



CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday, 7 February 2023

at 6.30 pm

in the Colonel Light Room, Adelaide Town Hall

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

1. Acknowledgement of Country

At the opening of the City Planning, Development and Business Affairs Committee meeting, the Chair will state:

‘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. Apologies and Leave of Absence

On Leave -

Deputy Lord Mayor, Councillor Martin

3. Confirmation of Minutes - Nil

4. Reports for Noting

4.1 City Planning, Development and Business Affairs Committee Workplan 3 - 6

5. Reports for Recommendation to Council

5.1 City Planning, Development and Business Affairs Committee Terms of Reference 7 - 12

6. Exclusion of the Public

13 - 15

In accordance with sections 90(2), (3) and (7) of the *Local Government Act 1999 (SA)* the City Planning, Development and Business Affairs will consider whether to discuss in confidence the reports contained within section 7 of this Agenda.

7. Confidential Reports for Recommendation to Council

7.1 Unnamed public road off Tom's Court [s 90(3) ((h))] 16 - 30

8. Closure

City Planning, Development and Business Affairs Committee Work Plan

Strategic Alignment - Enabling Priorities

Public

Tuesday, 7 February 2023
City Planning, Development and Business Affairs Committee

Program Contact:
Alana Martin, Manager
Governance

Approving Officer:
Tom McCready, City Services

EXECUTIVE SUMMARY

Council considered its Governance Structure at its meeting of 17 January 2023. As part of this decision the City Planning, Development and Business Affairs Committee was established

A work plan has been developed to address the committee's purpose and function (as outlined in the City Planning, Development and Business Affairs Committee's Terms of Reference).

This report presents the City Planning, Development and Business Affairs work plan for the 2023 calendar year.

RECOMMENDATION

The following recommendation will be presented to Council on 14 February 2023 for noting.

That Council

1. Notes the City Planning, Development and Business Affairs Committee Workplan contained in Attachment A to Item 4.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 7 February 2023.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities The role of the City of Adelaide is to uphold the values of integrity and accountability. To ensure that the Council delivers services to the community as a leader, advocate, and facilitator by maintaining a transparent decision-making process
Policy	The Work Plan in Attachment, A of this report, is consistent with the Terms of Reference as adopted by Council on 17 January 2023
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Open, transparent and informed decision making
22/23 Budget Allocation	Not as a result of this report
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 (e.g. maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Council established the City Planning, Development and Business Affairs Committee at the meeting on 17 January 2023 ([Link 1](#)).
2. The Terms of Reference of the City Planning, Development and Business Affairs Committee ([Link 2](#)) include the following:
 - 2.1. *To provide advice to the Council in relation to strategic, planning and development policy issues.*
 - 2.2. *To review and, if necessary, guide the development of a city-wide economic development strategy and a local heritage strategy and policy.*
 - 2.3. *To guide and oversee the implementation of major projects within the City.*
 - 2.4. *To review and consider specific changes to the Development Plan as identified in Council's Plans and/or as initiated by State Government.*
 - 2.5. *To advise Council in formulating and delivering appropriate strategies in relation to its strategic property holdings.*
 - 2.6. *To review as required, relevant legislation affecting Local Government and recommending appropriate course(s) of action.*
3. As result of the establishment of the committee, the administration has reviewed Council's forward agenda plan and identified reports to be presented to the Committee before going to Council.
4. This work has resulted in the development of the City Planning, Development and Business Affairs work plan (**Attachment A**).
5. It is noted that the work plan is flexible and provides the opportunity for additional reports to be presented to the Committee.
6. There will also be times where decisions are time sensitive and will need to be presented directly to Council.
7. The work plan will be reviewed in July 2023 in conjunction with the review of the Governance Structure.

DATA AND SUPPORTING INFORMATION

Link 1 – Council Report 17 January 2023 Item 4.1 Governance Structure

Link 2 – Terms of Reference City Planning, Development and Business Affairs Committee

ATTACHMENTS

Attachment A – City Planning, Development and Business Affairs and Committee Work Plan

- END OF REPORT -

CITY CULTURE - UPCOMING REPORT SCHEDULE

As at 02/02/23

MEETING NAME	MEETING DATE	TITLE	PORTFOLIO	FORMAT
CPD&BAC	Tue 07 Feb	Terms of Reference	Governance	Report
CPD&BAC	Tue 07 Feb	Committee Workplan	Governance	Report
CPD&BAC	Tue 07 Feb	CONF Tom's Court	City Services	Report
CPD&BAC	Tues 07 Feb	2022/23 Permit Fees for Retail and Hospitality Businesses	City Shaping	Report
CPD&BAC	Tue 07 Mar	Residential Renter Report	City Shaping	Report
CPD&BAC	Tue 07 Mar	City Plan	City Shaping	Briefing
CPD&BAC	Tue 04 Apr	Main Street Revitalisation	City Services	Briefing and Report
CPD&BAC	Tue 04 Apr	Development Assessment Annual Report / Council Assessment Panel (CAP) Annual Update	City Shaping	Report
CPD&BAC	Tue 04 Apr	Micro Mobility Discussion Paper and Draft Policy	City Services	Report
CPD&BAC	Tue 02 May	Relationship between business activity and carparking	City Shaping	Report
CPD&BAC	TBD	nWCH	City Shaping	TBD
CPD&BAC	TBD	Helen Mayo Park	City Shaping	TBD
CPD&BAC	TBD	APLMS & CLMP	City Shaping	TBD
CPD&BAC	TBD	World Heritage Bid	City Shaping	TBD
CPD&BAC	TBD	City Plan	City Shaping	TBD
CPD&BAC	TBD	Adelaide Aquatic Centre	City Shaping	TBD
CPD&BAC	TBD	Former Bus Station site EOI outcome	City Services	Report
CPD&BAC	TBD	Central Market Arcade Redevelopment	City Services	Briefing
CPD&BAC	TBD	Private road adjacent Eliza Street	City Services	Report

Attachment A

City Planning, Development and Business Affairs Committee Terms of Reference

Strategic Alignment - Enabling Priorities

Public

Tuesday, 7 February 2023
City Planning, Development and Business Affairs Committee

Program Contact:
Alana Martin, Manager
Governance

Approving Officer:
Tom McCready, Director City Services

EXECUTIVE SUMMARY

Council considered its Governance Structure at its meeting on 17 January 2023. The City Planning, Development and Business Affairs Committee (and the Terms of Reference) was established as part of this decision.

The City Planning, Development and Business Affairs Committee's Terms of Reference presented at that meeting have been updated to reflect the Council resolution. Additional refinements have been made and the Terms of Reference are now presented to Committee for consideration and recommendation to Council.

The Terms of Reference are due to be reviewed again as part of the Governance Structure Review in July 2023.

RECOMMENDATION

The following recommendation will be presented to Council on 14 February 2023 for decision.

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

That Council

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

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities The role of the City of Adelaide is to uphold the values of integrity and accountability. To ensure that the Council delivers services to the community as a leader, advocate, and facilitator by maintaining a transparent decision-making process.
Policy	City of Adelaide Standing Orders
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
22/23 Budget Allocation	Not as a result of this report
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

1. Council established the City Planning, Development and Business Affairs Committee at the meeting on 17 January 2023 (Link 1 view [here](#)).
2. As part of this decision Council adopted the City Planning, Development and Business Affairs Committee Terms of Reference (**Attachment A**).
3. Terms of Reference were also provided at that meeting and the following changes have been made to the Terms of Reference to reflect Council's resolution of 17 January 2023 (see [link 2](#)) :
 - 3.1. Under Part Two Purpose, to delete the following:
 - 3.1.1. To monitor and report on the performance of Council owned subsidiaries, against their respective charters with which they have been established
 - 3.1.2. To assist the Council in undertaking strategic planning and monitoring.
 - 3.2. That the Lord Mayor and all Councillors are all committee members
 - 3.3. City Planning, Development and Business Affairs Committee the first Tuesday of the month (except January and December) not later than 7.00pm
 - 3.4. Minor typographical errors corrected.
4. The Terms of Reference were further refined as follows:
 - 4.1. Part 2.1, to delete "To provide advice to the Council in relation to strategic, planning and development policy issues" and replace with "To provide advice to the Council in relation to the strategic development of Councils planning and development policy issues."
 - 4.2. New Part 2.7 - To provide advice to the Council relating to the development, endorsement, and implementation of the City Plan.
 - 4.3. Addition to Part 3.1 - The City Planning, Development and Business Affairs Committee can provide advice to other Council Committees where necessary.
5. The Terms of Reference are provided to the Committee for general discussion by members.
6. It is noted that the Standing Order review will include specific information concerning committees' meeting procedures. These procedures will be presented at the March 2023 City Planning, Development and Business Affairs Committee for recommendation to Council.
7. The Terms of Reference are due to be reviewed again as part of the Governance Structure Review in July 2023.

DATA AND SUPPORTING INFORMATION

Link 1 - Council Report 17 January 2023 Item 4.1 Governance Structure

Link 2 - Council Minutes 17 January 2023

ATTACHMENTS

Attachment A – Terms of Reference City Planning, Development and Business Affairs Committee

- END OF REPORT -

City of Adelaide
City Planning, Development and Business Affairs Committee
Terms of Reference
As Adopted 17 January 2023

1. Preamble

- 1.1 The City Planning, Development and Business Affairs Committee is established under section 41 of the *Local Government Act (SA) 1999* (the Act).
- 1.2 The City Planning, Development and Business Affairs Committee may be wound up at any time by resolution of the Council.
- 1.3 The City Planning, Development and Business Affairs Committee is established for the purpose of assisting the Council in the performance of its functions, inquiring into and reporting to the Council on matters within the ambit of the Council's responsibilities, providing advice to the Council and to exercise, perform or discharge delegated powers, functions or duties of the Council.
- 1.4 The establishment of the City Planning, Development and Business Affairs Committee does not derogate from the power of the Council to act in a matter.

2. Purpose of the Committee

- 2.1 To provide advice to the Council in relation to the strategic development of Councils planning and development policy issues.
- 2.2 To review and, if necessary, guide the development of a city-wide economic development strategy and a local heritage strategy and policy.
- 2.3 To guide and oversee the implementation of major projects within the City.
- 2.4 To review and consider specific changes to the Development Plan as identified in Council's Plans and/or as initiated by State Government.
- 2.5 To advise Council in formulating and delivering appropriate strategies in relation to its strategic property holdings.
- 2.6 To review as required, relevant legislation affecting Local Government and recommending appropriate course(s) of action.
- 2.7 To provide advice to the Council relating to the development, endorsement, and implementation of the City Plan.

3. Reporting

- 3.1 The City Planning, Development and Business Affairs Committee reports directly to Council. This is by way of report and recommendations documented as minutes of the Committee meeting. The City Planning, Development and Business Affairs Committee can provide advice to other Council Committees where necessary.

4. Delegations

Nil

5. Membership

- 5.1 The membership of the City Planning, Development and Business Affairs Committee is comprised of the Lord Mayor and all elected members. All members of the City Planning, Development and Business Affairs Committee will hold office for the period of 17 January 2023 until the last Council meeting in January 2025.
- 5.2 Members must notify the Chair or CEO of non-attendance of a meeting.

5.3 Members of the City Planning, Development and Business Affairs Committee may be removed from the Committee by Council resolution at any time.

5.4 Section 41 Committees are dissolved at the end of each Council term.

6. Presiding Member (Committee Chair)

6.1 The Chair and the Deputy Chair of the City Planning, Development and Business Affairs Committee are appointed by the Council for a period of a year.

6.2 The role of the Chair is to:

- Oversee the orderly conduct of meetings in accordance with the Act and the City of Adelaide Standing Orders;
- Ensure that the Guiding Principles at Regulation 4 are observed and that all Committee members have an opportunity to participate in discussions in an open and responsible manner; and
- Ensure when a matter has been debated significantly and no new information is being discussed to call the meeting to order and move the debate towards finalisation.

6.3 The Chair of the City Planning, Development and Business Affairs Committee is not excluded from debate and may add to the debate nearing its end (so as not to 'lead from the Chair').

6.4 The Chair of the City Planning, Development and Business Affairs Committee has a deliberative vote and does not have a casting vote.

6.5 If the Chair of the City Planning, Development and Business Affairs Committee is absent from a meeting the Deputy Chair will preside at that meeting.

6.6 If both the Chair and the Deputy Chair of the City Planning, Development and Business Affairs Committee are absent from a meeting of the Committee then a member of the Committee chosen by those present will preside until the Chair (or Deputy Chair, if relevant) is present.

6.7 The City Planning, Development and Business Affairs Committee minutes shall be presented to the next available meeting of Council, including recommendations that require a decision of Council, in the form resolved by the Committee, for consideration of the Council.

6.8 The Chair of the City Planning, Development and Business Affairs Committee may move the motion of the Committee.

7. Meeting details

7.1 The City Planning, Development and Business Affairs Committee will meet once a month, held on the first Tuesday of the month (excluding January and December) in the Colonel Light Room, Adelaide Town Hall at no later than 7.00pm.

7.2 The venue, time and date may be altered at the discretion of the CEO to suit a large public gallery, a specific issue or other extenuating circumstances.

7.3 The CEO is authorised to vary the meeting schedule after liaison with the City Planning, Development and Business Affairs Committee's Presiding Member.

7.4 The CEO is authorised to not call a meeting of the City Planning, Development and Business Affairs Committee within the meeting schedule should the Committee have no matters for consideration.

8. Meeting procedures

8.1 Meetings of the City Planning, Development and Business Affairs Committee will be held in accordance with:

- [Local Government Act \(SA\) 1999](#)
- Parts 1, 2 and 4 [Local Government \(Procedures at Meetings\) Regulations 2013](#)
- [City of Adelaide Standing Orders](#)

- 8.2 Where these guiding documents are silent, the City Planning, Development and Business Affairs Committee will consider and determine its own meeting practice, processes, and procedures within the parameters of the Act.
- The format of the City Planning, Development and Business Affairs Committee 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 City Planning, Development and Business Affairs Committee; and
 - Regulation 20 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 City Planning, Development and Business Affairs Committee must comply with chapter 5 part 4 of the Act relating to Conduct and Disclosure of Interests.

Revision History – 2022-2026 Term of Office

In Response to:	Revision to City Planning, Development and Business Affairs Committee Terms of Reference

Exclusion of the Public

Tuesday, 7 February 2023
**City Planning,
Development and Business
Affairs Committee**

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 Chief Executive Officer Reports seeking consideration in confidence

7.1 Unnamed public road off Tom's Court [section 90(3) (h) of the Act]

The Order to Exclude for Items 7.1:

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 7.1

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (h) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Planning, Development and Business Affairs Committee dated 7 February 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 7.1 [Unnamed public road off Tom's Court] listed on the Agenda.

Grounds and Basis

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the Council's legal advice is privileged and disclosure of this information would be prejudicial to the Council's position.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Planning, Development and Business Affairs Committee dated 7 February 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 7.1 [Unnamed public road off Tom's Court] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (h) of the Act.
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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 7.1 – Unnamed public road off Tom's Court
 - 6.1.1 Is not subject to an Existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (h) of the Act
 - (h) legal advice

ATTACHMENTS

Nil

- END OF REPORT -

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