his knowledge that the Public Comment was wrong when, upon being pointed out to him, he removed it from his Facebook. The actions in re-curating the Facebook Post and taking out the offending commentary suggested Cr Abrahamzadeh knew that it was not an acceptable standard of behaviour.

Councillor Martin stressed that the Cultural Investigation Report made no finding of racism and was shocked to see his colleague allow the publication of such offensive and defamatory remarks.

Cr Martin submitted that calling somebody a racist without any evidence is unacceptable and awful behaviour. Councillor Martin also noted his understanding that the Public Comment was publicly visible for a period of approximately one week.

### 3.3 Submissions

An interview was held with Cr Abrahamzadeh on 11 November 2021, at which time he provided his response to the Complaints.


Councillor Abrahamzadeh explained that the Cultural Investigation Report had attracted community interest, and as part of his regular community communication on his Facebook page, he posted the Facebook Post. The Facebook Post was quite short and simply contained a link to the Cultural Investigation Report and a screenshot of an Advertiser article.

In relation to the comments in question, Cr Abrahamzadeh advised that he received a notification that a commenter had 'tagged' him in a comment on the Facebook Post. This was a comment by a member of the public which made a joke regarding 'volunteering' for Cr Abrahamzadeh. Councillor Abrahamzadeh gave a short response to this comment. In regard to the other comment of that same member of the public (being the Public Comment), Cr Abrahamzadeh advised that he did not become aware of that comment for a couple of weeks afterward. He was not specifically tagged in that comment and therefore it became just one of the 30 – 40 comments that the Facebook Post attracted (and not immediately brought to his attention).

In relation to the tending of his social media accounts, Cr Abrahamzadeh explained that he checks a number of different social media platforms a couple of times per day, and tries to keep an eye out for any rude or defamatory comments. Once the Public Comment was brought to his attention,<sup>3</sup> he filtered and

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<sup>3</sup> When advised of the Complaint by Council's Manager, Governance.



removed a number of comments on that particular Facebook Post (including the Public Comment) so as to ensure the discussion and content was not defamatory or offensive.

When put to Cr Abrahamzadeh that comments made on his Facebook page by members of a public could be attributed to him in respect to his capacity as 'publisher' and moderator, Cr Abrahamzadeh accepted this proposition to a degree but highlighted the fact that if the Complainants had approached him and raised concerns, he would have happily removed the Public Comment.

Councillor Abrahamzadeh did not directly categorise the Public Comment as offensive, unreasonable or disrespectful. He noted that he came to the conclusion that it was *taken* as offensive but emphasised that the context of a comment is critical to his determination of whether it is offensive or disrespectful. That is, it is important to make sure there is not a separate discussion or a misunderstanding about the intended recipient of such comments.

When directly asked whether being called racist is disrespectful, Cr Abrahamzadeh advised yes – but that, again, context is important.

## 4. CONSIDERATION OF COMPLAINT

The Complaint alleges breaches of clauses 2.2, 2.3, 2.4, 2.9, and 2.10 of the Code. We have investigated these alleged breaches, and consider each clause in turn below.

A critical question to be determined from the outset is whether we can attribute any responsibility for the Public Comment to Cr Abrahamzadeh.

The Public Comment was posted by a member of the public, not by Cr Abrahamzadeh. The evidence suggests that Cr Abrahamzadeh was not aware of the Public Comment for a period of at least one week. Following this, Cr Abrahamzadeh exercised his controls as moderator and administrator and removed the Public Comment.

We must therefore consider whether the Public Comment being publicly visible for a period of (at least) one week, on Cr Abrahamzadeh's Facebook page, could have caused Cr Abrahamzadeh to breach any clause of the Code.

In this respect we take guidance from the recent High Court of Australia case of *Fairfax Media Publications Pty Ltd v Voller* [2021] HCA 27. In that case, each appellant news publisher/broadcaster maintained their own 'public Facebook page on which they post content relating to news stories and provide hyperlinks to those stories on their website.'

Further:

- [1] ... They invite comment on the posted content from members of the public who are Facebook users. Comments which are made appear on the Facebook page and are available to be seen by other Facebook users.

A number of third-party Facebook users posted defamatory comments regarding the respondent onto the Facebook posts of the appellants. Following this, the respondent brought a defamation action against the appellants, claiming that they were each 'publishers' of those defamatory comments.

The appellants did not accept this assertion.

- [13] The appellants argued that they did not make the defamatory comments available to the public, did not participate in their publication and were not in any relevant sense instrumental in their publication; they merely administered a public Facebook page on which third parties published material.





...

However, the Court found that each appellant was indeed a publisher of each defamatory comment:

[98] Each appellant became a publisher of each comment posted on its public Facebook page by a Facebook user as and when that comment was accessed in a comprehensible form by another Facebook user. Each appellant became a publisher at that time by reason of its intentional participation in the process by which the posted comment had become available to be accessed by the other Facebook user. In each case, the intentional participation in that process was sufficiently constituted by the appellant, having contracted with Facebook for the creation and ongoing provision of its public Facebook page, posting content on the page the effect of which was automatically to give Facebook users the option (in addition to "Like" or "Share") to "Comment" on the content by posting a comment which (if not "filtered" so as to be automatically "hidden" if it contained "moderated words") was automatically accessible in a comprehensible form by other Facebook users.

...

[104] Where, as here, the operator of an "electronic bulletin board" posts material with the intention that third parties will comment on the material posted, the operator cannot escape being a publisher of the comments of those third parties. The most appropriate analogy is with live television or talkback radio. As Brennan CJ, Dawson and Toohey JJ recognised in *Thompson v Australian Capital Television Pty Ltd*, in the context of a live to air broadcast of a television program being simultaneously aired by another network, "the nature of a live to air current affairs program carries a high risk of defamatory statements being made" and such a program "by its nature would be likely to involve comments about persons".

[105] In sum, each appellant intentionally took a platform provided by another entity, Facebook, created and administered a public Facebook page, and posted content on that page. The creation of the public Facebook page, and the posting of content on that page, encouraged and facilitated publication of comments from third parties. The appellants were thereby publishers of the third-party comments.

...

That case concerned defamation law and those passages are written in the context of the elements of a defamation claim. In the present instance, the scope of our investigation does not extend to defamation, but rather the Code. Nonetheless, we take significant guidance from the High Court's statements, and in particular the degree of responsibility and culpability that the publishers were found to have over third-party comments.

Councillor Abrahamzadeh was the moderator of his Facebook page and had control (and therefore responsibility) over posts and comments appearing on that page. He has capacity to remove public comments and in our view a responsibility to moderate and remove comments which are offensive or disrespectful.

It is untenable to consider that an elected member can absolve themselves from responsibility for comments appearing on their own Facebook page, in circumstances where they have sole discretion for monitoring and filtering any comments that may appear. To voluntarily provide a public forum for discussion and debate with constituents necessitates a degree of involvement and responsibility on behalf of that elected member.

Accordingly, we consider that Cr Abrahamzadeh can be deemed the 'publisher' of the Public Comment and is responsible for its contents.

The degree of responsibility over offensive comments may be lessened by ongoing action on behalf of the Facebook page moderator, for example by continual monitoring for such comments and removing them. If an offensive comment is publicly visible for a matter of minutes or hours, and was proactively



removed, the publisher of the Facebook post containing that comment may be able to point to a lessened degree of fault.

In the case of the Public Comment, Cr Abrahamzadeh's Facebook exhibited that comment for at least seven days, and its harm was not mitigated by virtue of any transience or temporariness. By Cr Abrahamzadeh's own admission, the Facebook Post attracted significant attention, thereby bringing additional visibility to the content of the Public Comment.

## 4.1 Clause 2.2 – Act in a way that generates community trust and confidence in the Council

### Discussion

Clause 2.2 requires elected members to act in a way that generates community trust and confidence in the Council. We must consider whether the publishing of the Public Comment generated community trust and confidence in the Council.

The Public Comment refers to 'conservative, racist, misogynistic behaviour' of 'the two main culprits' (i.e. councillors Martin and Moran) and also 'poor leadership' of the Lord Mayor. It categorises the Council as a 'laughing stock', due to the actions of the '... ex CEO, Lord Mayor and those two feral councillors'.

For completeness, we note that the Cultural Investigation Report makes no reference at any point to any 'conservative', 'racist' or 'misogynistic' behaviour (of any elected members).

To have 'trust' means 'to have or place trust, reliance or confidence in', 'to depend on; rely on'. To have 'confidence' means to have 'believe in the trustworthiness or reliability of a person or thing' (as those words are defined in the *Macquarie Dictionary*).

By referring to two councillors, the Lord Mayor and the former CEO in such derogatory terms, and by asserting that the Council is a 'laughing stock', we consider that the confidence, trustworthiness and reliability of the Council are diminished.

The *Macquarie Dictionary* defines 'laughing stock' as: 'a butt for laughter; an object of ridicule.'

In such circumstances where the Public Comment displays these features, we consider that any actions which allow, facilitate and/or publish such a comment constitutes a failure to generate community trust and confidence in the Council.

### Findings

We find that Cr Abrahamzadeh, in allowing, facilitating and publishing the Public Comment, breached clause 2.2 of the Code.

## 4.2 Clause 2.3 – Act in a reasonable, just, respectful and non-discriminatory way when dealing with people

### Discussion

Clause 2.3 requires elected members to act in a reasonable, just, respectful and non-discriminatory way when dealing with people.

#### *'Dealing with People'*

I have considered the significance and impact of the words 'when dealing with people' as used in clause 2.3 of the Code.

I adopt the *Macquarie Dictionary* definition of 'dealing' and 'deal', meaning 'conduct in relation to others; treatment', and 'to conduct oneself towards persons'. A preliminary question for determination is whether Cr Abrahamzadeh's conduct in allowing, facilitating and publishing the Public Comment satisfies this definition and constitutes 'dealing with people'.

In this regard, I respectfully adopt comments made by the Ombudsman in a previous investigation report:

542. Clause 2.3 appears directed towards a council member's dealings at large, in the sense that it is not limited to a council member's interactions with members of the public or with other council officers.

That report concerned the Ombudsman's investigation of the conduct of Cr Lance Bagster ([2018] SAOmbRp 24).

Whilst previous Ombudsman reports have no binding or precedential effect,<sup>4</sup> I find the reasoning and comments of the Ombudsman to be persuasive, and I adopt such comments as relevant to the present circumstances.

The Ombudsman outlined various emails sent by Cr Bagster to external parties, to whom he directed insults and threats. The Ombudsman concluded:

557. ... In the circumstances, I am satisfied that Cr Bagster's behaviour in sending the communications identified above was sufficiently connected to his position and responsibilities as an elected member so as to impart an obligation to comply with the Code.
558. In the circumstances, I am satisfied that Cr Bagster has contravened clause 2.3 of Part 2 of the Code by failing to act reasonably, justly and respectfully when dealing with each of the individuals identified above.

Similarly, in the Ombudsman's report concerning the investigation into the conduct of Mayor Walsh ([2020] SAOmbRp 7) the Ombudsman commented as follows.

74. I have turned my mind to the fact that Mayor Walsh appeared to have sometimes been acting in his personal capacity. I do not consider that clauses 2.2 and 2.3 are necessarily limited to official functions and duties, being aimed at conduct that does not meet community expectations. Overall, I consider that there is a sufficient nexus between Mayor Walsh's conduct and his role as a council member for clauses 2.2 and 2.3 to apply.

In light of these observations, I find that Cr Abrahamzadeh's conduct falls within the scope of clause 2.3. I find there to be a sufficient nexus between Cr Abrahamzadeh's conduct and his role as a Council member.

#### *Content of Obligation in Clause 2.3*

In relation to the content of the requirement in clause 2.3 to act in a 'reasonable, just, respectful and non-discriminatory way', I adopt the ordinary meaning of the relevant words as defined in the *Macquarie Dictionary*:

- o 'reasonable' means 'endowed with reason'
- o 'just' means 'actuated by trust, justice, and lack of bias'
- o 'respectful' means 'full of, characterised by, or showing respect'
- o with 'respect' meaning 'esteem or deferential regard felt or shown', and 'to show esteem, regard, or consideration for'; and
- o 'discriminatory' means 'exhibiting prejudice; showing discrimination'.

#### Findings

As to whether Cr Abrahamzadeh's conduct was reasonable, just, respectful and non-discriminatory, my findings are as follows.

The unsubstantiated allegations of racism and misogyny within the Public Comment were not endowed with reason, and they did not demonstrate respect or esteem for the councillors in question.

Accordingly, we consider the Public Comment was not reasonable or respectful.

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<sup>4</sup> *King v Ombudsman* [2020] SASFC 90 [134], quoting *Kaldas v Barbour* (2017) 326 FLR 122 [257]—[259].



We find that Cr Abrahamzadeh, in allowing, facilitating and publishing the Public Comment, breached clause 2.2 of the Code.

### 4.3 Clause 2.4: Show respect for others if making comments publicly.

#### Commentary

Clause 2.4 requires elected members to show respect for others if making comments publicly.

In considering Cr Abrahamzadeh's compliance with clause 2.4, it is necessary to determine whether the impugned actions were 'comments' made 'publicly'.


A 'comment', as defined by the Macquarie Dictionary, includes:

- 'a note in explanation, expansion, or criticism of a passage in a writing, book, etc.; an annotation'
- 'explanatory or critical matter added to a text'; and
- 'a remark, observation, or criticism'.

I find the Public Comment was a 'comment' for the purposes of clause 2.4.

In respect to 'publicly', I refer again to the Ombudsman's investigation of the conduct of Cr Lance Bagster ([2018] SAOmbRp 24), where the Ombudsman considered clause 2.4 as follows:

569. The word 'publicly' and the phrase 'comment publicly' are not defined in the Code.
570. The *Macquarie Dictionary* defines the word 'publicly' as follows:
1. in a public or open manner. 2. by the public. 3. in the name of the community. 4. by public action or consent.
571. In my view, the plain and ordinary meaning of 'comment publicly' is to make remarks in a public manner. I do not consider this resolves the question to be determined in the present case.
572. The meaning of the phrase as it appears within clause 2.4 should be considered in light of the specific objects of the Local Government Act, which include:
- providing a legislative framework for an effective, efficient and accountable system of local government in South Australia
  - ensuring the accountability of councils to the community
  - defining the powers of local government and the roles of council members.
573. The phrase should also be read in light of the higher principles identified in Part 1 of the Code, which include the principle that elected members should act in a manner that, *inter alia*, 'foster[s] community confidence and trust in Local Government.'
574. It is also appropriate to have regard to the preamble to Part 2 of the Code, which provides that:
- the behavioural code is intended for the management of conduct that does not meet the reasonable community expectations of the conduct of council members
  - robust debate within councils that is conducted in a respectful manner is not a breach of the behavioural code.
575. It is helpful to consider clause 2.4 in light of the context in which it appears within Part 2 of the Code. It is situated under the heading 'General behaviour'. It follows the requirements that elected members '[a]ct in a way that generates community trust and confidence in the Council' and '[a]ct in a reasonable, just, respectful and non-discriminatory way when dealing with people.' It differs from clause 2.3 insofar as its application is expressly limited to comments with a public quality.
576. I consider that the purpose underpinning the provision, when considered in context, is to ensure that elected members do not engage in disrespectful discourse that is capable of bringing the council into disrepute. Whether clause 2.4 is to be given a narrow or expansive construction may be said to rest on the extent to which the provision goes in seeking to achieve that purpose.

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577. In my view, it is desirable to give clause 2.4 an expansive reading so as to apply to all comments made or distributed to members of the public. There are difficulties in adopting the alternative construction. For the Code to function as intended there needs to be a degree of certainty as to what constitutes a comment made publicly. There is also the need to recognise that a communication that is sent to a person external to the council may then be circulated more widely by the recipient.
578. All told, I consider that the expansive reading is more consistent with ensuring community confidence and trust in the system of local government. I recognise, however, that it may be necessary to consider the size and nature of the audience when assessing the gravity of a breach of clause 2.4.
579. In this case, I accept that Cr Bagster circulated the remarks at issue to a relatively limited audience. This is a mitigating factor. On the other hand, I note the degree of disrespect towards council officers manifested in the remarks.
580. I am satisfied that Cr Bagster has contravened clause 2.4 of Part 2 of the Code by failing to show respect for others when making comments publicly.

(citations omitted)

The remarks made by Cr Bagster to which the Ombudsman refers are contained within emails sent by Cr Bagster firstly to a singular resident, and secondly to that resident, in addition to the Mayor and three of the council's administration staff. As demonstrated by the above extract, the Ombudsman in that instance considered that Cr Bagster's comments were sufficiently public to invoke clause 2.4.

In light of this guidance, I similarly find that the Public Comment, as a publicly visible comment on a public Facebook post (on a public Facebook page) was sufficiently public to invoke clause 2.4.

#### Findings

In the preceding paragraphs I have considered the content of the Public Comment in the context of clause 2.3 and whether its content was respectful. My conclusion remains the same in the context of 2.4. I find that the content of the Public Comment was not sufficiently respectful for the purposes of clause 2.4.

Accordingly, the Public Comment was publicly made, and was not respectful.

We find that Cr Abrahamzadeh, in allowing, facilitating and publishing the Public Comment, breached clause 2.4 of the Code.

#### **4.4 Clause 2.9 – Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions**

##### Commentary

Clause 2.9 requires elected members to endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

The Ombudsman's report in *Cr Bagster* [2018] SAOmbRp 24 provides a useful illustration of conduct which will breach clause 2.9 of the Code. In that instance, Cr Bagster's communications toward other councillors suggested that he 'has no real interest in maintaining a respectful relationship with any of the elected members'. As Cr Bagster appeared 'to have made no genuine efforts to understand or tolerate views different to his own', his conduct breached clause 2.9 of the Code.

As previously discussed, the Public Comment is disrespectful and disparaging toward councillors Moran and Martin. We do not consider that the content of the Public Comment evidences an interest in maintaining a respectful relationship with those elected members.

Again, we reiterate that the content of the Public Comment can be largely attributed to Cr Abrahamzadeh in circumstances where he allowed that comment to appear on his own public Facebook page.

## Findings

We find that Cr Abrahamzadeh, in allowing, facilitating and publishing the Public Comment, breached clause 2.9 of the Code.

### **4.5 Clause 2.10 – Not bully or harass other Council members.**

#### Discussion

Clause 2.10 requires elected members to not bully or harass other Council members.

In order to determine whether Cr Abrahamzadeh's conduct amounts to 'bullying' or 'harassment' and hence a breach of clause 2.10, it must first be established what sorts of conduct amount to bullying and harassment.

The Ombudsman has previously considered the term 'bullying' and harassment in the context of the Code (again in *Cr Bagster* [2018] SAOmbRp 24):

437. Based on the foregoing, I have adopted the following definition of bullying for the purposes of the present investigation:
- the council member has engaged in repeated unreasonable behaviour directed towards a relevant person (especially by repeated threats, intimidation or demeaning behaviour); and
  - the behaviour creates a risk to health and safety (including a risk to mental health).
438. Similarly, and in the absence of any particular legislative definition to draw from, I have adopted the following definition of harassment for the purposes of the present investigation, drawn from the dictionary definition:
- the council member has persistently and unreasonably disturbed a relevant person; and
  - the behaviour could reasonably be expected to trouble or stress that person.

We are unable to identify any evidence of *repeated* unreasonable behaviour or *persistent* disturbance. The Public Comment presents a singular incidence and we do not consider it falls within the definitions of bullying or harassing.

#### Findings

We find that Cr Abrahamzadeh did not breach clause 2.10 of the Code.





## 5. FINDINGS

My finding is that Cr Abrahamzadeh has breached the Code. Specifically, his conduct in allowing, facilitating and publishing the offending comment on his Facebook post fell short of the obligations found in clauses 2.2, 2.3, 2.4 and 2.9 of the Code.

I do not find that Cr Abrahamzadeh breached clause 2.10 of the Code, as the conduct in question was not repeated or persistent.

## 6. RECOMMENDATIONS

I recommend that the Council require Cr Abrahamzadeh to publicly apologise to the Complainants, councillors Martin and Moran.

I also recommend that Council, as part of its consideration of this matter, resolve to adopt the findings in this report, and to take the action recommended above.

Separately to the above recommendation relating to Cr Abrahamzadeh, and although not a formal recommendation, I do take this opportunity to remind all councillors of their obligations and responsibilities that attach to social media use, including with respect to compliance with the Code and otherwise as set out in this Report. I also raise the value of educating/training all councillors who are successfully elected at the 2022 Local Government elections with respect to social media use and conduct.



# Annexure – A

## Complaint

Annexure to Investigation Report

Dear Acting CEO

I wish to lodge a code of conduct complaint against Council Abrahamzideh for the publication of commentary associated with the Culture Investigation Report.

Councillor Abrahamzideh published on his Arman Abrahamzideh Facebook page two photographs of The Advertiser Report of Saturday August 14th and of the editorial concerning the findings of the Report which adversely named Councillor Moran myself. The newspaper report republished by Councillor Abrahamzideh with the invitation to ".... Read it yourself" also contained photographs of Councillor Moran and myself.

Councillor Abrahamzideh then allowed the publication on the same Facebook page the comments of a friend, running mate and former candidate Ric Carter identifying Councillor Moran and myself as the pair who were "outed".

Councillor Abrahamzideh further published on the page the comments of a Sulaiman Dirk who said Councillor Moran and myself had been guilty of " .. racist .." and " ...mysogynistic (sic) .." behaviour and were " ... feral councillors ..". I have separately emailed a screenshot of this conversation to your office as it will not print properly on the Council system. If you require it, I can ask for it to be copied by a commercial copying business. Please advise me.

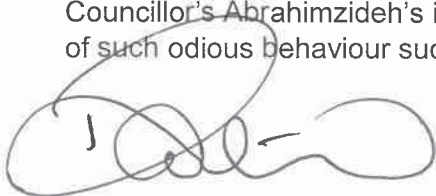
The Culture Investigation made no finding that any elected member had engaged in "racist" or "misogynistic" behaviour or was "feral".

Further, Councillor Abrahamzideh did not challenge the comments he allowed to be published on his Facebook and, instead, responded to the post with an emoji of a smiling face and saying " ... thanks for the vote of confidence .. ".

Councillor Abrahamzideh left that post on his Facebook page for one week and has since recurated parts of the publication with new comments from Mr Dirk not including the false, offensive and inflammatory remarks. This demonstrates also Councillor Abrahamzideh had the capacity to remove the comments but failed to do so.

I contend the actions of Councillor Abrahamzideh allowing, facilitating and maintaining this publication to his 2, 000 followers for a period of week of such completely unfounded, offensive and inflammatory directed at his colleagues breaches 2.2, 2.3, 2.9 and 2.10 of Part 2 of the Behavioural Code.

If the event the investigation finds against Councillor Abrahamzideh on any or all of the code breaches I suggest the seriousness of the matter is such that under the Penalties outlined in paragraph 3 the minimum penalty should be a written apology and training to ensure Councillor's Abrahamzideh's is aware that falsely publishing material accusing his colleagues of such odious behaviour such as racism is not ok.



Phillip Martin

August 24<sup>th</sup>, 2021

**From:** Anne Moran  
**Sent:** Thursday 23 September 2021 09:50:55 AM  
**To:** Mick Petrovski;Clare Mockler  
**Subject:** Re: Code of conduct complaint  
**Attachments:** image001.jpg, image002.gif, image003.gif

2.2 2.3 2.4 2.9 2.10

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au.mimecast.com/s/5VD6CnxyIyIzMZKkCJDBmZ?domain=aus01.safelinks.protection.outlook.com](https://protect-<br/>au.mimecast.com/s/5VD6CnxyIyIzMZKkCJDBmZ?domain=aus01.safelinks.protection.outlook.com)>

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From: Mick Petrovski <M.Petrovski@cityofadelaide.com.au>  
Sent: Thursday, September 23, 2021 8:37:11 AM  
To: Anne Moran <A.Moran@cityofadelaide.com.au>; Clare Mockler <C.Mockler@cityofadelaide.com.au>  
Subject: RE: Code of conduct complaint

Hi Cr Moran – I acknowledge that you wish to submit a Code of Conduct complaint against Cr Abrahamzadeh. In order to satisfy the requirements for making a complaint under the Code can you please identify the part of the Code of Conduct that you believe the Councillor has breached. Your email does not fully satisfy the criteria for making a complaint at this point as you are not specific about the provisions allegedly breached. Could you please review your complaint against the criteria below in response to this email and the process can be instigated.

#### General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

#### Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

#### Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Thank you.

Mick

Mick Petrovski  
Manager, Governance  
Governance  
7th Floor 25 Pirie Street  
Adelaide, South Australia, 5000  
TEL:+61882037119  
F. +61882037575  
E. M.Petrovski@cityofadelaide.com.au

[cid:image001.jpg@01D7B056.32FFF430]<<https://protect-au.mimecast.com/s/q74dCoVz1zIMxVBQhVK5ne?domain=cityofadelaide.com.au>>  
[cid:image002.gif@01D7B056.32FFF430]<<https://protect-au.mimecast.com/s/XrGNCp8A1AuGX0v7uGQG8Z?domain=aus01.safelinks.protection.outlook.com>>  
<https://protect-au.mimecast.com/s/CLcECq7B1BhDmyzVTNLJoX?domain=cityofadelaide.com.au>

[cid:image003.gif@01D7B056.32FFF430] Think before you print!

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From: Anne Moran <A.Moran@cityofadelaide.com.au>  
Sent: Wednesday, 22 September 2021 7:52 AM  
To: Clare Mockler <C.Mockler@cityofadelaide.com.au>; Mick Petrovski <M.Petrovski@cityofadelaide.com.au>  
Subject: Code of conduct complaint

This has been on Arman's Facebook for over a month. I lodge a complaint. You can look up the section I assume you both have already spoken to him because you were pretty quick to complain about my posts yesterday. This is clear abuse. I was prepared to overlook it but as it's pretty serious I will proceed with a complaint. It would fall under the section referring to disrespect to fellow councillors and spreading untrue material. Area councillor Anne Moran

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## 2022 Election and Adoption of Caretaker Policy

Tuesday, 8 March 2022

Council

Strategic Alignment - Enabling Priorities

**Program Contact:**

Mick Petrovski - Manager  
Governance

Public

**Approving Officer:**

Amanda McIlroy - Chief  
Operating Officer

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## EXECUTIVE SUMMARY

Local Government Elections in South Australia are conducted every four years in accordance with the legislative framework in the *Local Government (Elections) Act 1999* (the Act) and regulations, and the *Local Government Act 1999* (SA). The City of Adelaide has some unique requirements as the Capital City Council in South Australia. These requirements are included in the *City of Adelaide Act 1998* and its regulations.

Section 91A of the Act, requires that each Council adopt a Caretaker Policy (the Policy), which governs the conduct of the Council through the election period. The Act requires that the Policy, as a minimum, prohibits the making of designated decisions as defined by the Act and Regulations. As a matter of good governance, the proposed Policy also prohibits the making of major policy decisions, and outlines the conduct expected of Council Members and the Administration throughout the election period.

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## RECOMMENDATION

### THAT COUNCIL

1. Adopts the Caretaker Policy as shown in Attachment A to the Item 10.7 on the Agenda for the meeting of the Council on 8 March 2022.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Significant policy decisions are prohibited during the election period.
Consultation	Community consultation during the election period will be limited.
Resource	Internal resources will be utilised to communicate and implement the Caretaker Policy, however legal providers will be utilised for advice in some instances.
Risk / Legal / Legislative	The Caretaker Policy is a legislative requirement under Section 91A of the Local Government Act and must, at a minimum, prohibit the making of a designated decision. If a designated decision is made by Council during the election period, it will be an invalid decision. Any person who suffers any loss or damage as a result of acting in good faith on a designated decision made in contravention of the Act or the Policy is entitled to compensation from the Council for that loss or damage.
Opportunities	To promote fair and equitable elections for all candidates, and not make decisions which will inappropriately bind the incoming Council.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	\$340,000 (election budget including ECSA's estimated costs )
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report



# DISCUSSION

## Election overview

1. Local Government elections in South Australia are conducted every four years in accordance with the legislative framework provided in the *Local Government (Elections) Act 1999*.
2. The City of Adelaide has some unique requirements as the Capital City Council of South Australia. These requirements are included within the *City of Adelaide Act 1998* and its regulations.
3. The two Acts and their associated regulations together provide the foundation for the management and conduct of the City of Adelaide Elections. They provide details regarding the roles and responsibilities of the Council and the Electoral Commission of South Australia (ECSA) and qualifications regarding voting, voting entitlements, voting systems, candidates and caretaker provisions.
4. An election timetable has been provided by ECSA with the close of the voters roll at 5:00pm Friday 29 July 2022.
5. The nomination period will commence on Tuesday, 23 August 2022 and conclude at 12 noon on Tuesday, 6 September 2022. The close of nominations is the latest time by which the 'election period' can commence for the purposes of the Caretaker Policy, as required under Section 91A of the *Local Government (Elections) Act 1999*.
6. Voting packs will be posted out to eligible voters in the week commencing Friday 14 October 2022, and voting will close at 5:00pm on Thursday, 10 November 2022
7. The scrutiny and count process will begin Saturday, 12 November 2022 at 9:00am and is expected to last a few days before the conclusion of the election.
8. Following the completion of the Representation Review, and associated public consultations, the Electoral Commissioner determined and certified the City of Adelaide's representation structure, with the Council area divided into three wards, being the North Ward, Central Ward and South Ward, and constituted with 12 elected members. This structure will be in place for the 2022 election and therefore we are required to hold 5 elections as follows:
  - 8.1. The Lord Mayor elected by the representatives of the area as a whole
  - 8.2. Two Councillors elected as representatives of the area as a whole
  - 8.3. Two Councillors elected as representatives of the North
  - 8.4. Four Councillors elected as representatives of the Central Ward
  - 8.5. Three Councillors elected as representatives of the South Ward.
9. An internal project working group has been established to manage the election process, in conjunction with ECSA. The project sponsor is the Chief Operating Officer and the group is responsible for:
  - 9.1. Maintaining the voter's roll
  - 9.2. Developing and implementing an Election Strategy
  - 9.3. Ensuring legislative requirements are met
  - 9.4. Coordinating candidate information sessions
  - 9.5. Developing a marketing strategy to supplement the activities undertaken by ECSA.

## Local Government Reform legislative changes

10. The 2022 Periodic Election will be managed in accordance with the new provisions provided in the Acts named earlier, which formed part of the State Government's Local Government reform project. The legislative changes commenced on 10 November 2021. Members were made aware of these changes in an e-news communication on Friday 11 February 2022. The major changes include:
  - 10.1. Removal of the requirement for a copy of the voters roll to be provided in printed form. Voters roll to be supplied electronically.
  - 10.2. Re-issuing of voting packs now will conclude before the close of voting providing ECSA/ Council staff more time to accurately re-issue them to voters.
  - 10.3. The *Electoral advertising poster* defined as a poster displaying electoral advertising relating to local government elections, made of corflute or plastic are now prohibited "*on a public road (including any structure, fixture or vegetation on a public road)*". Corflute elections signs cannot be affixed to stobie poles, traffic signs, trees, etc along a public road.

- 10.4. Previously the *City of Adelaide Act* prevented any person from holding the office of Lord Mayor for more than two consecutive terms; this restriction has been removed.
11. ECSA's responsibilities have increased to include:
- 11.1. Publishing all candidate profiles on their website, previously this was done by the LGA.
  - 11.2. Managing the newly defined campaign donations and expenditure process at the conclusion of the election which was, previously Council's responsibility.
  - 11.3. The returning officer (ECSA) will provide each council with a list of all valid nominations relevant to the council's area and publish this information on the internet. The returning officer must do so within 24 hours after the close of nominations. As a result, no details about who has nominated for local government elections will be made publicly available until after the close of nominations.
  - 11.4. The candidate's profile must include a statement as to whether the candidate lives in the area or ward of the council in which the candidate is running for. The candidate's profile must disclose whether the candidate was at the time of their nomination (or in the 12 months leading up to that date) a member of a registered political party. If the candidate is or was a member of a registered political party during that period, they must also disclose the name of the party and (if relevant) when they ceased to be a member of that party.

### **Responsibilities**

12. The Electoral Commission of South Australia (ECSA) is an independent Statutory Authority responsible to the Parliament of South Australia. ESCA aims to ensure that demands for electoral services and participation in the democratic processes have been met fairly, honestly and within the law. One of ECSA's main functions is to conduct State and Council elections every four years, including House of Assembly by-elections and council supplementary elections. ECSA is responsible for the conduct of the City of Adelaide periodic 2022 election.
13. The Chief Executive Officer of the City of Adelaide has delegated power under sec 12(b) of the *Local Government (Elections) Act 1999* to 'be responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area'. The Council made the delegation to the Chief Executive Officer to ensure neutrality in the discharge of the responsibilities described and to distance Elected Members from the process so they are not seen to be influencing the election process before the formal election period begins.

Council has also previously made a number of decisions aimed at increasing voter turnout and supporting a greater diversity of candidates nominating for the elections. These have been addressed as part of the marketing plan.

### **Marketing strategies overview**

14. During 2022 South Australian voters will be asked to participate in three election processes, the South Australian State elections (March), the Federal elections (May), and Local Government (November)
15. Compulsory voting applies to the State and Federal elections, whereas voting in the Local Government elections is voluntary, and, because these are the final elections to take place, there is a likelihood that voter fatigue will have an impact in both numbers of candidates nominating and eligible voters exercising their vote. The marketing plan developed for the City of Adelaide elections has taken this into consideration, along with previous experience in trying to encourage the most participation in a non-compulsory voting system.
16. Key lessons from previous Election campaigns, that have helped shape the 2022 Election marketing plan include:
- 16.1. Inconsistent messaging between the City of Adelaide campaign and the wider Local Government Association campaign caused confusion in the market.
  - 16.2. The 18–39-year-old demographic makes up 56% of our population, however in the previous election (2018) we only received 2 applications from candidates under the age of 30.
  - 16.3. In previous campaigns social media advertising has been unsuccessful in converting younger eligible ratepayers into voters. Businesses were the most engaged audience through social media advertising.

- 16.4. Marketing and promotional budget was not spread out evenly throughout the three election phases, with the nomination period only receiving 15% of the overall spend. A more even distribution of budget will be achieved by breaking down the barriers of the three phases of the election period.
- 16.5. Nominating is not a quick or straight-forward decision and early engagement with the community is crucial in increasing the number of nominees.
- 16.6. 41% of eligible voters are enrolled in the Central Ward, but only accounted for 34% of votes during the 2022 election.
- 17. The marketing plan has been developed to promote all stages of the election, and to align with other agencies (LGA & ECSA) who have their own marketing and promotion strategies. Our key objective during the marketing campaign is to support a fair and democratic process through clear, positive communication with the aim of:
  - 17.1. Increasing overall participation by the public of the City of Adelaide at all stages of the election program (enrolment, nomination and voting)
  - 17.2. Ensuring under-represented groups have the same access to relevant information as the broader community (including women, indigenous members of the community, young people and culturally and linguistically diverse groups)
  - 17.3. Support an increased understanding of the role of City of Adelaide and the benefits we bring to our community.
- 18. The project team have identified ways to increase voter turnout (from 30.6% in the 2018 election). The marketing plan includes initiatives to help achieve an increase in voting for 2022, including:
  - 18.1. A focus on community awareness, utilising Local Government Association created communications, to ensure consistency of message between all South Australian Local Government bodies and engagement with key agencies and stakeholder groups that advocate for under-represented groups in the community
  - 18.2. Development of city banners, in conjunction with the Local Government Association, to dress the city and North Adelaide in key areas in the lead up to the election and increase community awareness
  - 18.3. Direct mail communications with ratepayers on key election information
  - 18.4. Significant investment in outdoor signage, through our campaign Media Buy
  - 18.5. Targeted digital communications at 18-30 y.o. demographic through campaign Media Buy, utilising altered messaging crafted for a younger audience
  - 18.6. Strong partnership with subsidiaries (AEDA & ACMA) to ensure our business community is aware of their voting entitlements.
- 19. The project team have identified ways to improve diversity of candidates. The marketing plan includes initiatives to help achieve this by:
  - 19.1. Early engagement with Disability and Access Inclusion Panel to better understand barriers to nomination and overall election experiences
  - 19.2. Ongoing discussions with City of Adelaide Reconciliation Officer
  - 19.3. Targeted digital communications with the 18–30-year-old demographic through Media Buy;
  - 19.4. Utilisation of relationship with Study Adelaide to engage with our International Student community
  - 19.5. Translation tool used of City of Adelaide website to ensure all communities have access to relevant information
  - 19.6. Translated versions of outdoor signage / posters to be utilised around the city and North Adelaide.

### **Caretaker Policy**

- 20. Since the 2010 Local Government Elections, Section 91A of the *Local Government (Elections) Act 1999* (the Act) has required that a Council adopt a Caretaker Policy, to govern its conduct during an election period.
- 21. As a minimum, the Caretaker Policy must prohibit the making of a designated decision and the use of council resources for the advantage of a particular candidate or a group of candidates during the election period.

22. The election period, as prescribed by the Act, must begin no later than the day of the close of nominations for the election. The election period concludes at the conclusion of the election, as defined by the *Local Government Act 1999 (SA)*.
23. The proposed Caretaker Policy includes discretionary provisions which are recognised as best practice to assist Council in its decision making in the lead up to the elections and ensure that the current Council does not inappropriately make decisions that will be binding on an incoming Council and therefore limit its freedom.
24. The Caretaker Policy has been prepared based on section 91A of the Act, the Local Government Association (LGA) Model Policy and other relevant legislation.
25. After council adopts the Caretaker Policy, a training and awareness campaign for staff will begin to ensure responsibilities are communicated and understood.
26. In the leadup to the election period, Members will be reminded of their responsibilities in the Caretaker Policy through e-news communications. Governance staff are also available to assist with any questions.

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## DATA AND SUPPORTING INFORMATION

Nil

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## ATTACHMENTS

**Attachment A** – Caretaker Policy

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- END OF REPORT -

# CARETAKER POLICY

*Date this document was adopted*

*legislative*

## PURPOSE

In accordance with Section 91A of the *Local Government (Elections) Act 1999* (the Act), Council must adopt a caretaker policy governing the conduct of the council and its employees during the election period for a general election.

It is the intent of this Policy to ensure that the actions of Council, Council Members, and employees of the City of Adelaide do not influence the election process, provide for a fair and equitable election for all candidates, and that no decisions are made which will inappropriately bind the incoming Council.

## STATEMENT

During a Local Government election period, Council will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

This Caretaker Policy has been designed to formalise Council's commitment to ensure that:

- The election period is managed in a manner that is ethical, fair and equitable and is publicly perceived as such;
- The incumbent Council does not inappropriately make decisions that will be binding on an incoming Council and limit its freedom to make its own decisions;
- No actions and decisions which could be perceived as intended to affect the results of an election are made by the Council;
- The day-to-day business of the Council continues efficiently and in a normal manner;
- Council resources are not diverted for, or influenced by, electoral purposes or used to improperly advantage candidates in the elections; and
- Council employees act impartially in relation to all candidates.

## APPLICATION OF THIS POLICY

This Policy applies throughout the election period for a general election. For the purposes of Local Government Elections of November 2022, the election period commences on 6 September 2022 and ends at the conclusion of the election, when results have been declared.

This Policy applies to:

- Council Members; and
- [City of Adelaide employees](#)

See definitions of the above terms in the Glossary at the end of this Policy.

### **This Policy does not apply to:**

- Supplementary elections

## PROHIBITION ON DESIGNATED DECISIONS

The City of Adelaide acknowledges the Kurna people as the Traditional Owners of the Country where the city of Adelaide is situated, and pays its respect to Elders past, present and emerging.

The Council is prohibited from making a designated decision (see glossary) during an election period.

A decision of the Council includes a decision of:

- A committee of Council; and
- A delegate of Council.

### **Scheduling consideration of designated decisions**

The Chief Executive Officer will ensure that designated decisions are not scheduled for consideration during the election period.

A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister of Local Government.

Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage.

### **Application for exemption**

If the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during an election period, the Council may apply in writing to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the Act or this Policy.

If the Minister grants an exemption to enable the making of a designated decision that would otherwise be invalid under section 91Aa of the Act or this Policy, then the Council and City of Adelaide employees will comply with any conditions or limitations that the Minister imposes on the exemption.

### **TREATMENT OF OTHER SIGNIFICANT DECISIONS**

So far as is reasonably practicable, the Chief Executive Officer will avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and will ensure that such decisions:

- are considered by Council prior to the election period; or
- are scheduled for determination by the incoming Council.

A 'significant decision' is any major policy decision or other decision which will significantly affect the Council area or community or will bind the incoming Council.

A 'major policy' decision includes any decision (not being a designated decision):

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of Council land;
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the Chief Executive Officer.

The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Lord Mayor (as relevant). The Chief Executive Officer must keep a record of all such determinations and make this list available to candidates upon request.

Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council. The aim of the Chief Executive Officer's report is to assist Council Members in assessing whether the decision should be deferred for consideration by the incoming Council.

The Chief Executive Officer's report to Council will address the following issues (where relevant):

- why the matter is considered 'significant';
- why the matter is considered urgent;
- what are the financial and other consequences of postponing the matter until after the election, both on the current Council and on the incoming Council;
- whether deciding the matter will significantly limit options for the incoming Council;
- whether the matter requires the expenditure of unbudgeted funds;
- whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- whether the matter requires community engagement;
- any relevant statutory obligations or timeframes; and
- whether dealing with the matter in the election period is in the best interests of the Council area and community.

Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

### **PROHIBITION ON THE USE OF COUNCIL RESOURCES**

The use of Council resources for the advantage of a particular candidate or group of candidates during an election period is prohibited.

Chapter 5 of the City of Adelaide Standing Orders contains provisions regarding Council Member Allowances and Benefits including the Provision of Facilities and Support and Training and Development. In this Policy those items can be read as not being able to be used to the advantage of a particular candidate or group of candidates. They may only be used and accessed by Council Members, where necessary, in the performance of their ordinary duties as a Council Member. This includes where Council Members are engaged in 'Official Business of the Corporation of the City of Adelaide', as defined in [Standing Order 50](#).

Council resources include, but are not limited to, the following:

- Mobile phones;
- Council vehicles;
- Council provided landline phones, computers and other office equipment beyond that provided to members of the public (e.g. in a public library);
- Council provided business cards;
- Requests to council employees to perform tasks which could confer an advantage on a candidate or group of candidates;
- The ability to issue invitations to council events;

- Council travel arrangements (e.g. access to Council-negotiated rates for flights, accommodation or hire cars);
- Access to areas that members of the public cannot access, including areas within the property of third parties (e.g. a 'Mayor's Parlour' at a suburban football oval);
- Councils produced promotional brochures and documents.

For clarity, neither the Act nor this Policy prohibits a council providing resources to all members of the public, which incidentally includes all candidates for election.

### **Access to Council information**

Council Members continue to have a statutory right to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this Policy. Any Council information accessed that is not publicly available must not be used for election purposes.

Any request from Council Members for information not on the public record should be directed to the Chief Executive Officer, who may delegate the request if appropriate.

### **COUNCIL PUBLICATIONS**

Council will not print, publish or distribute any advertisement, handbill, pamphlet or notice that contains 'electoral material' during an election period. Electoral material means an advertisement, notice, statement or representation calculated to affect the result of an election or poll.

#### **Council website**

Any new material which is prohibited by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Administration will review Council website(s) content prior to the election period commencing and ensure any precluded content is removed by the beginning of this period, including on Council social media.

#### **Other Council publications**

Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Council Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

All Council media and marketing campaigns (excluding those relating to Council's commercial businesses) will be reviewed prior to the commencement of the election period to determine if such campaigns should be continued or deferred until after the election. Any advertising, marketing or media requests during the election period should be referred to the Chief Executive Officer for approval.

Council publications, such as Library newsletter articles featuring Council Members, will be prohibited during the election period.



## **ATTENDANCE AT EVENTS AND FUNCTIONS DURING AN ELECTION PERIOD**

Council Members, in their formal capacity as a City of Adelaide Council Member, will be prohibited from attending events and functions staged by, sponsors and/ or external bodies during an election period. Council Members may attend events and functions if invited in a personal capacity and not representing Council.

Where there is a meeting of Capital City Councils Lord Mayor's Committee or the Capital City Committee during the election period, the CEO will attend.

### **Council events and functions**

Council organised events and functions held during the election period will not involve Council Members unless this is essential (i.e. required by legislation) to the operation of the Council. Where events and functions are held and Council Members are in attendance, all candidates will be invited.

Guest lists for any event or function during the election period will be at the discretion of the Chief Executive Officer only, and invitations will be addressed as being from the Chief Executive Officer. There will be no Lord Mayor Civic events held during the election period.

### **Special provisions for events and functions following the close of voting, but prior to the conclusion of the election period**

The Lord Mayor title will not be used in the title of any event or function planned for this period.

For any event or function that occurs after the close of voting, but before the conclusion of the election period, Council Members are permitted to speak at the function or event, as it will not be possible to influence the elections at this point.

Provisionally elected Council Members are also permitted to speak at an event or function if it takes place following the close of voting.

### **Publication of promotional material**

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation will be consistent with the "Council Publications' clause of this Policy.

## **MEDIA SERVICE**

Council's media services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour, or be perceived to favour, a candidate or group of candidates during an election period.

### **Media advice**

Any request for media advice or assistance from Council Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or publicity that involves specific Council Members (other than advice as to the requirements of this Policy).

### **Media releases / spokespersons**

Media releases will be limited to operational issues rather than policy and/or major projects.

Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will be the appropriate person, unless delegated. This provision does not override the legislative role of the Lord Mayor as the principal spokesperson of the Council. However, the Lord Mayor, in consultation with the Chief Executive Officer, should consider whether it is appropriate to exercise their legislative role when necessary. In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

### **Council Members**

Council Members will not use their position, or their access to City of Adelaide employees and other Council resources to gain media attention in support of an election campaign.

### **Council employees**

During an election period, no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

## **CITY OF ADELAIDE EMPLOYEES' RESPONSIBILITIES DURING AN ELECTION PERIOD**

All correspondence addressed to Council Members will be answered by the Chief Executive Officer or delegate.

### **Activities that may affect voting**

City of Adelaide employees must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer.

City of Adelaide employees must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer.

City of Adelaide employees must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to, and advice sought from, the Chief Executive Officer.

### **Equity in Assistance to Candidates**

Council confirms that all candidates for the Council election will be treated equally.

### **Candidate assistance and advice**

Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided equally to all candidates.

There shall be transparency in the provision of information and advice provided to all candidates during an election period. The Council Election Liaison Officer will provide a weekly update to candidates containing all relevant information.

**Election process enquiries**

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Council Election Liaison Officer.

**Council branding and stationery**

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

**Support staff to Council Members**

City of Adelaide employees who provide support to Council Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Council Member.

**Social Media**

Monitoring and management of Council Members' social media sites by City of Adelaide employees will not continue through the election period. Council owned and managed accounts in the name of the Lord Mayor will not be used during the election period.

**PUBLIC CONSULTATION DURING AN ELECTION PERIOD**

Discretionary public consultation i.e. consultation which is not required by legislation, will not occur during an election period unless approved by the Chief Executive Officer.

This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

**Approval for public consultation**

Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions as set out above.

**Community meetings**

Community meetings arranged or led by Council will not be held during an election period.

**HANDLING CODE OF CONDUCT COMPLAINTS DURING AN ELECTION PERIOD**

Where a Code of Conduct complaint, prima facie, relates to alleged conduct which gives rise to a reasonable suspicion of corruption, a Public Officer must make a report to the Office for Public Integrity in accordance with the Directions and Guidelines issued under the *Independent Commissioner Against Corruption Act 2012*.

Where a Code of Conduct complaint, prima facie, relates to alleged conduct which gives rise to a reasonable suspicion of misconduct or maladministration, a Public Officer should make a report to the Ombudsman in accordance with the Directions and Guidelines issued under the *Ombudsman Act 1972*.

Where a Code of Conduct complaint, prima facie, does not fall within the above provisions, the complaint should be dealt with in the manner set out in Council's Standing Orders, or through the employee Code of Conduct complaint process.

Any complaint against a Council Member who is also a candidate, made under the Code of Conduct during an election period, will not be heard or determined by Council during that period.

Where a complaint is made against a Council Member who is also a candidate, and made about conduct specifically in relation to this Policy, if the Chief Executive Officer considers the complaint not so serious as to warrant urgent determination, the Chief Executive Officer may defer consideration of the complaint until after the election period.

If the Council Member against whom the complaint is made is not re-elected, the complaint will lapse.

Where a complaint is made against a Council Member for a breach of this Policy which is deferred until after the election period, the Chief Executive Officer will remind the Council Member of the content of this Policy and will provide them with a copy of it.

Council recognises that the Electoral Commissioner has the role of investigating any alleged breach of the Act, including alleged illegal practices, except in circumstances which involve allegations of corruption, maladministration or misconduct in public administration by public officers.

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### OTHER USEFUL DOCUMENTS

#### Relevant legislation

- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*

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### GLOSSARY

Throughout this document, the below terms have been used and are defined as:

**Chief Executive Officer:** the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee

**City of Adelaide employee:** is any employee, contractor or volunteer of the Council or a subsidiary of the Council

**Council Member:** an elected member of the City of Adelaide, including the Lord Mayor and the Deputy Lord Mayor

**Election period:** the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election

**Designated decision:** a decision—

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and wilful misconduct;
- (b) to terminate the appointment of the Chief Executive Officer;
- (c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year (\$1.18m), except if the decision:

- i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* (SA), or under section 298 of the *Local Government Act 1999* (SA);
- ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
- iii. relates to the employment of a particular Council employee (other than the Chief Executive Officer);
- iv. is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- v. relates to a Community Wastewater Management System scheme that has, prior to the election period, been approved by the Council.

**General election:** a general election of council members held:

- (a) Under section 5 of the *Local Government (Elections) Act 1999*; or
- (b) Pursuant to a proclamation or notice under the *Local Government Act 1999*

**Minister:** the Minister for Planning and Local Government or other minister of the South Australian Government vested with responsibility for the *Local Government (Elections) Act 1999*.

**ADMINISTRATIVE** As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **4** years unless legislative or operational change occurs beforehand. The next review is required in **2026**.

**Review history:**

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2022/	Council	X March 2022	2022 periodic election
ACC2018/44919	Council	13 March 2018	2018 periodic election
ACC2014/49802	Council	25 March 2014	2014 periodic election
ACC2016/98509	Council	15 June 2010	2010 periodic election

**Contact:**

For further information contact the Governance Program

City of Adelaide  
 25 Pirie St, Adelaide, SA  
 GPO Box 2252 ADELAIDE SA 5001  
 +61 8 8203 7203  
 city@cityofadelaide.com.au



## Libraries Board of SA

Strategic Alignment - Enabling Priorities

Public

Tuesday, 8 March 2022  
Council

**Program Contact:**

Mick Petrovski, Manager  
Governance

**Approving Officer:**

Amanda McIlroy - Chief  
Operating Officer

## EXECUTIVE SUMMARY

The Local Government Association of South Australia (LGA) has called for nominations for three local government representative positions for the Libraries Board of SA.

This report seeks Council's consideration and approval to submit up to two nominations.

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## RECOMMENDATION

### THAT COUNCIL

1. Approves the nomination of up to two Council Members or staff members to the Libraries Board of SA.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> This report supports the Strategic Plan action of building on effective advocacy and partnerships locally, nationally and globally.
Policy	Not as a result of this report
Consultation	Expressions of interest were sought from Council Members via E-news. Expressions of interest were received from Deputy Lord Mayor (Councillor Abrahamzadeh) and Councillor Moran.
Resource	For participating members, preparation for and attendance at ten meetings per year
Risk / Legal / Legislative	As remuneration is payable for the position, nominated Council Members are advised to declare an actual conflict of interest (nominations are still subject to the LGA appointment process, including Ministerial appointment) and are recommended to leave the Council Chamber while the matter is being discussed and voted on.  A material conflict of interest may arise for a Council Member who is also a Board Member if a matter were to be discussed at a meeting of the Council where the body corporate of which the Council Member is a Board Member would gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting. In that case, the Council Member must inform the Council meeting and leave the room while the matter is being discussed and voted on
Opportunities	Appointments to outside bodies provides opportunity for Council Members to contribute to discussion and decision making on a broad range of matters relevant to the City of Adelaide.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Appointments to the Libraries Board of SA are for a period of three years. In accordance with Standing Order 154, should a nominated Council member be appointed to the Libraries Board of SA, they are required to resign from the position within one month of ceasing to be a Council Member.
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report



## DISCUSSION

1. The Local Government Association of South Australia (LGA) is seeking nominations for three local government representative positions for the Libraries Board of SA.
2. The Libraries Board of SA is established by the *Libraries Act 1982*. The functions of the Libraries Board of SA are to:
  - 2.1. Formulate policies and guidelines for the provision of public library services.
  - 2.2. Establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State.
  - 2.3. Administer the State Library.
  - 2.4. Establish and maintain such other public libraries and public library services as may best conduce to the public interest.
  - 2.5. Promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others.
  - 2.6. Collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the *Public Sector Act 2009*) and any other authority or body, in the provision of library and information services.
  - 2.7. Make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services.
  - 2.8. Initiate and monitor research and experimental projects in relation to public libraries and public library services.
  - 2.9. Keep library services provided in the State under continuing evaluation and review.
  - 2.10. Carry out any other functions assigned to the Board under this or any other Act or by the Minister.
3. Nominations for the position must be current Council Members or council staff.
4. Council may put forward a maximum of two nominations for consideration by the LGA.
5. Nominations will need to address the selection criteria of 'Local Government knowledge and experience'.
6. The appointment is for a period of three years.
7. Deputy Lord Mayor (Councillor Abrahamzadeh) and Councillor Moran have expressed an interest in being nominated to the Libraries Board of SA.
8. Sitting fees of \$590 per meeting are payable.
9. 10 meetings are held per year at the State Library of South Australia.
10. Nominations must be forwarded to the LGA by 5:00pm on 5 April 2022.

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Agenda Item 11

## Exclusion of the Public

08/03/2022

Council

**Program Contact:**

Mick Petrovski, Manager  
Governance 8203 7119

**Approving Officer:**

Clare Mockler, Chief  
Executive Officer

2018/04291

Public

## EXECUTIVE SUMMARY

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

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

For the following Chief Executive Officer Reports seeking consideration in confidence

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

The Order to Exclude for Items 13.1 and 13.2

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

---

## ORDER TO EXCLUDE FOR ITEM 13.1

### 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 13.1 [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 13.1 [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.

## ORDER TO EXCLUDE FOR ITEM 13.2

### 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 13.2 [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 13.2 [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.
-

## DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
  - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
  - (b) *cause a loss of confidence in the council or council committee; or*
  - (c) *involve discussion of a matter that is controversial within the council area; or*
  - (d) *make the council susceptible to adverse criticism.'*
5. Section 90(7) of the Act requires that an order to exclude the public:
  - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
  - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
  - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
  - 6.1 Information contained in Item 7.1 – Assignment of Lease
    - 6.1.1 Is subject to an Existing Confidentiality Order dated 1/3/2022.
    - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (d) of the Act
      - (b) information the disclosure of which –
        - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or 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.
  - 6.2. Information contained in Item 7.2 – UPark Leasing Matter
    - 6.2.1 Is subject to multiple Existing Confidentiality Orders.
    - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (i), (b) & (d) of the Act
      - (i) Information relating to the actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.
      - (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.

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Agenda Item 12.1

Pursuant to the Local Government Act 1999 (SA) - Section 90(3) ((b), (d), (i))

Document is Restricted

Document is Restricted

# Agenda Item 14.1

## Reports from Council Members

Tuesday, 8 March 2022  
Council

Strategic Alignment - Enabling Priorities

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

Public

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

## EXECUTIVE SUMMARY

This purpose of this report is to:

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

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

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item ## on the Agenda for the meeting of the Council held on 8 March 2022).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item ## on the Agenda for the meeting of the Council held on 8 March 2022).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 8 March 2022 be included in the Minutes of the meeting.

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## ATTACHMENTS

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

**Attachment B** – Summary of meeting attendance

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- END OF REPORT -



FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 3 February - 3 March 2022			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Franz Knoll	17/02/2022	Helpmann Academy Graduate Exhibition CoA Prize	Presenting of CoA Award
Councillor Franz Knoll	19/02/2022	Adelaide Pongal 2022 (Harvest Festival)	Speech and lighting of the lamp
Councillor Franz Knoll	20/02/2022	Installation of Pastor Paul Smith as Bishop of Lutheran Church of Aust & NZ	
Councillor Franz Knoll	26/02/2022	Carclew Backyard Picnic	A part of Adelaide Fringe 2022
Councillor Franz Knoll	27/02/2022	Petanque Club 45th Birthday Lunch	Celebrating 45th Anniversary
COUNCIL MEMBER MEETINGS ATTENDED: 3 February - 3 March 2022			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Helen Donovan	15/02/2022	Stormwater Management Authority Board Meeting	Attended as Council Representative
Councillor Helen Donovan	22/02/2022	State Records Council Meeting	Attended as Council Representative
Councillor Mary Couros	10/02/2022	Adelaide Convention Bureau Finance Committee	Attended as Council Representative
Councillor Mary Couros	10/02/2022	Adelaide Convention Bureau Board Meeting	Attended as Council Representative
Councillor Mary Couros	17/02/2022	Adelaide Central Market Authority Board Meeting	Attended as Council Representative
Councillor Phillip Martin	17/02/2022	Adelaide Airport Consultative Committee	Attended as Council Representative

## Meeting attendance

	Audit Committee 4 February 2022	Council 8 February 2022	The Committee 15 February 2022	The Committee 22 February 2022	Reconciliation Committee 23 February 2022	Kadaltilla / Park Lands Authority 24 February 2022	The Committee 1 March 2022	Meetings attended	Meetings held
Lord Mayor Sandy Verschoor	✓	✓	✓	✓	✓	✓	✓	7	7
Councillor Arman Abrahamzadeh (Deputy Lord Mayor)		✓	✓	✓			✓	4	4
Councillor Mary Couros	✓	✓	✓	✓			✓	5	6
Councillor Helen Donovan		✓	✓	✓	✓	<i>In attendance - appointment still to be gazetted</i>	✓	5	5
Councillor Simon Hou		✓		✓			✓	3	4
Councillor Alex Hyde		✓						1	4
Councillor Jessy Khera		✓	✓	✓			✓	4	4
Councillor Franz Knoll		✓	✓	✓	✓		✓	5	5
Councillor Greg Mackie		✓	✓	✓			✓	4	4
Councillor Phillip Martin		✓	✓	✓			✓	4	4
Councillor Anne Moran		✓		✓			✓	3	4
Councillor Keiren Snape		✓	✓	✓			✓	4	4
# in Attendance	2	12	9	11	3	2	11		

	Apology
	Leave
	Not a Member
	Proxy Member

## Noise Pollution on O'Connell Street

08/03/2022

**Council**

**Council Member**

Councillor Couros

Public

**Contact Officer:**

Ilia Houridis, Director City  
Shaping

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## 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?'

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

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- END OF REPORT -

# Agenda Item 15.2

## Closure of Melbourne Street or Jerningham Street

08/03/2022

**Council**

**Council Member**

Councillor Couros

Public

**Contact Officer:**

Ilia Houridis - Director City  
Shaping

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## 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?

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

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- END OF REPORT -

88 O’Connell Development – Changes of Use

08/03/2022  
Council

Council Member  
Councillor Martin

Contact Officer:  
Tom McCready, Director City Services

Public

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?’

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

# Agenda Item 15.4

## Asset Sustainability Ratios

08/03/2022

**Council**

**Council Member**  
Councillor Martin

Public

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

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## 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?'

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

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- END OF REPORT -

## 88 O'Connell Development Construction Commencement

08/03/2022  
Council

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Tom McCready, Director City Services

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## 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?'

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

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- END OF REPORT -

# Agenda Item 15.6

## Asset Sustainability Ratios

08/03/2022

**Council**

**Council Member**  
Councillor Martin

Public

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

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## 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?'

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

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- END OF REPORT -



## Facial Recognition CCTV Cameras

08/03/2022

**Council**

**Council Member**  
Councillor Martin

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

Public

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## 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?'

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

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- END OF REPORT -

# Agenda Item 15.8

## Vice Regal Welcome

08/03/2022

**Council**

**Council Member**  
Councillor Martin

Public

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

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## 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.

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- END OF REPORT -

## MOTION ON NOTICE

**Councillor Moran will move a motion and seek a seconder for the matter shown below to facilitate consideration by the 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.’

## ADMINISTRATION COMMENT

1. Edmund Wright House last changed hands in December 2018.
2. We have contacted the existing owner who has informed us that they are seeking a tenant and the property is not currently on the market.
3. Should this motion be carried, we will engage with the owner regarding their future plans for the property.

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)	
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.

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- END OF REPORT -

## GPO Building Development

08/03/2022  
Council

**Council Member**  
Councillor Moran

Public

**Contact Officer:**  
Ilia Houridis, Director City  
Shaping

## 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 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.’

## ADMINISTRATION COMMENT

1. At the March 2021 Council meeting the following was resolved:  
*‘That Council:  
Is immediately informed of the results from SCAP re the GPO development. If the delay with the redevelopment is indefinite, that Council instigates discussion with the State Government and the Developer to determine how the landmark heritage building can be maintained and possibly used in the many years before the development commences.’*
2. Following this decision the developer was contacted to discuss maintenance of the premises and to consider temporary uses. Initial feedback at that time indicated the concept of alternate temporary uses would not be progressed.
3. If this motion is successful we will contact the developer to discuss the condition of the building, and offer advice on solutions to improve the aspects mentioned.
4. While we will offer administrative support and advice, it is noted that we do not have powers to direct works to be undertaken unless there is a breach of relevant by-laws or legislation.

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

Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours

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- END OF REPORT -

## Footpath Condition Index

08/03/2022

**Council**

**Council Member**  
Councillor Snape

Public

**Contact Officer:**  
Tom McCready, Director City  
Services

## MOTION ON NOTICE

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

'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.

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## ADMINISTRATION COMMENT

1. The CoA footpath maintenance process is guided by current industry best practice standards developed by the National Asset Management Strategy Group (NAMS.AU) of the Institute of Public Works Engineers Australia (IPWEA).
2. A number of factors should be incorporated into the management of footpath assets including levels of service, CoA's duty of care, risk assessment, footpath condition data collection and analysis and long term planning. The categories mentioned above have been implemented and continue to be improved upon.
3. We currently have planned annual Footpath Refurbishment and Footpath Renewal programs to ensure that footpaths assets within CoA remain at an appropriate level of service for the footpath material and street hierarchy.
4. This includes regular rolling inspections by City Operations staff of footpath condition and assignment of required maintenance.
5. Recent community feedback undertaken by CoA from Level of Service surveys indicates that CoA has exceeded all measures for footpath safety, accessibility and ease of navigation, cleanliness and level of maintenance achieving scores over 70%.
6. Improvements to our existing footpath maintenance framework are being made in line with the IPWEA recommendations, as a part of the Transport Asset Management Plan review in 2022.
7. Should this motion be carried, a report will be presented to Council in the first quarter of 2022/23 which will reflect current practices, industry guidelines and a review of relevant documentation in respect to the City of Unley and other councils.

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	\$10,000 to undertake independent assessment
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	2 weeks
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 5.5 hours

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- END OF REPORT -



## Free First Hour EV Charging

08/03/2022

**Council**

**Council Member**  
Councillor Snape

Public

**Contact Officer:**  
Ilia Houridis, Director City  
Shaping

## MOTION ON NOTICE

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

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

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## ADMINISTRATION COMMENT

1. City of Adelaide provides a network of 42 electric vehicle chargers, the majority are "fast chargers" (22kW capacity, AC), with two "super-fast chargers" (50kW capacity, DC) at the Franklin Street hub.
  - 1.1. The 2021-2022 charge for the electricity provided is:
    - \$0.25 / kWh at the fast chargers, and
    - \$0.35c / kWh at the super-fast chargers.
    - There is a minimum charge of \$1 after 5 minutes.
  - 1.2. Parking costs (in addition to the charging costs) are relevant to the location.
2. From the network installation date of 1 September 2017 to 30 June 2021, charging costs were:
  - 2.1. AC fast chargers (22kW):
    - First hour free
    - After 1 hour \$0.20/kWh between 6am and 6pm or \$0.10/kWh all other times including weekends.
    - Minimum EV Charging Service fee of \$1 after 1 hour.
  - 2.2. DC super-fast chargers (50kW):
    - \$0.30 / kWh at all times.
3. Usage data on charging network shows:
  - 3.1. The cumulative total amount of electricity delivered across the network has roughly doubled each financial year between 2018-2019 and 2020-2021, and the growth trend is continuing into 2021-2022, in line with national increases in EV sales.
  - 3.2. In December 2021:
    - the average charge amount was 10.24 kWh per session
    - the average charging session cost \$2.68
    - the average charge time was 2 hours 15 minutes
    - session times ranged from 15 minutes to 6 hours or more.

4. The 'first hour free' period was provided to help introduce the electric charging network to customers and encourage the early adoption of electric vehicles in the City of Adelaide.
5. The adjustment to fees in 2021-2022 was to allow for a level of cost recovery and to simplify the fee structure. Revenue does not currently cover the operating costs of the EV charges.
6. The pricing is set to be less than residential peak electricity costs to encourage charging at lower cost in the City during peak electricity generation times.
7. If this motion is carried, charging rates would be altered in line with the annual review of fees and charges.
8. Total revenue foregone from the network in 2021-2022 is anticipated to be at least \$10,000. Based on a doubling of the total amount of electricity delivered across the network each financial year, revenue foregone in 2022-2023 is forecast to be double that in 2021-2022.

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 5.5 hours.

- END OF REPORT -

# Gilbert St Zebra Crossing Upgrade

08/03/2022

Council

**Council Member**  
Councillor Snape

**Contact Officer:**  
Tom McCready, Director City  
Services

Public

## MOTION ON NOTICE

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

‘That:

1. Council undertakes an investigation of the current Gilbert St zebra crossing with the intent to convert to a raised wombat crossing.
2. The outcomes of the investigation are presented to Council as part of the 2022/23 Business Plan & Budget process.’

---

## ADMINISTRATION COMMENT

1. The Gilbert Street Zebra crossing has been in successful operation for six years.
2. As part of the original feasibility and design process for the crossing, the installation of a raised platform (Wombat Crossing) was considered and investigated.
3. Through review and investigation during the design period, it was found that due to existing stormwater and drainage constraints within this catchment, it was not deemed feasible to install a raised wombat crossing without compromising the existing flow paths/levels within Gilbert Street, Little Sturt Street and Wilcox Street.
4. As part of any investigations to convert the existing zebra crossing to a wombat crossing, extensive modification to the intersections of Gilbert Street and both Little Sturt Street/Wilcox Street will need to be undertaken.

Should this motion be carried, investigations into conversion to a wombat crossing will be undertaken including the necessary design changes to the location to mitigate stormwater and drainage concerns with the investigation outcomes including costings presented to Council for consideration as part of any future funding requests.

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	Consultation will need to occur with properties within the vicinity of the Zebra Crossing, and properties surrounding Gilbert Street and both Little Sturt Street/Wilcox Street intersections.

External consultant advice	Not Applicable
Legal advice / litigation (eg contract breach)	Not Applicable
Impacts on existing projects	Not Applicable
Budget reallocation	Unknown at this period
Capital investment	Cost of upgrade can only be provided once designs have been undertaken
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 5.5 hours.

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- END OF REPORT -

## Permanent Automation of Crossing Signals

08/03/2022  
Council

**Council Member**  
Councillor Snape

**Contact Officer:**  
Tom McCready, Director City Services

Public

### MOTION ON NOTICE

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

'That Council:

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

---

### ADMINISTRATION COMMENT

1. All Traffic Signals operated with the Central Business District (CBD) are owned and maintained by the City of Adelaide (CoA) and monitored the Traffic Management Centre (TMC).
2. There are 130 traffic signals and pedestrian crossings operating within the CBD. Ninety-seven pedestrian crossings across the CBD are automated between the hours of 7:30 am to 6:00 pm every day as part of normal operation.
3. In 2021, 58 of these pedestrian crossings extended automation operating hours as part of COVID lockdown activation, of these:
  - 3.1 Seventeen operated automatically between the hours of 7:00 am to 7:00 pm every day
  - 3.2 Forty-one operated automatically between the hours of 7:00 am to 10:00 pm every day.
4. Following Council's decision on 21 January 2022 to endorse the Reignite Adelaide 2.0 program, the automation of operating hours was extended across 97 pedestrian crossings, between the hours of 7:00 am to 7:00 pm every day. The target list of city intersections was based around areas of least traffic congestion, and primarily runs across the minor roads, so as not to prevent flows across the major intersection roads in peak traffic conditions. These automation hours are still in operation.
5. If this motion is carried it is recommended that we maintain permanent automation between the hours of 7:00 am to 7:00 pm for the 97 pedestrian crossings implemented as part of the 21 January 2022 decision of Council.
6. CoA and TMC will monitor traffic flow and pedestrian usage and should issues occur CoA will adjust the automation times of individual crossings to resolve these issues and ensure this is communicated to pedestrians.

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.

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- END OF REPORT -

## Public Transport Month

08/03/2022

**Council**

**Council Member**  
Councillor Snape

**Contact Officer:**  
Tom McCready, Director City Services

Public

## MOTION ON NOTICE

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

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.'

## ADMINISTRATION COMMENT

1. The Gawler Rail Line is now nearing the final stages of rail electrification, with timeframe for commencement of services being April 2022.
2. The City of Adelaide is not involved in the operations (promotions and marketing) of Adelaide Metro services.
3. Should this motion be carried, we will contact the Department of Infrastructure and Transport (DIT) to understand what initiatives and/or promotions are proposed relating to incentivising public transport usage into the City of Adelaide and the reopening of the Gawler train line, and understand how we may assist in the promotion and awareness of this service and public transport use more broadly to encouraged increased City visitation.

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	Involvement in any campaign, will require resource, cost unknown until any campaign is scoped and our involvement determined.
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

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- END OF REPORT -



## Rainbow Walk Repaint

08/03/2022

Council

**Council Member**  
Councillor Snape

**Contact Officer:**  
Tom McCready, Director City  
Services

Public

## MOTION ON NOTICE

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

‘That with the 50<sup>th</sup> 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.
2. This project be completed in time for the anniversary.

## ADMINISTRATION COMMENT

1. At the Council meeting on 12 October 2021, we gave an undertaking to look at refreshing the paint on the Pride Walk. Inspections of the surface have been undertaken and from a condition perspective the walk is in satisfactory condition and text still legible.
2. A thorough clean of the Pride Walk path was undertaken in conjunction with the installation of new milestone wording “2020: State Parliament passes legislation to abolish the ‘Gay Panic’ defence...*The last jurisdiction in Australia to do so*” in time for the 2021 Feast Festival opening on 6 November 2021.
3. The asset is due for a full repaint in approximately 2-3 years, in line with Council’s Asset Management Plan.
4. Should the Motion be carried, it is recommended that we bring forward the renewal of the painting to October 2022, to align with this year’s Feast Festival and to commemorate the 50<sup>th</sup> year anniversary of the murder of Dr George Duncan.
5. Consultation will be undertaken with Community members in relation to any amendments to this piece of infrastructure and funding requests will be considered as part of Council’s budget reconsideration process.

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	Consultation with the South Australian LGBTIQ community representatives would be required for any changes or additional milestones prior to installation.
External consultant advice	Not applicable

Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Due to the required consultation and works associated with the Rainbow Walk and competing projects, the requested timeframe (May 2022) is not achievable.
Budget reallocation	Funding requests will be considered as part of Council's budget reconsideration process.
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

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- END OF REPORT -

## Safer Urban Speed Limits

08/03/2022

Council

**Council Member**  
Councillor Couros

**Contact Officer:**  
Tom McCready, Director City  
Services

Public

## MOTION ON NOTICE

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

'That Council

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

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## ADMINISTRATION COMMENT

1. The City of Adelaide Speed Limit Review was presented at a Committee workshop on 1 October 2019. It is noted that, whilst much of the research remains relevant, there have been some changes since 2019, such as the extension of the 30km/h speed limit along Hindley Street.
2. The State Government recently released a draft South Australian Road Safety Strategy to 2031, which includes targets for a 50% reduction in lives lost and at least 30% reduction in serious injuries by 2031. The Strategy:
  - 2.1. *Identifies the Safe System model, which adopts a holistic view of the road transport system and interactions between road users, as the framework for improving road safety across Australia.*
  - 2.2. *Recognises local government as having a significant role in improving road safety.*
  - 2.3. *Notes that pedestrians are at greater risk of death and injury if hit at impact speeds above 30km/h.*
  - 2.4. *Aims to embed the concept of 'movement and place' in planning and decision making to determine street layouts and speed limits that are appropriate for the context of street.*
3. Should this motion be carried, we will undertake investigations on the current speed limits in residential zones and main streets and assess the legislative requirements and seek approval from the relevant authority to consider a request for speed limit changes. A report will be brought back to Council advising of the outcomes of the investigations and approvals and identify any associated costs relating to implementing speed limit changes.

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	As councils are not the delegated authority to modify speeds, consultation and approval will need to occur with DIT.
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, until the investigation has been undertaken
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.

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- END OF REPORT -

Ukraine Support and Acknowledgement

08/03/2022  
Council

Council Member  
Councillor Couros

Contact Officer:  
Clare Mockler, Chief Executive  
Officer

Public

MOTION ON NOTICE

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

That Council

1. Stands by the people of Ukraine in support of peace.
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 her and the Deputy Lord Mayor at the Town Hall to lend support to their cause for peace.’

ADMINISTRATION COMMENT

1. Should the motion be carried the Lord Mayor will write to representatives of the Ukrainian community with the intention of inviting representatives to a meeting at Adelaide Town Hall as soon as it can be arranged.

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

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

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- END OF REPORT -

## Ukrainian Conflict

08/03/2022

Council

**Council Member**  
Councillor Mackie

Public

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

## MOTION ON NOTICE

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

'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.'

## ADMINISTRATION COMMENT

- Should the motion be carried, the Lord Mayor will ensure this expression of solidarity and support is communicated with representatives of the South Australian Ukrainian community.

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

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

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- END OF REPORT -



## Child Care Facilities

08/03/2022

Council

Council Member  
Councillor Moran

Public

Contact Officer:  
Ilia Houridis, Director City  
Shaping

## 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:

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.'

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## ADMINISTRATION COMMENT

1. Child care centres are included in the definition of "pre-schools" within the Planning and Design Code and includes child care centre, early learning centre, kindergarten and nursery. Pre-schools are an anticipated form of development in many of the zones and subzones within the City of Adelaide.
2. The City of Adelaide has prepared a Development Information Guide for Child Care Centres ([Development information guides | City of Adelaide](#)) which encourages proponents of new child care centres in the City of Adelaide to consider good quality design of such facilities. The Development Information Guide is relevant to new buildings, renovations or re-use of existing buildings.
3. The Development Information Guide is an outcome of a Council resolution on 14 April 2020 on the status of child care facilities in the City of Adelaide and opportunities for the City of Adelaide to encourage further provision in the city; and an earlier Council resolution on 30 April 2019 which sought an investigation into the current state of childcare services in the City of Adelaide.
4. The inclusion within any development of specified activities is typically subject to supply and demand analysis, validated through business cases undertaken by the developer. To require childcare or any other uses/activities on developers without any validation of the need would likely be problematic.
5. The Market Square development to be undertaken by ICD Property in partnership with the City of Adelaide will incorporate a childcare facility providing 60 places. This outcome was supported by market research and validation of the provision of the service as part of this particular proposal. Market Square will commence construction in June 2022.
6. Consideration would also need to be given to requirements of the National Construction Code (NCC) and South Australian Metropolitan Fire Service. Childcare centres proposed above level 1 of any multi-level building are considered high risk and more complex to design in compliance with NCC requirements. For example, egress provisions of the NCC are unable to be met, as children are unable to self-evacuate.
7. The current MFS guideline on Child Care Facilities in Multi-Storey Buildings recommends '*that, where child care facilities are to be provided in multi-storey buildings, they are located on ground level*'. The complete document is available here: [g024 child care facilities in multistorey buildings.pdf \(safecom-files-v8.s3.amazonaws.com\)](#)

8. If this Motion was passed, we would write to Planning and Land Use Services at the Attorney-General's Department to request consideration of the suggested policy change as outlined in the motion.

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

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- END OF REPORT -

## Speed Signs

08/03/2022

**Council**

**Council Member**  
Councillor Moran

Public

**Contact Officer:**  
Tom McCready, Director City  
Services

## 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:

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.'

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## ADMINISTRATION COMMENT

1. Previous requests to the Minister for Transport to install speed limit pavement markings have been declined for the following reasons:
  - 1.1 Pavement markings can present problems to some road users, particularly motorcyclists due to the differences in the degree of grip between the road markings and the general road surface especially in wet conditions.
  - 1.2 Visibility of the road markings is significantly reduced at night, particularly during wet weather.
  - 1.3 Providing important information at pavement level can result in drivers shifting their attention away from other road users, particularly pedestrians and cyclists.
  - 1.4 As many pavement markings must be placed in the vehicle's path they are subject to deterioration, necessitating a high frequency of maintenance that results in higher road maintenance costs.
  - 1.5 It is difficult to effectively conceal the markings when a temporary message, of another nature, such as either roadworks or community event is required.
  - 1.6 Safety concern for workers and traffic flow disruption while maintenance is being carried out.
2. Should the Motion be carried, a request will be presented to the Minister for Transport for consideration in relation to amending the current legislation to allow for speed signs to be stencilled on road (roads to be determined).
3. Should the Minister grant approval, a report including locations and costs of installing speed limit pavement markings will be presented to Council for consideration.

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.

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- END OF REPORT -

## North Adelaide Golf Course

08/03/2022

**Council**

**Council Member**

Deputy Lord Mayor, Councillor  
Abrahimzadeh

**Contact Officer:**

Tom McCready, Director City  
Services

Public

## MOTION ON NOTICE

**Deputy Lord Mayor, Councillor Abrahimzadeh will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'Noting Council last received an update regarding the future planning and opportunities at North Adelaide Golf Course on 27 April 2021, asks Administration to provide an update report to Council reflecting what progress has been made in relation to future planning and business performance, namely.

- the current performance of the business. enhancements/investments implemented to improve participation, the quality of the service and financial performance,
- progress to date and next steps on proposed or future service offerings.

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## ADMINISTRATION COMMENT

1. Current performance including outcomes of enhancements/investments across the North Adelaide Golf Course will be included in the Q3 2021/2022 Commercial Operations Report.
2. We have been progressing the actions and opportunities identified in the workshop held in April 2021, with a view to increase participation, quality of service and financial performance across the North Adelaide Golf Course.
3. The first phase of a feasibility study for Minigolf has been completed and supports further progressing the project. Engagement and consultation with Kaurna, through Kaurna Yerta Aboriginal Corporation, is now required to inform/refine the planning for the project.
4. Should the motion be carried, we will present an update to Council before the end of 2021/2022 financial year.

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	12 hours
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hrs.

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- END OF REPORT -

## City of Adelaide Multicultural Acknowledgement

08/03/2022  
Council

**Council Member**  
Deputy Lord Mayor, Councillor  
Abrahimzadeh

Public

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

## MOTION ON NOTICE

**Deputy Lord Mayor, Councillor Abrahimzadeh will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

Requests the Civic Recognition Working Group to reflect on how best to give public recognition to the significant contribution of multicultural and indigenous communities to the prosperity and wellbeing of the City of Adelaide, and the history of Councillors and Lord Mayors from culturally and linguistically diverse backgrounds being elected to Council.'

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## ADMINISTRATION COMMENT

1. First shaped by the Kurna People of the Adelaide Plains, then by Colonel William Light, the City of Adelaide values its culturally diverse community and is committed to extending the process of Aboriginal reconciliation in partnership with Aboriginal and Torres Strait Islander Peoples.
2. The City of Adelaide is home for 26,000 residents and more than 15,000 businesses who provide over 142,000 job opportunities. It welcomes over 300,000 people every day. Around 45% of the City population was born overseas and over 36% speak a language other than English at home. South Australia is home to people from more than 200 culturally, linguistically and religiously diverse backgrounds.
3. In March 2018, the City of Adelaide became the first Capital City to sign up to the Welcoming Cities Network. Welcoming Cities is a National initiative that supports local governments to advance communities where everyone can belong and participate in social, cultural, economic and civic life.
4. Council's vision is for Adelaide to be the most liveable City in the world and has committed to support thriving communities and a dynamic city culture as part of its 2020-2024 Strategic Plan.
5. Established in 1840, the City of Adelaide Municipal Corporation was the first municipal authority in Australia. The City of Adelaide has benefitted significantly from the contribution of Councillors and Lord Mayors from culturally and linguistically diverse backgrounds, and increasingly the profile of its Council has been as culturally diverse as the community it represents.
6. The Electoral Commission of South Australia does not currently gather demographic data on the culturally and linguistically diverse backgrounds of election candidates.
7. Should this motion be passed, an agenda item will be added to the next meeting of the Civic Recognition Working Group. Following reflection, and consultation as needed, a report will be prepared and presented to Council for consideration by the end of the 2021/22 financial year.

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	Unknown at this time.
External consultant advice	Unknown at this time.
Legal advice / litigation (eg contract breach)	Unknown at this time.
Impacts on existing projects	Unknown at this time.
Budget reallocation	Unknown at this time.
Capital investment	Unknown at this time.
Staff time in preparing the workshop / report requested in the motion	Unknown at this time.
Other	Unknown at this time.
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 5.5 hours.

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- END OF REPORT -



Public

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

## MOTION ON NOTICE

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

‘That Council:

Noting the substantial role of the Adelaide Economic Development Agency, as set out in the Charter approved by the City of Adelaide in on 8 February 2022, and the considerable budget allocated to the Authority in the 2021/22 financial year, requests that the Administration provides minutes to elected members for all Authority Board meetings in the manner in which minutes of the meetings of the Adelaide Central Market Authority are provided to elected members.’

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## ADMINISTRATION COMMENT

- In accordance with Clause 4.13.2.2 of the Adelaide Economic Development Agency (AEDA) Charter, endorsed by Council on 8 February 2022 and formally published in the Government Gazette on 24 February 2022, minutes of the AEDA Board meetings will be provided to Council within two business days following the meeting at which they are confirmed and adopted.

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

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

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- END OF REPORT -