



# COUNCIL MINUTES

for the meeting

Tuesday, 27 February 2024

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 Snape

Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Martin, Noon and Dr Siebentritt

**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 recognise 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**

The Lord Mayor stated:

‘We pray for wisdom, courage, empathy, understanding and guidance in the decisions that we make, whilst seeking and respecting the opinions of others.’

**4 Pledge**

The Lord Mayor stated:

‘May we in this meeting speak honestly, listen attentively, think clearly and decide wisely for the good governance of the City of Adelaide and the wellbeing of those we serve.’

**5 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.

**6 Apologies and Leave of Absence**

Nil

**7 Confirmation of Minutes - 13/2/2024**

Moved by Councillor Abrahamzadeh,

Seconded by Councillor Davis -

That the Minutes of the meeting of the Council held on 13 February 2024, be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

**8 Declaration of Conflict of Interest**

The Lord Mayor declared a general conflict of interest in Item 12 [Recommendation 3 – Item 7.3 - Flags and Banners Policy], pursuant to Section 74 of the *Local Government Act 1999* (SA) as she was involved in the recent review, but that she would stay in the meeting, be involved in the debate and vote on the matter if required.

**9 Deputations****9.1 Deputation - Mr Daniel Raschella - Adelaide Comets Football Club Inc - Regarding 1.1m high pitch fence at Ellis Park (Park 24)**

Mr Daniel Raschella addressed the Council:

- To speak in support of Item 17.1 - Councillor Couros - MoN - Ellis Park / Tampawardli (Park 24) Sports Facilities.

The Lord Mayor thanked Mr Raschella for his deputation.

Lord Mayor sought leave of the meeting to bring forward consideration of Item 17.1 - Councillor Couros - MoN - Ellis Park / Tampawardli (Park 24) Sports Facilities, prior to the next deputation, due to public interest in the gallery.

Leave was granted

**17.1 Councillor Couros - MoN - Ellis Park / Tampawardli (Park 24) Sports Facilities**

Moved by Councillor Couros,  
Seconded by Councillor Abrahamzadeh -

That Council:

1. Approves the Adelaide Comets Football Club ('the Club') undertaking facility improvements to Ellis Park / Tampawardli (Park 24) as shown in Attachment A to Item 9.6 on the Agenda for the meeting of the City Community Services and Culture Committee held on 6 February 2024, subject to:
  - 1.1 The permanent 1.1 metre high fence around the main pitch incorporating double gates without locks is open on non-game days. There is no permanent signage except for information relating to public access. The recommendation for double gates to be open on non-game days will signal to the public that the playing field is accessible. Further, signage approved by Council detailing information of when the lessee utilises the grounds and, therefore, is not accessible for public use.
  - 1.2 The temporary outer spectator fence to be installed no earlier than 24 hours before the first scheduled game and removed within 24 hours following the conclusion of the final scheduled game, and only displaying wayfinding signage and stored off-site on non-game days.
  - 1.3 The use of exposed aggregate concrete for new pathways along the northern and western boundaries of the main pitch and no pathways on eastern and southern boundaries.
  - 1.4 Accessible parking accommodated within the internal roadway.
  - 1.5 Tree planting along the northern, western and southern boundaries of the Club's licensed area with species selection informed by the Administration.
  - 1.6 Detailed landscape plans, including emergency/maintenance access and storage on the western side of the building, submitted to the Administration for approval.

Amendment –

Moved by Councillor Martin,  
Seconded by Councillor Noon -

'That part 1.4 of the motion be amended and the inclusion of an additional part 1.7 to read as follows:

- 1.4. Completion of a traffic and parking management plan, including accessible parking and

parking for match officials.

- 1.7 Council consultation with neighbouring lease/licence holders and bricks and mortar businesses on possible impacts and recommendations to assist in mitigating such impacts.'

Discussion ensued

The amendment was then put and lost

Councillor Couros requested that a division be taken on the amendment.

Division

For (5):

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

Against (6):

Councillors Abrahamzadeh, Couros, Davis, Elliott, Hou and Li.

The division was declared against the amendment

Discussion continued

The motion was then put and carried

Councillor Davis requested that a division be taken on the motion.

Division

For (8):

Councillors Abrahamzadeh, Couros, Davis, Elliott, Hou, Li, Noon and Siebentritt.

Against (3):

Deputy Lord Mayor, Councillor Snape and Councillors Giles and Martin.

The division was declared in favour of the motion

The Lord Mayor called for leave to adjourn the meeting for five minutes, to allow the gallery to clear.

Leave was granted and the meeting adjourned at 6.35 pm.

The meeting reconvened at 6.40 pm, with all members present.

## 11 **Audit and Risk Committee Report - 16 February 2024**

Moved by Councillor Li,  
Seconded by Councillor Siebentritt -

1. Recommendation 1 – Item 5.4 – 2023-24 End of Year Financial Reporting Process & External Timetable

### THAT COUNCIL

1. Notes the endorsement by the Audit and Risk Committee that the external audit plan, as contained in Attachment C to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 16 February 2024, is consistent with the scope of the External Audit engagement and relevant legislation and standards.
2. Approves the proposed 2023-24 End of Year Financial Reporting process and external audit timetable as contained in Attachment C to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 16 February 2024.
3. Notes the external auditor's independence declaration in relation to the audit engagement for the year ended 30 June 2024 as detailed in Attachment A to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 16 February 2024.
4. Approves the External Audit terms of engagement as contained in Attachment A and Attachment B to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 16 February 2024.

**26 Deputation - Honourable Frank Pangallo MLC - E-Scooters**

Honourable Frank Pangallo MLC addressed the Council:

- To speak against the e-scooter trial extension.

The Lord Mayor thanked the Honourable Frank Pangallo MLC, for his deputation.

The Lord Mayor sought leave of the meeting to bring forward consideration of Item 13 – Recommendation 4 – E-scooter trial extension, prior to Item 10, due to public interest in the gallery.

Leave of the meeting was granted

**13.4 Recommendation 4 - Item 7.4 - E-Scooter Trial Extension**

Moved by Councillor Elliott,  
Seconded by Councillor Davis -

THAT COUNCIL

1. Authorises the Lord Mayor to write to the Minister for Infrastructure and Transport, requesting an extension to the e-scooter trial for a further 12 months until 30 April 2025 whilst the State Government review is finalised, and legislative changes are made whilst noting the trial has now taken five years and that legislation must be forthcoming.
2. Notes that the Administration will continue to review and amend the permit conditions as necessary to improve safety and efficiency of the e-scooter operations.

Amendment –

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

‘That the motion be amended by the inclusion of an additional part 2 to read as follows:

2. Requests administration work with e-scooter operators to bring in designated parking bays at the earliest opportunity.’

Discussion ensued, during which with the consent of the mover, seconder and the meeting the amendment was varied to replace the word ‘parking’ with the word ‘docking’.

The amendment was then put and lost

Councillor Noon requested that a division be taken on the amendment.

Division

For (3):

Deputy Lord Mayor, Councillor Snape and Councillors Noon and Siebentritt

Against (8):

Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li and Martin

The division was declared against the amendment

Discussion continued

The motion was then put and carried

Councillor Martin requested that a division be taken on the motion.

Division

For (8):

Deputy Lord Mayor, Councillor Snape and Councillors Abrahamzadeh, Couros, Elliott, Giles, Li and Noon and Siebentritt

Against (3):

Councillors Davis, Hou and Martin

The division was declared in favour of the motion

## 10 Petitions

Nil

## 12 Recommendations of the City Finance and Governance Committee - 20 February 2024

The Lord Mayor requested a mover for recommendations 1 and 6

Councillor Martin moved the recommendations.

Deputy Lord Mayor, Councillor Snape moved a formal motion that the question be put.

Discussion ensued

The Lord Mayor called for leave to adjourn the meeting for 5 minutes.

Leave was granted and the meeting adjourned at 7.24 pm.

The meeting reconvened at 7.30 pm, with all Members present.

Deputy Lord Mayor, Councillor Snape withdrew his formal motion for the question to be put.

Councillor Martin's motion for recommendations 1 and 6, lapsed for want of a seconder.

It was then –

Moved by Councillor Giles,  
Seconded by Councillor Siebentritt -

### 12.1 Recommendation 1 - Item 7.1 - 2023/24 BP&B Q2 Progress Report

#### THAT COUNCIL:

1. Receives the quarterly update for the Business Plan and 2023/24 Budget as provided in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024, and notes the highlights of deliverables, status updates and risks and opportunities provided for Projects, Portfolios and Subsidiaries.
2. Approves adjustments for the Business Plan and Budget 2023/24 as identified in this report and reflected in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
3. Approves the budgeted year end Operating Position, which includes:
  - 3.1. Total operating income of \$230.537m
  - 3.2. Total operating expenses (including depreciation) of \$228.534m
  - 3.3. An operating surplus of \$2.003m
4. Approves total capital expenditure of \$110.336m for the 2023/24 year.
5. Approves total borrowings of \$42.106m projected to 30 June 2024
6. Notes the year-to-date Operating Position (Financial Performance) for the quarter as presented in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024, which includes:
  - 6.1. Total operating income of \$118.306m
  - 6.2. Total operating expenses (including depreciation) of \$109.307m
  - 6.3. An operating surplus of \$8.999m
  - 6.4. Total Capital Expenditure of \$40.741m
  - 6.5. Net Cash borrowings position of \$3.076m, with \$5.700m in borrowings, offset by \$2.624m in deposits.
7. Notes the detailed quarterly updates of Council Subsidiaries as provided as Attachments B, C, D & E to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
8. Notes the updated Long Term Financial Plan as provided in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20

February 2024.

## 12.6 Recommendation 6 - Item 7.6 - Local Government Participation and Elections Review

### THAT:

1. The matter be deferred to a workshop at a City Finance and Governance Committee meeting.

Discussion ensued

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 Snape and Councillors Abrahamzadeh, Elliott, Giles, Hou, Li, Martin, Noon and Siebentritt

Against (2):

Councillors Couros and Davis

The division was declared in favour of the motion

## 12.2 Recommendation 2 - Item 7.2 - Civic Recognition and Protocol Policy

Moved by Councillor Couros,  
Seconded by Councillor Hou -

### THAT COUNCIL:

1. Notes the report.
2. Adopts the Civic Recognition and Protocol Policy as contained in Attachment A to Item 7.2 on the City Finance and Governance Committee Agenda on 20 February 2024 being presented to Council for adoption.
3. Investigate the establishment of a Civic Recognition Committee pursuant to section 41 of the Local Government Act.
4. Retains the Civic Recognition Working Group including the scope as detailed in the 24<sup>th</sup> February 2020 Guidelines, until such time the Civic Recognition Committee (as detailed above) is established.
5. Legislative and corporate function of such a Committee to be similar to those of the Civic Recognition Operating Guidelines adopted by Council on 24<sup>th</sup> February 2020.
6. Remove all references to "decisions are of the Lord Mayor in consultation with the CEO".
7. On pages 12 and 13 of the draft policy, the deletion of "are encouraged to robe" to be replaced with "mandatory to wear the robe" at The Swearing in Ceremony, Australian Citizenship Ceremonies, Colonel Light Ceremony, the official Call Upon the Governor, special events such as Royal visits and State or City birthday celebrations, Freedom of Entry to the City and all other ceremonies or occasions where directed by the Council or Lord Mayor.
8. On Page 10 of the policy, to add to the Eligibility Criteria, add f) upon council resolution.
9. Authorises the Acting Chief Executive Officer or delegate to make minor editorial typographical or syntactical updates as required to finalise the Civic Recognition and Protocol Policy as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

Discussion ensued

Amendment –

Moved by Councillor Noon,  
Seconded by Councillor Siebentritt -

'That the motion be amended to read as follows:

That Recommendation 2 – Item 7.2 – Civic Recognition and Protocol Policy be referred back to the City Finance and Governance Committee.'

Amendment carried

The motion, as amended, was then put and carried

### 12.3 Recommendation 3 - Item 7.3 - Flags and Banners Policy

Moved by Councillor Couros,  
Seconded by Councillor Abrahamzadeh -

#### THAT COUNCIL:

1. Notes the report.
2. Revokes the City of Adelaide Flags and Banners Policy adopted by Council on 13 May 2014.
3. Adopts the Flags and Banners Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024 with the following change on page 2 of the Policy the deletion of the following text "Requests to lower Governance Flags as a sign of mourning in the event of the death of a local citizen or person of significance to the City of Adelaide will be subject to the protocols as set out by the Australian Government and/or the South Australian Department of Premier and Cabinet. All requests will be considered by the CEO in consultation with the Lord Mayor" and replaced with "Council will only lower governance flags at the request of the State or Australian Government".
4. Adopts the guidelines and protocols outlined in the Australian National Flag protocols for the Australian Flag and Flag Flying Guidelines as per the Department of the Premier and Cabinet for the State Flag within the Flags and Banners Policy for the City of Adelaide.
5. Authorises the Acting Chief Executive Officer or delegate to make minor editorial typographical or syntactical updates as required to finalise the Flags and Banners Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

Discussion ensued, during which:

- Councillor Giles left the Council Chamber at 7.44 pm and re-entered at 7.45 pm
- Councillor Hou left the Council Chamber at 7.53 pm.
- Councillor Martin called a Point of Order in relation to Councillor Davis breaching regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013*, due to Councillor Davis behaving in an improper and disorderly manner.
- Councillor Davis made a personal explanation in relation to the Point of Order called by Councillor Martin in accordance with Regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- Councillor Hou re-entered the Council Chamber at 7.55 pm.
- The Lord Mayor ruled in favour of the point of order and asked Councillor Davis to leave the Council Chamber at 7.56 pm.

It was then –

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

That Councillor Davis has contravened regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013*, by behaving in an improper and disorderly manner.

Discussion ensued



The motion was then put and carried

It was then –

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

That Councillor Davis has contravened Regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013* by behaving in an improper and disorderly manner and that Councillor Davis be suspended for a period of 15 mins.

Carried

Councillor Giles left the Council Chamber at 8.07 pm.

Councillor Davis was asked to return to the Council Chamber.

It was then –

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

That the meeting adjourn for a period of up to 5 minutes.

Carried

The meeting adjourned at 8.08 pm.

The meeting reconvened at 8.10 pm, with all members present with the exception of Councillor Li.

The Lord Mayor advised Councillor Davis that the Council had resolved that he had contravened Regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013* by behaving in an improper and disorderly manner and that he would be suspended for a period of 15 mins and that if he entered the meeting during this time he would be guilty of an offence and there would be a fine payable.

Councillor Davis left the Council Chamber at 8.11 pm.

Discussion continued, during which Councillor Li re-entered the Council Chamber at 8.13 pm.

The motion was then put and lost

Councillor Noon requested that a division be taken on the motion.

Division

For (3):

Councillors Abrahamzadeh, Couros and Hou

Against (7):

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

The division was declared against the motion

It was then -

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

THAT COUNCIL:

1. Notes the report.
2. Revokes the City of Adelaide Flags and Banners Policy adopted by Council on 13 May 2014.
3. Adopts the Flags and Banners Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
4. Authorises the Acting Chief Executive Officer or delegate to make minor editorial typographical or syntactical updates as required to finalise the Flags and Banners Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City

Finance and Governance Committee held on 20 February 2024.

Discussion ensued

The motion was then put and carried

#### **12.4 Recommendation 4 - Item 7.4 - Council Member Complaints Policy**

Moved by Councillor Noon,  
Seconded by Councillor Martin -

##### THAT COUNCIL:

1. Revokes the Behaviour Management Policy as adopted by Council on 12 December 2023.
2. Adopts the Council Member Complaints Policy (as required by Section 262 B of the Local Government Act 1999 SA) as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
3. Authorises the Acting Chief Executive Officer or delegate to make minor, typographical or syntactical updates to the documents contained in Attachment A and Attachment B to Item 7.4 on the Agenda for the meeting of the City and Finance Committee held on 20 February 2024.

Discussion ensued

The motion was then put and carried

Councillor Couros requested that a division be taken on the motion.

Division

For (7):

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

Against (3):

Councillors Abrahamzadeh, Couros and Hou

The division was declared in favour of the motion

The Lord Mayor sought leave to extend the meeting until the consideration of all items.

Leave was granted

#### **12.5 Recommendation 5 - Item 7.5 - Complaint Operating Guideline - Chief Executive Officer**

Moved by Councillor Elliott,  
Seconded by Councillor Siebentritt -

##### THAT COUNCIL:

1. Adopts the Complaints Operating Guideline, Chief Executive Officer contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024, subject to the inclusion of a Definition of the Conduct Committee to read as follows:  
  
'Is a group comprising the Lord Mayor, Deputy Lord Mayor and a proxy Council Member nominated at the start of each Council term.'
2. Authorises the Acting Chief Executive Officer or delegate to make minor, typographical or syntactical updates to the documents contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

Carried

Councillor Couros requested that a division be taken on the motion.

Division

For (7):

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

Against (3):

Councillors Abrahamzadeh, Couros and Hou

The division was declared in favour of the motion

### **13 Recommendations of the Infrastructure and Public Works Committee - 20 February 2024**

The Lord Mayor sought a mover and seconder for Recommendations 1, 3 and 5

It was then –

Moved by Councillor Elliott,  
Seconded by Deputy Lord Mayor, Councillor Snape –

#### **13.1 Recommendation 1 - Item 7.1 - Capital Project Update - January 2024**

THAT COUNCIL

1. Notes the Capital Works Program Update for January 2024 as contained within this report and Attachment A to Item 7.1 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 20 February 2024.

#### **13.3 Recommendation 3 - Item 7.3 - Public Realm Condition Audits**

THAT COUNCIL

1. Notes the Public Realm Condition Audits at Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on Tuesday 20 February 2024.

#### **13.5 Recommendation 5 - Item 7.5 - Draft Buildings Asset Management Plan**

THAT COUNCIL

1. Notes the draft Buildings Asset Management Plan as per Attachments A and B to Item 7.5 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 20 February 2024.
2. Endorses the draft Buildings Asset Management Plan as per Attachments A and B to Item 7.5 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 20 February, for the purposes of public consultation.

Carried

#### **13.2 Recommendation 2 - Item 7.2 - Adelaide City Connector Bus**

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

THAT COUNCIL

1. Notes that Council previously received a Report at its meeting on 9 February 2021 on the November 2020 City Connector Bus Service Engagement Summary Report.
2. Notes promotional Option Three of this report will be considered as part of future Business Plan and Budget submission processes.
3. Notes a report will be provided to the Infrastructure and Public Works Committee in the coming months on the City Connector Funding Deed.

Discussion ensued, during which Councillor Abrahamzadeh left the meeting at 8.26 pm.

The motion was then put and carried

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

Nil

#### 15 Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following activities:

- Launch of the Council's activation of the West End for the Adelaide Fringe, which included the Inflatable Church installation in Light Square
- Launch of the Adelaide Fringe
- Opening of Gluttony in the East Park Lands
- Lunar New Year Events
- Civic Event to welcome the Australasian Housing Researchers Conference
- A lecture at the University of South Australia on the final day of the conference by keynote speaker Professor Susan J Smith

During the discussion, following the conclusion of the period of suspension under Regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013*, Councillor Davis was advised that he could return to the Council Chamber at 8.26pm.

Councillor Davis re-entered the Council Chamber at 8.29pm.

It was then –

Moved by Councillor Noon,  
Seconded by Councillor Siebentritt –

That the report be received and noted.

Carried

#### 16 Councillors' Reports

##### 16.1 Reports from Council Members

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

##### THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 16.1 on the Agenda for the meeting of the Council held on 27 February 2024).
2. Notes the summary of Council Members' meeting attendance (Attachment B to Item 16.1 on the Agenda for the meeting of the Council held on 27 February 2024).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 27 February 2024 will be included in the Minutes of the meeting.

Deputy Lord Mayor, Councillor Snape addressed the meeting on his attendance at the Helpmann Academy Graduate exhibition.

The motion was then put and carried

#### 17 Motions on Notice

##### 17.2 Councillor Martin - MoN - Community Co-Ordinators

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

That Council;

Asks the Administration to include in the 2024/25 Business Plan and Budget discussion papers for deliberation the reinstatement of the City of Adelaide Community Co-ordinator positions to the same level prior to the positions being made redundant and the extension of hours of library staff/creation of such library positions as are necessary to restore to previous levels.

Discussion ensued, during which Councillor Elliott left the Council Chamber at 8.32 pm and re-entered at 8.34 pm.

The motion was then put and carried unanimously

### **17.3 Councillor Martin - MoN - Libraries and Community Centres**

Moved by Councillor Martin,  
Seconded by Councillor Noon -

That Council asks the Administration to include in the 2024/25 Business Plan and Budget discussion papers for deliberation;

1. a possible financial strategy for the purchase of City of Adelaide community centres and libraries or for their inclusion in Council initiated new building projects, rather than the extension of existing leases, and
2. a possible timeframe for the purchase of such facilities, together with, and subject to confirmation, the inclusion of any facilities identified as being necessary following the completion of the process begun with the Community Development Strategy discussion paper.

Discussion ensued

The motion was then put and carried

Councillor Siebentritt left the Council Chamber at 8.44 pm.

### **17.4 Councillor Giles - MoN - Western City Community Advisory Group**

Moved by Councillor Giles,  
Seconded by Councillor Noon -

THAT:

1. Council acknowledges the unique challenges in the western side of the city in meeting our strategic plan actions of delivering “neighbourhood revitalisation and improvements that make Adelaide well-designed, safe and unique.” particularly considering the current number of high-rise apartments, the approved plans for future developments which involve a further increase of high rise and apartment living, and plans for a further substantial increase of population in the western side of the city.
2. Council further recognises the current lack of community amenities, green space and tree cover in this area and the opportunity to develop a “bold and interesting community” in this largely undeveloped part of our city.
3. Council requests administration to provide to the April City Community Services and Culture Committee meeting a draft proposal for the establishment a community advisory committee of people who bring local knowledge and ideas and are prepared to champion the west as a safe, supportive, connected community with a strong unique culture.

Discussion ensued, during which Councillor Siebentritt re-entered the Council Chamber at 8.47 pm.

The motion was then put and carried

### **17.5 Councillor Giles - MoN - Sturt Street Parking**

Councillor Martin declared a material conflict of interest in Item 17.5 [Councillor Giles - MoN - Sturt Street Parking], pursuant to Section 75 of the *Local Government Act 1999* (SA), as he has a relative who has raised the matter with Council staff, withdrew his Chair and left the Council Chamber at 8.55 pm.

It was then -

Moved by Councillor Giles,  
Seconded by Councillor Noon -

That Council requests administration undertake a feasibility study of making Sturt St. (between King William St. and Morphett Street) a 2 hour free parking zone prior to upgrading the parking metres on this section of Sturt St.' (between King William St. and Morphett Street) a 2 hour free parking zone prior to upgrading the parking metres on this section of Sturt St.

Discussion continued

The motion was then put and carried

#### **17.6 Councillor Noon - MoN - Ellis Park / Tampawardli (Park 24) Sports Facilities**

The Lord Mayor advised the meeting that as the matter had been dealt with, the Motion on Notice was now ultra-vires.

#### **18 Motions without Notice**

Nil

#### **19 Questions on Notice**

##### **19.1 Councillor Martin - QoN - Adelaide Comets**

##### **19.2 Councillor Giles - QoN - Soft Plastic Trial**

##### **19.3 Councillor Noon - QoN - East End Park Lands**

The Questions and Replies having been distributed and published prior to the meeting were taken as read.

Councillor Martin re-entered the Council Chamber at 9.05 pm.

The replies for Items 19.1 – 19.3, are attached for reference at the end of the Minutes of the meeting.

#### **20 Questions without Notice**

Nil

#### **21 Exclusion of the Public**

Moved by Councillor Elliott,  
Seconded by Councillor Noon -

##### 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 27 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Audit and Risk Committee Report] 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 of a confidential nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation

##### 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 relates to actual litigation of Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the Council dated 27 February 2024 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 22 [Confidential Audit and Risk Committee Report] 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

It was then –

Moved by Councillor Siebentritt,  
Seconded by Councillor Li -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b), (g) & (j) and section 90(2) & (7) of the *Local Government Act 1999* (SA), this meeting of the Council dated 27 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23 [Confidential Recommendations of the City Finance and Governance Committee] 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 matters that must be considered in confidence as they relate to an open tender process and contain information relating on ongoing licensing negotiations.

The disclosure of information in this report could reasonably provide third parties information that could provide an advantage to them in negotiations with Council. It also includes matters relating to an open tender process for the provision of services.

The disclosure of information in this report would breach 'Cabinet in Confidence' information presented to the Capital City Committee (CCC) established under the City of Adelaide Act 1998 which has provided for a State/Capital City inter-governmental forum (the CCC) to operate and the associated duty of confidence and duty as a member of the inter-governmental forum.

Public Interest

The Committee is satisfied that in principle 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 ongoing licencing negotiations and an open tender process.

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 would divulge information provided on a confidential basis, and would be acting contrary to the CCC operational provisions, and could undermine the CCC operations and prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the Council dated 27 February 2024 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 23 [Confidential Recommendations of the City Finance and Governance Committee] 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), (g) & (j) of the Act.

Carried

Councillor Davis, Members of the public and Corporation staff present not directly involved with Items 22 and 23, left the Council Chamber at 9.06 pm.

- 22 Confidential Audit and Risk Committee Report - 16 February 2024**
- 23 Confidential Recommendations of the City Finance and Governance Committee - 20 February 2024**
- 23.1** Recommendation 1 - Item 10.1 - Visitor Experience Centre [S90(3) (b)]
- 23.2** Recommendation 2 - Item 10.2 - Capital City Committee Update [S90(3) (g), (j)]



The meeting re-opened to the public at 9.08 pm.

### **Item 22 - Confidential Audit and Risk Committee Report – 16 February 2024**

#### Resolution and 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 22 [Confidential Audit and Risk Committee Report - 16 February 2024] listed on the Agenda for the meeting of the Council held on 27 February 2024 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 2031
  - 2.3 The confidentiality of the matter be reviewed in December 2025.
  - 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.

### **Item 23 - Confidential Recommendations of the City Finance and Governance Committee – 20 February 2024 – Recommendation 1 – Item 10.1 – Visitor Experience Centre**

#### Resolution and Confidentiality Order

#### THAT:

1. The matter be deferred to a future meeting of the City Finance and Governance Committee upon clarification of the operating model specifically covering any additional costs.
2. Authorises that in accordance with Section 90 (3) (b) (i) and (ii) of the *Local Government Act 1999* (SA) and because Item 23 [Confidential Recommendations of the City Finance and Governance Committee] listed on the Agenda for the meeting of the Council held on 27 February 2024 was received, discussed and considered in confidence pursuant to Section 90 (3) (b) (i) and (ii) of the *Local Government Act 1999* (SA), this meeting of the Council do order that:
  - 2.1. The resolution becomes public information in the Minutes of the Council 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 Council has awarded the contract to a tender and the licencing agreement has been finalised.
  - 2.3. The Chief Executive Officer or delegate 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 23 - Confidential Recommendations of the City Finance and Governance Committee – 20 February 2024 – Recommendation 2 – Item 10.2 – Capital City Committee Update**

#### Resolution and Confidentiality Order

#### THAT COUNCIL:

1. Notes the report on the Capital City Committee meeting held on 1 February 2024.
2. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 23 [Confidential Recommendations of the City Finance and Governance Committee – 20 February 2024] listed on the Agenda for the meeting of the Council held on 27 February 2024 was received, discussed and considered in confidence pursuant to Section 90(3) (j) and (g) of the *Local Government Act 1999* (SA), this meeting of the Council orders that:
  - 2.1. The resolution becomes public information in the Minutes of the Council 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 January 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.

### Closure

The meeting closed at 9.08 pm

Dr Jane Lomax-Smith  
Lord Mayor

Date of confirmation:

Documents Attached:

Item 19.1 – 19.3 - Question on Notice Replies – Distributed Separately

## Councillor Martin - QoN - Adelaide Comets

Tuesday, 27 February 2024  
Council

**Council Member**  
Councillor Phillip Martin

Public

**Contact Officer:**  
Iliia Houridis, Director City Shaping

## QUESTION ON NOTICE

**Councillor Phillip Martin will ask the following Question on Notice:**

Could the Administration advise if;

1. The height of the Comets player facility and club function room complex on Ellis Park exceeded the height from the base to the highest point of the roof initially agreed by Council, and, if so, by how much?
2. If the agreed other works on the complex have been completed to the satisfaction of the Council Administration and, if not, what needs to be completed?
3. If the redevelopment of the car park detailed in the initial design for the complex and presented to Council for approval was completed in line with the agreed plan and, if so, when?
4. Has the Administration had occasion to raise with the Comets Football Club any concerns about the observance of its Park Lands lease and licence provisions at Ellis Park or at other locations leased or licensed to the Comets and, if so, what was the nature of such communications?

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## REPLY

### Building

1. On 28 June 2017, the Adelaide Comets Football Club (the Club) received \$3.5million from the Minister for Recreation and Sport to develop a new multipurpose community sports building in Park 24.
2. A proposed design concept of the building was provided to Council Administration on 8 September 2017. This design did not indicate a building height but showed the new building at its highest roof point to be approximately 10.4 metres above ground level.
3. On 21 September 2017, the Adelaide Park Lands Authority considered and advised Council of its support for the building design. The proposed design presented a building approximately 10.4m above ground level at its highest roof point.
4. Following consideration by the Authority, the Club made further improvements to the proposed design in order to reduce the visual impact of the building by doubling the height of the east and west mounds to 1.2m.
5. At its meeting on 10 October 2017, Council approved the community sports building concept design for Park 24 including the location and associated landscaping features intended to reduce the visual impact of the two level design. The approved design presented a building approximately 10.4m above ground level at its highest roof point.
6. The final planning documents submitted for Development Approval stated a confirmed building height of 9.4 metres, which the City of Adelaide's Development Assessment Panel determined as an acceptable building height.
7. Development Approval was granted on 13 March 2018.
8. The building was constructed and funded by the Club.

**Other Works**

- 9. As approved, two existing leased buildings in Park 24 were removed, and the area was satisfactorily remediated.
- 10. Construction of the approved building included three public toilets, which the City of Adelaide manages.
- 11. Landscaping works, including pathways, were constructed, providing equal access to the facility and the public toilets for people with living with disability.
- 12. In October 2019, the club informed Administration that due to project cost increases, some external landscaping works would not be achieved as proposed in the concept design.

**Car Parking**

- 13. While initial designs may have included carparking, the concept design approved on 10 October 2017, did not include car parking.
- 14. It should be noted that in regard to car parking more broadly, Administration has informed the Club to advise their members and visiting teams of the areas where parking is and is not available to them, and also to ensure Football South Australia are aware of the parking limitations and capacity to host multiple games on one day.

**Lease Compliance**

- 15. Administration coordinate inspections on community-leased buildings and licenced areas within the Adelaide Park Lands on annual basis. The purpose of these inspections is to ensure that leaseholders are adhering to their lease obligations.
- 16. Administration has received no complaints about the Club or their management of their leased and licenced areas in the Adelaide Park Lands.
- 17. The Club currently has leases for the buildings and licences for the sporting areas in Parks 19 and 24 respectively. Through coordinated inspections, the following lease compliance matters have been identified and raised with the Club in the last five years.

Inspection Date	Location	Matter to be addressed by the Club
8/01/2022	Park 24	<ul style="list-style-type: none"> <li>• weed spray between pavers and concrete swale</li> <li>• Park Lands concrete seat to be moved back into the Park Lands</li> <li>• goals require securing when not in use</li> <li>• confirm cleaning schedule of main areas (windows, tables, carpets, etc)</li> <li>• store rooms require storage solutions and maintained once organised</li> <li>• changerooms require regular cleaning and storage solutions</li> <li>• regularly empty bins</li> <li>• keep fire exits and fire fighting equipment clear</li> </ul>
11/04/2022	Park 19	<ul style="list-style-type: none"> <li>• clean gutters</li> <li>• paint the building in same colour as the rest of the building when removing graffiti</li> <li>• clean and paint the inside of the building</li> </ul>
7/09/2023	Park 24	Following the completion of turf and drainage works, the Club was directed to remove temporary fencing around a section of their licensed area.

- 18. These matters have all been addressed by the Club to Administration’s full satisfaction and the Club is compliant.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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- END OF REPORT -

## Councillor Giles - QoN - Soft Plastic Trial

Tuesday, 27 February 2024  
Council

**Council Member**  
Councillor Janet Giles

Public

**Contact Officer:**  
Iliia Houridis, Director City Shaping

## QUESTION ON NOTICE

**Councillor Janet Giles will ask the following Question on Notice:**

What has happened to the Curby soft plastic trial?

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## REPLY

1. The kerbside soft plastics recycling trial commenced in December 2022 and was open to 1000 City of Adelaide residents.
2. The trial is being led by the Central Adelaide Waste and Recycling Authority (CAWRA), with the support of the National Plastics Recycling Scheme (NPRS) and Australian Food and Grocery Council (AFGC).
3. The trial is part of the National Plastics Recycling Scheme project (NPRS) by Australia's food and grocery manufacturing industry. The South Australian portion of the trial includes the Cities of Adelaide, Charles Sturt and Port Adelaide Enfield and was supported by Green Industries SA.
4. The intent of the trial is to:
  - 4.1. Inform the design of a scalable model for 'bag-in-bin' kerbside collection and sorting of soft plastic packaging / test additional services using existing kerbside systems.
  - 4.2. Accelerate the development of a viable and efficient advanced recycling industry for soft plastics in Australia.
  - 4.3. Support delivery of the National Plastics Plan 2021 with targets including 70% of plastic packaging being recycled or composted and 50% average recycled content within packaging.
  - 4.4. Collect data to inform government agencies and assist with the development of product stewardship schemes, such as the NPRS.
  - 4.5. Show leadership in facilitating circular economy and resource recovery activities including recovering more valuable materials from landfill.
  - 4.6. Better understand the likely costs of a full-scale soft plastic recycling service.
5. The trial was due to conclude in December 2023 however an optional extension was continued in the first quarter of 2024 for participating residents.
6. The 1,000 residents currently participating in the trial can continue to present their soft plastics through the kerbside service until further advice is received from CAWRA.
7. CAWRA is due to provide advice before the end of the 2023/24 financial year on the continuation or otherwise of the trial. Preliminary advice is that the service may not be offered at scale at this point in time due to the immaturity of the recycling services sector for the waste material.

8. Administration will update Council Members and trial participants when advice is received from CAWRA.
9. In line with CoA's strategic goals, Administration continues to advocate for less reliance on problematic materials like soft plastics and improved recovery and recycling of these materials, including a submission to the Select Committee of the Legislative Council of South Australia on Recycling of Soft Plastics and Other Recyclable Materials in September 2023.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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- END OF REPORT -

## Councillor Noon - QoN - East End Park Lands

Tuesday, 27 February 2024  
Council

**Council Member**  
Councillor Carmel Noon

Public

**Contact Officer:**  
Ilia Houridis, Director City Shaping

## QUESTION ON NOTICE

**Councillor Carmel Noon will ask the following Question on Notice:**

'How many weeks of the year were the East End Parklands (between Botanic Road and Greenhill Road) not accessible to the public during 2023 calendar year?'

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## REPLY

1. For the purposes of this response, the East End Park Lands is defined as:
  - 1.1. Rundle Park / Kadlitpina (Park 13)
  - 1.2. Rymill Park / Murlawirrapurka (Park 14)
  - 1.3. King Rodney Park / Ityami-itpina (Park 15)
  - 1.4. Victoria Park / Pakapakanthi (Park 16).
2. It is important to note that at no time in 2023 were:
  - 2.1. all four East End Park Lands (Park 13, Park 14, Park 15, Park 16) occupied by events at once.
  - 2.2. entirely not accessible to the public.
3. The following points are provided in response to the question:
  - 3.1. Rundle Park / Kadlitpina (Park 13)
    - 3.1.1. Areas within Park 13 were occupied by events for 20 weeks of the 2023 calendar year.
    - 3.1.2. During this time access to parts of Park 13 were still publicly accessible.
  - 3.2. Rymill Park / Murlawirrapurka (Park 14)
    - 3.2.1. Areas within Park 14 were occupied by events for 22 weeks of the 2023 calendar year.
    - 3.2.2. During this time access to parts of Park 14 were still publicly accessible.
    - 3.2.3. The City of Adelaide's Rymill Park Lake Renewal project commenced in Park 13 in late August 2023, occupying an area surrounding the lake for 18 weeks in the 2023 calendar year to undertake the necessary renewal works.
  - 3.3. King Rodney Park/ Ityami-itpina (Park 15)
    - 3.3.1. Areas of Park 15 were occupied by events for eight weeks of the 2023 calendar year.
    - 3.3.2. During this time access to parts of Park 15 were still publicly accessible.
  - 3.4. Victoria Park/ Pakapakanthi (Park 16)
    - 3.4.1. Areas of Park 16 were occupied by events for 26 weeks of the 2023 calendar year.
    - 3.4.2. The VAILO Adelaide 500 represents 18 weeks of this total period.

3.4.3. During this time access to parts of Park 16 were still publicly accessible.

3.4.4. The 26 weeks of event occupation in Park 16 does not include a variety of small community activities and events that occur in this Park each year that in no way restrict public access to the East End Park Lands.

4. The following points provide further context to these figures:

- 4.1. In 2023, areas of the East End Park Lands were only inaccessible to the public (unable to be reached or entered) when events were under construction or being demounted or Council's Rymill Park Lake renewal works were occurring.
- 4.2. Events rarely utilise an entire Park Land location. When major events were held in the East End Park Lands in 2023, parts of individual Park Land locations were not utilised by each event.
- 4.3. Many major events, such as those held in Parks 13 and 14 as part of the Adelaide Fringe, are free to attend and, therefore, publicly accessible during their event operation.
- 4.4. In cases where some events charge a fee to enter the event, they aren't exclusive and technically remain accessible for the public to attend as audience members.
- 4.5. In the example of Harvest Rock II, the event organisers worked with the City of Adelaide to ensure that the Quentin Kenihan Inclusive Playspace was not only able to be accessed by non-ticket-holding members of the public it was also programmed for children and family focussed entertainment.
- 4.6. In 2023, public event attendance at these significant East End Park Land events exceeded 1.5 million people. This level of attendance and utilisation of the Park Lands is greater than when it is not programmed with this content.
- 4.7. Attendance at events and activities in the Adelaide Park Lands promotes community celebration and showcases the unique Adelaide Park Lands.
- 4.8. The VAILO Adelaide 500 was the longest East End Park Lands event occupancy in 2023, spanning 18 weeks. This event operates under the *South Australia Motorsport Act 1984*. This event implements a staged build process, so for vast periods of their occupation, it only utilised a small portion of Victoria Park, leaving wider areas of the Park Lands accessible.
- 4.9. With assistance from Administration, event organisers have become increasingly proficient at setting up their events in 'increments', and not occupying large areas of the Park Lands for their setup periods when it is not required. Whilst their approval may be for a larger area, they don't always occupy that full area for the full duration of their approval.
- 4.10. The conclusion of Council's waiving of Park Lands fees instituted as a response to COVID-19, saw the reinstatement of Park Lands fees that have been effective since October 2023. Event Organisers have reevaluated how much Park Lands area they require and the period the area is required. Event site fees are charged based on the amount of area used.
- 4.11. The East Park Lands are synonymous with longstanding events and festivals which define Adelaide as one of the world's great festival cities. On this basis, Council has undertaken significant investment into event based infrastructure to support major events within these Park Land settings. In summer each year, the precinct is transformed during the Adelaide Fringe. The entire precinct attracts many local, national and international event visitors. With its proximity to the East End district, it plays an important role in stimulating the local economy and enriching the cultural life of Adelaide as 'the City in a Park'.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4.5 hours.
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- END OF REPORT -