



COUNCIL MINUTES

for the meeting

Tuesday, 13 September 2022

in the Council Chamber, Adelaide Town Hall

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Present – The Right Honourable the Lord Mayor, Sandy Verschoor (Presiding)
Councillors Couros, Hou, Hyde, Khera, Knoll, Martin and Moran

1 Item 1 - Acknowledgement of Country

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

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

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

2 Item 2 - Acknowledgement of Colonel William Light

The Lord Mayor stated:

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

3 Item 3 - Prayer

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

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

4 Item 4 - Memorial Silence

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

5 Item 5 - Apologies and Leave of Absence

Apologies:

Deputy Lord Mayor (Councillor Abrahamzadeh)

Councillor Donovan

Councillor Snape

6 Item 6 - Confirmation of Minutes

Moved by Councillor Khera,
Seconded by Councillor Hou –

That the Minutes of the meeting of the Council held on 9 August 2022, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Councillor Hyde entered the meeting at 5.39 pm

7 Item 7 - Deputations

The Lord Mayor indicated there were no deputations granted at the time of the publication of the Agenda.

The Lord Mayor acknowledged the passing of Councillor Moran’s mother and extended condolences to

Councillor Moran.

8 Item 8 - Petitions

9 Item 8.1 - Petition - Review & Apply Regulation to Short Term Accommodation

Moved by Councillor Hyde,
Seconded by Councillor Knoll –

THAT COUNCIL

1. Receives the petition containing 55 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 13 September 2022, asks Council to consider a range of actions to review & apply Regulation to Short Term Accommodation and indicates disagreement with the conversion of 120 dwelling apartments into serviced apartments at West Franklin Stage 1.

Carried

10 Item 9 - Advice from Kadaltilla / Park Lands Authority & Advice/Recommendations of the Audit and Risk/Reconciliation Committee - Nil

11 Item 10 - Reports for Council (Chief Executive Officer's Reports)

12 Item 10.1 - E-Scooter Trial Extension

Moved by Councillor Hyde,
Seconded by Councillor Martin –

THAT COUNCIL

1. Authorises the Lord Mayor to write to the Minister for Infrastructure and Transport, requesting an extension to the e-scooter trial until 31 December 2022 whilst the State Government review and YourSAy survey is conducted.
2. Requests the CEO consider briefing the incoming Council on the topic of e-scooters
3. Notes that the Administration will continue to review and amend the permit conditions as necessary to improve safety and efficiency of the e-scooter operations.
4. Notes that the Administration will continue to work with DIT and investigate options for infrastructure that improves comfort and safety for people walking and using e-scooters.

Discussion ensued

The motion was then put and carried unanimously

13 Item 10.2 - Quarterly Forward Procurement Report 2022/23 Q2

Moved by Councillor Knoll,
Seconded by Councillor Couros –

THAT COUNCIL

1. Notes the Procurements set out in Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 13 September 2022 which will be released to the market during Quarter 2 of the 2022/2023 financial year.

Discussion ensued

Carried

14 Item 10.2 - CEO Undertaking - Councillor Martin - Quarterly Forward Procurement Report 2022/23 Q2

In response to queries from Councillor Martin, the CEO gave an undertaking to provide Council Members with additional information on the Jeffcott Street South Renewal Project, relating to:

1. The postponement and progress of the project.
2. The upgrade of stormwater system beneath the road water table.
3. Project stages for stormwater works and surface works.

15 Item 11 - Exclusion of the Public - Nil**16 Item 12 - Confidential Reports for Council (Chief Executive Officer's Reports) - Nil****17 Item 13 - Lord Mayor's Reports**

The Lord Mayor addressed the meeting as follows:

'I'd like to acknowledge the passing of Her Majesty Queen Elizabeth II. On behalf of the City of Adelaide, I would like to extend my heartfelt sympathies to the Royal Family and all those whose lives the Queen touched.

For more than 70 years, Her Majesty served the people of the Commonwealth with distinction and an unwavering commitment and devotion to duty.

She declared on her 21st birthday that her 'whole life whether it be long or short shall be devoted to your service and the service of our great imperial family to which we all belong.'

How fortunate were we that it was long and yet, still not long enough. The Queen has left an indelible mark on our world, our nation and our city and she will be remembered by the people of South Australia with great respect and affection.

Her Majesty was the first ruling monarch to visit South Australia and more than 200,000 people lined her route to Government House on her first visit. She had a strong connection with Adelaide and the Queen Adelaide Room here in the Adelaide Town Hall was named in her honour in that first visit in 1954.

The Queen came to South Australia on another six occasions, most recently in 2002, and was warmly welcomed by South Australians, who I know will continue to hold her dear to their hearts.

Queen Elizabeth II was not just a monarch though; she was a mother, a grandmother and a great grandmother and it is her family who will be feeling her loss most deeply. Our thoughts are with them during this difficult time.

I'd like to ask you now to observe a minute's silence in honour of Her Majesty and the extraordinary life of service she led

[All present in the Council Chamber were upstanding to observe a minute's silence]

...On Sunday afternoon it was my privilege to attend the ascension of King Charles III, who is also no stranger to our shores and we wish his Majesty a long and happy reign.

Can I now ask a Councillor to move from the floor a Motion without Notice acknowledging the passing of her Majesty Queen Elizabeth II and paying tribute to her more than 70 years of service to the people of the Commonwealth.'

18 Item 13 - Lord Mayor's Reports - Motion without Notice - Queen Elizabeth II

It was then-

Moved by Councillor Couros,
Seconded by Councillor Moran –

The City of Adelaide acknowledges the passing of her Majesty Queen Elizabeth II and pays tribute to her more than 70 years of service to the people of the Commonwealth.

Carried unanimously

It was then -

Moved by Councillor Hyde,
Seconded by Councillor Couros –

That the report be received and noted.

Carried

19 Item 14 - Councillors' Reports

20 Item 14.1 - Reports from Council Members

Moved by Councillor Martin,
Seconded by Councillor Couros –

THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 14.1 on the Agenda for the meeting of the Council held on 13 September 2022).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 14.1 on the Agenda for the meeting of the Council held on 13 September 2022).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 13 September 2022 be included in the Minutes of the meeting.

Councillor Martin addressed the meeting as follows:

‘Thank you for acknowledging the passing of Councillor Moran’s mother and on behalf of this Chamber also, I express our sympathy. I did want to acknowledge that Councillor Moran’s mother, and it is not generally known, was in fact a prominent South Australian.

A resident of the City of Adelaide who in the nineties at retirement I suppose visiting north of Parachilna in South Australia recognised a substantial geological feature. She was in fact a geologist as you probably know, having studied at Adelaide University. She noticed at the Parachilna premises occupied by the Farger family that there was a doorstep which had some fossilised marks on it, which turned out to be the world famous Ediacara fossils which were subsequently identified in a nearby location, and which will soon I understand be listed as a significant part of the area and indeed South Australia.

It was an extraordinary feat to recognise such a fossil sitting in a doorstep and then for that to lead to such a significant thing here in South Australia and so there is a great significance in her passing and it is a story I think that should be told.’

The motion was then put and carried

21 Item 15 - Questions on Notice**22 Item 15.1 - Councillor Martin - QoN - 88 O'Connell Street****23 Item 15.2 - Councillor Martin - QoN - 88 O'Connell Street (2)****24 Item 15.3 - Councillor Martin - QoN - Draft Masterplans for Melbourne Street and O'Connell Street****25 Item 15.4 - Councillor Martin - QoN - New Park 2 State Swim Centre****26 Item 15.5 - Councillor Martin - QoN - Motions Lost****27 Item 15.6 - Councillor Martin - QoN - Trees**

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

The Replies for Items 15.1 – 15.6 are attached for reference at the end of the Minutes of this meeting.

28 Item 16 - Questions without Notice**29 Item 16 - CEO Undertaking re Item 15.1 - Councillor Martin - QoN - 88 O'Connell Street**

In response to queries from Councillor Martin, the CEO gave an undertaking to provide Council Members with the name and details of the financier.

30 Item 16 - CEO Undertaking re Item 15.2 - Councillor Martin - QoN - 88 O'Connell Street

In response to queries from Councillor Martin, the CEO gave an undertaking to provide Council Members, subject to permission from the developer, further details on the number of apartments sold.

31 Item 17 - Motions on Notice**32 Item 17.1 - Councillor Couros - MoN - Footpath Activation Permit Fee Report**

Moved by Councillor Couros,
Seconded by Councillor Hyde –

That Council:

- Notes Council's continued support of the hospitality sector through the decision to waive outdoor dining permit fees for the 2022/23 financial year
- Requests Administration provide a report to the new Council in the current financial year outlining the benefits and impacts of providing similar support to the retail sector, through the waiving of all permit fees for fixed retail businesses (bricks and mortar) seeking to activate the footpath in front of their premises via the placement of objects (including display tables, planter boxes, flowers pots and other items requiring a permit).

Discussion ensued

The motion was then put and carried unanimously

33 Item 17.2 - Councillor Moran - MoN - Beer Cans at Adelaide Oval

Councillor Moran did not proceed with her MoN and withdrew the Item from consideration.

34 Item 17.3 - Councillor Martin - MoN - New Park 2 State Swim Centre

Moved by Councillor Martin,
Seconded by Councillor Couros –

That Council;

Requests the Lord Mayor writes to the Premier in response to Mr Malinauskas' public announcement of a request to Council contribute to a new State Swim Centre consider the inclusion of a City of Adelaide elected member or delegated staff member on any State project advisory or implementation body.

Discussion ensued

The motion was then put and carried unanimously

35 Item 18 - Motions without Notice

Nil

Closure

The meeting closed at 6.22 pm

Clare Mockler,
Chief Executive Officer

Sandy Verschoor
Lord Mayor

88 O'Connell Street

Tuesday, 13 September 2022
Council

Council Member
Councillor Martin

Public

Contact Officer:
Tom McCready, Director City
Services

QUESTION ON NOTICE

Councillor Martin asked the following Questions without Notice:

In response to the following questions from Councillor Martin, the CEO advised that the replies would be given at the next meeting of Council:

1. In regard to the Land Facilitation Agreement that was released in response to the FOI by former Senator Rex Patrick, refers to the existence of a side deed in relation to the financial arrangements associated with the project. Could the administration advise when that agreement was executed and when in the interests of transparency that document will be released?
2. In relation to 88 O'Connell Street, would the project financier assume the responsibility for any unsold apartments before the City of Adelaide?
3. The LFA reveals that C&G are required to provide regular updates to the Council on the sale of apartments for the purpose of waterfall payment arrangements. C&G claims 60% of apartments by value have been sold. What is, as a number of apartments sold and what percentage of the total number does that represent?
4. The LFA provides for the circumstance in which the developer is required to pay an Open Space Fund levy for failing to provide adequate open space and the City of Adelaide is required in that circumstance to apply for remittance and pay that to the developer. Is the administration concerned that that might create a perception that it is acting outside of the spirit of the legislation and has it taken any legal advice?

REPLY

1. As the Council has not granted any security or mortgaged the land in favour of the financier, the Financiers Side Deed - Land Facilitation Agreement is a tripartite agreement between the developer, Council and the developer's financier which details certain contractual rights to the financier to step in and provide them with the opportunity to complete the development on the same terms as the Land Facilitation Agreement (LFA). This document was signed on 16 June 2022. The release of this document requires engagement with and the consent of both the developer and the developer's financier. At this time, those processes (to obtain the consent to release) have not yet been initiated.

2. In the event the financier steps in and assumes responsibility for the project, it does so on the same terms as the LFA (as if it were the developer). While the Council always retains legal title to all unsold apartments, the financier may continue to undertake the developer's marketing functions to facilitate the sale of unsold apartments on the same terms as provided in the LFA. The financier's right to step in would not impact the waterfall payment arrangements set out in the LFA in any way or transfer ownership of the unsold stock away from Council.
3. The developer provides regular confidential updates to the administration in respect of the sale of apartments (and will continue to do so). That information is commercially sensitive and provided by the developer to Council administration in confidence. The developer would need to consent to the disclosure of this commercially sensitive information as it may have a material adverse effect on or materially prejudice the developer's ongoing sales efforts.
4. It is not uncommon for development style agreements to contain contractual provisions dealing with open space. Both the Council and the developer negotiated the LFA with legal representation and the final open space references in the LFA reflect the negotiated approach in the context of this specific development and a preferred position. The final open space outcome is not determined by Council, but rather administrated by the Office for Design and Architecture SA (ODASA) at the necessary moment, as and when the development progresses, in line with all applicable laws.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5 hours.
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- END OF REPORT -

Council Member
Councillor Martin

Public

Contact Officer:
Tom McCready, Director City
Services

QUESTION ON NOTICE

Councillor Martin asked the following Questions without Notice:

'Further to the undertaking given at the August meeting of Council, could the Administration advise if apartments at the 88 O'Connell site are unsold at the time of the completion of the contract, will they become the property of the Council or of Commercial and General's finance provider or of some other party and, if it is Council that will be required to take ownership of any unsold apartments, what is the agreement in relation to the valuation of the apartments that will be applied for the purpose of any acquisitions?'

REPLY

1. As the ownership of the land remains with Council at all times during the project, all constructed lots (commercial and residential) will also remain in Council ownership. By the Land Facilitation Agreement (LFA), the Council facilitates the transfer of completed lots in the project that have been sold by the developer. If there are unsold lots, these remain in Council's ownership. Provided that Council has received the balance payment in full, it will be required to transfer unsold lots to the developer (or another entity nominated by the developer).

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

Draft Masterplans for Melbourne Street and O'Connell Street

Tuesday, 13 September 2022
Council

Council Member
Councillor Martin

Public

Contact Officer:
Tom McCready, Director City Services

QUESTION ON NOTICE

Councillor Martin asked the following Questions without Notice:

'Could the administration advise if the proposed timelines for the release of the detailed Masterplans for Melbourne and O'Connell Streets Upgrades and the estimated construction timelines have changed from the timelines advised in the recent public consultations of 2025 and 2028 respectively?'

REPLY

1. The Melbourne Street Concept Plan presented to the Committee – Strategic Discussion Forum on 17 May 2022 advised that construction was anticipated to commence in 2025. As Council has received \$1 million in funding from the State Government, works will now commence in 2023.
2. At the meeting of the Council held on 9 August 2022 as part of discussion on Item 10.9 of the Agenda, Main Streets Concept Options:
 - 2.1 Council approved the proposed key deliverables for the State Government's funding of \$1 million for Melbourne Street as detailed in Attachment B.
 - 2.2 Council was advised that the concept plan for O'Connell Street will be progressed in mid-2023 as detailed in the report. Works are anticipated to commence from 2025 onwards, subject to a decision of Council.
 - 2.3 Council noted that concept plans for consultation for Hutt Street, Melbourne Street and Hindley Street will be presented to Council in March 2023 for inclusion in the 2023/24 Business Plan & Budget process and future years.

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

Council Member
Councillor Martin

Public

Contact Officer:
Ilia Houridis, Director City
Shaping

QUESTION ON NOTICE

Councillor Martin asked the following Questions without Notice:

'Noting Premier Malinauskas' interview on Radio 891 on 5 September, 2022 in which he stated Council would be contributing to the cost of construction of the new State Swim centre at park 2, possibly through meeting the cost of demolishing the existing Aquatic Centre, could the Administration advise;

1. When was any commitment made?
2. Who was involved in negotiating such an agreement?
3. How many millions of dollars in contributions have been discussed?
4. Have there been any discussions with the cricket and soccer groups who currently use the site earmarked for the State Swim Centre and, if so, has the provision of alternative sites for their use been discussed?'

REPLY

1. No commitment has been made for funding, nor a quantum of funding, with the State Government regarding the new Adelaide Aquatic Centre.
2. Council has already approved the 2022/23 Annual Business Plan and there is no allocation for any contribution to the State Government's development of a new Adelaide Aquatic Centre.
3. The State Government through the Department of Infrastructure and Transport (DIT) have been informed by the Chief Executive Officer that any financial contribution would require a decision of Council. Given the proximity to the Council Caretaker Period which commenced on 6 September 2022, DIT was also informed that this will need to be progressed in the next term of Council.
4. We are maintaining communication with Blackfriars Priory School as the head-lessee of the ovals that will be impacted by the proposed location of the new Adelaide Aquatic Centre. Relocation options for soccer and cricket are being investigated.

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

Council Member
Councillor Martin

Public

Contact Officer:
Amanda McIlroy, Chief
Operating Officer

QUESTION ON NOTICE

Councillor Martin asked the following Questions without Notice:

'Could the Administration provide from public records in respect of each Councillor, by name, in the current term of Council a list of the number of motions on notice lodged, subsequently voted on and lost?'

REPLY

1. This information is publicly available via the minutes of each Council meeting and, following a decision of Council from 9 March 2021, also available via the consolidated registers in the library in the [Meeting & Agendas](#) section on the City of Adelaide website:
 - 1.1. [Register of Motions and Questions from July 2020 – August 2022](#)
 - 1.2. [Register of Motions and Questions from December 2018 – June 2020](#)

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

Council Member
Councillor Martin

Public

Contact Officer:
Tom McCready, Director City
Services

QUESTION ON NOTICE

Councillor Martin asked the following Questions without Notice:

'Could the Administration advise what data relating to trees on Council land (planted and removed) is available?'

REPLY

1. We have been recording street tree assets within the Asset Management System Assetic since 2019/20.
2. The table below reflects street and park trees planted, replaced and removed recorded within the Asset Management System.

	2019/20	2020/21	2021/22
Total New	256	275	229
Total Replacement	197	107	162
Tree Removal	110	125	110

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