



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday, 14 March 2023

at 5.30 pm

in the Council Chamber, Adelaide Town Hall

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Members: The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)
Deputy Lord Mayor, Councillor Martin
Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Noon, Dr Siebentritt and
Snape

Agenda

| Item | Pages |
|--|-------|
| 1. Acknowledgement of Country | |
| At the opening of the Council Meeting, the Lord Mayor 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. Acknowledgement of Colonel William Light | |
| Upon completion of the Kaurna 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.’ | |
| 3. Prayer | |
| 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’ | |
| 4. Memorial Silence | |
| 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. | |
| 5. Apologies and Leave of Absence | |
| On Leave: | |
| Councillor Snape | |
| 6. Confirmation of Minutes - 28/2/2023 | |
| That the Minutes of the meeting of the Council held on 28 February 2023, be taken as read and be confirmed as an accurate record of proceedings. | |
| 7. Deputations | |
| Granted at time of Agenda Publication – 10/3/2023 | |
| Nil | |

| | | |
|------------|---|---------|
| 8. | Petitions | |
| | Nil | |
| 9. | Reports from Committees | |
| | 9.1 Recommendations of the City Community Services and Culture Committee | 4 - 5 |
| 10. | Reports for Council (Chief Executive Officer's Reports) | |
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| 15. | Exclusion of the Public | 25 - 27 |
| | In accordance with sections 90(2),(3) and (7) of the <i>Local Government Act 1999 (SA)</i> Council will consider whether to discuss in confidence the reports contained within section 16 of this Agenda. | |
| | Confidential Reports | |
| 16. | Confidential Reports from Committees | |
| | 16.1 Confidential Recommendations of the City Planning, Development and Business Affairs Committee | 28 - 32 |
| 17. | Closure | |

Recommendations of the City Community Services and Culture Committee

Tuesday, 14 April 2023
Council

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Iliia Houridis, Director City Shaping

EXECUTIVE SUMMARY

The City Community Services and Culture Committee considered the following Item at its meeting held on 21 February 2023 and resolved to present to Council the following recommendation for Council determination:

- Item 6.1 – New Year's Eve 2023-2025
- Item 6.2 - Illuminate Adelaide - Public Artwork Investment

RECOMMENDATION

1. Recommendation 1 – New Year's Eve 2023-2025

THAT COUNCIL:

1. Ask the administration to present to the April meeting of this Committee, plans for the reinstatement of the Lord Mayor's New Year's Eve Party to Elder Park.
2. Notes an allocation of \$400k to support the delivery of the event, as part of the 23/24 business plan and budget.
3. Invites AEDA to investigate alternative events to stimulate business activity in the East End, North Adelaide, the South East and South West precincts.

2. Recommendation 2 - Illuminate Adelaide - Public Artwork Investment

THAT COUNCIL:

1. Notes Illuminate Adelaide's advice that the Illuminate Adelaide: Light Square/Wauwi project budget is not viable in its current form.
2. Request alternative options for a legacy light-based public artwork of scale and significance to the City be presented to the Public Art Round Table for their expert advice.

DISCUSSION

1. The City Community Services and Culture Committee met on Tuesday 7 March 2023. The Agenda with reports for the meeting can be viewed [here](#).
2. The following matters were the subject of deliberation:
 - 2.1. 2023-2024 Sister City Relationship Milestone Celebrations
THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE:
 1. Notes a Civic Event will be held in Adelaide in July 2023 for the community to celebrate the 40th Anniversary of our Sister City Relationship with Austin, USA.
 2. Notes a Civic Event will be held in Adelaide in December 2023 for the community to celebrate the 50th Anniversary of our Sister City Relationship with George Town, Malaysia.
 3. Notes a Civic Event will be held in Adelaide in April 2024 for the community to celebrate the 10th Anniversary of our Sister City Relationship with Qingdao, China.
 - 2.2 New Year's Eve 2023-2025
THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL:
That Council:
 1. Ask the administration to present to the April meeting of this Committee, plans for the reinstatement of the Lord Mayor's New Year's Eve Party to Elder Park.
 2. Notes an allocation of \$400k to support the delivery of the event, as part of the 23/24 business plan and budget.
 3. Invites AEDA to investigate alternative events to stimulate business activity in the East End, North Adelaide, the South East and South West precincts.
 - 2.3 Illuminate Adelaide - Public Artwork Investment
THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL:
That Council:
 1. Notes Illuminate Adelaide's advice that the Illuminate Adelaide: Light Square/Wauwi project budget is not viable in its current form.
 2. Request alternative options for a legacy light-based public artwork of scale and significance to the City be presented to the Public Art Round Table for their expert advice.
3. The City Community Services and Culture Committee also participated in a workshop (requested at the previous meeting), on current community services and culture policy provisions.

DATA AND SUPPORTING INFORMATION

Link 1 – City Community Services and Culture Committee Agenda

ATTACHMENTS

Nil

- END OF REPORT -

Expansion of Reuse and Recycle Hubs

Tuesday, 14 March 2023
Council

Strategic Alignment - Environmental Leadership

Public

Program Contact:

Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Approving Officer:

Ilia Houridis - Director City
Shaping

EXECUTIVE SUMMARY

The City of Adelaide launched two Reuse and Recycle Hubs on 5 September 2022. One Hub is located at the City of Adelaide Customer Centre and the other Hub is located at the City Library.

The Hubs deliver on a Council decision on 12 April 2022 to install recycling stations for hard-to-recycle items. Ongoing marketing and communication to raise awareness and ensure correct usage have been delivered. Over 1.8m³ (1800 litres) of hard-to-recycle materials have been deposited and sorted for reuse and recycling.

On 13 December 2022, Council requested Administration report to the first March 2023 meeting of Council if, and when, it could extend the Reuse and Recycle Hub program to North Adelaide and the Central Market District.

Subject to confirmation through the 2023/24 budget process, the Reuse and Recycle Hubs construction and installation at the North Adelaide Library and the Central Market District could commence in the first quarter of the 2023/24 financial year.

RECOMMENDATION

THAT COUNCIL

1. Notes the report.

IMPLICATIONS AND FINANCIALS

| | |
|---|---|
| City of Adelaide 2020-2024 Strategic Plan | <p>Strategic Alignment – Environmental Leadership</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 | Resource Recovery (Organics, Recycling & Waste) Strategy and Action Plan 2020-2028: 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). |
| Consultation | Not as a result of this report |
| Resource | An external organisation will be engaged to service the Hubs and ensure that the items deposited are safely sorted and transported for processing. The estimated time required to service four Hubs is 0.2 FTE. |
| Risk / Legal / Legislative | Work, Health and Safety instructions will be prepared to ensure appropriate handling of the materials. Work, Health and Safety requirements will form part of external servicing agreements. |
| Opportunities | The external interest in the Hubs means there is opportunity to collaborate with other councils and sectors to increase awareness about hard-to-recycle items. |
| 22/23 Budget Allocation | Not as a result of this report |
| Proposed 23/24 Budget Allocation | The cost of construction of the Hubs and external resource to be engaged to service the four Hubs will be funded by the 2023/2024 City Wide Waste and Recycling Strategic budget (if approved). |
| Life of Project, Service, Initiative or (Expectancy of) Asset | Hubs should be fit for purpose for at least 5 years. |
| 22/23 Budget Reconsideration (if applicable) | Not as a result of this report. The two hubs are proposed to be delivered through the Parks Lands, Policy and Sustainability operational budget for 2023/24. |
| Ongoing Costs (eg maintenance cost) | There are ongoing servicing costs for the hard to recycling Hubs (estimated 0.2 FTE). The financial cost associated with shipping and recycling of the collected items from the four Hubs is predicted to be \$7,500 per annum which can be covered by the City Wide Waste and Recycling Strategic Project budget in the short-term (if approved). An increase in the City Operations budget is required to service the Hubs ongoing. |
| Other Funding Sources | Not as a result of this report |

DISCUSSION

1. The City of Adelaide launched two Reuse and Recycle Hubs on 5 September 2022. One Hub is located at the City of Adelaide Customer Centre and the other Hub is located at the City Library. The Hubs deliver a Council Decision on 12 April 2022 to install recycling stations for hard-to-recycle items.
2. Ongoing marketing and communication to raise awareness and ensure correct usage have been delivered. Over 1.8m³ (1800 litres) of hard-to-recycle materials have been deposited and sorted for reuse and recycling.
3. In addition to the environmental benefit of the increased diversion of materials from landfill, other social and environmental benefits of having the Hubs in the City of Adelaide include the following:
 - 3.1. Residents have expressed appreciation for convenient access to recycling deposit points through both informal and formal feedback.
 - 3.2. The choice of partners and recyclers has meant that the materials placed in the Hubs have benefited local organisations including the Lions Club of The City of Adelaide, Zoos SA, Electronic Recycling Australia and EcoCycle.
 - 3.3. Building the Hubs with locally supplied recycled materials and ensuring that the majority of materials placed in the Hubs are reused or recycled locally, demonstrates that City of Adelaide is actively working toward a more circular economy.
4. On 13 December 2022, Council resolved:

'That Council;

Asks the Administration to consider and to report to the first March 2023 meeting of Council if and when it could extend the recently announced City Reuse and Recycling Hub program to North Adelaide and where in North Adelaide that facility could be located.'
5. To determine appropriate locations, safety, accessibility, and functional customer and staff experience were considered to deliver Reuse and Recycling Hubs that are:
 - 5.1. Located within a staffed facility to support community use and discourage contamination
 - 5.2. Accessible for all users and in a convenient location
 - 5.3. Designed to complement, and not impede, the core business activities occurring in the selected locations.
6. Administration can progress installation of a Hub at the North Adelaide Library and a Hub in the Central Market District by September 2023. These projects would be delivered through the operational budget of the Park Lands, Policy & Sustainability area and is therefore subject to confirmation through the 2023/24 annual business plan and budget process.
7. The available space and accessibility differ at the potential sites compared with the current locations at the City of Adelaide Customer Centre and the City Library, therefore Hubs will be designed and installed to fit within the proposed sites.
8. The Financial cost associated with shipping and recycling of the collected items from the four Hubs is predicted to be \$7,500 per annum which can be covered by the City Wide Waste and Recycling Strategic Project budget in the short-term (if approved). An increase in the City Operations budget is required to service the Hubs ongoing.

North Adelaide Library

9. The North Adelaide Library and Community Centre was explored as a possible location for the initial Hubs. The Library and Community Centre site has limited space for the existing functions and whilst there is space for a Hub upstairs, it is not considered an accessible location.
10. Further investigations at the North Adelaide Library and Community Centre have identified a small hub can be placed in the library. This is a suitable location as the library is staffed and is not accessible after hours by private hire groups (unlike the Community Centre section of the building).

Central Market District

11. The Adelaide Central Market was considered as a location for the initial Hubs. The Market services a higher volume of visitors than the initial two sites identified for Hubs and is more akin to public place recycling with potential for higher rates of contamination.
12. A Hub at the Minor Works Building / South West Community Centre is also being considered.

13. Investigations will continue to determine a suitable location within the Central Market District, which is safe, accessible, and provides a customer centric experience. It is proposed that signage on the Hub for this District is provided in English and Mandarin.

Other options

14. Several other locations and options were considered and discounted at this time, including:
 - 14.1. Development of a mobile Hub: which could be designed to be weather-proof and towed by electric bicycles. Draft designs were created by University of South Australia Masters students. A mobile Hub could be deployed to any site on a temporary basis with local residents being informed about its availability and could also be made available for relevant events within the city (Link 1 view [here](#)).
 - 14.2. Development of alternative Hub models: which are smaller and potentially cheaper models using existing office cabinetry. This would see end-of-product-life office furniture reused rather than recycled or sent to landfill.

Next Steps

15. Planning for the design of the North Adelaide Library and Central Market District Reuse and Recycle Hubs is underway and construction and operation could be achieved within the first quarter of the 2023/24 financial year.

City of Adelaide Strategic and Policy Opportunities

16. A review of City of Adelaide policy, guidelines, and by-laws related to resource recovery and the circular economy has commenced. The review will provide an opportunity for Council to consider changes to existing service models for waste. A workshop with Council is currently scheduled for 2 May 2023.

DATA AND SUPPORTING INFORMATION

Link 1 - Mobile Hubs Draft Design

ATTACHMENTS

Nil

- END OF REPORT -

Kadaltilla Board Membership Amendment

Tuesday, 14 March 2023
Council

Strategic Alignment - Enabling Priorities

Public

Program Contact:

Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Approving Officer:

Iliia Houridis - Director City
Shaping

EXECUTIVE SUMMARY

The Kaurna Yerta Aboriginal Corporation RNTBC (KYAC) Board has written to Council to alter its representation on the Kadaltilla / Park Lands Authority (Kadaltilla) Board. Currently Tania Taylor is the Member of the Board and Les Wanganeen is the Deputy Member for Tania Taylor. Les Wanganeen has recently been appointed as Chair of the KYAC Board and in recognition KYAC requests that he be Member of the Board and Tania Taylor is now Deputy Member for Les Wanganeen.

In making appointments, the City of Adelaide and the Minister must, in consultation with each other, endeavour to achieve a membership with a range of knowledge, skills and experience as defined in the Act, as well as gender balance.

In accordance with section 6(2) of the Act, appointments are made by notice in the Gazette.

RECOMMENDATION

THAT COUNCIL

1. Approves the following amendment to the Kaurna representative roles to the Kadaltilla / Park Lands Authority Board (contingent upon consultation with the Minister for Planning) for the period commencing 1 April 2023 and expiring 31 December 2025:
 - 1.1. Les Wanganeen as a Member of the Kadaltilla Board
 - 1.2. Tania Taylor as a Deputy Member for Les Wanganeen.

IMPLICATIONS AND FINANCIALS

| | |
|---|---|
| City of Adelaide 2020-2024 Strategic Plan | Strategic Alignment – Enabling Priorities Appointment of members to the Kadaltilla / Park Lands Authority supports key action 5.2 ‘Demonstrate bold governance leadership in the Local Government Sector’ and key action 5.8 ‘Implement new approaches to engaging the community in Council decision-making’. |
| Policy | Consistent with the <i>Adelaide Park Lands Act 2005 (SA)</i> and Kadaltilla Charter. |
| Consultation | The Minister for Planning and the City of Adelaide must consult with each other in making appointments to the Kadaltilla / Park Lands Authority to achieve a range of knowledge, skills and experience across the following areas set out in section 6(3) of the Act. |
| Resource | Not as a result of this report |
| Risk / Legal / Legislative | Consistent with the provisions of the <i>Adelaide Park Lands Act 2005 (SA)</i> and Kadaltilla Charter. |
| Opportunities | Appointments will provide for the continued activity of the Kadaltilla / Park Lands Authority with an appropriate membership and skill set to provide valuable advice to the City of Adelaide and State Government on matters pertaining to the Park Lands. |
| 22/23 Budget Allocation | Board Member remuneration funded through existing operating budget. |
| Proposed 23/24 Budget Allocation | Not as a result of this report |
| Life of Project, Service, Initiative or (Expectancy of) Asset | Consistent with the Kadaltilla Charter, the appointments can be for a maximum period of three years (until 31 December 2025). |
| 22/23 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

Kadaltilla Legislative Framework and Purpose

1. The Adelaide Park Lands Authority is established under section 5(2) of the [Adelaide Park Lands Act 2005 \(SA\)](#) (the Act) as a subsidiary of the City of Adelaide to provide strategic advice to both Council and the State Government on the management of the Adelaide Park Lands.
2. As per its Charter, the Adelaide Park Lands Authority is known as the Kadaltilla / Park Lands Authority (Kadaltilla).
3. The role, functions and powers of Kadaltilla are set out in the Act and the Kadaltilla [Charter](#) (the Charter).

Membership Requirements (Skills Based) as per Legislation / Charter

4. Kadaltilla is required to have a Board of Management and, all meetings/decisions of Kadaltilla are deemed meetings/decisions of the Board.
5. One of knowledge, skills and experience requirements under the provisions set out in section 6(3)(f) of the Act is indigenous culture or reconciliation.
6. Tania Taylor (member) and Les Wanganeen (deputy member), each appointed under section 6(3)(f) of the Act for knowledge, skills and experience in indigenous culture or reconciliation have membership due to expire on 31 December 2025:
7. Tania Taylor and Les Wanganeen were nominated by the Board of the Kurna Yerta Aboriginal Corporation RNTBC (KYAC) following consultation with KYAC on a Kurna community representative member and deputy member nominee.

Kadaltilla Membership Amendment

8. On 15 February 2023, Tania Taylor (the current Member of the Board) and Les Wanganeen (the current Deputy Member of the Board for Tania Taylor) requested to exchange roles making Les Wanganeen Member of the Board and Tania Taylor, Deputy Member for Les Wanganeen. This exchange of roles has been supported by KYAC.
9. It is recommended that the appointment period is from 1 April 2023 to 31 December 2025, consistent with the other appointed Kadaltilla Board Members and the maximum term permitted in the Act and Charter.
10. The nomination and appointment process are subject to provisions pursuant to the City of Adelaide Standing Orders (162 and 167), which state:
 - 10.1. Unless determined otherwise by Council, in the event of more nominations than required, an election by voting ballot of all Council Members present will be undertaken to select a nominee.
 - 10.2. At the conclusion of a voting ballot or drawing of lots, a resolution of the Council will be required to confirm the outcome of the election process.
11. A notice in the South Australian Government Gazette will finalise the appointment.

DATA AND SUPPORTING INFORMATION

Link 1 - Adelaide Park Lands Act 2005 (SA)

Link 2 - Kadaltilla / Park Lands Authority Charter

ATTACHMENTS

Nil

- END OF REPORT -

Chief Executive Officer Performance Review Panel Terms of Reference

Tuesday, 14 March 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:

Alana Martin, Manager
Governance

Public

Approving Officer:

Stephen Zaluski - Acting Chief
Operating Officer

EXECUTIVE SUMMARY

In accordance with Section 102A of the *Local Government Act 1999* (SA), a Council must review the performance of its Chief Executive Officer (CEO) at least once a year.

Following the 2022 Council Election, Council must re-establish its CEO Performance Review Panel pursuant to section 41 of the *Local Government Act 1999* (SA).

On behalf of Council, the CEO Performance Review Panel will be responsible for determining the performance review process against which the Chief Executive Officer's (CEO) performance will be assessed. Council determines the composition and terms of reference of the CEO Performance Review Panel.

RECOMMENDATION

THAT COUNCIL

1. Establishes the CEO Performance Review Panel, pursuant to Section 41 of the *Local Government Act 1999* (SA).
2. Appoints the following Council Members to the CEO Performance Review Panel 14 March 2023 until the last Council meeting in October 2026, those being:
 - 2.1. Lord Mayor
 - 2.2. Deputy Lord Mayor
 - 2.3. Cr _____
 - 2.4. Two Independent Members (as determined by the CEO Performance Review Panel)
3. Approves that Independent Members will be entitled to a sitting fee of \$500 per meeting.
4. Appoints the Lord Mayor as Chair and Deputy Lord Mayor as Deputy Chair from 14 March 2023 until the last Council meeting in October 2026.
5. Delegates to the CEO Performance Review Panel:
 - 5.1. In the exercise of the powers contained in Section 44 of the *Local Government Act 1999* (SA), the responsibility of the 2022-2026 Council term of office is to assist the Council by considering and determining matters as set out in the CEO performance Review Panel's Terms of Reference, namely:
 - 5.1.1. Appoint an independent advisor to assist in the CEO performance appraisal.
 - 5.1.2. To appoint independent members to the CEO Performance Review Panel.
 - 5.1.3. To establish Key Performance Indicators for the CEO.
 - 5.1.4. To determine the performance review process for the CEO
 - 5.1.5. To undertake the performance review of the CEO.
 - 5.1.6. To provide advice and support regarding the CEO's performance development.

5.1.7. Prepare and provide advice to Council to inform the CEO's Total Employment Cost Package review for decision by Council.

5.1.8. Authorise to determine a schedule of meetings to be held in the Colonel Light Room, Town Hall, Adelaide.

6. Authorises the Chief Operating Officer to vary the meeting schedule (including the commencement time, meeting place, date or cancellation of a meeting) after liaison with the Presiding Member and Chief Executive Officer.
 7. Adopts the Terms of Reference for this Panel as Attachment A to Item 10.3 on the Agenda for the meeting of Council held on 14 March 2023.
 8. Applies the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* to the CEO Performance Review Panel.
 9. Authorises the amendment of these documents to reflect the resolution of the Council.
 10. Authorises the administration to make any necessary or desirable typographical or syntactical revisions to the Terms of Reference.
-

IMPLICATIONS AND FINANCIALS

| | |
|---|---|
| City of Adelaide 2020-2024 Strategic Plan | <p>Strategic Alignment – Enabling Priorities</p> <p>Consideration of Council's Governance structure assists Council in improving our governance and maximise community benefit continually.</p> |
| Policy | City of Adelaide Standing Orders |
| Consultation | Not as a result of this report |
| Resource | <p>Council and its Committees will conduct business in accordance with the relevant provisions of the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> and the Corporation of the City of Adelaide Standing Orders.</p> <p>Pursuant to section 75 of the <i>Local Government Act 1999 (SA)</i>, Council Members nominated for a presiding member role where there is remuneration applicable must declare a material conflict of interest considering the allowance set by the Remuneration Tribunal and payable to the presiding member.</p> <p>No material conflict of interest applies to the deputy presiding member by reason only of being nominated as the deputy presiding member, as the Remuneration Tribunal did not provide an allowance for this role.</p> |
| Risk / Legal / Legislative | This will meet the requirements of Section 102A of the <i>Local Government Act 1999 (SA) 2021</i> and the requirements of the Employment Contract between the City of Adelaide and the CEO |
| Opportunities | A Governance Structure can assist in timely and effective decision-making. |
| 22/23 Budget Allocation | There is no extra allowance for the Lord Mayor or Deputy Lord Mayor. Sitting fees for Independent Members are already incorporated into the existing operating budget. |
| Proposed 23/24 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 |
| 22/23 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. Section 102 A of the *Local Government Act 1999* (the Act) requires Council to review the performance of the CEO at least once each year.
2. The CEO was appointed in August 2021. A copy of the CEO's employment contract was provided to Council Members by the Lord Mayor in November 2022.
3. The contract specifies that the parties will agree to establish a Performance Review Panel under Section 41 of the Act to manage the performance review process.
4. The previous term of the Council established a Performance Review Panel in November 2021, but this expired at the conclusion of the 2022 General Council Election.

Purpose

5. The primary purpose of the Review Panel is to develop, monitor and assess key performance indicators and establish a process by which CEO performance is measured.
6. In undertaking this review, the Act requires Council to obtain and consider the advice of a qualified independent person for the purposes of any review.
7. The Review Panel is formed under Section 41 of the Local Government Act 1999 (SA) (the Act) to advise the Council and determine matters relating to CEO performance review as authorised within these Terms of Reference and the CEO's employment contract.
8. Consistent with the previous term of Council, the Review Panel's role is to:
 - 8.1. Establish Key Performance Indicators for the CEO.
 - 8.2. Determine the performance review process for the CEO.
 - 8.3. Undertake the performance review of the CEO.
 - 8.4. Provide advice and support regarding the CEO's performance development.
 - 8.5. Provide advice to inform the CEO's Total Employment Cost Package review.
 - 8.6. Appoint an independent advisor to assist in the CEO performance appraisal (as required).
 - 8.7. Appoint independent members to the CEO Performance Review Panel.
 - 8.8. Authorise to determine a schedule of meetings to be held in the Colonel Light Room, Town Hall, Adelaide

Membership

9. The composition of the Review Panel is determined by Council but must have at least two independent members (required by the CEO's employment contract).
 10. Consistent with the last term of Council, the membership of the Review Panel membership is proposed below:
 - 10.1. The Lord Mayor
 - 10.2. The Deputy Lord Mayor
 - 10.3. Council Member
 - 10.4. Two Independent Members
 - 10.4.1. one of whom will have substantial appropriate qualifications and experience in human resources management
 - 10.4.2. one of whom will have substantial local government experience.
 - 10.5. It is also recommended that independent members of the Panel be paid a sitting fee of \$500 per meeting. This is consistent with fees paid to independent members of the Audit and Risk Committee.
-

ATTACHMENTS

Attachment A – CEO Performance Review Panel Terms of Reference

- END OF REPORT -

City of Adelaide

Chief Executive Officer Performance Review Panel Terms of Reference

As Adopted 14 March 2023

1. Preamble

- 1.1. The Chief Executive Officer Performance Review Panel (Review Panel) is established under section 41 of the *Local Government Act (SA) 1999* (the Act).
- 1.2. The Review Panel may be wound up at any time by resolution of the Council, noting the requirements under the CEO's employment contract.
- 1.3. The Committee is formed under Section 41 of the Local Government Act 1999 (SA) (the Act) to advise and determine matters relating to CEO performance as delegated by Council and contained within these Terms of Reference.

2. Purpose and Functions of the Committee

- 2.1. The CEO Performance Review Panel will determine the appropriate performance review process against which the CEO's performance will be assessed.

Performance Development and Support

- 2.2. To meet with the CEO, at least annually, to discuss progress on Key Performance Indicators and to understand the context in which the CEO's performance is being achieved, including organisational issues or external factors that are impacting the CEO's performance and/or how the performance of Council is impacting on organisational performance.
- 2.3. To obtain and consider the independent advice of a qualified person¹ to provide information about the performance of the CEO in relation to the Key Performance Indicators and other comparable CEO performances and position responsibilities.
- 2.4. To obtain and consider the independent advice of a qualified person who may conduct a process that seeks the review of relevant staff, Council Members, or key stakeholders to inform the review of CEO performance.
- 2.5. To consider the independent advice of a qualified person when considering assistance and/or professional development activities to support the CEO to be successful in their position and in the achievement of Key Performance Indicators, including the provision of any resources required to access these.
- 2.6. Any independent advisor engaged by the Committee should be done with agreement by the CEO.

Total Employment Cost Package Review

- 2.7. Review of the CEO's Total Employment Cost (TEC) Package will be undertaken annually in conjunction with the performance review process.
- 2.8. The Committee will provide to Council the results of the performance review and any other information relevant to inform the TEC Package review for a Council decision².

3. Reporting

¹ The Local Government Act defines a qualified independent person as a person who is: (a) not a member or employee of the council, and (b) determined by the council to have appropriate qualifications or experience in human resource management.

² Section 99A- Remuneration of chief executive officer of the *Local Government Act 1999* does not apply to a CEO contracted before September 2021 for the term of their engagement.

- 3.1. The Review Panel reports directly to Council. This is by way of reports and recommendations documented as minutes of the Committee meeting.
- 3.2. A final report on the assessment of the CEO is to be forwarded to the Council for consideration.

4. Delegations

- 4.1. Appoint an independent advisor to assist in the CEO performance appraisal
- 4.2. To appoint independent members to the Review Committee.
- 4.3. To establish Key Performance Indicators for the CEO.
- 4.4. To determine the performance review process for the CEO
- 4.5. To undertake the performance review of the CEO.
- 4.6. To provide advice and support regarding the CEO's performance development.
- 4.7. Prepare and provide advice to Council to inform the CEO's Total Employment Cost Package review for decision by Council.
- 4.8. Authority to determine a schedule of meetings to be held in the Colonel Light Room, Town Hall, Adelaide.

5. Membership

- 5.1. The membership of the Review Panel is comprised of five members
 - 5.1.1. The Lord Mayor
 - 5.1.2. The Deputy Lord Mayor
 - 5.1.3. Council Member
 - 5.1.4. Two Independent Members
 - 5.1.4.1. one of whom will have substantial appropriate qualifications and experience in human resources management
 - 5.1.4.2. one of whom will have substantial local government experience.
- 5.2. The required quorum shall be half plus one of the total members appointed to the CEO Performance Review Panel. A quorum must be present within 30 minutes of the scheduled start time for the meeting to proceed.
- 5.3. Independent Member must be present for the meeting to commence.
- 5.4. If the event that an independent member has not been appointed 5.3 will not apply.
- 5.5. Council has determined that independent members' sitting fees are \$500 per meeting.
- 5.6. Members must notify the Chair of non-attendance of a meeting.
- 5.7. Members of the Review Panel may be removed from the Committee by Council resolution at any time.
- 5.8. Section 41 Committees are dissolved at the end of each Council term.

6. Presiding Member (Committee Chair)

- 6.1. The Presiding Member will be the Lord Mayor, and the Deputy Presiding Member will be the Deputy Lord Mayor (to be known as the Chair and Deputy Chair).
- 6.2. If the Chair is absent from a meeting, the Deputy Chair will preside. If both the Chair and the Deputy Chair are absent from a meeting, then a committee member chosen from those present will preside at the meeting until the Chair or Deputy Chair is present
- 6.3. Oversee the orderly conduct of meetings in accordance with the Act and the City of Adelaide Standing Orders.
- 6.4. Ensure that the Guiding Principles at Regulation 4 are observed and that all Committee members have an opportunity to participate in discussions openly and responsibly; and

- 6.5. Ensure that when a matter has been debated significantly, and no new information is being discussed, call the meeting to order and move the debate towards finalisation.
- 6.6. The Chair is not excluded from the debate and may add to the debate nearing its end (so as not to 'lead from the Chair').
- 6.7. The Chair has a deliberative vote and does not have a casting vote.

7. Meeting details

- 7.1. The Committee is delegated to determine a schedule of meetings to be held in the Colonel Light Room, Town Hall, Adelaide.
- 7.2. Where the schedule of meetings has not been determined, the COO is authorised to call a meeting after liaison with the Presiding Member and CEO.
- 7.3. The COO is authorised to vary the meeting schedule (including the commencement time, meeting place, date or cancellation of a meeting) after liaison with the Presiding Member and CEO.
- 7.4. The COO shall provide sufficient administrative resources to the Review Panel to enable it to carry out its functions adequately.

8. Meeting procedures

- 8.1. Meetings of the Review Panel will be held in accordance with:
- 8.2. [Local Government Act \(SA\) 1999](#)
- 8.3. Parts 1, 2 and 4 [Local Government \(Procedures at Meetings\) Regulations 2013](#)
- 8.4. [City of Adelaide Standing Orders](#)
- 8.5. Where these guiding documents are silent, the Review Panel will consider and determine its meeting practice, processes, and procedures within the parameters of the Act.
- 8.6. The format of the Review Panel should be less structural and formal than a Council meeting. This will then allow more time for a full discussion on the issues being considered by the Review Panel.
- 8.7. Regulation 20 is to be adopted, i.e. short-term suspension of proceedings be enacted (where appropriate) to allow more time for a full discussion on the issues being considered.

9. Conduct and Interests of Committee Members

- 9.1. All members of the Review Panel must comply with chapter 5, part 4 of the Act relating to Conduct and Disclosure of Interests.

10. Revision History – 2022-2026 Term of Office

| In Response to: | Revision to Review Panel Terms of Reference |
|-----------------|---|
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Night-time Advisory Committee Update

Tuesday, 14 March 2023
Council

Council Member
Councillor Abrahamzadeh

Public

Contact Officer:
Ilia Houridis, Director City
Shaping

QUESTION ON NOTICE

Councillor Abrahamzadeh will ask the following Question on Notice:

‘Can Administration provide an update on the night-time advisory committee?’

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

- END OF REPORT -

Cycling Committee Establishment and Effectiveness

Tuesday, 14 March 2023
Council

Council Member
Councillor Couros

Public

Contact Officer:
Tom McCready, Director City Services

QUESTION ON NOTICE

Councillor Couros will ask the following Question on Notice:

'Can administration please advise the following:-

1. The timeline of Cycling Workshop establishment including when it was formed and how many meetings have been conducted to date?
2. The composition of the Cycling Workshop including who attended its meetings and whether all relevant stakeholders attended the meetings?
3. The purpose of the Cycling Committee including its initial goal?
4. How effective the Cycling Workshop Committee could be in regard to achieving goals, particularly in supporting consultation and feedback to implement a cycle network within our city particularly with business and residents that live in 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.

- END OF REPORT -

Lift Item from the Table

Tuesday, 14 March 2023
Council

Council Member
Councillor Couros

Public

Contact Officer:
Stephen Zaluski, Acting Chief
Operating Officer

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 Item 10.1 from the Council Meeting of 28 February 2023 be lifted from the table.’

ADMINISTRATION COMMENT

Background

1. At the Council Meeting on 28 February 2023, Council were provided with report 10.1 Appointment of Councillors to Cycling Working Group. This report recommended that Council appoint two members to the CEO Cycling Working Group. [Appointment of Councillors to Cycling Working Group.pdf \(cityofadelaide.com.au\)](#)
2. Council resolved that “That the matter lie on the table”.
3. The effect of this motion was that discussion halted and the meeting moved to the next item of business.
4. The matter can only be retrieved through resolution of Council (through a Motion on Notice).
5. In this instance, it means that a Council Decision on the Appointments to the Working Group cannot occur until such time as the matter is lifted from the table.
6. For clarity, Item 10.1 being laid on the table has no other effect on the Working Group except in relation to Council Membership.

Motion On Notice

7. The Motion on Notice, if carried, will result in debate on Item 10.1 resuming at the point of interruption.
8. At the meeting on 23 February 2023, no member had spoken in the debate nor moved a 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) | If it is put that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption) Regulation 14 C of <i>the Local Government Regulations (Procedures at Meetings) 2013</i> provide further information about Formal Motion. Link |

| | |
|---|--|
| | Information can also be found in Chapter Seven of Council's Standing Orders Link |
| 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. |

- END OF REPORT -

Exclusion of the Public

Tuesday, 14 March 2023

Council

Program Contact:

Alana Martin, Manager
Governance 8203 7092

2018/04291

Public

Approving Officer:

Clare Mockler, Chief
Executive Officer

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 Recommendation Report seeking consideration in confidence

- 16.1 Confidential Audit and Risk Committee Report - 3 February 2023 [section 90(3) (i) of the Act]

The Order to Exclude for Item 16.1:

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 16.1

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 14 March 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 City Planning, Development and Business Affairs Committee Report] listed on the Agenda.

Grounds and Basis

This Item contains certain confidential information (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person which 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 and the person forming part of this strategic property matter with respect to future commercial dealings given that the report contains legal matters, financial information and 'commercial in confidence' material.

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 in the report, including certain commercial in confidence, financial information and legal matters, may prejudice future commercial dealings with respect to its strategic land holding. On this basis, the disclosure of financial and commercial in confidence information may severely prejudice the Council's ability to influence the proposal for the benefit of the Council and the community in this matter.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 14 March 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 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) (b) & (d) 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 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 16.1 – Confidential City Planning, Development and Business Affairs Committee Report
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 7/3/2023.
 - 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.

ATTACHMENTS

Nil

- END OF REPORT -

Document is Restricted