



COUNCIL MINUTES

for the meeting

Tuesday, 12 March 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, 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

Leave of Absence:

Councillor Davis

7 Confirmation of Minutes - 27/2/2024

Moved by Deputy Lord Mayor, Councillor Snape,
Seconded by Councillor Siebentritt

That the Minutes of the meeting of the Council held on 27 February 2024, be taken as read and be confirmed as an accurate record of proceedings.

Carried

The Lord Mayor reminded Council Members regarding the use of mobile devices in the Council Chamber, in line with the Code of Practice for Meeting Procedures.

8 Declaration of Conflict of Interest

Councillor Martin declared a material conflict of interest in Item 12 [Recommendation 10 – Item 7.10 - Her Majesty's Theatre Commemorative Artwork], pursuant to Section 75 of the *Local Government Act 1999* (SA), as he is an Adelaide Festival Centre Trustee.

Councillors Giles and Noon declared a material conflict of interest in Item 14.2 [2024 Australian Council of Local Government], pursuant to Section 75 of the *Local Government Act 1999* (SA), as they are the Council delegate and proxy (respectively) to the 2024 Australian Local Government Association, National General Assembly.

Michael Sedgman, Acting Chief Executive Officer, declared a material conflict of interest in Item 11 [Recommendation of the CEO Performance Review Panel – 4 March 2024 – 2023/24 KPI Progress Report], pursuant to Section 75 of the *Local Government Act 1999* (SA), as he is the subject of the report.

9 Deputations

9.1 Deputation - Ryan Hubbard - Nature Festival

Mr Ryan Hubbard addressed the Council:

- To thank Council for their sponsorship of the Nature Festival over the past four years.

The Lord Mayor thanked Mr Hubbard for his deputation.

10 Petitions

Nil

11 Recommendation of the CEO Performance Review Panel - 4 March 2024

11.1 Recommendation 1 - Item 4.1 - 2023/24 KPI Progress Report

Michael Sedgman, Acting Chief Executive Officer, having declared a conflict of interest in the item, left the Council Chamber at 5.41 pm.

It was then –

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

THAT COUNCIL:

1. Notes the approved Chief Executive Officer Key Performance Indicators for 2023/24, Attachment A to Item 4.1 on the Agenda for the meeting of the CEO Performance Review Panel held on 4 March 2024.
2. Notes the achievement of KPIs to date and the positive progress towards the balance of KPIs and foreshadows that at the end of the Financial Year there will be a final KPI assessment for the year.
3. Endorses that Council does not progress a 360-degree review of the Acting Chief Executive Officer at that time.
4. Receives and notes the KPI progress report, Attachment B to Item 4.1 on the Agenda for the meeting of the CEO Performance Review Panel held on 4 March 2024, outlining progress against the Chief Executive Officer's endorsed 2023/24 Key Performance Indicators.
5. Notes that the Acting Chief Executive Officer will provide a draft of interim 2024/25 CEO KPIs for the consideration of the Panel at its meeting of 3 June 2024.

Discussion ensued

The motion was then put and carried

Michael Sedgman, Acting Chief Executive Officer, re-entered the Council Chamber at 5.44 pm.

12 Recommendations of the City Community Services and Culture Committee - 5 March 2024

Discussion ensued

The Lord Mayor called for a mover for recommendations 2, 4, 6, 7, 8, 9, and 11

It was then

Moved by Councillor Giles,
Seconded by Councillor Siebentritt -

12.2 Recommendation 2 - Item 7.2 - NYE 2023 Activities and Events Fund for Businesses Program OverviewTHAT COUNCIL

1. Notes the overview of the New Years Eve 2023 Activities and Events Fund for Businesses Program.

12.4 Recommendation 4 - Item 7.4 - Consultation Feedback on the Draft Park Lands Community Buildings (Sport and Recreation) PolicyTHAT COUNCIL

1. Notes the findings of the community consultation undertaken on the Draft Park Lands Community Buildings (Sport and Recreation) Policy as shown in Attachments A, B and C to Item 7.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 March 2024.
2. Notes that a workshop will be scheduled at Kadaltilla and following that workshop a subsequent report will be brought back to Council.

12.6 Recommendation 6 - Item 7.6 - City of Adelaide Commonwealth Home Support ProgramTHAT COUNCIL

1. Notes the report and requests a further report from the Administration in relation to the 2024/25 Commonwealth Home Support Program funding year.

12.7 Recommendation 7 - Item 7.7 - Adaptive Reuse City Housing Initiative (ARCHI) - Progress ReportTHAT COUNCIL

1. Receives and notes the remit and progress of the Adaptive Reuse City Housing Initiative.

12.8 Recommendation 8 - Item 7.8 - Rymill Park Kiosk - Lease Consultation ResultsTHAT COUNCIL

1. Receives the findings of the community consultation summarised in Attachment A to Item 7.8 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 March 2024.
2. Endorses the 21-Year Commercial Park Lands Lease Agreement as per Attachment B to Item 7.8 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 March 2024, so that it can be presented to both Houses of Parliament in accordance with the Adelaide Park Lands Act (SA) 2005.
3. Endorses the final concept plans for the Rymill Park Kiosk, as per Attachment C to Item 7.8 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 March 2024.
4. Supports the engagement of Kurna Yerta Aboriginal Corporation to seek advice on culturally appropriate acknowledgement of the Kurna community's cultural and historical connections with Murlawirrapurka / Rymill Park.

12.9 Recommendation 9 - Item 7.9 - Park Lands Leasing - Expressions of InterestTHAT COUNCIL

1. Notes the Expression of Interest submissions received for the eight Park Lands sites as shown in Attachment A to Item 7.9 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 March 2024.
2. Authorises the Acting Chief Executive Officer or delegate to enter into five-year lease agreements with the following applicants:
 - 2.1. Wilderness School Ltd - Lefevre Park/Nantu Wama (Park 6), excluding the two southern sports courts that have been identified for removal due to their poor condition
 - 2.2. South Australian Dog Obedience Club - Carriageway Park/Tuthangga (Park 17)
 - 2.3. South Park Lands Hockey and Tennis Consortium - Blue Gum Park/Kurangga (Park 20)
 - 2.4. South Australian United Church Netball Association - Josie Agius Park/Wikaparntu (Park 22)
 - 2.5. Pembroke School Incorporated (Pembroke School Rowing Club) – Tarntanya Wama (Park 26) (Site A)
 - 2.6. Scotch College Adelaide (Scotch Rowing Club) – Tarntanya Wama (Park 26) (Site B)
 - 2.7. Minister for Department of Education (Norwood/Unley High Rowing Club) – Tarntanya Wama (Park 26) (Site C)
3. Requests Administration investigate the feasibility of Prince Alfred College and Goodwood Saints Football Club and Goodwood Cricket Club co-existing in King Rodney Park/Ityamai-itpina (Park 15).

12.11 Recommendation 11 - Item 7.11 - Main Street Round Tables Summary ReportTHAT COUNCIL

1. Notes this report including the compilation of updates from the former Lord Mayor Round Tables discussions and other consultations associated with the Main Street Revitalisation program.

Carried

12.1 Recommendation 1 - Item 7.1 - Adelaide's New Year's Eve

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

THAT COUNCIL

1. Notes this report outlining the key outcomes from 2023 and preliminary 2024 plans for New Year's Eve in Elder Park / Tarntanya Wama.
2. Notes that the budget required to deliver Adelaide New Year's Eve 2024 will be considered through the 2024/25 Business Plan and Budget process.
3. Requests Administration to investigate the expansion of the City of Adelaide New Year's Eve Festival, including light and drone shows in locations city wide and sponsorship opportunities.

Discussion ensued, during which:

- Councillor Abrahamzadeh entered the Council Chamber at 5.50 pm.
- Councillor Hou entered the Council Chamber at 5.51 pm.
- The Lord Mayor advised the meeting that the motion would be taken in parts.

Parts 1 and 2 of the motion, were then put and carried unanimously

Part 3 of the motion was then put and lost

Councillor Couros requested that a division be taken on Part 3 of 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 Part 3 of the motion

12.3 Recommendation 3 - Item 7.3 - Harvest Rock 2024 Temporary Road Closure

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

THAT COUNCIL

1. Receives the outcomes of public consultation 'Harvest Rock 2024 – Temporary Closure of Bartels Road Consultation Responses' as per Attachment A to Item 7.3 on the Agenda for the meeting of the City Community Services and Culture Committee meeting held on 5 March 2024.
2. Requests Administration to undertake further consultation targeting residents in the East End, noting consultation took place during January 2024, when many people may have been away and that the event takes place on October 12 and 13, 2024.
3. Defers the application from Harvest Rock Pty Ltd to close a portion of Bartels Road from Dequetteville Terrace to East Terrace as per section 33(1) of the Road Traffic Act (1961) from 5:00 am on Wednesday 9 October 2024 to 11:59 pm on Monday 14 October 2024 for Harvest Rock 2024, until the further consultation has been undertaken.
4. Notes that fees for major event road closures will be reviewed in the fees and charges schedule as part of the 2024/2025 Business Plan and Budget.

Discussion ensued, during which the Lord Mayor advised the meeting that the motion would be taken in parts.

Part 1 of the motion was then put and carried unanimously

Parts 2, 3 and 4 of the motion were then put and lost
on the casting vote of the Lord Mayor

Councillor Couros requested that a division be taken on Parts 2, 3 and 4 of the motion.

Division

For (5):

Deputy Lord Mayor, Councillor Snape and Councillors Abrahamzadeh, Couros, Hou and Noon.

Against (5):

Councillors Elliott, Giles, Li, Martin and Siebentritt.

The division was declared against Parts 2, 3 and 4 of the motion,
on the casting vote of the Lord Mayor

It was then –

Moved by Councillor Martin,
Seconded by Councillor Giles –

THAT COUNCIL:

2. Approves the application from Harvest Rock Pty Ltd to close a portion of Bartels Road from Dequetteville Terrace to East Terrace as per section 33(1) of the Road Traffic Act (1961) from 5:00 am on Wednesday 9 October 2024 to 11:59 pm on Monday 14 October

2024 for Harvest Rock 2024.

Carried

12.5 Recommendation 5 - Item 7.5 - Adelaide South West Community Centre

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

THAT COUNCIL

1. Notes the report.
2. Notes that Council has operated a staffed neighbourhood facility at the Minor Works Building Community Centre since January 2021 for the South West and City South communities and recent investments in staffing, services and facilities will deliver additional community benefits, however does not negate the decision of council to purchase a separate property for south west community residents.
3. Notes that a draft Community Development Strategy and Implementation Plan will be prepared for Council to inform its decision-making about future investment in community facilities and services.
4. Notes that budget proposals for deliberation and consideration will be prepared for Council as part of the 2024/25 Business Plan and Budget process, that include:
 - 4.1. 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.
 - 4.2. 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
 - 4.3. 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.

Carried unanimously

12.10 Recommendation 10 - Item 7.10 - Her Majesty's Theatre Commemorative Artwork

Councillor Martin, having declared a conflict of interest, left the Council Chamber at 6.18 pm.

Discussion ensued

It was then –

Moved by Councillor Elliott,
Seconded by Councillor Hou -

THAT COUNCIL

1. Notes that Administration is currently working with the Adelaide Festival Centre and Trust to develop a project plan and proposal for a commemorative artwork celebrating Mr Barry Humphries, AO CBE for Council's consideration.
2. Acknowledge the fundraising commitment by the Adelaide Festival Centre Trust to purchase a commissioned bronze sculpture.
3. Assists the Adelaide Festival Centre Trust by managing the commission to ensure compliance with requirements for installation.
4. Progress investigations of site conditions to facilitate the placement of the artwork, as part of our capital works program.
5. Notes that Administration will bring a further report to Council following receipt of a formal proposal from the Adelaide Festival Centre.

Carried

Councillor Martin re-entered the Council Chamber at 6.18 pm.

13 Recommendations of the City Planning, Development and Business Affairs Committee - 5 March 2024

The Lord Mayor called for a mover for recommendations 1, 2, 3 and 4.

It was then –

Moved by Councillor Elliott,
Seconded by Councillor Giles -

13.1 Recommendation 1 - Item 7.1 - City Plan - Adelaide 2036 Project Update

THAT COUNCIL:

1. Notes the approach to provide regular updates on the City Plan project to 30 June 2024 via the Council Members portal.

13.2 Recommendation 2 - Item 7.2 - Council Assessment Panel - Annual Report 2023

THAT COUNCIL:

1. Notes the Council Assessment Panel Annual Report 2023 contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 March 2024.

13.3 Recommendation 3 - Item 7.3 - Draft Guidelines for Kerbside Waste Management Services

THAT COUNCIL:

1. Defers Item 7.3 - Draft Guidelines for Kerbside Waste Management to a future City Planning, Development and Business Affairs Committee Meeting.

13.4 Recommendation 4 - Item 7.4 - Committee Update on the World Heritage Listing for the Adelaide Park Lands and Rural Settlement Landscapes

THAT COUNCIL:

1. Notes the continued efforts of City of Adelaide to seek World Heritage status for the Adelaide Park Lands and its Rural Settlement Landscapes in partnership with the Mount Lofty World Heritage Consortium.
2. Endorses Option B – City of Adelaide and State Government Partnership, as presented in Item 7.4 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 March 2024.
3. Authorises the Lord Mayor to write to Deputy Premier, Susan Close MP, Minister for Climate, Environment and Water seeking State Government support for alternative partnership approaches.
4. Authorises the Acting Chief Executive Officer or delegate to write to the Mount Lofty World Heritage Consortium advising bid partners of Council's decision, pending advice from the State Government.

Carried

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

14.1 Capital City Committee 2022-23 Annual Report

Moved by Councillor Siebentritt,
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL:

1. Receives and notes the Capital City Committee Annual Report 2022-23, presented as Attachment A to Item 13.1 on the Agenda of Council on 12 March 2024.

Carried

14.2 2024 Australian Council of Local Government

Councillors Giles and Noon, having declared conflicts of interest, left the Council Chamber at 6.19 pm.

It was then -

Moved by Deputy Lord Mayor, Councillor Snape,

Seconded by Councillor Siebentritt -

THAT COUNCIL

1. Approves Council's appointed delegate (or proxy) to attend the Australian Council of Local Government Gala Dinner on 4 July 2024, and the Australian Council of Local Government Forum on 5 July 2024.
2. Notes that no motions will be submitted to the 2024 Australian Local Government Association National General Assembly.

Discussion ensued

The motion was then put and carried

Councillors Giles and Noon re-entered the Council Chamber at 6.20 pm.

15 Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following activities:

- Attendance at a series of Fringe events and Festival Performances, along with WOMAD
- Civic Receptions at the Adelaide Town Hall, including a morning tea for the Adelaide Economic Development Agency
- Hosted a group of bilingual police officers at the Town Hall, to celebrate bridging the gap between SAPOL and the Chinese community
- Unveiling of portraits of Mary Lee and Catherine Helen Spence, during a reception on International Women's Day
- Delivering a keynote speech at the Roads Australia International Women's Day industry lunch
- Attended the State Funeral for Indigenous rights advocate Dr Lowitja O'Donoghue.

It was then

Moved by Councillor Noon,

Seconded by Councillor Martin –

That the report be received and noted.

Carried

16 Councillors' Reports

Nil

17 Motions on Notice**17.1 Councillor Noon - MoN - Adelaide Comets Football Club**

Moved by Councillor Noon,

Seconded by Deputy Lord Mayor, Councillor Snape -

THAT COUNCIL:

1. Notes the report concerning the Adelaide Comets Football Club's request tabled at February 6, 2024 City Community Services and Culture Committee where the Elected Members were advised that the Council Administration had been collaborating with the Club for 2-3 years re this request. This was the first instance that the Elected Members were provided with this information to formulate a recommendation for a Council meeting scheduled just one week later on February 13, 2024.

2. Request the Administration ensure through an agreed pipeline process (eg CEO Briefings) that all Elected Members are informed in a timely manner about ongoing negotiations, rather than just one week before a Council meeting via a Committee, particularly for issues that have State Government involvement/funding/pre-election promises and are likely to be contentious and polarize the council and community alike.

Discussion ensued, during which:

- Councillor Elliott raised a point of order around use of mobile devices in the Council Chamber.
- Councillor Abrahamzadeh left the meeting at 6.35 pm.
- Councillor Couros raised a point of order around Councillor Elliott not addressing the motion. The Lord Mayor ruled against the point of order.

The motion was put and carried

Deputy Lord Mayor, Councillor Snape 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 (2):

Councillors Couros and Hou.

The division was declared in favour of the motion

18 Motions without Notice

Nil

19 Questions on Notice

Nil

20 Questions without Notice

Nil

21 Exclusion of the Public

Moved by Councillor Martin,
Seconded by Councillor Noon -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12 March 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Recommendations of the City Community Services and Culture Committee – 5 March 2024] 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 commercial leases and contain information relating on future lease 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 that could relate to an open tender process for the provision of services.

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 commercial lease negotiations and open tender processes.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 12 March 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 Recommendations of the City Community Services and Culture Committee – 5 March 2024] 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) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Item 22 left the Council Chamber at 6.53 pm.

**22 Confidential Recommendation of the City Community Services and Culture Committee - 5
March 2024**

22.1 Item 22.1 - Recommendation 1 - Item 10.1 - Library Leases [S90(3) (b)]

The meeting re-opened to the public at 6.53 pm.

Item 22 - Confidential Recommendation of the City Community Services and Culture Committee – 5 March 2024

Resolution and Confidentiality Order

THAT COUNCIL

1. Notes the content of the report to Item 10.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 5 March 2024.
2. Authorises the Acting Chief Executive Officer (or nominated delegate) to engage with the State Library of South Australia and the Libraries Board to develop a business case for a City Library cultural and community hub to be co-located with the State Library of South Australia at its North Terrace premises, for Council consideration prior to 30 June 2024.
3. Approves the development of a complementary business case for a City Library cultural and community hub that utilises one or more of Council's existing strategic property assets for Council consideration prior to 30 June 2024.
4. Authorises that in accordance with Section 90 (3) (b) (i) and (ii) of the *Local Government Act 1999 (SA)* and because Item 22 [Recommendation 1 – Item 10.1 - Library Leases] listed on the Agenda for the meeting of the Council held on 12 March 2024 was received, discussed and considered in confidence pursuant to Section 90 (3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
 - 4.1. The resolution becomes public information in the Minutes of the Council meeting.
 - 4.2. 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 decided its position on the commercial lease/s outlined within and all future lease negotiations have been finalised.
 - 4.3. The Acting 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 6.53 pm

Dr Jane Lomax-Smith
Lord Mayor

Date of confirmation:

Documents Attached:
Nil