



COUNCIL MINUTES

for the meeting

Tuesday 27 November 2018

in the Council Chamber,
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);
Councillors Abiad, Abrahimzadeh, Couros, Dr Donovan, Hou, Hyde, Khera, Knoll,
Martin, Moran and Simms.

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.’

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 (6) 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.’

Prayer

Upon the completion of the Acknowledgement of Colonel Light by the Lord Mayor, the Chief Executive Officer asked all present to pray -

‘Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen’

Memorial Silence

The Lord Mayor asked all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

Apologies and Leave of Absence

Nil

Confirmation of Minutes

1. Item 6 - Confirmation of Minutes – 23/10/2018

Moved by Councillor Moran,
Seconded by Councillor Abiad –

That the Minutes of the meeting of the Council held on 23 October 2018, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputation

2. Item 7.1 – Deputation – Dr David Faber – Gallipoli Memorial Wattle Grove [C]

Mr David Faber addressed the Council in relation to:

- To the removal of the cenotaph from the Gallipoli Memorial Wattle Grove and the possibility of the restoration of the wattle grove and erection of an armistice memorial.

The Lord Mayor thanked Mr David Faber for his presentation.

Advice/Recommendation from Adelaide Park Lands Authority and Reports of Other Committees

3. Item 9.1 - Audit Committee - Special Meeting 26/10/2018 [2014/04842] [C]

Moved by Councillor Martin,
Seconded by Councillor Moran -

1. Report of the Adelaide City Council Audit Committee – 26/10/2018 [C]

THAT COUNCIL:

1. Notes the report of the Special meeting of the Audit Committee held on 26 October 2018.

2. Internal Audit Plan 2018-20 [C]

THAT COUNCIL:

1. Approves the City of Adelaide two-year Internal Audit Plan, contained in Attachment A to Item 2.1 on the Agenda for the Special meeting of the Audit Committee held on 26 October 2018.

Carried

Councillors' Reports

4. Item 11.1 - Reports from Council Members [2018/04064] [C]

Councillor Martin addressed the meeting regarding his attendance at the recent meeting of the Adelaide Airport Consultative Committee.

It was then -

Moved by Councillor Abiad,
Seconded by Councillor Simms -

That the report be received and noted.

Carried

Reports for Council (Chief Executive Officer's Reports)

5. Item 12.1 – Sustainable Event Guidelines [2017/03251] [C]

Moved by Councillor Moran,
Seconded by Councillor Simms -

THAT COUNCIL:

1. Approves the draft Sustainable Event Guidelines as shown in Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 27 November 2018.

Discussion ensued, whereupon Councillor Moran and Councillor Simms withdrew their motion.

It was then –

Moved by Councillor Khara,
Seconded by Councillor Moran -

THAT COUNCIL:

1. Refer the draft Sustainable Event Guidelines as shown in Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 27 November 2018, to a workshop for further investigation and discussion.

Discussion ensued

Amendment –

Moved by Councillor Abiad,
Seconded by Councillor Martin -

That the motion be amended to read as follows:

THAT COUNCIL:

1. Approves the draft Sustainable Event Guidelines as shown in Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 27 November 2018.
2. Requests a workshop to be held at the next possible committee to brief and obtain direct feedback from elected members in regard to the implementation of the draft sustainable events guidelines.'

Discussion ensued

The amendment was then put and carried

Councillor Moran then requested that a division be taken on the amendment.

Division

For (8):

Councillors Abiad, Abrahamzadeh, Couros, Donovan, Hou, Knoll, Martin and Simms.

Against (3):

Councillors Hyde, Khera and Moran.

The division was declared in favour of the amendment.

Discussion continued

The motion, as amended, was then put and carried

6. Item 12.2 – Results of the 2018 General Election [2017/00096] [C]

Moved by Councillor Moran,
Seconded by Councillor Simms -

THAT COUNCIL:

1. Notes the results of the City of Adelaide 2018 General Election.

Carried

7. Item 12.3 – Acknowledgement of Service [2014/04845] [C]

Moved by Councillor Moran,
Seconded by Councillor Abiad -

THAT COUNCIL:

1. Thanks Martin Haese, Sue Clearihan, Natasha Malani, Megan Hender, Sandy Wilkinson, David Slama, Alex Antic and Priscilla Corbell-Moore for their service to the City of Adelaide.
2. Requests the Lord Mayor to write to Martin Haese, Sue Clearihan, Natasha Malani, Megan Hender, Sandy Wilkinson, David Slama, Alex Antic and Priscilla Corbell-Moore thanking them for their service to the City of Adelaide on behalf of the Council.
3. Offer the Corporate Facilities Pass to Martin Haese, Sue Clearihan, Natasha Malani, Megan Hender and Sandy Wilkinson for the duration of this Council term, in consideration of the importance of service to the community.
4. Offer the provision of the Corporate Facilities Pass to previous Council Members who were deemed eligible at the time, Alfred Huang, Charles Moschakis, Chris Douglas, Michael Henningsen, Henry Ninio, James Jarvis, Jane Lomax-Smith, Mark Hamilton, Michael Harbison, Michael Harrison, David Plumridge, Richard Hayward, Wendy Chapman and Stephen Yarwood for the duration of this Council term, in consideration of the importance of service to the community.
5. Refers the future provision of the Corporate Facilities Pass to a review of Council's Standing Orders to be undertaken in 2019.
6. Requests that the Civic Recognition CEO Working Group provide advice to Council on better ways to recognise former Lord Mayors and long-serving Council Members.

It was then –

Moved by Councillor Martin,
Seconded by Councillor Abrahamzadeh -

That the motion be put.

Carried

The motion was then put and carried

8. Item 12.4 – Position of Deputy Lord Mayor [2014/04836] [C]

Moved by Councillor Moran,
Seconded by Councillor Abiad -

THAT COUNCIL:

1. Approves the appointment of a Deputy Lord Mayor for the 2018-2022 term of office.
2. Approves the appointment of a Deputy Lord Mayor commencing 27 November 2018 until 30 November 2019.
3. Approves the appointment of the nominated member to the position of Deputy Lord Mayor.

Carried

The Lord Mayor called for nominations to the position of Deputy Lord Mayor.

Councillor Hyde nominated Councillor Abiad, who accepted the nomination.

Councillor Abiad disclosed a material conflict of interest in Item 12.4, pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), because of remuneration associated with the appointment of Deputy Lord Mayor withdrew his Chair and left the Council Chamber at 7.07pm.

It was then –

Moved by Councillor Hyde,
Seconded by Councillor Abrahamzadeh -

That Councillor Abiad be appointed to the position of Deputy Lord Mayor commencing 27 November 2018 until 30 November 2019.

Discussion ensued

The motion was then put and carried

Councillor Abiad re-entered the Council Chamber at 7.09pm.

9. Item 12.5 – Standing Orders – Lapsed Council Decisions as a result of the 2018 General Election [2014/04845] [C]

Moved by Councillor Simms,
Seconded by Councillor Moran -

THAT COUNCIL:

1. Receives the report.

Carried

10. Item 12.6 – CEO Performance Review Panel - Appointment of Panel Members [2018/04071] [C]

Moved by Councillor Abiad,
Seconded by Councillor Hyde -

THAT COUNCIL:

1. Approves the establishment of the CEO Performance Review Panel for the 2018-2022 municipal term of Council.
2. Approves the appointment of the Lord Mayor and member in the position of Deputy Lord Mayor for the 2018-2022 municipal term of Council and updates the Terms of Reference accordingly.
3. Approves the appointment of two additional Council members to the CEO Performance Review Panel for a period of two (2) years.

Discussion ensued

The motion was then put and carried

The Lord Mayor called for nominations for two (2) Council members to the CEO Performance Review Panel.

Councillor Simms nominated Councillor Martin, who accepted the nomination.

Councillor Abiad nominated Councillor Moran and Councillor Khera. Councillor Moran declined the nomination and Councillor Khera accepted the nomination.

It was then –

Moved by Councillor Hyde,
Seconded by Councillor Hou -

That Council appoints Councillor Martin and Councillor Khera to the CEO Performance Review Panel for a period of two (2) years.

Carried

Question without Notice

Discussion ensued

Exclusion of the Public

11. Item 17.1 – Exclusion of the Public from the Meeting to Consider [2017/00571] [C]

For the following advice of the Audit Committee seeking receipt in confidence:

18.1.1. Audit Committee – Special Meeting 26/10/2018 [s 90(3) (i), (d) & (e)]

For the following Chief Executive Officer Reports seeking consideration in confidence:

Strategic Alignment – Liveable

18.2.1. Adelaide South West Community Centre Lease [s 90(3) (d)]

Strategic Alignment – Creative

18.2.2. Strategic Lease Matter [s 90(3) (d)]

Strategic Alignment – Corporate Activities

18.2.3. Capital City Committee Annual Report 2017/18 [s 90(3) (g)]

ORDER TO EXCLUDE FOR ITEM 18.1.1:

Moved by Councillor Moran,
Seconded by Councillor Abiad -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (i), (d) & (e) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Audit Committee – Special Meeting 26/10/2018] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The Item is of a confidential nature because the report includes information disclosure of which could reasonably be expected to provide a commercial advantage to council's business competitors.

The disclosure of information in this report could reasonably prejudice the commercial position and identity of the person who supplied 'commercial in confidence' material containing details of council's compliance with Payment Card Industry Data Security Standards.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information that has been received in confidence and confer a commercial advantage on a third party which may severely impact Council's operations.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 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 18.1.1 [Audit Committee – Special Meeting 26/10/2018] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (i), (d) & (e) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 18.2.1:

Moved by Councillor Knoll,
Seconded by Councillor Moran -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.1 [Adelaide South West Community Centre Lease] 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 commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party. The disclosure of information has the potential to prejudice Council's position in seeking a lease of an alternative site for a Community Centre.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in release of information prior to a determination of the Council of a strategic property matter and release of information prior to the finalisation of 'commercial in confidence' negotiation with the proponent, a competitor receiving information to the detriment of proponents who supplied information at this point in time and may materially and adversely affect the financial viability of the proponent and because the disclosure of Council's commercial position may severely prejudice Council's ability to negotiate a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.1 [Adelaide South West Community Centre Lease] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 18.2.2:

Moved by Councillor Moran,
Seconded by Councillor Hyde -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.2 [Strategic Lease Matter] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in the release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponents and may materially and adversely affect the contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.2 [Strategic Lease Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 18.2.3:

Moved by Councillor Moran,
 Seconded by Councillor Donovan -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (g) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.3 [Capital City Committee Annual Report 2017/18] 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 in order to ensure that the Council does not breach any law, any duty of confidence, or other legal obligation or duty.

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the City of Adelaide Act 1998 which has provided for a State/Capital City intergovernmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and legal obligation or duty as a member of the inter-governmental forum. The disclosure of information in this report would be acting contrary to the Capital City Committee operational provisions and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to state Government and/or Adelaide City Council evaluation and deliberation.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 27/11/2018 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.3 [Capital City Committee Annual Report 2017/18] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (g) of the Act.

Carried

The public and members of Corporation staff not directly involved with Item 18.1.1, 18.2.1, 18.2.2 and 18.2.3 left the Council Chamber at 7.22pm.

Confidential Item 18.1.1

Audit Committee - Special Meeting 26/10/2018

Section 90 (3) (i), (d) & (e) of the *Local Government Act (SA) 1999*

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Confidential Item 18.2.1

Adelaide South West Community Centre Lease

Section 90 (3) (d) of the *Local Government Act (SA) 1999*

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Confidential Item 18.2.2

Strategic Lease Matter

Section 90 (3) (d) of the *Local Government Act (SA) 1999*

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Confidential Item 18.2.3

Capital City Committee Annual Report 2017/18

Section 90 (3) (g) of the *Local Government Act (SA) 1999*

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The Council Chamber re-opened to the public at 7.39pm.

Confidentiality Orders

Minute 12 - Item 18.1.1 - Audit Committee – Special Meeting 26/10/2018 [C]

Resolution & Confidentiality Order

THAT COUNCIL:

1. Notes the report of the Special meeting of the Audit Committee held on 26 October 2018.
2. In accordance with s 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 18.1.1 [Audit Committee – Special Meeting 26/10/2018] listed on the Agenda for the meeting of the Council held on 27 November 2018 was received, discussed and considered in confidence pursuant to s 90(3) (i), (d) & (e) of the *Local Government Act 1999 (SA)*, the Council do order that:
 - 2.1 The resolution become public information and included in the minutes of the Council meeting.
 - 2.2 The report, the discussion and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until 26 October 2025.
 - 2.3 The confidentiality of the matter be reviewed in December 2019.
 - 2.4 The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 13 - Item 18.2.1 - Adelaide South West Community Centre Lease [C]

Confidentiality Order

In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 18.2.1 listed on the Agenda for the meeting of the Council held on 27 November 2018 was received, discussed and considered in confidence pursuant to Section 90(3) (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 2021.
2. The confidentiality of the matter be reviewed in December 2019.
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.

Minute 14 - Item 18.2.2 - Strategic Lease Matter [C]

Confidentiality Order

In accordance with Section 97(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 18.2.2 [Strategic Lease Matter] listed on the Agenda for the meeting of the Council held on 27 November 2018 was received, discussed and considered in confidence pursuant to Section 90(3) (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 2025.
2. The confidentiality of the matter be reviewed in December 2019.
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.

Minute 15 - Item 18.2.3 - Capital City Committee Annual Report 2017/18 [C]

Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 18.2.3 [Capital City Committee Annual Report 2017/18] listed on the Agenda for the meeting of the Council held on 27 November 2018 was received, discussed and considered in confidence pursuant to Section 90(3) (g) 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 are released as soon as the Annual Report has been tabled in State Parliament;
2. 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 7.40pm.

Mark Goldstone,
Chief Executive Officer

Sandy Verschoor,
Lord Mayor.