



COUNCIL MINUTES

for the meeting

Tuesday, 11 April 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, 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 Kurna 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 Kurna 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.

5 Apologies and Leave of Absence

Nil

6 Item 6 - Confirmation of Minutes - 28/3/2023

Moved by Councillor Elliott,
Seconded by Councillor Snape -

That the Minutes of the meeting of the Council held on 28 March 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried

7 Deputations

Nil

8 Petitions

9 Item 8.1 - Petition - Park 21 Building Project

Moved by Councillor Noon,
Seconded by Councillor Siebentritt -

THAT COUNCIL

1. Receives the petition containing 652 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 11 April 2023.

Carried

10 Reports from Kadaltilla / Park Lands Authority and Committees**11 Item 9.1 - Advice of Kadaltilla / Park Lands Authority - 30 March 2023**

Moved by Councillor Giles,
Seconded by Councillor Snape -

THAT COUNCIL

1. Notes that Kadatilla met on 30 March 2023.
2. Notes that advice provided by Kadtailla will be incorporated into the report as an item comes to Council (via Committee) for decision.

Carried unanimously

12 Recommendations of the City Community Services and Culture Committee - 4 April 2023

Moved by Councillor Giles,
Seconded by Councillor Davis -

13 Item 9.2 - Recommendation 1 - Harvest Rock ConsultationTHAT COUNCIL:

1. Notes the closure of Bartels Road for Harvest Rock 2023 is currently proposed for an 8 day period in October 2023.
2. Notes consultation will commence subject to receipt of road closure dates and site plans from the Event organisers.
3. Notes a formal 21-day public consultation will be undertaken, including targeted consultation with key stakeholders, as required under section 223 of the Local Government Act 1999 (SA).
4. Notes that the Chief Executive Officer has delegation to consent to the road closure under Section 33 of the Road Traffic Act, notes this will not be exercised, and a report will come back to Council.
5. Request a report from administration, including further information from the event organisers surrounding their bump in plan, site plan and an explanation of the safety issues encountered in 2022.
6. Request further details from administration detailing the cost of the traffic congestion and the economic impact on city businesses and residents in the City.
7. Asks administration to work with Harvest Rock, in order to limit the restriction of traffic in the eastern suburbs for future events, which includes exploration and consideration of alternative sites for the festival in 2024 and beyond.

14 Item 9.2 - Recommendation 2 - South Australian Motor Sport Board VALO Adelaide 500 Event ConsultationTHAT COUNCIL:

1. Notes the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the Adelaide 500 event.
2. Authorises the Lord Mayor to write to the Chief Executive Officer of the South Australian Motor Sport Board on behalf of Council with its feedback to the consultation and provides the following feedback and advice:
 - 2.1. Council notes and supports the reduced total Prescribed Works period.
 - 2.2. Requests a continued focus on the post event 'make good' and rehabilitation of the Park Lands.
 - 2.3. Seeks continued effort of the South Australian Motor Sport Board to reduce the timeframe and footprint required for hosting this event in the future.

- 2.4. Requests that the State Government works with City of Adelaide to support the visitor economy during the event Thursday 23 November to Sunday 26 November 2023 by:
 - 2.4.1. Promoting visitation to the city, with particular focus on Black Friday, 24 November 2023.
 - 2.4.2. Considers improvements to public transport into and out of the City during this time.
3. Notes the advice of Kadaltilla at its meeting of 30 March 2023 and that Kadaltilla will be providing a submission to the consultation.

Discussion ensued, during which with the consent of the mover, seconder and the meeting, Recommendation 2 of the motion was varied to include an additional part 4 to read as follows:

- '4. Encourage the development of a sustainability strategy by 2025 to reduce the carbon emissions for the Adelaide 500 event.'

Recommendation 1 of the motion was then put and carried

Recommendation 2, Parts 1 to 3 were then put and carried unanimously

Recommendation 2, Part 4 was then put and carried

Councillor Couros requested that a division be taken on Recommendation 2 Part 4 of the motion

Division

For (9):

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

Against (2):

Councillors Couros and Hou.

The division was declared in favour of Recommendation 2, Part 4 of the motion

15 Recommendations of the City Planning, Development and Business Affairs Committee - 4 April 2023

Moved by Councillor Noon,
Seconded by Councillor Davis -

16 Item 9.3 - Recommendation 1 - Development Corridors adjoining the Adelaide Park Lands: Thebarton Brewery Code Amendment

THAT COUNCIL

1. Authorises the Chief Executive Officer to write to the State Government seeking collaboration on opportunities to improve pedestrian and cyclist connections along the balance of the Port Road / Park Lands interface and to seek a formal instrument to secure the creation of the active transport linkage to the western Park Lands proposed within the Thebarton Brewery Precinct Code Amendment.
2. Approves the submission on the Thebarton Brewery Precinct, 107 Port Road Thebarton Code Amendment at Attachment A to Item 6.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 April 2023.
3. Authorises the Chief Executive Officer to amend, finalise and forward Attachment A – Submission on the Thebarton Brewery Precinct 107 Port Road Thebarton Code Amendment, to Item 6.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 April 2023, to the Code Amendment consultation process by 14 April 2023.

17 Item 9.3 - Recommendation 2 - Draft Community Land Management Plan - Amendments Prior to Consultation

THAT COUNCIL

1. Approves the consolidated draft Community Land Management Plan for the Adelaide Park Lands under the care, control and management of the City of Adelaide presented as per Attachment A to Item 6.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 April 2023, for the purposes of undertaking statutory consultation.

With consent of the mover, seconder and the meeting, the Lord Mayor advised that the recommendations would be voted upon separately.

Recommendation 1 was then put and carried

Recommendation 2 was then put and carried unanimously

18 Reports for Council (Chief Executive Officer's Reports)

19 Item 10.1 - Council representatives on ACMA Board Selection Panel

Discussion ensued

It was then –

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

THAT COUNCIL:

1. Appoints two Council Members to be a part of the Adelaide Central Market Authority Board Member selection panel for the 2022-2026 Council term.

Carried

The Lord Mayor then called for nominations for the Adelaide Central Market Authority Board Member selection panel for the 2022-2026 Council term.

Councillor Abrahamzadeh nominated Councillor Couros, who accepted the nomination.

Councillor Snape nominated Deputy Lord Mayor, Councillor Martin and Councillor Elliott, who accepted the nomination.

Councillor Li nominated Councillor Noon, who declined the nomination.

There being 3 nominations for 2 positions, a ballot was conducted resulting in Deputy Lord Mayor, Councillor Martin and Councillor Elliott being selected for appointment.

It was then –

Moved by Councillor Snape,
Seconded by Councillor Giles –

THAT COUNCIL:

2. Appoints Deputy Lord Mayor, Councillor Martin and Councillor Elliott to be a part of the Adelaide Central Market Authority Board Member Chair and Board Member selection panels for the 2022-2026 Council term.

Carried

20 Item 10.1 - CEO Undertaking - Council representative on ACMA Board Selection Panel

In response to queries, the CEO gave an undertaking to provide Council Members with information on changes to the number of Council representatives on the panel dropping from 3 to 2 and there being no limit to the number of terms members can serve on the panel.

21 Item 10.2 - Council representatives on AEDA Board Selection Panel

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

That the matter be deferred until the end of the review of AEDA.

Discussion ensued, during which with the consent of the mover, seconder and the meeting the motion was varied to read as follows:

‘That the matter be deferred until the next meeting of Council.’

The motion, as varied, was then put and carried

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

Division**For (7):**

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

Against (4):

Councillors Abrahamzadeh, Couros, Hou and Noon.

The division was declared in favour of the motion,
as varied

22 Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following:

- Council of Capital City Lord Mayors - Canberra
- Informal lunch with neighbouring Council Mayors – Burnside, Unley, Charles Sturt, Walkerville and Prospect
- Visit to St Anne's College, talk with University students
- Adelaide Park Lands Art Prize opening
- Piccadilly Cinema mural

It was then –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Giles –

That the report be received and noted.

Carried

23 Councillors' Reports

Nil

24 Questions on Notice

Nil

25 Questions without Notice

Nil

26 Motions on Notice**27 Item 15.1 - Councillor Snape - MoN - LGBTIQA+ Conversion Therapy Ban**

Moved by Councillor Snape,
Seconded by Councillor Elliott –

That the Lord Mayor Dr Jane Lomax-Smith write to the Premier Peter Malinauskas, Attorney-General Kyam Maher and Minister Nat Cook urging the government to progress a ban on LGBTIQA+ conversion therapy practices in South Australia.

Discussion ensued

The motion was then put and carried unanimously

28 Motions without Notice

Nil

29 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 18 of the Agenda.

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Davis –

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b), (d) & (h) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11 April 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1 [Confidential Recommendations of the City Planning, Development and Business Affairs Committee] 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 as it 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 with 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 with respect to its commercial dealings with the land as well as prejudice the commercial position of parties who have supplied intellectual property and commercial in confidence information.

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with 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.

Council has also sought legal opinion on the matter and the advice provided requested that the matter should be considered in confidence due potential litigation associated with Council's decision in respect of the matter.

Public Interest

The 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 in this report, including certain financial information and further direction, may prejudice Council's future commercial dealings regarding its strategic land holding. In addition, information within this report contains the intellectual property and commercial in confidence information of parties who have supplied information which if released could negatively impact Council. On this basis, the disclosure of such information may severely prejudice the City of Adelaide's ability to influence the proposal for the benefit of the City of Adelaide and community in this matter.

The 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 within this update pertains to non-binding commercial negotiations for the Council. The release of such information may severely prejudice the Council's ability to influence a 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 11 April 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 18.1 [Confidential Recommendations of the City Planning, Development and Business Affairs Committee] 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) & (h) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Item 18.1 left the Council Chamber at 6.11 pm.

- 30 Confidential Reports from Committees**
- 31 Confidential Recommendations of the City Planning, Development and Business Affairs Committee**
- 32 Confidential Item 18.1 - Recommendation 1 - Former Bus Station Site - Expression of Interest Process**
- 33 Confidential Item 18.1 - Recommendation 2 - Commercial Offer - Telecommunications Smart Hub**

34 The meeting re-opened to the public at 6.37 pm.**Confidentiality Orders****Minute 32 – Item 18.1 – Confidential Recommendations of the City Planning, Development and Business Affairs Committee****Recommendation 1 - Former Bus Station Site - Expression of Interest Process**

Authorises that, in accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 18.1 [Recommendation 1 - Former Bus Station Site - Expression of Interest Process] listed on the Agenda for the meeting of the Council held on 11 April 2023 was received, discussed and considered in confidence pursuant to Section 90 (3) (b) & (d) of the Local Government Act 1999 (SA), the meeting of the Council 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 2024.
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.

Minute 33 – Item 18.1 – Confidential Recommendations of the City Planning, Development and Business Affairs Committee**Recommendation 2 – Commercial Offer – Telecommunications Smart Hub**

In accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 18.1 [Recommendation 2 - Commercial Offer – Telecommunications Smart Hub] listed on the Agenda for the meeting of the Council held on 11 April 2023 was received, discussed and considered in confidence (pursuant to Section 90(3) (b) & (h) of the Local Government Act 1999 (SA)), this meeting of the Council do order that:

1. other than as necessary to comply with Section 188 of the Local Government Act 1999 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 2024.
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.

Closure

The meeting closed at 6.37 pm

Clare Mockler,
Chief Executive Officer

Dr Jane Lomax-Smith
Lord Mayor