



THE COMMITTEE - STRATEGIC DISCUSSION FORUM AGENDA & PAPERS

for the meeting

Tuesday, 21 June 2022
at 5.30 pm

in the Colonel Light Room, Adelaide Town Hall

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

1. Acknowledgement of Country

At the opening of The Committee meeting, the Chair will state:

‘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. Apologies and Leave of Absence

On Leave -

Councillor Martin

3. Confirmation of Minutes

That the Minutes of the meeting of The Committee held on 7 June 2022, be taken as read and be confirmed as an accurate record of proceedings.

4. Discussion Forum Items

Workshops

Strategic Alignment – Enabling Priorities

4.1 Community Land Management Plan Review 4 - 17

5. Exclusion of the Public 18 - 20

In accordance with sections 90(2),(3) and (7) of the *Local Government Act 1999 (SA)* The Committee will consider whether to discuss in confidence the reports contained within section 6 of this Agenda.

6. Discussion Forum Items in Confidence

Presentations in Confidence

Strategic Alignment – Thriving Communities

6.1 Rymill Park/Murlawirrapurka - Kiosk Enhancement 21 - 27
Proposal [s 90(3) (b), (d)]

Workshops in Confidence

Strategic Alignment – Enabling Priorities

6.2 Adelaide Botanic High School Expansion [s 90(3) (b)] 28 - 49

7. Closure

Enabling Priorities

Community Land Management Plan Review

Park Lands, Policy & Sustainability, Manager
Park Lands & Sustainability, Maria Zotti,
Associate Director, Sarah Gilmour



Community Land Management Plan Review

Key Messages

1. Council is reviewing its Community Land Management Plans (CLMPs) for the Adelaide Park Lands
2. The CLMP review must follow statutory processes and include content prescribed in the relevant legislation(s)
3. There is opportunity to streamline CLMP content and review processes and improve statutory compliance
4. Council must observe the principles of the LG Act in making statutory decisions



Community Land Management Plan Review

Key Questions



WHAT ARE COUNCIL MEMBERS' VIEWS ON THE SUGGESTED APPROACH TO THE COMMUNITY LAND MANAGEMENT PLAN?

WHAT ARE COUNCIL MEMBERS' VIEWS ON ALIGNMENT OF THE APPROACH WITH SECTION 8 OF THE LOCAL GOVERNMENT ACT 1999 (SA) ?



Community Land Management Plan Review Implications



Implication	Comment
Policy	The proposed CLMP would supersede all pre-existing CLMPs for the Adelaide Park Lands excluding the CLMP for the Adelaide Oval Precinct, Part of Tarntanya Wama (Park 26).
Consultation	Must be in accordance with the <i>Local Government Act 1999 (SA)</i> and <i>Adelaide Park Lands Act 2005 (SA)</i> (Section 19) and CoA Community Consultation Policy (16 July 2019).
Resource	The revised approach reduces the timeframe and resources required to deliver the comprehensive review programme.
Risk / Legal / Legislative	The review of existing CLMPs for the Adelaide Park Lands is beyond the statutory timeframe of five-years.
Opportunities	Stronger alignment of CLMP content and review processes with statutory requirements and streamlined review process.

Community Land Management Plan Review

Budget/Financial Implications



Implication	Comment
21/22 Budget Allocation	Not as a result of this workshop
Proposed 22/23 Budget Allocation	Not as a result of this workshop
Ongoing Costs (eg maintenance cost)	Not as a result of this workshop
Other Funding Sources	Not as a result of this workshop

What is a Community Land Management Plan (CLMP)?

All local government land (except roads) owned or under Council's care, control and management is community land (unless specifically excluded) (s193 LG Act)

- Council must prepare a management plan(s) for its community land (s196(1) LG Act)
- A single management plan may apply to one or more separate holdings of community land (s196(2) LG Act)

Community Land Management Plan Review

CLMP for the Adelaide Park Lands

- CoA must prepare and adopt a management plan for the Adelaide Park Lands (s196(1a) LG Act)
- Consistent with the Adelaide Park Lands Management Strategy (s19 APL Act)
- Comprehensively reviewed at least once in every 5 years (s19 APL Act)



Community Land Management Plan Review

CLMP Content

- Land to which it applies
- Purpose for which the land is held
- Objectives, policies and proposals
- Performance targets and measures
- Management and policy context
- Restrictions to public use or movement
- Policies for granting leases and licences



Community Land Management Plan Review

CLMPs for the Adelaide Park Lands



Community Land Management Plan Review

Current & Proposed Approach

Current

Proposed

Individual CLMPs for the Adelaide Park Lands (approx. 30 plans)

Single, consolidated CLMP for the Adelaide Park Lands (One Plan)

Stand alone General Provisions

Stand alone Adelaide Oval Precinct

Address legislative requirements

Address legislative requirements

Historical and aspirational content

Management proposals

Hard copy and digital plans

Interactive digital platform

Community Land Management Plan Review

Review Process



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Community Land Management Plan Review

Mandatory Considerations (s8 LG Act)

Principles

Open, responsive & accountable
Good public administration
Financial sustainability
Efficiency & effectiveness

Community needs, interests & aspirations
Social equity
Regional, State & national objectives
Partnerships & collaboration

Sustainable development

Observation

Statutory consultation
Objectives, targets & measures
Council policy, operating guidelines
Council Asset Management Plans

Statutory consultation
Objectives, targets and measures
Regional, State and national policy
Consistent with APLMS

Principles in *Adelaide Park Lands Act 2005*

Community Land Management Plan Review

Key Questions

WHAT ARE COUNCIL MEMBERS' VIEWS ON THE SUGGESTED APPROACH TO THE COMMUNITY LAND MANAGEMENT PLAN?

WHAT ARE COUNCIL MEMBERS' VIEWS ON ALIGNMENT OF THE APPROACH WITH SECTION 8 OF THE LOCAL GOVERNMENT ACT 1999 (SA)?



Community Land Management Plan Review

Thank You



Agenda Item 5

Exclusion of the Public

Tuesday, 21 June 2022
The Committee – Strategic Discussion Forum

Program Contact:
Jessica Dillon, Acting
Manager Governance

Approving Officer:
Clare Mockler, Chief
Executive Officer

Public

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a council committee may order that the public be excluded from attendance at a meeting if the Council Committee 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 Committee meeting for the consideration of information and matters contained in the Agenda:

- 6.1** Rymill Park / Murlawirrapurka Kiosk Enhancement Proposal [section 90(3) (b) & (d) of the Act]
- 6.2** Adelaide Botanic High School Expansion [section 90(3) (b) of the Act]

The Order to Exclude for Item 6.1 and 6.2:

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 6.1

THAT THE COMMITTEE

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 Committee dated 21 June 2022 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 6.1 [Rymill Park / Murlawirrapurka Kiosk Enhancement Proposal] 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 commercial information (not being a trade secret) of a confidential nature which the proponent has requested be considered in confidence on the grounds that the proposal details their intellectual property and the release of this information prematurely may be contrary to public interest. The disclosure of information in this presentation could reasonably be expected to prejudice the commercial position and negotiations of the Council and proponent with external parties.

Public Interest

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of The Committee dated 21 June 2022 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 6.1 [Rymill Park / Murlawirrapurka Kiosk Enhancement Proposal] 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 6.2

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 21 June 2022 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 6.2 [Adelaide Botanic High School Expansion] 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 because it contains information on a commercial negotiation for Council's consideration.

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 information in this report could reasonably prejudice the commercial position of the Council in its decision-making process in relation to the next steps.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of The Committee dated 21 June 2022 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 6.2 [Adelaide Botanic High School Expansion] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.
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DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act), directs that a meeting of a Council Committee must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council Committee may order that the public be excluded from attendance at a meeting if the Council Committee 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 87(10) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following matters are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 6.1 – Rymill Park / Murlawirrapurka Kiosk Enhancement Proposal
 - 6.1.1 Is subject to an Existing Confidentiality Order 6/8/2019 & 13/8/2019.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (d) of the Act
 - (b) commercial advantage/prejudice commercial position of council
 - (d) commercial information of a confidential nature.
 - 6.2 Information contained in Item 6.2 – Adelaide Botanic High School Expansion
 - 6.2.1 Is not subject to an Existing Confidentiality Order.
 - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (b) of the Act
 - (b) commercial advantage/prejudice commercial position of council

ATTACHMENTS

Nil

- END OF REPORT -

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Agenda Item 6.2

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