



# COUNCIL MINUTES

for the meeting

Tuesday, 14 February 2023

in the Council Chamber, Adelaide Town Hall

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Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)  
Councillors Abrahimzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Noon, Dr Siebentritt and Snape

## **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 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 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’

During the prayer, Councillor Couros entered the Council Chamber at 5.33 pm.

## **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 Apologies and Leave of Absence**

Apology:

Deputy Lord Mayor, Councillor Martin

## **6 Item 6 - Confirmation of Minutes - 31/1/2023**

Moved by Councillor Couros,  
Seconded by Councillor Siebentritt

That the Minutes of the meeting of the Council held on 31 January 2023 be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

## **7 Deputations**

Nil

**8 Petitions****9 Item 8.1 - Petition - Proposed Location of the Adelaide Aquatic Centre**

Moved by Councillor Giles,  
Seconded by Councillor Noon -

THAT COUNCIL

1. Receives the petition containing 257 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 14 February 2023.

Carried

**10 Item 8.2 - Petition - Hamilton Place**

Moved by Councillor Snape,  
Seconded by Councillor Siebentritt -

THAT COUNCIL

1. Receives the petition of 41 signatories as a separate document to Item 8.2 on the Agenda for the meeting of the Council held on 14 February 2023.

Carried unanimously

Discussion ensued

It was then -

Moved by Councillor Davis,  
Seconded by Councillor Snape –

That Item 13.1, Councillor Snape - Motion on Notice - Hamilton Place One Way, be brought forward to be considered, prior to Item 9, Reports from Committees and Kadaltilla / Park Lands Authority.

Carried

**11 Motions on Notice****12 Item 13.1 - Councillor Snape - MoN - Hamilton Place One Way**

Moved by Councillor Snape,  
Seconded by Councillor Davis -

That the Traffic Strategy Framework include assessment of a one-way traffic zone through Hamilton Place/Hurman Street.

Discussion ensued, during which Councillor Couros declared a material conflict of interest in Item 13.1 [Councillor Snape – MoN – Hamilton Place One Way], pursuant to Section 75 of the *Local Government Act 1999* (SA), as she owns property on the corner of St Helena Place and Halifax Street, withdrew her Chair and left the Council Chamber at 5.40 pm.

The motion was then put and carried unanimously

Councillor Couros re-entered the Council Chamber at 5.42 pm.

**13 Reports from Committees and Kadaltilla / Park Lands Authority****14 Item 9.1 - Audit and Risk Committee Report - 3 February 2023**

Discussion ensued

It was then -

Moved by Councillor Siebentritt,  
Seconded by Councillor Li -

THAT COUNCIL

1. Notes the endorsement by the Audit and Risk Committee of the external audit plan, as contained in Attachment C to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 3 February 2023, is consistent with the scope of the External Audit engagement and relevant legislation

and standards.

2. Approves the proposed 2022-23 End of Year Financial Reporting process and external audit timetable as contained in Attachment C to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 3 February 2023).
3. Notes the external auditor's independence declaration in relation to the audit engagement for the year ended 30 June 2022 as detailed in Attachment A to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 3 February 2023.
4. Approves the External Audit terms of engagement as contained in Attachments A and B to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 3 February 2023.
5. Approves the external audit Engagement Partner and Quality Control Reviewer.

Discussion continued

The motion was then put and carried unanimously

#### **15 Item 9.2 - City Finance and Governance Committee Report - 7 February 2023**

Moved by Councillor Davis,  
Seconded by Councillor Hou -

##### THAT COUNCIL:

1. Adopts the City Finance and Governance Committee Terms of Reference contained in Attachment A to Item 4.2 on the agenda for the meeting of the City Finance and Governance Committee held on 7 February 2023 with the following changes:
  - The addition of section 3.2 which reads "The Committee may provide advice to other Council Committees as necessary"
  - Revision of Section 6.3 to read " The Chair of Committee may move motions."
2. Apply these changes to the Terms of Reference for the City Community Services and Culture, City Planning, Development and Business Affairs and the Infrastructure and Public Works Committees.

Carried unanimously

#### **16 Item 9.3 - City Planning, Development and Business Affairs Committee Report - 7 February 2023**

Moved by Councillor Noon,  
Seconded by Councillor Siebentritt -

##### THAT COUNCIL:

1. Adopts the updated City Planning, Development and Business Affairs Committee Terms of Reference contained in Attachment A to Item 5.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 7 February 2023.

Carried unanimously

#### **17 Reports for Council (Chief Executive Officer's Reports)**

#### **18 Item 10.1 - 2022/23 Q2 Business Update**

Discussion ensued

It was then –

Moved by Councillor Davis,  
Seconded by Councillor Couros -

##### THAT COUNCIL

1. Approves the changes for the 2022/23 Business Plan and Budget as identified in this report and reflected in the Quarter 2 update presented in Attachment A to Item 10.1 on the Agenda for the meeting of Council held on 14 February 2023
2. Approves the Uniform Presentation of Finances as presented in Attachment A to Item 10.1 on the Agenda for the meeting of Council held on 14 February 2023 and the revised Annual Financial Summary as identified in this report, which include:

- 2.1. Total estimated operating income of \$213.446 million
- 2.2. Total estimated operating expenditure (including depreciation) of \$213.359 million
- 2.3. An operating surplus of \$87,000
- 2.4. Council borrowings (debt) projected to \$37.9 million.
3. Approves the proposed changes to Operating Position of:
  - 3.1. New offsets across both expenditure and revenue totalling \$2.04 million towards the \$4.83 million savings target set by Council
  - 3.2. The addition of new Strategic Projects as identified in this report.
4. Approves the proposed changes to Capital Budget of:
  - 4.1. Major Projects revised expenditure of \$30.5 million
  - 4.2. New and Upgrades revised expenditure of \$11.3 million
  - 4.3. Renewals revised expenditure of \$42.6 million
  - 4.4. Capital Program Management revised expenditure of \$9.8 million
  - 4.5. Grant funding to support capital expenditure on new/upgraded assets of \$11.5 million.
5. Notes the Adelaide Economic Development Agency Quarter 2 report 2022-23 (Attachment B to Item 10.1 on the Agenda for the meeting of Council held on 14 February 2023).
6. Notes the Adelaide Central Market Authority Quarter 2 report 2022-23 (Attachment C to Item 10.1 on the Agenda for the meeting of Council held on 14 February 2023).
7. Notes the Kadaltilla / Park Lands Authority Quarter 2 report 2022-23 (Attachment D to Item 10.1 on the Agenda for the meeting of Council held on 14 February 2023).
8. Notes the Brown Hill Keswick Creek Quarter 2 report 2022-23 (Attachment E to Item 10.1 on the Agenda for the meeting of Council held on 14 February 2023).
9. Notes that the following KPI's are on track:
  - 9.1 KPI 1 - 85% of Projects capitalised within 10 Weeks (exceeding the target of above 70%). This KPI was measured 90% at the conclusion of Quarter 2.

Discussion continued

The motion was then put and carried unanimously

**19 Questions on Notice - Nil**

**20 Questions without Notice - Nil**

**21 Motions without Notice - Nil**

**22 Exclusion of the Public**

In accordance with sections 90(2),(3) and (7) of the *Local Government Act 1999 (SA)* Council considered whether to discuss in confidence the reports contained within section 15 of the Agenda.

**23 Item 15 - Exclusion of the Public - Item 16.1**

Moved by Councillor Giles,  
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 14 February 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 16.1 [Confidential Audit & Risk Committee Report] listed on the Agenda.

Grounds and Basis

This Item is confidential because the report includes information on Council litigation.

The disclosure of information in this report is likely to prejudice the outcome of the Council's actual litigation.

The Audit and Risk 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 relates to actual litigation of the Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 14 February 2023 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 16.1 [Confidential Audit & Risk Committee Report] 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) of the Act.

Carried unanimously

## 24 Item 15 - Exclusion of the Public - Item 16.2

Moved by Councillor Abrahamzadeh,

Seconded by Councillor Hou -

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (h) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 14 February 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 16.2 [Confidential City Planning, Development and Business Affairs Committee Report] listed on the Agenda.

#### Grounds and Basis

This Item is confidential because it includes legal advice given to Council to support Council in assessing the acquisition proposal and associated legal risks.

The disclosure of information in this report would reasonably be expected to prejudice the Council's position if there were future legal challenges by a party aggrieved by the Council's decision.

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 Council's legal advice is privileged and disclosure of this information would be prejudicial to the Council's position.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 14 February 2023 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 16.2 [Confidential City Planning, Development and Business Affairs Committee Report] 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) (h) of the Act.

Carried unanimously

Members of the public and Corporation staff present not directly involved with Items 16.1 and 16.2 left the Council Chamber at 5.49 pm.

- 25 Confidential Reports from Committees and Kadaltilla / Park Lands Authority**
- 26 Item 16.1 - Confidential Audit and Risk Committee Report - 3 February 2023**
- 27 Item 16.2 - Confidential City Planning, Development and Business Affairs Committee Report - 7 February 2023**

The meeting re-opened to the public at 5.50 pm.

### Confidentiality Orders

#### **Item 16.1** – Confidential Audit and Risk Committee Report – 3 February 2023

##### Resolution and Confidentiality Order

##### THAT COUNCIL

1. Notes the report of the meeting of the Audit and Risk Committee held on 3 February 2023.
2. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999* (SA) and on the grounds that Item 16.1 [Audit and Risk Committee Report] listed on the Agenda for the meeting of the Council held on 14 February 2023 was received, discussed and considered in confidence pursuant to Section 90 (3)(i) of the *Local Government Act 1999* (SA) this meeting of the Council, do order that:
  - 2.1. The resolution become public information and included in the Minutes of the meeting.
  - 2.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2029.
  - 2.3. The confidentiality of this matter be reviewed in December 2023.
  - 2.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

#### **Item 16.2** – Confidential City Planning, Development and Business Affairs Committee Report – 7 February 2023

##### Confidentiality Order

In accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 7.1 [Unnamed public road off Tom's Court] listed on the Agenda for the meeting of City Planning, Development and Business Affairs Committee held on 7 February 2023, was received, discussed and considered in confidence pursuant to Section 90(3)(h) of the Local Government Act 1999 (SA), this meeting of the City Planning, Development and Business Affairs Committee do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2030.
2. The confidentiality of the matter be reviewed in December 2023.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Councillor Abrahamzadeh addressed the meeting to thank departing Chief Operating Officer, Ms Amanda McIlroy and wish her all the best for her future ventures.

Acclamation

### Closure

The meeting closed at 5.51 pm

Clare Mockler,  
Chief Executive Officer

Dr Jane Lomax-Smith  
Lord Mayor