



# COUNCIL MINUTES

for the meeting

Tuesday, 28 March 2023

in the Council Chamber, Adelaide Town Hall

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Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)  
Deputy Lord Mayor, Councillor Martin  
Councillors Abrahamzadeh, Couros, 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’

## 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.

Councillor Abrahamzadeh entered the Council Chamber at 5.33 pm.

## 5 Apologies and Leave of Absence

Apology:

Councillor Davis

## 6 Item 6 - Confirmation of Minutes - 14/3/2023

Moved by Councillor Giles,  
Seconded by Councillor Siebentritt

That the Minutes of the meeting of the Council held on 14 March 2023 be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

## 7 Deputations

### 8 Item 7.1 - Deputation - Mr Adam Pearce - SA Boer War Memorial

Mr Adam Pearce addressed the Council:

- On the South Australian (Boer) War Memorial on North Terrace.

The Lord Mayor thanked Mr Pearce for his deputation.

## 9 Petitions

Nil

## 10 Reports from Committees

### 11 Recommendations of the City Finance and Governance Committee - 21 March 2023

#### 12 Item 9.1 - Recommendation 1 - ACMA Strategic Plan 2023-28

Councillor Noon declared a material conflict of interest in Item 9.1 – Recommendation 1 [Confidential City Planning, Development and Business Affairs Committee Report – ACMA Strategic Plan 2023-28], pursuant to Sections 75 of the Local Government Act 1999 (SA), as she sits on the Adelaide Central Market Authority, withdrew her chair and left the Council Chamber at 5.40 pm.

It was then –

Moved by Councillor Couros,  
Seconded by Deputy Lord Mayor, Councillor Martin -

That Council:

1. Adopts the Adelaide Central Market Authority Strategic Plan 2023-28, as detailed in Attachment A to Item 6.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 March 2023.

Carried unanimously

Councillor Noon re-entered the Council Chamber at 5.41 pm.

#### 13 Item 9.1 - Recommendation 2 - Financial Principles to Build the 2023-24 Budget

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Li -

That Council:

1. Adopts the financial principles to guide the preparation of the draft 2023-2024 Business Plan and Budget (BP&B) as at Attachment A to Item 6.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 March 2023, with the exception of;  
Principles Operating Expenditure
  2. Council will continue to deliver a minimum of the current suite of services and asset maintenance.
  4. New or enhanced services, assets or maintenance requiring an increase in operating costs are to be funded from the adjustment of priorities, rate or other revenue increases and/or through savings.

Discussion ensued

The motion was then put and carried

#### Adoption of Recommendations En Bloc

Moved by Councillor Couros,  
Seconded by Deputy Lord Mayor, Councillor Martin –

That the following Recommendations 3 and 4 be adopted as presented, namely:

#### 14 Item 9.1 - Recommendation 3 - Cybersecurity Update

That Council:

1. Notes the cyber security principles that provide strategic guidance on how we protect our systems and data from cyber threats.
2. Notes Council's current baseline achievement against the Essential Eight maturity model.

3. Endorses the four-year plan in Attachment A to Item 6.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 March 2023.

#### 15 Item 9.1 - Recommendation 4 - Kadaltilla Charter Amendment

##### THAT COUNCIL:

1. Approves amending clause 1.1 of the 'APLA Charter' to amend the branding of the Adelaide Park Lands Authority from 'Kadaltilla / Park Lands Authority' to 'Kadaltilla / Adelaide Park Lands Authority'.
2. Approves amending the title of the Charter from the 'APLA Charter' to the 'Kadaltilla Charter'.
3. Notes that the revised Charter, Attachment A to Item 6.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 March 2023, will be sent to the Minister for Planning, Hon Nick Champion MP, for consultation. Following consultation, the revised Charter will require a gazettal notice to be published.
4. Notes the revised logo to be implemented pending the Charter amendment being approved by Council, the Minister for Planning, Hon Nick Champion MP, and gazettal.

Carried

#### 16 Reports for Council (Chief Executive Officer's Reports)

#### 17 Item 10.1 - National General Assembly of Local Government 2023

Deputy Lord Mayor, Councillor Martin, nominated Councillor Giles as the voting delegate at the 2023 National General Assembly of Local Government to be held in Canberra from 13-16 June 2023, who accepted the nomination.

There were no further nominations, therefore Councillor Giles declared a material conflict of interest in Item 10.1 [National General Assembly of Local Government 2023], pursuant to Section 75 of the *Local Government Act 1999* (SA), being the nominee for a position where she would receive a benefit, withdrew her chair and left the Council Chamber at 5.46 pm.

It was then –

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Noon -

##### THAT COUNCIL

1. Appoints Councillor Giles to represent Council as a voting delegate at the 2023 National General Assembly of Local Government to be held in Canberra from 13-16 June 2023.

Carried

Councillor Giles re-entered the Council Chamber at 5.48 pm.

Discussion ensued, during which:

- It was agreed Councillor Giles would attend the National General Assembly in person.
- Deputy Lord Mayor, Councillor Martin nominated Councillor Noon as proxy, who accepted the nomination.

It was then –

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Snape -

##### THAT COUNCIL

2. Appoints Councillor Noon as proxy.
3. Approves the delegate to travel to attend in person.

Carried unanimously

**18 Item 11 - Lord Mayor's Reports**

The Lord Mayor addressed the meeting on the following:

- In response to the recent SAPOL and State Government decision to, without consultation, locate the Police Mounted Operations Unit in Golden Wattle Park / Mirnu Wirra (Park 21W), a meeting was held with a Senior SAPOL and DIT representative, to offer Council's assistance in adjusting SAPOL horses and possibly locating temporary structures on the Park Lands until a suitable permanent location was determined through consultation with all stakeholders. A range of options were presented and assistance in developing access points to Park Lands were suggested, but these plans were unfortunately rejected.
- Hosted more than 250 Local Government representatives, Mayors and Councillors at a reception at the Town Hall, preliminary to the State/Local Government Economic Partnership that was held the following day.

It was then –

Moved by Councillor Snape,  
Seconded by Councillor Giles –

That the report be received and noted.

Carried

**19 Councillors' Reports****20 Reports From Council Members**

Councillor Snape addressed the meeting to give details on 12 separate Neighbours Day events he recently attended.

It was then –

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Noon -

**THAT COUNCIL**

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 28 March 2023.
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 12.1 on the Agenda for the meeting of the Council held on 28 March 2023.
3. Notes that reports for Council Members tabled at the meeting of the Council held on 28 March 2023 be included in the Minutes of the meeting.

Councillor Noon addressed the meeting to request inclusion of her attendance at the Business Events Adelaide Board meeting on 22 February 2023 be included in Attachment B.

With the consent of the mover, seconder and the meeting Part 2 of the motion was varied to include the words 'subject to the inclusion of Councillor Noon's attendance at the Business Events Adelaide Board meeting on 22 February 2023' after the date '2023'.

The motion, as varied, was then put and carried

**21 Questions on Notice**

Item 13.1 – Councillor Noon – QoN – The Mansions on Pulteney Planning Consent Information

Item 13.2 – Councillor Noon – QoN – CEO Performance Review Committee Appointment Gender Balance

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

The tabled replies for Items 13.1 – 13.2 are attached for reference at the end of the Minutes of this meeting.

**22 Questions without Notice**

Discussion ensued

**23 Item 14 - Questions without Notice - Councillor Snape - Tindo**

In response to questions from Councillor Snape, the CEO gave an undertaking to provide Council Members with an update on the status of Tindo, Council's electric bus.

**24 Motions on Notice****25 Item 15.1 - Councillor Siebentritt - MoN - Electric Vehicle Charging Infrastructure**

Moved by Councillor Siebentritt,  
Seconded by Councillor Snape -

That Council:

1. Asks administration to prepare a report for Council on an electric vehicle (EV) transition roadmap for consideration as part of the 24 FY Budget.
2. That the report include the following:
  - 2.1. the role of Council compared to other stakeholders with respect to leading, partnering or advocating for increased EV charging infrastructure;
  - 2.2. changes required to planning, infrastructure, investment and engagement approaches to enable increased EV charging infrastructure;
  - 2.3. identifies options for an expanded series of trials of EV charging infrastructure;
  - 2.4. explores establishment of a reference panel to guide a coordinated approach to investment and delivery of increased charging infrastructure; and
  - 2.5. identifies available partnership opportunities with other levels of government.

Discussion ensued, during which with the consent of the mover, seconder and the meeting Part 2.5 of the motion was varied to delete the words 'with other levels of government'.

The motion, as varied, was then put and carried

**26 Item 15.2 - Councillor Hou - MoN - Improving the Use of the Connector Bus In Adelaide**

Moved by Councillor Hou,  
Seconded by Councillor Abrahamzadeh -

That Council:

1. Prepares a report on potential alterations to the current Connector Bus route to better serve the needs of the community, while also improving the cost-effectiveness of the service.

Discussion ensued

Amendment –

Moved by Councillor Elliott,  
Seconded by Councillor Li –

That the motion be amended to read as follows:

'That Council:

1. Request Council Administration to prepare an implementation plan of the recommendations of the November 2020 City Connector Bus Service Engagement Summary Report, including budget implications and present it to the June Infrastructure and Public Works Committee meeting.'

Discussion continued, during which with the consent of the mover, seconder and the meeting, the amendment was varied to change the year '2020' to '2021'.

The amendment, as varied, was then put and carried

The motion, as amended, was then put and carried unanimously

**27 Item 15.3 - Councillor Hou - MoN - Support and Protect International Students Living in Adelaide**

Moved by Councillor Hou,  
Seconded by Councillor Abrahamzadeh –

That Council:

1. Asks Study Adelaide, AEDA and SA University administrators to advise on the support mechanisms they offer international students particularly:
  - 1.1. Support for affordable housing options for international students, including the provision of emergency housing in times of crisis.
  - 1.2. Ensuring international students access to affordable food and transportation options.
  - 1.3. Access to accessible and culturally sensitive mental health support services.
  - 1.4. Programs that assist international students with job placement and professional development.
  - 1.5. Create an awareness campaign that highlights the valuable contributions that international students make to Adelaide's economy, culture, and society.

Discussion ensued

It was then –

Moved by Councillor Siebentritt,  
Seconded by Deputy Lord Mayor, Councillor Martin –

That the motion be amended by the inclusion of an additional Part 1.6 to read as follows:

'1.6. Identify gaps in current service provision.'

Discussion continued

The amendment was then put and carried

The motion, as amended, was then put and lost

Councillor Couros requested that a division be taken on the motion, as amended

#### **Division**

**For (4):**

Councillors Abrahamzadeh, Couros, Elliott and Hou.

**Against (6):**

Deputy Lord Mayor (Councillor Martin) and Councillors Giles, Li, Noon, Siebentritt and Snape.

The division was declared against the motion, as amended

**28 Item 15.4 - Councillor Hou - MoN - Procurement Forum Presentation for City of Adelaide**

Moved by Councillor Hou,  
Seconded by Councillor Abrahamzadeh -

That Council:

1. Advise on the potential to offer Procurement Forum Presentations, conducted in both English and other languages, to provide information on the procurement process, guidelines, and procedures for the multicultural community and businesses interested in working with City of Adelaide.
2. Ensure transparency and fairness throughout the procurement process, with adequate communication to unsuccessful bidders from diverse cultural backgrounds on the reasons why their bid was not successful.
3. Continue to promote openness, transparency, and fairness in all its dealings with ratepayers and the community, including those from diverse cultural backgrounds.

Discussion ensued

The motion was then put and carried

Councillor Abrahamzadeh requested that a division be taken on the motion

**Division**

**For (7):**

Councillors Abrahamzadeh, Couros, Elliott, Hou, Li, Siebentritt and Snape.

**Against (3):**

Deputy Lord Mayor (Councillor Martin) and Councillors Giles and Noon.

The division was declared in favour of the motion

**29 Motions without Notice**

**30 Item 16 - Deputy Lord Mayor, Councillor Martin - Mwn - SA Boer War Memorial**

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Couros -

That Council;

Requests the Administration provide a report to Council Committee on the alterations requested by the deputation to tonight's Council Meeting, including any issues that may arise from acceding to the proposal.

Discussion ensued

The motion was then put and carried

**31 Item 16 - Deputy Lord Mayor, Councillor Martin - Mwn - Protest for the New Location of the Police Barracks**

The following motion, moved by Councillor Giles, lapsed for want of a seconder:

That Council:

1. Consistent with our unanimous opposition to the use of Park 21 as a new location for the police barracks, Council supports the protest organised on April 1st by parklands association, trees for life and conservation SA.

The Lord Mayor suspended meeting procedures at 6.33pm for 5 minutes of informal discussion.

The period of information discussion concluded at 6.57 pm.

It was then -

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Snape -

That Council:

Consistent with our unanimous opposition to the use of Park 21 as a new location for the police barracks, ask the administration to provide such facilities and assistance as are required to ensure the safety of the community during the protest organised on April 1st by Park Lands Association, trees for life and conservation SA.

Discussion ensued

The motion was then put and carried

Councillor Snape requested that a division be taken on the motion

**Division**

**For (6):**

Deputy Lord Mayor (Councillor Martin) and Councillors Elliott, Giles, Li, Noon and Snape.

**Against (4):**

Councillors Abrahamzadeh, Couros, Hou and Siebentritt.

The division was declared in favour of the motion



**Closure**

The meeting closed at 7.03 pm

Clare Mockler,  
Chief Executive Officer

Dr Jane Lomax-Smith  
Lord Mayor

## Councillor Noon - QoN - The Mansions on Pulteney Planning Consent Information

Tuesday, 28 March 2023  
Council

**Council Member**  
Councillor Noon

Public

**Contact Officer:**  
Ilia Houridis - Director City Shaping

## QUESTION ON NOTICE

### Councillor Noon will ask the following Question on Notice:

'In November 2022 the South Australian District Court found an owner broke the law by erecting new walls inside her 82-square-metre apartment in The Mansions on Pulteney.

The work was all completed without approval from the building's strata corporation, however the owner had received planning consent by the City of Adelaide (CoA) in 2019.

The District Court found the owner based in Melbourne broke the law and the court ruling was to return the apartment to its previous state by 30 April 2023.

An additional Development Application for further Prescribed Works in the same apartment by the owner, was lodged late in 2022 whilst the owner was in the District Court for multiple breaches of the Strata Title Act.

I am seeking information in regards to the status of Planning Consent ID 22028669.

There is also a Housing Improvement Order on the same apartment and the owner is not complying with rectification of this Order and hence the Housing Safety Authority approached CoA Council for assistance.

Could you please provide the status of this?'

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## REPLY

1. A Development Application (DA/738/2018) was lodged with the City of Adelaide by the owner of unit 24 in The Mansions on Pulteney on 4 September 2018 to *'undertake internal alterations to existing apartment'* which included the installation of internal walls to create five bedrooms.
2. The City of Adelaide was notified by strata corporation (12753) in May 2019 that modifications to unit 24 had been undertaken without Development Approval. This unauthorised work was undertaken during the assessment of DA/738/2018 and the matter was resolved from a Council compliance perspective once the Development Approval was granted on 10 October 2019.
3. The strata corporation initiated District Court (Court) proceedings against the owner of unit 24 to have the works (as built in DA/738/2018) reversed to its original state as strata consent was not granted.
4. Council's building compliance officer inspected the apartment with the Housing Safety Authority (HSA) on 6 April 2022.
5. After the inspection, the HSA issued an Order on the owner of unit 24 confirming it did not comply with the prescribed minimum housing standards which must be met for residential premises to be considered safe and suitable for human habitation under the *Housing Improvement Act 2016 (SA)*. Specifically, unit 24 does not comply with Regulation 16(1)(a)(i) of the *Housing Improvement Regulations 2017 (SA)* as one of the bedrooms has an area less than 7.5m<sup>2</sup>.

6. A revised unit 24 floor plan was lodged by the owner in August 2022 (DA 22028669) to satisfy the HAS standard/order. This Development Application proposes *'internal alterations to the existing dwelling to relocate the kitchen and bedroom'*. This application was granted planning consent on 4 November 2022 however Building Rules Consent (and full Development Approval) have not yet been granted as the application fees have not been paid.
7. The Court issued an Order for the owner of unit 24 to reinstate the dwelling to the original floor plan in November 2022.
8. The strata corporation has recently lodged DA 23005845 to *'remove internal walls and structures to restore unit 24 to its original state (one-bedroom apartment)'* as per the Court order.
9. This application is currently undergoing planning assessment and includes a formal referral to the State Heritage Unit (SHU). The SHU has indicated support for this proposal. It is anticipated this application will be granted Development Approval once formal referral advice from the SHU has been received.
10. The City of Adelaide recently made a submission to PlanSA in support of the following proposed change to the *Planning and Development and Infrastructure (General) Regulations 2017 (SA)* (the Regulations):  
*'require a person applying for development that involves 'prescribed work' (as defined by the Strata Titles Act 1988 and the Community Titles Act 1996) to provide evidence that the relevant corporation has authorised the works.'*
11. Consultation on this proposed change to the Regulations closed on 24 February 2023 and is now being considered by the State Government.

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 -

# Councillor Noon - QoN - CEO Performance Review Committee Appointment Gender Balance

Tuesday, 28 March 2023  
Council

**Council Member**  
Councillor Noon

Public

**Contact Officer:**  
Jeremy Phillips, Office of the  
Lord Mayor

## QUESTION ON NOTICE

**Councillor Carmel Noon will ask the following Question on Notice:**

'What is the process that is being adopted to appoint external members to the CEO Performance Review Committee and to also ensure gender balance?'

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## REPLY

1. Council adopted the Terms of Reference for the CEO Performance Review Panel (the Panel) on 14 March 2023, and determined it will comprise five members:
  - 1.1 The Lord Mayor
  - 1.2 The Deputy Lord Mayor
  - 1.3 Council Member
  - 1.4 Two Independent Members
    - 1.4.1 one of whom will have substantial appropriate qualifications and experience in human resources management
    - 1.4.2 one of whom will have substantial local government experience.
2. Council's resolution also appointed Cr Abrahamzadeh as the Council Member representative and delegated to the Panel the responsibility for appointing the two independent members.
3. The Panel will appoint independent members in agreement with the CEO.
4. Notwithstanding that parity is not possible with a panel comprising five members, the Lord Mayor has agreement from the CEO that achieving gender balance is a consideration in the selection of independent members.
5. The proposed membership for the Panel is 2 women and 3 men.
6. While the *Local Government Act* 1999 (SA) does not mandate gender balance for Council Boards and Committees, the City of Adelaide achieves gender balance (or close to it) in most cases without this mandate. The current membership for example:
  - 6.1. Kadaltilla / Park Lands Authority – currently 5 women, 5 men.
  - 6.2. Reconciliation Committee – 4 women, 4 men
  - 6.3. Adelaide Economic Development Agency Board – 5 men, 4 women

- 6.4. Adelaide Central Market Authority Board – 4 men, 3 women
- 6.5. Audit and Risk Committee – 4 men, 2 women
- 7. Additionally, three of the four core Council Committees are chaired by women.

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 -