



COUNCIL MINUTES

for the meeting

Tuesday, 13 June 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, Davis, 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, the Lord Mayor stated:

‘A moment of contemplation of the gravity and implications of our decision making. I invite members to read the prayer as printed or reflect in a manner appropriate to their beliefs on these issues.’

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

Apologies:

Councillors Couros and Elliott.

6 Item 6 - Confirmation of Minutes - 23 May 2023

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Snape -

That the Minutes of the meeting of the Council held on 23 May 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

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

8 Item 7.1 - 2023/24 Draft Business Plan and Budget Public Hearing

The Lord Mayor introduced the Item.

Mr Andrew Zobel addressed the Council:

- On behalf of the Adelaide Community Sports and Recreation Association, to request the budget allocation of \$5m to assist with the redevelopment of Park 21W and its facilities, be reinstated.

The Lord Mayor thanked Mr Zobel for his presentation.

Mr Elbert Brooks addressed the Council:

- As a ratepayer and resident, to speak about the absence of linkages between the priorities and the operational aspects and quantified expenditure within the draft budget.
- Regarding the omission of risk identification regarding development and planning.
- Regarding the lack of linkage between the functional outcomes of the budget and the two statutory authorities – the Adelaide Central Market Authority and the Adelaide Economic Development Agency.
- About the absence of localisation and expression of effect, and local impact in relation to the expenditure proposals.

The Lord Mayor thanked Mr Brooks for his presentation.

Mr Mark Borgas addressed the Council:

- As President of the Adelaide Community Sports and Recreation Association, to give background to the clubroom building replacement project in Park 21W, detail the importance of the project and to request support to assist with the redevelopment of Park 21W and its facilities, by reinstating the budget allocation into the 23/24 Budget.

The Lord Mayor thanked Mr Borgas for his presentation.

9 Deputations

10 Deputation - Ms Jessica Ducrou - Harvest Rock 2023

The Lord Mayor advised the meeting that Ms Jessica Ducrou had withdrawn her request to speak.

11 Item 8.2 - Deputation - Dr Anthony Stimson - South African (Boer) War Memorial

Dr Anthony Stimson, addressed the Council:

- To speak against the addition of the name of Harry 'Breaker' Morant to the South African 'Boer' War Memorial.

The Lord Mayor thanked Dr Stimson for his deputation.

12 Item 8.3 - Deputation - Mr James Unkles - South African (Boer) War Memorial

Mr James Unkles, addressed the Council:

- To speak in support of the addition of the name of Harry 'Breaker' Morant to the South African 'Boer' War Memorial.

The Lord Mayor thanked Mr Unkles for his deputation.

13 Item 9 - Petitions

The Lord Mayor advised that a petition had been received, after the publication of the agenda, requesting funding be included in the 2023/24 budget for new lighting infrastructure at Park 27b. The petition will be presented to the next meeting of Council.

14 Reports from Committees and Kadaltilla / Park Lands Authority

15 Item 10.1 - Recommendations of the City Planning, Development and Business Affairs Committee - 6 June 2023

Moved by Councillor Snape,
Seconded by Councillor Noon -

1. Recommendation 1 – Item 5.1 South African (Boer) War MemorialTHAT COUNCIL:

1. Endorses advising Ms Morant (or any other person requesting alterations to the Memorial) to lodge a Development Application under the Planning, Development and Infrastructure Act 2016 (PDI Act) for the proposed works to South African (Boer) War Memorial.
2. Notes that Administration will provide reasonable levels of assistance, guidance, and customer service to the Ms Morant or other applicant, if they decide to lodge a Development Application.
3. Notes that if the relevant authority (as determined through PDI Act) approves works to the Memorial as part of a Development Application, Council would then reserve the right to potentially refuse implementation of the works.
4. Notes that the Memorials Operating Guidelines will be reviewed and updated in 2023.

Discussion ensued

The motion was then put and carried

16 Item 10.2 - Advice of Kadaltilla / Adelaide Park Lands Authority - 25 May 2023

Discussion ensued

It was then –

Moved by Councillor Davis,
Seconded by Councillor Giles -

THAT COUNCIL:

1. Notes that Kadaltilla met on 25 May 2023 and seeks advice on future modification of the advice to Council on its reporting.

Discussion continued

The motion was then put and carried

17 Item 10.3 - Recommendation of the CEO Performance Review Panel - 5 June 2023

With leave of the meeting, the Lord Mayor advised that Item 10.3 – Recommendation of the CEO Performance Review Panel – 5 June 2023, would be considered before the Confidential Items in the agenda to allow the Chief Executive Officer to leave the meeting for the two items concerning her and about which she had a conflict of interest.

18 Recommendations of the City Community Services and Culture Committee - 6 June 2023**19 Item 10.4 - Recommendation 1 - Proposed Road Closure for Harvest Rock 2023**

Moved by Councillor Snape,
Seconded by Councillor Noon -

THAT COUNCIL:

1. Receives the outcomes of public consultation 'Harvest Rock 2023 – Temporary Closure of Bartels Road' as per Attachment A to Item 4.1 on the Agenda for the meeting of the City Community Services and Culture Committee meeting held on 6 June 2023.
2. Notes the lack of residential feedback and asks for a report on how future community consultation could occur which is more targeted ensuring feedback from both residents and traders.
3. Approves the application from Harvest Rock Pty Ltd to close a portion of Bartels Road from Dequetteville Terrace to East Terrace as per section 33(1) of the Road Traffic Act (1961) from 7:01pm on Tuesday 24 October 2023 to 11:59pm on Monday 30 October 2023 for Harvest Rock 2023.
4. That this is the last year that Bartels Road is closed for Harvest Rock and asks Administration to work with event organisers to ensure that if this area is used in the future for this event that this is achieved without the closure of Bartels Road, or alternatively assists in sourcing another suitable site in the City of Adelaide area for any future Harvest Rock event.

Discussion ensued, during which:

- With the consent of the mover, seconder and the meeting, Part 4 of the motion was varied to be separated into two parts to read as follows:
 - ‘4. Resolves that this is the last year that Bartels Road is closed for Harvest Rock.
 5. Requests Administration to work with event organisers to ensure that if this area is used in the future for this event that this is achieved without the closure of Bartels Road, or alternatively assists in sourcing another suitable site in the City of Adelaide area for any future Harvest Rock event.’
- With the consent of the mover and seconder, the Lord Mayor advised that the motion would be taken in parts.

Amendment –

Moved by Councillor Li,
Seconded by Councillor Giles -

‘That part 5 of the motion be amended to read as follows:

5. Requests Administration explore whether it is feasible for the event to be achieved without the closure of Bartels Road or alternatively assists in sourcing another suitable site in the City of Adelaide area for any future Harvest Rock event.’

Discussion ensued

The amendment was then put and carried

Discussion continued

Parts 1, 2 and 3 of the motion were then put and carried unanimously

Part 4 of the motion was then put and lost

Councillor Davis requested that a division be taken on Part 4 of the motion

For (2):

Councillors Giles and Snape.

Against (7):

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

The division was declared against Part 4 of the motion

Part 5 of the motion was then put and carried

20 Item 7.1 - 2023/24 Draft Business Plan and Budget Public Hearing

The Lord Mayor asked if there were any more people wishing to be heard. There were none.

It was then –

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

THAT COUNCIL:

1. Notes the 13 written submissions, Attachment A to Item 7.1 on the Agenda for the meeting of the Council held on 13 June 2023, in relation to the Draft 2023/24 Business Plan and Budget and any others tabled at the meeting.
2. Notes the summary of the 178 survey responses in relation to the Draft 2023/24 Business Plan and Budget and any others tabled at the meeting, Attachment B, to Item 7.1 on the Agenda for the meeting of the Council held on 13 June 2023.
3. Acknowledges those appearing before Council making a submission or representation / deputation and thank them for their interest in the City of Adelaide Draft 2023/24 Business Plan and Budget.

Carried unanimously

21 Item 10.4 - Recommendation 2 - Discussion Paper Homelessness Policy

Discussion ensued

It was then –

Moved by Councillor Giles,
Seconded by Councillor Davis -

THAT COUNCIL:

Defers the matter to allow sufficient time for Council Members to review the changes.

Carried

22 Item 10.4 - Recommendation 3 - Bilingual (Chinese-Mandarin) Community Liaison Officer - Trial Outcomes

Moved by Councillor Hou,
Seconded by Councillor Li -

THAT COUNCIL

1. Notes the outcomes of the 6-month trial of the Bilingual (Chinese-Mandarin) Community Liaison Officer.
2. Approves the continuation of the Bilingual Community Liaison Officer at 1.0 FTE to 30 June 2024, to continue developing the service to provide value to the community.

Carried unanimously

23 Item 10.4 - Recommendation 4 - Adelaide's New Year's Eve 2023

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

THAT COUNCIL:

1. Approves the event model for returning the City of Adelaide's NYE event to Elder Park / Tarntanya Wama in 2023, with a \$550,000 budget to be endorsed through the 2023/24 Annual Business Plan and Budget.
2. Request AEDA to submit to Council the grant funding framework and assessment criteria for the NYE activities within a budget of no more than \$100,000.

Carried

24 Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following:

- AEDA Business Summit, Adelaide Oval
- 2023 National Reconciliation Week Breakfast Commemorating National Sorry Day as part of the Lowitja O'Donoghue Oration delivered by the Prime Minister
- Confirmed dates with Darren Agius, the South Australian Commissioner for the First Nations Voice, to speak at a meeting with Adelaide and other metropolitan Councils on 21/6, in compliance with the Council decision to support the yes vote in the voice
- Meeting with Minister Szakacs & Commissioner Stevens, related to security and safety in the City
- Meeting with new Police Superintendent, Scott Denny on city safety
- Market Square Development was launched
- Met with Cabinet Ministers and discussed water use in the Park lands with the Deputy Premier
- 40 under 40 Gala Event at Adelaide Oval

It was then –

Moved by Councillor Davis,

Seconded by Councillor Siebentritt –

That the report be received and noted.

Discussion ensued

It was then put and carried

25 Councillors' Reports

Councillor Noon addressed the meeting to congratulate Councillor Snape on receiving the Pride Champion of SA Award.

It was then -

Moved by Councillor Davis,
Seconded by Councillor Abrahamzadeh –

That the report be received and noted.

Carried

26 Questions on Notice

Nil

27 Questions without Notice

Nil

28 Motions on Notice

29 Item 15.1 - Councillor Siebentritt - MoN - Sustainability Incentives Scheme Review

Moved by Councillor Siebentritt,
Seconded by Councillor Snape -

That Council direct Administration to prepare a report reviewing the Sustainability Incentives Scheme to assess its effectiveness in reducing community greenhouse gas emissions and identify opportunities for more targeted future investment.

Discussion ensued

The motion was then put and carried unanimously

30 Item 15.2 - Deputy Lord Mayor (Councillor Martin) - MoN - Private Lanes, Places and Streets

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

Asks the Administration to develop a policy and associated criteria for the acquisition of privately owned lanes (sometimes designated places and streets) in the City of Adelaide where the owner is deceased and no living relative can be located with a view to the City acquiring such real estate for the purpose of public use that ensures existing access to other properties, for the creation of community gardens for local residents and requests;

1. A number of lanes be identified for the purpose of piloting the creation of a community garden
2. That the policy, criteria, proposed lanes and budget allocation are presented to Council for consideration in preparation for the 2024/25 Business Plan and Budget.

Discussion ensued, during which Councillor Davis left the Council Chamber at 7.21 pm and re-entered at 7.23 pm.

The motion was then put and carried

Councillor Abrahamzadeh requested that a division be taken on the motion

Division**For (7):**

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

Against (2):

Councillors Abrahamzadeh and Snape.

The division was declared in favour of the motion

31 Motions without Notice**32 Item 16 - Deputy Lord Mayor, Councillor Martin - MwN - Vote of Thanks**

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

That Council:

1. Formally thanks the Government of South Australia and the Premier, Peter Malinauskas, for understanding the desire of South Australians to protect their Park Lands by identifying suitable alternative sites for the SAPOL Mounted Operations and other units on non Park Lands sites and requests the Lord Mayor write to the Premier to;
 - 1.1. Advise Mr Malinauskas and his Cabinet of this resolution, and to
 - 1.2. Assure the State Government of the City of Adelaide's commitment to continue to work collaboratively in the interests of our Park Lands, including expediting the application for their World Heritage listing.

Discussion ensued

The motion was then put and carried unanimously

Clare Mockler, Chief Executive Officer, City of Adelaide left the Council Chamber at 7.34 pm.

33 Item 10.3 - Recommendation of the CEO Performance Review Panel - 5 June 2023

Discussion ensued

It was then –

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

1. Recommendation 1 – Item 7.1 - 2022/23 CEO Performance Review AssessmentTHAT COUNCIL:

1. Approves the adjustment of the CEO's performance review period to reflect the nine months from 1 October 2022 - 30 June 2023 based on an assessment of the Key Result Areas (KRAs) outlined in the CEO position description as follows:
 - 1.1. Leadership and Strategic Plan Delivery
 - 1.2. Financial and Risk Management
 - 1.3. Operational and Project Delivery
 - 1.4. Organisational Health (including Innovation and Service Improvement)
 - 1.5. Stakeholder Management
 - 1.6. Lord Mayor and Councillors
2. Notes that the CEO will present a self-assessment report to the meeting of the CEO Performance Review Panel, scheduled for 23 August 2023.
3. The CEO Performance review for the nine months from 1 October 2022 – 30 June 2023 will be informed by a 360-degree review survey to be conducted by Hender Consulting.

Discussion ensued

The motion was then put and carried

34 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.

35 Item 17 - Exclusion of the Public for Item 18.1

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Davis -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 13 June 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 Recommendation of the CEO Performance Review Panel – 5 June 2023] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

Receipt and discussion of this report and attachments associated with this Item is required in confidence to protect the personal affairs of the Chief Executive Officer.

The CEO Performance Review 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 would involve unreasonable disclosure of information concerning the personal affairs of any person.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 13 June 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 Recommendation of the CEO Performance Review Panel – 5 June 2023] 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) (a) of the Act.

Carried unanimously

36 Item 17 - Exclusion of the Public for Item 18.2

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

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 13 June 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 6 June 2023] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably expect to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council. This Item provides commercially sensitive information concerning possible negotiation positions and financial negotiation ranges.

The disclosure of information in this report could reasonably prejudice the position of Council as it includes specialist information provided to Council on a confidential basis.

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 may result in release of information prior to the commencement and finalisation of a 'commercial in confidence' negotiation process with the vendor.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council

Meeting Minutes, Tuesday, 13 June 2023, at 5.32 pm

dated 13 June 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 18.2 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 6 June 2023] 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.

Carried

Members of the public and all Corporation staff present (excluding Michael Sedgman, Chief Operating Officer, City of Adelaide and Mrs Kylie Miller, Council Governance Advisor, City of Adelaide), left the Council Chamber at 7.37 pm.

- 37 Confidential Reports from Committees and Kadaltilla / Park Lands Authority**
- 38 Item 18.1 - Confidential Recommendation of the CEO Performance Review Panel - 5 June 2023**
- 39 Item 18.2 - Confidential Recommendation of the City Planning, Development and Business Affairs Committee - 6 June 2023**

40 Confidentiality Orders

The meeting re-opened to the public at 7.52 pm.

Minute 38 - Item 18.1 – Confidential Recommendation of the CEO Performance Review Panel - 5 June 2023

In accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 18.1 [Confidential Recommendation of the CEO Performance Review Panel – 5 June 2023] listed on the Agenda for the meeting of the Council held on 13 June 2023 was received, discussed and considered in confidence pursuant to Section 90 (3) (a) of the Local Government Act 1999 (SA), this meeting of the Council, do order that:

1. The discussion held in confidence in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
2. The confidentiality of the matter be reviewed in December 2024.
3. The Chief Operating 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 received.

Minute 39 - Item 18.2 – Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 6 June 2023

In accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 18.2 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 6 June 2023] listed on the Agenda for the meeting of the Council held on 13 June 2023 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the Local Government Act 1999 (SA), this 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.

Closure

The meeting closed at 7.53 pm

Dr Jane Lomax-Smith
Lord Mayor

Date of confirmation: