



COUNCIL MINUTES

for the meeting

Tuesday, 8 August 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 and Memorial Silence

Upon the completion of the Acknowledgement of Colonel Light, the Lord Mayor stated:

‘I ask you to have a moment of contemplation of the gravity and implications of our decision making. I invite members to silently read the prayer as printed or reflect in a manner appropriate to their beliefs on these issues. Furthermore, I ask that all those 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.’

Councillor Davis recited the prayer out loud.

The Lord Mayor called for an adjournment. The Lord Mayor then found Councillor Davis to be in breach of Section 86 (6) (a) of the *Local Government Act 1999 (SA)*, failing to comply with an instruction, behaving in an improper manner and disrupting the memorial silence and invited him to provide a personal explanation.

Councillor Davis made a personal explanation clarifying his interpretation of the Standing Orders, the order of the Council agenda and his religious beliefs.

The Lord Mayor responded to Councillor Davis’ personal explanation and in accordance with the regulations, the Lord Mayor directed that Councillor Davis be excluded from the Council Meeting for 5 mins.

Councillor Davis left the Council Chamber at 5.37 pm.

With the consent of the meeting, the Lord Mayor called for an adjournment of 5 minutes, to allow the gallery to leave, at 5.37 pm.

The meeting resumed at 5.42 pm with the following Members present:

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

Councillor Davis was invited by the Administration to return to the Council Meeting.

4 Apologies and Leave of Absence

Nil

5 Item 6 - Confirmation of Minutes - 25 July 2023

Moved by Councillor Elliott,
Seconded by Councillor Abrahamzadeh -

That the Minutes of the meeting of the Council held on 25 July 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried

6 Deputations

The Lord Mayor advised the meeting that there had been one deputation request that had been denied and the information forwarded to the administration to follow up, as it was in relation to a product for road resurfacing.

7 Petitions

Nil

8 Reports from Committees and Kadaltilla / Adelaide Park Lands Authority**9 Item 9.1 - Recommendations of the City Community Services and Culture Committee - 1 August 2023**

Moved by Councillor Giles,
Seconded by Councillor Noon -

1. Recommendation 1 – Item 5.1 - NYE Events Incentive Framework for Businesses**THAT COUNCIL:**

1. Approves the New Year's Eve Events Incentive Framework for Businesses to govern administration of the program, expands the program to include the eligibility of Precinct Groups to apply for incentive grants and the assessment criteria to include social benefit.
2. Approves delegation for Acting Managing Director of AEDA to approve final funding recommendations.
3. Asks AEDA to report to a Council Committee by March 2024 on the success or otherwise of the initiative, along with any recommendations for future funding.

Discussion ensued

Amendment –

Moved by Councillor Couros,
Seconded by Councillor Abrahamzadeh -

'That Part 1 of the motion be amended to delete the words 'and the assessment criteria to include social benefit.'

Discussion continued, during which the mover and seconder, withdrew their amendment.

The motion was then put and carried

Councillor Couros requested that a division be taken on the motion

Division

For (9):

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

Against (1):

Councillors Couros.

The division was declared in favour of the motion

Councillor Davis re-entered the Council Chamber at 5.53 pm.

10 Item 9.2 - Recommendations of the City Planning, Development and Business Affairs Committee - 1 August 2023**11 Item 9.2 - Recommendation 1 - Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement**

Councillor Elliott declared a general conflict of interest in Item 9.2 [Recommendation 1 - Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement], pursuant to Section 74 of the *Local Government Act 1999* (SA) as the Chair of Bike Adelaide, but that he would not receive a benefit and therefore he would remain in the Council Chamber, participate in the vote and debate.

Councillor Davis declared a general conflict of interest in Item 9.2 [Recommendation 1 - Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement], pursuant to Section 74 of the *Local Government Act 1999* (SA) he was a member of the Adelaide Park Lands Association, but that he would not receive a benefit and therefore he would remain in the Council Chamber, participate in the vote and debate.

Councillor Abrahamzadeh declared a general conflict of interest in Item 9.2 [Recommendation 1 - Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement], pursuant to Section 74 of the *Local Government Act 1999* (SA) as he works for the State Government, but that he would not receive a benefit and therefore he would remain in the Council Chamber, participate in the vote and debate.

Councillor Noon declared a general conflict of interest in Item 9.2 [Recommendation 1 - Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement], pursuant to Section 74 of the *Local Government Act 1999* (SA) as a member of various State Government Committees, but that she would not receive a benefit and therefore she would remain in the Council Chamber, participate in the vote and debate.

It was then -

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

THAT COUNCIL:

1. Approves engagement on City Plan from 31 August to 15 September 2023 with the targeted stakeholders identified in in Attachment A to Item 4.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023, subject to the engagement addressing "Growth Potentials" Number 1 and Number 2, detailed at page 6 of the Committee papers and:
 - 1.1. a reworking of list of organisations to be engaged to include:
 - State Govt agencies responsible for planning, environment, climate change, community development, First Nations affairs, business development including small business, heritage, transport, housing, health, youth, skills, and ageing.
 - Federal Government agencies/ministers responsible for capital city planning, housing, climate change and local government.
 - Environmental and Park Land Organisations
 - Climate change organisations and experts
 - Representative disability organisations
 - Community cultural and Multicultural organisations
 - Aboriginal Communities and organisations who connect with the City of Adelaide
 - Peak Youth organisations
 - University student bodies
 - Peak mental health organisations
 - Aged Care/retirement providers in the CBD and the top 4 retirement/care providers in the state.
 - Homeless organisations and social housing providers
 - Childcare organisations
 - Adelaide- UN city of music
 - Food industry representatives
 - Community Development experts
 - SA Unions
 - Office for women

- Australian Centre for housing research
- 1.2 As part of this expert engagement process, organisations are also encouraged to make submissions.

Discussion ensued

The motion was then put and carried

Councillors Abrahamzadeh, Davis, Elliott and Noon all voted in favour of the motion

12 Item 9.2 - Recommendation 2 - Item 4.2 - Planning and Design Code Amendments

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

THAT COUNCIL:

1. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Historic Area Statements Update Code Amendment by the City of Adelaide in Attachment A to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023, with the inclusion of an investigation as part of the current proposal to Initiate as to whether the Historic Area Overlay or a Character Area Overlay could apply to additional areas in the City of Adelaide as part of future Code Amendments.
2. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Adult Entertainment Premises Code Amendment by the City of Adelaide in Attachment B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
3. Notes the Program of Amendments to the Planning and Design Code in Attachment C to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
4. Authorises the CEO to make amendments to finalise, issue and seek agreement with the Minister for Planning in relation to the initiation of Code Amendments in Attachments A and B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
5. Requests that in submitting the Proposal to Initiate an Amendment to the Planning and Design Code Historic Area Statements Update Code Amendment, City of Adelaide informs the Minister for Planning that community stakeholders have expressed direct concern where catalyst site policy takes precedence over the Historic Area Overlay; and foreshadows a future Council-lead Code Amendment to rectify this issue and improve catalyst site policy.
6. Requests that Administration bring forward a review of catalyst site policy and seek State Government support for a Code Amendment in the 2023/24 financial year to enact Council's decision on 31 January 2023 that catalyst sites *"should not be permitted within or adjacent to residential areas, including from main streets or business zones within the wider residential locality"*.

Discussion ensued, during which with the consent of the mover, seconder and the meeting, the Lord Mayor advised that the motion would be taken in parts.

Part 1 of the motion was then put and carried

Councillor Snape requested that a division be taken on Part 1 of the motion

Division

For (9):

Deputy Lord Mayor, Councillor Martin and Councillors Couros, Elliott, Giles, Hou, Li, Noon, Siebentritt and Snape.

Against (2):

Councillors Abrahamzadeh and Davis.

The division was declared in favour of Part 1 of the motion
Part 2 of the motion was then put and carried unanimously
Part 3 – 6 of the motion was then put and carried

Councillor Davis requested that a division be taken on Parts 3 - 6 of the motion

Division

For (9):

Deputy Lord Mayor, Councillor Martin and Councillors Couros, Elliott, Giles, Hou, Li, Noon, Siebentritt and Snape.

Against (2):

Councillors Abrahamzadeh and Davis.

The division was declared in favour of Part 3 - 6 of the motion

13 Item 9.3 - Audit and Risk Committee Report - 4 August 2023

Moved by Councillor Hou,
Seconded by Councillor Li -

THAT COUNCIL

1. Notes that the Audit and Risk Committee met on 4 August 2023.
2. Notes that advice provided by the Audit and Risk Committee will be incorporated into the report as an item comes to Council (via Committee) for decision.
3. **Recommendation 1 – Item 5.3 – Climate Change Risk Adaptation Action Plan**

THAT COUNCIL

1. Notes the report.
2. Commends the intention to integrate Council's Climate Change Risk Adaptation Action Plan 2021 2026 and the City of Adelaide Climate Action Plan 2022-2025 by December 2023.
3. Notes the internal audit review project proposed as part of the strategic internal audit plan in relation to strategic climate change impacts.

Carried unanimously

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

Nil

15 Item 11 - Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following:

- Meeting with the new SA Museum Chief Executive Dr David Gaimster.
- Ongoing work on Adaptive Re-use, including audit of buildings and advert for a new staff member to manage the project.
- Hosted a courtesy visit from the Chinese Consul-General Madam HE Lanjing.
- Attended the opening of the new Henry Bucks store in Gawler Place and the return of Oroton to the city.
- Opening of the Property Council's new building in the RAA building.

It was then –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Davis –

That the report be received and noted.

Carried

16 Item 12 - Councillors' Reports

Councillor Couros addressed the meeting on her recent overseas holiday and meeting with Mr Tassos Kriekoukis, Ambassador, Diplomatic Advisor to the Mayor, Athens, Greece.

Councillor Davis addressed the meeting on this attendance at the 70th anniversary of the Korean War.

Councillor Siebentritt addressed the meeting to congratulate the South East City Residents Association on their involvement in the Pakapakanthi, Greening Blitz.

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Elliott –

That the reports be received and noted.

Carried

17 Questions on Notice**18 Item 13.1 - Councillor Noon - QoN - Business SA Funding**

The Question and Reply having been distributed and published prior to the meeting was taken as read.

The reply for Item 13.1 is attached for reference at the end of the Minutes of the meeting.

19 Questions without Notice

Nil

20 Motions on Notice

Nil

21 Motions without Notice

Nil

22 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 and 19 of the Agenda.

23 Item 17 - Exclusion for Item 18.1

Moved by Councillor Davis,
Seconded by Councillor Abrahamzadeh -

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 8 August 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 City Planning, Development and Business Affairs Committee – 1 August 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 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 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 financial and contractual information, 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 Council dated 8 August 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 City Planning, Development and Business Affairs Committee – 1 August 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

24 Item 17 - Exclusion for Item 18.2

Moved by Councillor Davis,
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8 August 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 Audit and Risk Report – 4 August 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 is confidential because the report includes information on Council litigation.

The disclosure of information in this report is likely to prejudice the outcome of the Council's actual litigation.

The Audit and Risk 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 relates to actual litigation of the Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 8 August 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 Audit and Risk Report – 4 August 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) (i) of the Act.

Carried

25 Item 17 - Exclusion for Item 19.1

Moved by Councillor Davis,
Seconded by Councillor Abrahamzadeh -

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 8 August 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 19.1 [Strategic Property Matter] 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 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 dated 8 August 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 19.1 [Strategic Property Matter] 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 18.1, 18.2 and 19.1 left the Council Chamber at 6.26 pm.

- 26 Confidential Reports from Committees and Kadaltilla / Adelaide Park Lands Authority**
- 27 Item 18.1 - Confidential Recommendations of the City Planning, Development and Business Affairs Committee - 1 August 2023**
- 28 Item 18.2 - Confidential Audit and Risk Committee Report - 4 August 2023**
- 29 Item 18.2 - Undertaking - Staff Retention and Workforce Planning**
- 30 Confidential Reports for Council (Chief Executive Officer's Reports)**
- 31 Item 19.1 - Strategic Property Matter**

The meeting re-opened to the public at 6.34 pm.

Minute 27 - Item 18.1 - Confidential Recommendations of the City Planning, Development and Business Affairs Committee - 1 August 2023

Confidentiality Order

Recommendation 1 – Item 7.1 - Former Bus Station Site Redevelopment

That, in accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 19.1 [Strategic Property Matter] listed on the Agenda for the meeting of the Council on 8 August 2023 was received, discussed and considered in confidence pursuant to Section 90(3) (b) and (d) of the Local Government Act 1999 (SA), this meeting 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.

Minute 28 - Item 18.2 - Confidential Audit and Risk Committee Report - 4 August 2023

Resolution & Confidentiality Order

THAT COUNCIL:

1. Notes the report.
2. Authorises that, in accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 18.2 [Confidential Audit and Risk Committee Report - 4 August 2023] listed on the Agenda for the meeting of the Council held on 8 August 2023 was received, discussed and considered in confidence pursuant to Section 90(3) (i) of the Local Government Act 1999 (SA), this meeting of the Council do order that
 - 2.1 The resolution become public information and included in the Minutes of the meeting.
 - 2.2 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.
 - 2.3 The confidentiality of the matter be reviewed in December 2024.
 - 2.4 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.

Minute 30 - Item 19.1 - Strategic Property Matter

Confidentiality Order

That, in accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 19.1 [Strategic Property Matter] listed on the Agenda for the meeting of the Council on 8 August 2023 was received, discussed and considered in confidence pursuant to Section 90(3) (b) and (d) of the Local Government Act 1999 (SA), this meeting 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 6.34 pm

Dr Jane Lomax-Smith
Lord Mayor

Date of confirmation:

Documents Attached:

Minute 18 - Item 13.1 - Councillor Noon - QoN - Business SA Funding - Reply

Business SA Funding

Tuesday, 8 August 2023
Council

Council Member
Councillor Noon

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Noon will ask the following Question on Notice:

'Please advise how the City of Adelaide via AEDA funds Business SA; the background, the annual amount, the purpose and reporting/KPI's?'

REPLY

1. On 12 June 2020, the City of Adelaide contracted Business SA to provide a City Business Support Package to support the establishment, viability and growth of small and emerging businesses in the City. The initial term of the contract was to 30 June 2022. The funding arrangement was \$25,000 per quarter (\$100,000 per FY).
2. The measures included in the contract were:
 - City businesses remain profitable, have increased their resilience to economic crises and have improved their digital capabilities.
 - In addition to existing Business SA members, Business SA must engage at least 200 businesses per annum in addition to the city businesses that are already members of Business SA, with a minimum total of 450 businesses between May 2020 and July 2022, that are categorised as start-ups and small to medium businesses, to access services provided under the City Business Support Package.
 - Business SA must deliver a minimum of \$50,000 worth of services to city businesses by 31 December 2020.
 - Quarterly reports to be provided on the activities and performance against KPIs.
3. Council at its meeting on 10 August 2021 further resolved to provide Business SA with additional financial support of \$100,000 via Council's Reignite initiative as a result of the impact on businesses arising from Covid-related public health measures. This \$100,000 was equally split between extending provision of the existing services to 111 businesses and the development of a growth consulting package for 50 businesses. Council's decision extended the agreement with Business SA by a further six months to 31 December 2022.
4. The State Government on 29 January 2022 announced a \$50 million support package to support businesses impacted by Covid-19. This included \$150,000 to support another 300 businesses before 30 June 2022 which also included greater levels for referrals to third party professional service providers and delivery of a workshop program.
5. In 2022 the State Government announced its intention to develop a statewide small business strategy.
6. At its meeting in November 2022 the AEDA Board agreed that the services to small businesses funded by AEDA should complement the directions and initiatives in the small business strategy.

7. Consequently, as an interim measure until the Board was able to consider the directions in the State Government's Small Business Strategy that was released on 7 July 2023, the Board resolved to continue providing advisory services to city-based businesses through Business SA on a pay per use basis and to subsidise some services that would require a contribution from businesses. Since January 2023, \$10,000 has been provided to Business SA via this arrangement. Measures remained consistent with the previous agreement but on a pay per use basis, therefore included no specified number of businesses to be serviced.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5 hours.
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- END OF REPORT -