



COUNCIL MINUTES

for the meeting

Tuesday, 12 September 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, Elliott, Hou, 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 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 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/Pledge

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 Davis and Li

On Leave:

Councillor Giles

6 Item 6 - Confirmation of Minutes - 22 August 2023

Moved by Councillor Siebentritt,

Seconded by Councillor Noon -

That the Minutes of the meeting of the Council held on 22 August 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried

7 Deputations

Nil

8 Petitions

Nil

9 Reports from Committees and Kadaltilla / Adelaide Park Lands Authority**10 Audit and Risk Committee Report - 1 September 2023****11 Item 9.1 - Recommendation 1 - Item 5.1 - Audit and Risk Committee Terms of Reference**

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

THAT COUNCIL

1. Endorses the revised Terms of Reference as Attachment A to Item 5.1 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023 with the following addition:
 - 1.1. Reference to Kadaltilla/ Adelaide Park Lands Authority in item 2.2
2. Authorises the CEO to make any necessary typographical or syntactical revisions to the Terms of Reference for the Audit and Risk Committee.

Carried

12 Item 9.1 - Recommendation 2 - Item 5.3 - ACMA Audited Financial Statements & Report on Financial Results

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

THAT COUNCIL

1. Notes the 2022-23 Financial Position as presented in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023, which includes:
 - 1.1 An operating surplus of \$83,000 (deficit of \$146,000 in 2021/22)
 - 1.2 Total operating income of \$4.775 million (\$4.282 million 2021/22)
 - 1.3 Total operating expenditure of \$4.692 million (\$4.428 million 2021/22)
2. Notes the audited Adelaide Central Market Authority Financial Statements for 2022-23 as contained in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023, have been reviewed by the Adelaide Central Market Authority Board at its meeting on 24 August 2023. These financial results will be included in the Consolidated Financial Statements of the City of Adelaide.
3. Notes the Adelaide Central Market Authority Annual Completion Report for the year ended 30 June 2023 from Council's external auditors, BDO, contained in Attachment B to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023.
4. Considers the Financial Statements for 2022-23 as contained in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023 present fairly the financial position of the Adelaide Central Market Authority, and subject to minor administrative changes and subsequent balance date event adjustments, be certified by the City of Adelaide Chief Executive Officer and the Acting Chair of Adelaide Central Market Authority.
5. Considers it is appropriate that the representation letter requested by the external auditor of the Adelaide Central Market Authority, contained in Attachment C to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023 is signed by management.
6. Notes the Certification of Auditor Independence in relation to Adelaide Central Market Authority, contained in Attachment D to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023.
7. Notes the audited Central Market Marketing Fund (CMMF) Financial Statements for 2022-23 as contained in Attachment E to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023, have been audited and present fairly the position of the CMMF.
8. Notes the representation letter requested by the external auditor of the Central Market Marketing Fund, contained in Attachment F to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee

held on 1 September 2023, is signed by management.

Carried

13 Item 9.1 - Recommendation 3 - Item 5.4 - Adelaide Aquatic Centre Redevelopment - Prudential Review

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Siebentritt -

THAT COUNCIL

1. Receives the BRM Advisory 'Prudential Report: Adelaide Aquatic Centre Redevelopment' August 2023' as per Attachment A to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 1 September 2023 as required by the Audit and Risk Committee Terms of Reference. With the following typographical correction:
 - Page 2 Executive Summary and Page 7 of the document from "acquisition" to "disposition"
 - Include the reference to the resolution of Council on 27 June 2023 in relation to the \$20 million contribution
2. Notes that the Strategic Risks raised in the report will be monitored by the Administration through the Strategic Risk and Internal Audit Group.

Carried

14 Recommendations of the Special City Finance and Governance Committee - 5 September 2023

15 Item 9.2 - Recommendation 1 - Item 3.1 - Draft Strategic Plan 2024-2028 for Consultation

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

THAT COUNCIL:

1. Defers consideration of the Draft Strategic Plan 2024-2028, Attachment A to Item 3.1 on the Agenda for the Special meeting of the City Finance and Governance Committee held on 5 September 2023 and invites the administration to resubmit the Draft Strategic Plan 2024-2028, after further discussion with Council Members.
2. Notes the Market Research provided in Attachment B to Item 3.1 on the Agenda for the Special meeting of the City Finance and Governance Committee held on 5 September 2023, as part of the evidence base of the Strategic Plan.

Carried

16 Recommendations of the City Community Services and Culture Committee - 5 September 2023

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Elliott -

17 Item 9.3 - Recommendation 1 - Item 4.1 - Hutt Street Library Lease Variation

THAT COUNCIL:

1. Approves entering into a Deed of Extension and Variation of Lease for the Hutt Street Library between The Corporation of the City of Adelaide and GMG Enterprises Pty Ltd over 235 Hutt Street, Adelaide. The extension is for a term of five years under the current lease agreement. The variation of the lease agreement will add two five-year Rights of Renewal.
2. Authorises the Chief Executive Officer to finalise the lease variation and to execute the Deed of Extension and Variation of Lease and associated documentation.
3. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Deed of Extension and Variation of Lease and associated documentation.

18 Item 9.3 - Recommendation 2 - Item 4.2 - William Veale Tribute

THAT COUNCIL:

1. Notes that the City of Adelaide Memorials Operating Guidelines stipulates that the City of Adelaide

does not commission memorials and that the contribution of Mr William Veale to the City is currently commemorated with two memorial plaques, a Park and a Garden named after him.

- Notes the investigation of the process and cost of installing a memorial bust of Mr William Veale in Veale Gardens based on commissioning a recasting of an existing plaster bust from a private collection, costed at a minimum estimate of \$55,000 - \$70,000, for completion no earlier than 2024/25.

19 **Item 9.3 - Recommendation 3 - Item 4.3 - Park Lands Event Site Fees**

THAT COUNCIL:

- Requests Administration to prepare a report for the October 2023, City Finance and Governance Committee meeting on fees and other conditions that would aid Council's capacity to support long term events.
- Endorses the provision of multi-year event licences will be reinstated in 2023/24.

20 **Item 9.3 - Recommendation 4 - Item 4.4 - Library of Things**

THAT COUNCIL:

- Approves that Administration undertake a community consultation process to determine the demand for a proposed expansion to the existing 'Library of Things' available within the City of Adelaide.
- Notes that Council Members will be surveyed as part of this consultation process.
- Notes that a report will be prepared for Council that presents the results of the community consultation and recommendations for both resources and operating model/s for a proposed expansion to the existing 'Library of Things'.
- Notes that Administration has undertaken a Social Infrastructure Assessment which will be presented to Council in November 2023. That report considers floor space and resource capacity as well as projected population growth and the future needs of the City. A 'Library of Things' could be considered within the outcomes of this report.
- Notes that a visual guide to the existing Library of Things resources and collections in the City of Adelaide and some metropolitan Councils in South Australia is provided as Attachment A to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 September 2023.
- Coordinates with the entities at 10.1 – 10.5, within Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 September 2023, with the offer to list information of the relevant services on the City of Adelaide Library website.

Carried

21 **Recommendations of the City Planning, Development and Business Affairs Committee - 5 September 2023**

22 **Item 9.4 - Recommendation 1 - Item 5.1 - Appointment of Independent Council Assessment Panel (CAP) Members**

Councillor Snape declared a material conflict of interest in Item 9.4 [Recommendation 1 - Item 5.1 - Appointment of Independent Council Assessment Panel (CAP) Members], pursuant to Section 75 of the *Local Government Act 1999* (SA) as he is a current member of the City of Adelaide Council Assessment Panel (CAP), withdrew his Chair and left the Council Chamber at 5.36 pm.

Councillor Noon declared a material conflict of interest in Item 9.4 [Recommendation 1 - Item 5.1 - Appointment of Independent Council Assessment Panel (CAP) Members], pursuant to Section 75 of the *Local Government Act 1999* (SA) as she is a current Deputy member of the City of Adelaide Council Assessment Panel (CAP), withdrew her Chair and left the Council Chamber at 5.36 pm.

It was then –

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

THAT COUNCIL:

- Endorses the establishment of a working group to manage an Expressions of Interest process for the

Independent Members of CAP, comprising of:

- 1.1. the Lord Mayor (or delegate)
- 1.2. the Associate Director, Regulatory Services
- 1.3. the Manager, City Development.
2. Notes that based on the recommendations of the working group, a shortlist will be brought to Council for final consideration and endorsement for the following appointments to CAP, including the term of appointments, for periods not exceeding two years in accordance with the Terms of Reference:
 - 2.1. Four Independent Members
 - 2.2. One Deputy Independent Member
 - 2.3. One of the four Independent Members as Presiding Member.
3. Approves remuneration of \$650 per meeting for the Presiding Member or Acting Presiding Member, and \$550 per meeting for all other Members (including any Council Member nominated to CAP).

Carried

Councillors Snape and Noon re-entered the Council Chamber at 5.36 pm.

23 Item 9.4 - Recommendation 2 - Item 5.2 - Adelaide Park Lands Community Land Management Plan

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

That Council:

1. Authorises the undertaking of additional public consultation in respect of the proposed Adelaide Park Lands Community Land Management Plan under the Council's Community Consultation Policy in accordance with this resolution, notwithstanding its decision of 11 April 2023.
2. Authorises the Chief Executive Officer to write to each person who submitted a response as part of the Council's public consultation process in respect of the proposed Adelaide Park Lands Community Land Management Plan inviting them to submit a request to make a deputation to the City Planning, Development and Business Affairs Committee in respect of their submission.
3. Requests the Chair of the City Planning, Development and Business Affairs Committee convene a meeting of the committee for the purposes of receiving any deputation requested in accordance with the Chief Executive Officer's invitation.

Discussion ensued

The motion was then put and carried
on the casting vote of the Lord Mayor

Councillor Abrahamzadeh requested that a division be taken on the motion

Division

For (5):

Deputy Lord Mayor, Councillor Martin and Councillors Elliott, Noon, Siebentritt and Snape.

Against (3):

Councillors Abrahamzadeh, Couros and Hou.

The division was declared in favour of the motion

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

Nil

25 Item 11 - Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following activities:

- Adelaide Festival 50th anniversary gala dinner
- Planning for Penang/George Town Sister City 50th anniversary

- 60th anniversary Shabbat Service at Beit Shalom Synagogue
- Celebrations of 100 years of Rotary Adelaide and English Speaking Union
- City Plan Studio Launch
- Filipino Barrio Fiesta at Bonython Park
- Visit from the Australian Heritage Council to understand a range of developments likely to damage the values of our National Heritage Listing
- Tour of the SA Water Glenelg Recycled Water Treatment Plant
- Playing a round of mini golf at Regency Park

It was then –

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

That the report be received and noted.

Carried

26 Item 12 - Councillors' Reports

Councillor Snape addressed the meeting on his attendance at:

- South Australian Living Artists Festival and presentation of the City of Adelaide Award.
- Water Aid Gala event.

It was then -

Moved by Councillor Noon,
Seconded by Councillor Elliott –

That the report be received and noted.

Carried

27 Motions on Notice

28 Item 13.1 - Councillor Couros - MoN - Funding Business Events Adelaide

Councillor Couros withdrew her motion from consideration.

29 Item 13.2 - Deputy Lord Mayor (Councillor Martin - MoN - City of Adelaide Bow Figurehead

Deputy Lord Mayor, Councillor Martin withdrew his motion from consideration.

30 Item 13.3 - Deputy Lord Mayor (Councillor Martin) - MoN - Support for Amendments to Legislation

Deputy Lord Mayor, Councillor Martin withdrew his motion from consideration.

31 Motions without Notice

Nil

32 Questions on Notice

Nil

33 Questions without Notice

Discussion ensued

34 Item 17 - Exclusion of the Public

Moved by Councillor Siebentritt,
Seconded by 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 12 September 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 Audit and Risk Committee Report – 1 September 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 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 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 12 September 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 Audit and Risk Committee Report – 1 September 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 Corporation staff present not directly involved with Item 18.1, left the Council Chamber at 6.04 pm.

- 35 Confidential Reports from Committees and Kadaltilla / Adelaide Park Lands Authority**
- 36 Confidential Audit and Risk Committee Report - 1 September 2023**
- 37 Item 18.1 - Recommendation 1 - Item 10.1 - Strategic Property Matter - Prudential Report**

The meeting re-opened to the public at 6.11 pm

Minute 37 - Item 18.1 - Confidential Audit and Risk Committee Report - 1 September 2023

Confidentiality Order

Recommendation 1 – Item 10.1 - Strategic Property Matter – Prudential Report

Authorises that, in accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 18.1 [Confidential Audit and Risk Committee Report – 1 September 2023] listed on the Agenda for the meeting of the Council held on 12 September 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 to present a report containing the Item for which the confidentiality order has been revoked.

Closure

The meeting closed at 6.11 pm

Dr Jane Lomax-Smith
Lord Mayor

Date of confirmation:

Documents Attached:

Nil