



CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE MINUTES

for the meeting

Tuesday, 4 April 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 (Deputy Lord Mayor)(Deputy Chair) 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

Apologies:

Councillors Abrahamzadeh and Siebentritt

3 Confirmation of Minutes - 7/3/2023

Moved by Councillor Davis,

Seconded by Deputy Lord Mayor, Councillor Martin

That the Minutes of the meeting of the City Planning, Development and Business Affairs held on 7 March 2023, be taken as read and be confirmed as an accurate record of proceedings, subject to the following change to Minute 6 – Item 4.1 – City Plan – with the ‘Precis of Topic’ to read:

‘Precis of Topic:

To seek feedback on the City Plan Approach and Next Steps’.

Carried

4 Workshops

5 Item 4.1 - Climate Action Plan & Climate Policy

Discussion Facilitators:

Iliia Houridis, Director City Shaping, City of Adelaide

Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability, City of Adelaide

Andrea Bassett, Principal Climate Change Advisor, City of Adelaide

Clare Mockler, Chief Executive Officer, City of Adelaide

Precis of Topic:

To present community feedback on the draft Climate Policy and draft Climate Action Plan and obtain feedback from Committee Members.

During the discussion:

- Councillor Elliott left the Colonel Light Room at 7.05 pm and re-entered at 7.06 pm.

6 Reports for Noting

7 Item 5.1 - Council Assessment Panel (CAP) Annual Report 2022

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

Discussion ensued

It was then –

Moved by Councillor Davis,
Seconded by Councillor Couros -

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Notes the Council Assessment Panel Annual Report 2022 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 4 April 2023.

Carried

8 Reports for Recommendation to Council

9 Item 6.1 - Development Corridors adjoining the Adelaide Park Lands: Thebarton Brewery Code Amendment

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

It was then –

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

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

THAT COUNCIL

1. Authorises the Chief Executive Officer to write to the State Government seeking collaboration on opportunities to improve pedestrian connections along the balance of the Port Road / Park Lands interface and to seek a formal instrument to secure the creation of the pedestrian 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.

Discussion ensued, during which with the consent of the mover, seconder and the meeting Part 1 of the motion was varied, to read as follows:

- ‘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.’

The motion, as varied, was then put and carried

10 Item 6.2 - Draft Community Land Management Plan – Amendments Prior to Consultation

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

Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability, City of Adelaide, utilising a PowerPoint presentation provided background to the item.

Discussion ensued

It was then –

Moved by Councillor Giles,
Seconded by Councillor Snape -

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

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

Carried

The PowerPoint presentation utilised, can be found at the conclusion of these minutes for information.

11 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 8 of the Agenda.

12 Exclusion for Item 8.1

Moved by Councillor Davis,
Seconded by Councillor Couros -

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 4 April 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 8.1 [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 4 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 8.1 [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

13 Exclusion for Item 8.2

Moved by Councillor Davis,
Seconded by Councillor Elliott -

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (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 4 April 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 8.2 [Commercial Offer – Telecommunications Smart Hub] 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 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 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 City Planning, Development and Business Affairs Committee dated 4 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 8.2 [Commercial Offer – Telecommunications Smart Hub] 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) & (h) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Items 8.1 and 8.2 left the Colonel Light Room at 7.40 pm.

- 14 Confidential Reports for Recommendation to Council**
- 15 Item 8.1 - Former Bus Station Site - Expression of Interest Process**
- 16 Item 8.1 - Commercial Offer - Telecommunications Smart Hub**

The meeting re-opened to the public at 8.16 pm.

Confidentiality Orders

Item 8.1 – Former Bus Station Site - Expression of Interest Process

Confidentiality Order

That Council:

Authorises that, in accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 8.1 [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 4 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 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 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.

Item 8.2 – Commercial Offer – Telecommunications Smart Hub

Confidentiality Order

That Council:

In accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 8.2 [Commercial Offer – Telecommunications Smart Hub] listed on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 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 City Planning, Development and Business Affairs Committee 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 8.16 pm

Councillor Noon
City Planning, Development and Business Affairs Committee Chair

Documents Attached:

Minute 10 - Item 6.2 - Draft Community Land Management Plan – Amendments Prior to Consultation – PowerPoint Slides

Enabling Priorities

Draft Community Land Management – Amendments Prior to Consultation

Associate Director, Park Lands, Policy &
Sustainability, Sarah Gilmour

Manager Park Lands & Sustainability, Matt Field

Minute Item 10



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The purpose is to outline the process being undertaken to review with Community Land Management Plans for the Park Lands

- Community Land Management Plans for the Adelaide Park Lands must be reviewed at least once every five years
- The CLMP review must follow statutory processes and include content prescribed in the *Local Government Act 1999* and *Adelaide Park Lands Act 2005*



What is a Community Land Management Plan?

A Community Land Management Plan:

- Describes how Council will manage the land
- Identifies the land to which it applies and states the purpose for which the land is held
- Outlines the objectives, policies and proposals for management of the land
- Sets out performance targets for each objective and the measures against which progress will be assessed
- Provides information about leases and licenses and any restrictions to public use or movement



Why was there a review of the approach to CLMPs?

A review was undertaken to address opportunities to meet legislative requirements and considered Council's statutory obligations for CLMPs arising from the *Local Government Act 1999* and *Adelaide Park Lands Act 2005*

The review identified:

- 17 separate CLMPs for 36 Park Land sites and an introductory chapter: General Provisions (adopted December 2021).
- CLMPs for all but 3 sites are out of date
 - Statutory requirement for 5 yearly reviews is not being met
 - Most plans date from 2013 (one is 2009)
 - Being managed as a strategic risk
- The current approach requires a full time ongoing role to review and maintain CLMPs

Community Land Management Plan Review

Outcome of the review

'One Plan' Approach

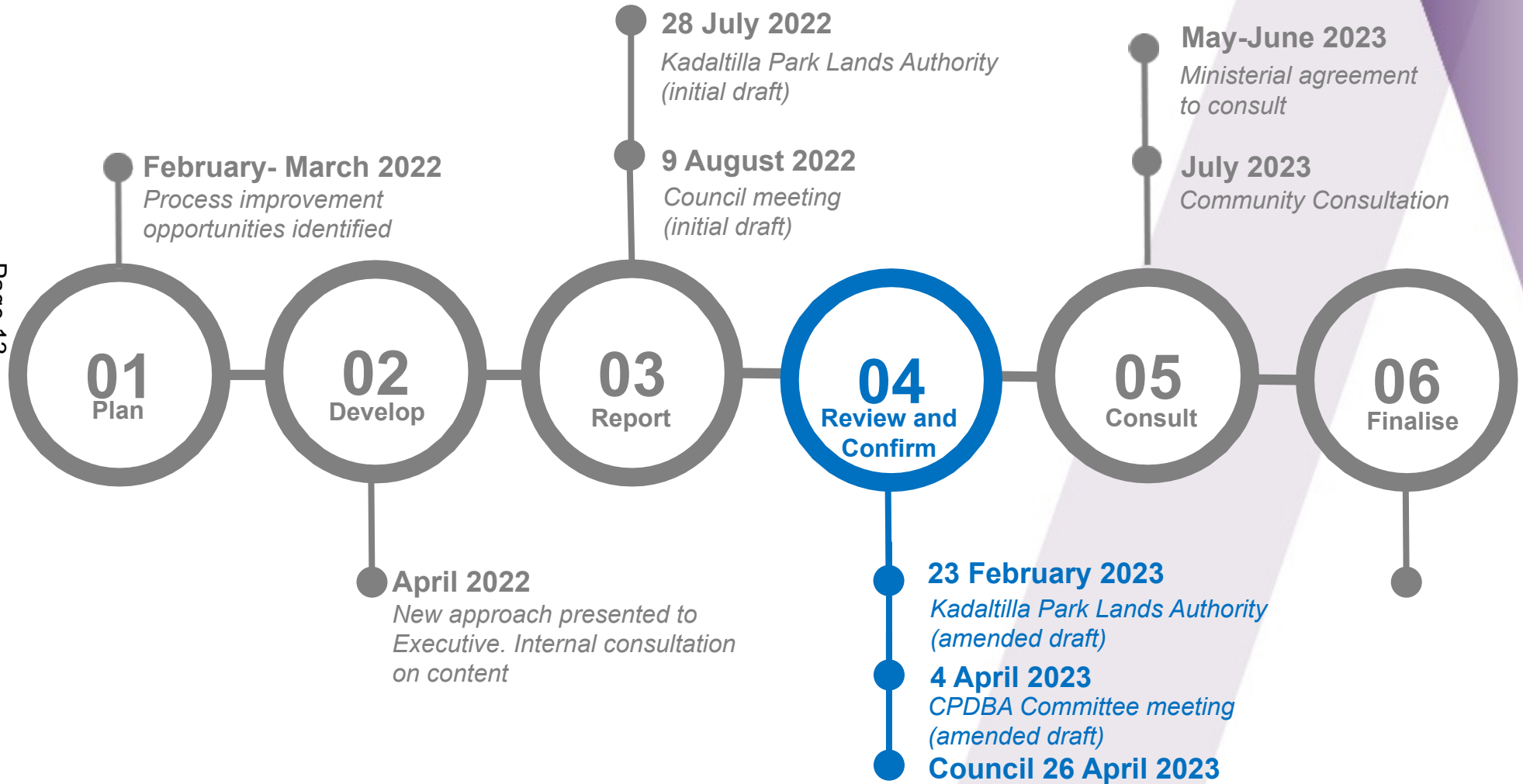
- The review identified benefits of a single consolidated CLMP:
 - Statutory compliance
 - Improved ability to achieve review timeframes
 - Clearer content for communicating with the community
 - Reduced duplication and potential for inconsistency with the APLMS

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Community Land Management Plan Review CLMP Program

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Recent decisions on the draft Consolidated CLMP

- Kadaltilla supported the draft consolidated CLMP on 28 July 2022
- Committee workshop on 21 June 2022
- Council approved the draft consolidated CLMP for the purposes of consultation on 9 August 2022
- State Government announcements (post August 2022):
 - Denise Norton Park/ Pardipardinyilla (Park 2) - Adelaide Aquatic Centre
 - Frome Park/ Nellie Raminymmerin - Botanic High School
 - Bonython Park/ Tulya Wardli & Kate Cocks Park - nWCH
 - Helen Mayo Park - Riverbank Precinct

Following Council decision on draft CLMP

- Refer draft CLMP to:
 - Minister for Planning (Hon Nick Champion)
 - Any State authority or adjacent Council with an interest in the matter
- Conduct community consultation in accord with the CoA Community Consultation Policy:
 - Minimum 21 days
- Report to Kadaltilla on consultation feedback and any amendments to the draft CLMP
- Report to Council recommending endorsement of the CLMP