



# **CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE**

## **MINUTES**

for the meeting

Tuesday, 7 March 2023

in the Colonel Light Room, Adelaide Town Hall

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

## 1 Acknowledgement of Country

The Chair 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 Apologies and Leave of Absence

Apology:

Councillor Abrahamzadeh

## 3 Confirmation of Minutes - 7/2/2023

Moved by Councillor Snape,  
Seconded by Councillor Giles -

That the Minutes of the meeting of the City Planning, Development and Business Affairs held on 7 February 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried

## 4 Workshops

With the consent of the meeting, the Chair advised that Item 4.2 - National Heritage Management Plan for the Adelaide Park Lands and City Layout, would be considered prior to 4.1 - City Plan, due to the presenters being in the gallery.

## 5 Item 4.2 - National Heritage Management Plan for the Adelaide Park Lands and City Layout

Discussion Facilitators:

Ilia Houridis, Director City Shaping, City of Adelaide  
Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability, City of Adelaide  
Andrew Klenke, Director, Swanbury Penglase  
Stephen Schrapel, Senior Associate, Swanbury Penglase

Precis of Topic:

To seek feedback on the draft National Heritage Management Plan for the Adelaide Park lands and City Layout.

During the discussion:

- Councillor Giles left the Colonel Light Room at 7.04 pm and re-entered at 7.06 pm.
- The Lord Mayor entered the Colonel Light Room at 7.04 pm.
- Councillor Davis entered the Colonel Light Room at 7.09 pm, left at 7.16 pm, entered at 7.20 pm, left at 7.21 pm and re-entered at 7.24 pm.
- Councillor Hou left the Colonel Light Room at 7.26 pm and re-entered at 7.27 pm.
- Deputy Lord Mayor (Councillor Martin), left the Colonel Light Room at 7.33 pm.

**6 Item 4.1 - City Plan**

Discussion Facilitators:

Ilia Houridis, Director City Shaping, City of Adelaide  
Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability, City of Adelaide  
Colleen McDonnell, Manager City Planning & Heritage, City of Adelaide  
Kenneth Chan, Team Leader City Policy & Heritage, City of Adelaide

Precis of Topic:

To seek feedback on the draft National Heritage Management Plan for the Adelaide Park lands and City Layout.

During the discussion, Deputy Lord Mayor (Councillor Martin) re-entered the Colonel Light Room at 7.35 pm.

**7 Reports for Noting**

**8 Item 5.1 - New Women's and Children's Hospital Advice and Consultation**

Ilia Houridis, Director City Shaping, City of Adelaide provided a precis of the item.

It was then -

Moved by Deputy Lord Mayor (Councillor Martin),  
Seconded by Councillor Siebentritt -

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE

1. Notes the letter from the Australian Heritage Council.
2. Notes the State Government's consultation process, under the Aboriginal Heritage Act 1988 (SA) for the New Women's and Children's Hospital (Supplementary Application).

Discussion ensued

The motion was then put and carried

**9 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 7 of the Agenda.

**10 Item 6 - Exclusion of the Public for Item 7.1**

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

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

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 City Planning, Development and Business Affairs Committee dated 7 March 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.1 [Former Bus Station Site – Expression of Interest Process] 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 which whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the Council 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.

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.

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 March 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 7.1 [Former Bus Station Site – Expression of Interest Process] 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

## 11 Item 6 - Exclusion of the Public for Item 7.2

Moved by the Lord Mayor,  
Seconded by Councillor Giles -

### THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

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 City Planning, Development and Business Affairs Committee dated 7 March 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.2 [Market Square and Central Market Expansion] 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 confidential information (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person which whom the council is conducting business, prejudice the commercial position of the council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the council and the person forming part of this strategic property matter with respect to future commercial dealings given that the report contains legal matters, financial information and 'commercial in confidence' material.

#### Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information in the report, including certain commercial in confidence, financial information and legal matters, may prejudice future commercial dealings with respect to its strategic land holding. On this basis, the disclosure of financial and commercial in confidence information may severely prejudice the Council's ability to influence the proposal for the benefit of the Council and the community in this matter.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Planning, Development and Business Affairs Committee dated 7 March 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 7.2 [Market Square and Central Market Expansion] 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 Corporation staff present not directly involved with Items 7.1 and 7.2 left the Colonel Light Room at 8.09 pm.

- 12 Confidential Reports for Recommendation to Council**
- 13 Item 7.1 - Former Bus Station Site - Expression of Interest Process**
- 14 Item 7.2 - Market Square and Central Market Expansion**

The meeting re-opened to the public at 8.45 pm.

### Confidentiality Orders

#### **Item 7.1** – Former Bus Station Site - Expression of Interest Process

##### Confidentiality Order

That the City Planning, Development and Business Affairs Committee:

Authorises that, in accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 7.1 [Former Bus Station Site - Expression of Interest Process] listed on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 7 March 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 City Planning, Development and Business Affairs Committee 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 2023.
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.

#### **Item 7.2** – Market Square and Central Market Expansion

##### Confidentiality Order

That the City Planning, Development and Business Affairs Committee:

Authorises that, in accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 7.2 [Market Square and Central Market Expansion] listed on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee on 7 March 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 City Planning, Development and Business Affairs Committee do order that:

1. The resolution, paragraph 58, paragraph 93 and Attachment A to the report become public information and included in the Minutes of the Council meeting.
2. The report (excluding the resolution paragraph 58, paragraph 93 and Attachment A), 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.
3. The confidentiality of the matter be reviewed in December 2023.
4. 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 8.45 pm

Councillor Noon  
**Committee Chair**