



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 12 February 2019
at 6.00pm

in the Council Chamber,
Adelaide Town Hall



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

1. **Acknowledgement of Country**

At the opening of the Council Meeting, the Lord Mayor will state:

‘Council acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

2. **Acknowledgement of Colonel William Light**

Upon completion of the Kaurna Acknowledgment, the Lord Mayor will state:

‘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. **Apologies and Leave of Absence**

Nil

4. **Confirmation of Minutes – 29/1/2019**

That the Minutes of the meeting of the Council held on 29 January 2019, be taken as read and be confirmed as an accurate record of proceedings.

5. **Deputations**

Nil

6. **Petitions**

Nil

7. **Report of Committee and Advice from Adelaide Park Lands Authority (APLA)**

7.1 Recommendations of The Committee – 5/2/2019 [2018/04062] [Page 3]

Recommendation 1	Adelaide Festival Pontoon
Recommendation 2	Productive Economy Discussion Paper
Recommendation 3	2018-19 Quarter 2 Finance Report
Recommendation 4	2018-2019 Delivery Plan: Year Three Deliverables for the Strategic Plan
Recommendation 5	2019 LGA Ordinary General Meeting

8. **Reports for Council (Chief Executive Officer’s Reports)**

Strategic Alignment - Corporate Activities

8.1. Nominations for Members of GAROC [2014/04834] [Page 6]

8.2. 2019 LGA Ordinary General Meeting [2014/04834] [Page 9]

9. **Questions on Notice - Nil**

10. **Questions without Notice**

11. Motions on Notice

- 11.1. Councillor Moran – Motion on Notice – Development of a Hotel [2018/02324] [Page 13]
- 11.2. Councillor Dr Donovan – Motion on Notice – Transport Planning [Page 14]
- 11.3. Councillor Dr Donovan - Motion on Notice – Community Sponsorship Program [Page 16]
- 11.4. Councillor Martin – Motion on Notice – Reconciliation Committee Consultation [Page 17]

12. Motions without Notice

13. Exclusion of the Public

- 13.1. Exclusion of the Public [2018/04291] [Page 18]

For the following report of The Committee seeking consideration in confidence

- 14.1.1 Recommendation of The Committee in Confidence – 5/2/2019

Recommendation 1 2018-19 Quarter 2 Commercial and Business Operations Report
[s90 (3) (b) & (d)]

For the following report for Council (Chief Executive Officer's Report) seeking consideration in confidence

- 14.2.1 SMA Legal Update [s90 (3) (h)]

14. Confidential Reports

- 14.1. Confidential Report of Committee and Advice from Adelaide Park Lands Authority

- 14.1.1 Recommendation of The Committee in Confidence– 5/2/2019 [2018/04062] [Page 21]
Recommendation 1 2018-19 Quarter 2 Commercial and Business Operations Report

- 14.2. Confidential Report for Council (Chief Executive Officer's Report)

- 14.2.1 SMA Legal Update
To be distributed separately

15. Closure

Recommendations of The Committee - 5/2/2019

ITEM 7.1 12/02/2019
Council

Program Contact:

Jacki Done, AD People &
Governance 8203 7256

2018/04062
Public

Approving Officer:

Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The Committee considered the following Items at its meeting held on 5 February 2019 and resolved to present to Council a Recommendation for each for Council determination:

- Item 5.1 – Adelaide Festival Pontoon
- Item 5.2 – Productive Economy Discussion Paper
- Item 5.3 – 2018-19 Quarter 2 Finance Report
- Item 5.4 - 2018-2019 Delivery Plan: Year Three Deliverables for the Strategic Plan
- Item 5.5 - 2019 LGA Ordinary General Meeting

The Lord Mayor will seek a motion for each recommendation presented by The Committee below for determination by Council.

RECOMMENDATION:

1. Recommendation 1 - Adelaide Festival Pontoon

That Council

1. Defers the item to provide the Adelaide Festival the opportunity to present to Council with:
 - 1.1 A 12 month activation program run by the Festival.
 - 1.2 Improved aesthetic of space and open for public access and use when not in use by the Adelaide Festival.
2. Remind the Adelaide Festival Council has the power to revoke the lease if there is any breach to occur and request the immediate removal of the pontoon in line with the current lease agreement.

2. Recommendation 2 - Productive Economy Discussion Paper

That Council:

1. Endorses the "City of Adelaide Response" (Attachment A) to the "Productive Economy Discussion Paper" for submission to the State Planning Commission.

3. Recommendation 3 - 2018-19 Quarter 2 Finance Report

That Council:

1. Notes the year to date Corporation Financial Performance for the period ended 31 December 2018, as detailed in Schedule 1 of Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.

2. Notes the year to date Treasury Report for the period ended 31 December 2018, as detailed in Schedule 2 of Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 3. Notes the 2018-19 Proposed QF2 revised Long Term Financial Plan, forecasted Key Financial Indicators, and prudential borrowing ratios as detailed in Schedules 4-6 of Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 4. Notes the 2018-19 QF2 Proposed Forecast Uniformed Presentation of Finances as detailed in Schedule 7 of Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 5. Approves the 2018-19 proposed QF2 revised forecast for Business Operations, General Operations, Operating and Capital Projects, the Infrastructure Program, and City Transformation Investments as summarised in Schedule 3 and detailed in Schedules 8-14 in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 6. Approves the proposed retiming of Operating and Capital Project budgets into 2019-20 as detailed in Schedules 10, 13 and 14 in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 7. Notes the Quarter 2 Capital Program Report for the period ended 30 December 2018 as included in Schedule 15 in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 8. Approves the proposed QF2 revised forecast for the Adelaide Central Market Authority (ACMA) as summarised in Schedule 16 and detailed in Schedule 17 of Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
 9. Notes the 2017-18 QF2 Proposed Financial Statements as detailed in Schedule 18 of Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 5 February 2019.
4. Recommendation 4 - 2018-2019 Delivery Plan: Year Three Deliverables for the Strategic Plan
- That Council:
1. Receives the *City of Adelaide 2018-2019 Delivery Plan: year three deliverables and actions for the 2016-2020 Strategic Plan*.
5. Recommendation 5 - 2019 LGA Ordinary General Meeting
- That Council:
1. Notes that the LGA Council Best Practice Showcase and Ordinary General Meeting are scheduled for 11 and 12 April 2019.
 2. Appoints a Council Delegate for the 2019 Local Government Association of South Australia (LGA) Ordinary General Meeting on 12 April 2019.
 3. Appoints a Deputy Council Delegate for the 2019 LGA Ordinary General Meeting on 12 April 2019.
 4. Direct all LGA proposed items of business be dealt with as motions to Council for consideration.
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DISCUSSION

1. The table below summarises the deliberations of The Committee that resulted in recommendations to Council for Council determination.

The Committee Agenda with reports for the public component of the meeting of The Committee can be viewed [here](#).

<p><u>The following recommendation of The Committee for Council determination revised the recommendation presented in the Committee Report</u></p>
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Recommendation 1 - Adelaide Festival Pontoon [Item 5.1]

Recommendation 5 - 2019 LGA Ordinary General Meeting [Item 5.5]

<p><u>The following recommendation of The Committee for Council determination adopted the recommendation as presented in the Committee Report</u></p>

Recommendation 2 - Productive Economy Discussion Paper [Item 5.2]

Recommendation 3 - 2018-19 Quarter 2 Finance Report [Item 5.3]

Recommendation 4 - 2018-2019 Delivery Plan: Year Three Deliverables for the Strategic Plan [Item 5.4]

2. Note for Recommendation 5 – 2019 LGA Ordinary General Meeting

Item 11.2 contains an LGA proposed item of business in relation to Transport Planning submitted by Councillor Dr Donovan.

ATTACHMENTS

Nil

- END OF REPORT -

Nominations for Members of GAROC

ITEM 8.1 12/02/2019
Council

2014/04834
Public

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The Local Government Association of South Australia (LGA) has issued a call for nominations to fill two (2) casual vacancies on the Greater Adelaide Regional Organisation of Councils (GAROC). The vacancies resulted from the outcome of the general council elections held in November 2018.

Nomination form(s) for the position of member of GAROC are required to be received by the Chief Executive Officer (CEO) of the LGA by no later than 5pm on Friday 22 February 2019. Should the number of nominations for GAROC exceed the required number of candidates the CEO of the LGA will conduct a ballot in March 2019 among GAROC member councils.

As the Lord Mayor of the City of Adelaide is a standing member of GAROC, and the Terms of Reference of GAROC require that all Council Members elected to GAROC must be from a different member council, no further members of the City of Adelaide are eligible for election. However, Council may nominate a member from another council within the Greater Adelaide region for a position, provided that council is not already represented on GAROC.

Nominations may only be made by resolution of Council and with the signatures of the CEO of the City of Adelaide and the candidate nominated by Council, in order to ensure their willingness to participate on GAROC.

RECOMMENDATION:

THAT COUNCIL

1. Notes the advice of the Local Government Association of South Australia that nominations are sought for two (2) casual vacancies on the Greater Adelaide Regional Organisation of Councils (GAROC).
2. Notes that no nominations were received as a result of an invitation for Council Members to nominate a member(s) of another Council(s) not already represented on GAROC, distributed by to Members via an E-News update dated 22 January 2019.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report contributes to Council's 2016-2020 Strategic Plan by providing opportunity to collaborate with Local Government entities to shape the future of the city.
Policy	Not as a result of this report.
Consultation	In preparation for voting, Council Members have been advised of the election and asked for any nominations via an E-News update dated 22 January 2019. No nominees were put forward by Council Members as a result of this process.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	Participating in the election of GAROC members provides an opportunity for Council to contribute to decision making on matters relevant to the Local Government sector.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. Correspondence [\[Link 1\]](#) has been received from the Local Government Association of South Australia (LGA), which replaced the Metropolitan Local Government Group (MLGG) on 26 October 2018, seeking nominations for two (2) casual vacancies on the Greater Adelaide Regional Organisation of Councils (GAROC).
2. The Terms of Reference for GAROC, endorsed by the LGA Board in July 2018, state that the “role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s)”.
3. The two (2) casual vacancies were created because two of the original GAROC members were not re-elected through the general council elections in November 2018.
4. The GAROC Terms of Reference require that all Council Members elected to GAROC must be from a different member council. As the Lord Mayor of the City of Adelaide is a standing member of GAROC, no further members of the City of Adelaide are eligible. Nor are members of the following metropolitan councils, also represented on GAROC, eligible for election:
 - 4.1. Town of Gawler
 - 4.2. City of Salisbury
 - 4.3. City of Tea Tree Gully
 - 4.4. Adelaide Hills Council
 - 4.5. City of Prospect
 - 4.6. City of Norwood, Payneham and Saint Peters.
5. However, Council may nominate a Council Member from another (as yet unrepresented) council within the Greater Adelaide region for a position on GAROC.
6. Nominations may only be made by resolution of Council and with the signatures of the Chief Executive Officer (CEO) of the City of Adelaide and the candidate nominated by Council, in order to ensure their willingness to stand for GAROC.
7. Council Members were advised of the LGA’s correspondence and asked for any nominations via an E-News update dated 22 January 2019.
8. No nominations were received as a result of this process.

ATTACHMENTS

Nil

- END OF REPORT -

2019 LGA Ordinary General Meeting

ITEM 8.2 12/02/2019
Council

2014/04834
Public

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The Local Government Association of South Australia (LGA) Ordinary General Meeting will be held on 12 April 2019, in conjunction with the Council Best Practice Showcase falling on 11 April.

On 17 January 2019 the LGA invited South Australian Councils to submit Proposed Items of Business for the Ordinary General Meeting by 22 February 2019.

Council Members were invited to propose draft Items of Business for Council's consideration. In addition, the Administration forwarded an Item of Business seeking feedback from Council Members (outlined below).

RECOMMENDATION:

That Council:

1. Approves submission of the following Proposed Item of Business to the Greater Adelaide Regional Organisation of Councils to consider its inclusion on the agenda of the LGA Ordinary General Meeting:
 - 1.1. The Ordinary General Meeting requests that the LGA:
 - 1.1.1. Supports and encourages Councils to improve their social infrastructure planning including through research, innovation, collaboration, skills and capacity development
 - 1.1.2. Liaises with the South Australian Government to ensure Councils are engaged and informed regarding social infrastructure planning associated with urban development and planning processes, with reference to implementation of the Planning, Development and Infrastructure Act 2016 (SA) (PDI Act) and the 30-year Plan for Greater Adelaide, and
 - 1.1.3. Requests that the South Australian government investigates opportunities to promote a more consistent and place-based approach to social infrastructure planning in the state, including development of a contemporary social infrastructure guideline / design standard for SA.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report contributes to Council's 2016-2020 Strategic Plan by providing the opportunity to collaborate with Local Government entities to shape the future of the city.
Policy	Not as a result of this report.
Consultation	Council Members were invited to provide feedback on this draft Item of Business, via E-News article dated 22 January 2019. No feedback has been received.
Resource	Administrative support will be provided to Council Members attending.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	Submission of motions to the Ordinary General Meeting provides Council with the opportunity to shape the future of Local Government in South Australia.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. The 2019 Ordinary General Meeting of the Local Government Association of South Australia (LGA) is to be held at the Adelaide Entertainment Centre on 12 April 2019, in conjunction with the Council Best Practice Showcase on 11 April 2019.

Proposed Item of Business

2. The LGA has invited Councils to submit Proposed Items of Business for inclusion in the Ordinary General Meeting agenda.
3. The *LGA General Meeting Proposed Items of Business form* is required to be submitted to the LGA by 22 February 2019 in order that it may be referred to the Greater Adelaide Regional Organisation of Councils (GAROC) or the LGA Board of Directors.
4. Council Members were invited via E-News to submit Proposed Items of Business for Council's consideration.
5. The following item is suggested by the Administration for consideration by Council Members:

5.1. Item 2: Social Infrastructure that promotes liveable and healthy communities

The Ordinary General Meeting requests that the LGA:

1. Supports and encourages Councils to improve their social infrastructure planning including through research, innovation, collaboration, skills and capacity development;
2. Liaises with the South Australian Government to ensure Councils are engaged and informed regarding social infrastructure planning associated with urban development and planning processes, with reference to implementation of the Planning, Development and Infrastructure Act 2016 (SA) (PDI Act) and the 30-year Plan for Greater Adelaide, and
3. Requests that the South Australian government investigates opportunities to promote a more consistent and place-based approach to social infrastructure planning in the state, including development of a contemporary social infrastructure guideline / design standard for SA.

Background

Social infrastructure is important for cohesive, healthy, liveable, prosperous and equitable communities.

Social infrastructure includes community and cultural facilities, libraries, sport and recreation facilities, education and health services, as well as community development and support programs. Responsibility for delivering different types of social infrastructure sits across levels of government, and responsibility for delivering outcomes is therefore shared.

Effective planning for, and timely provision of, social infrastructure is especially important for communities undergoing significant change e.g. densifying inner-city councils, and new green-fields growth areas at the city fringe. Unfortunately, social infrastructure often lags behind urban development and other infrastructure, resulting in missed opportunities for integrated outcomes, efficient use of resources, partnerships, negotiated contributions by developers, and maximised community benefits.

Infrastructure Australia's recent Planning Liveable Communities (December 2018) report recommends that more place-based infrastructure planning (including for social infrastructure) is required for liveable communities. Local Government is a key partner in development of place-based solutions to community needs.

An improved and more consistent approach to planning for social infrastructure in South Australia may result in better outcomes for communities as well as savings for Councils (e.g. through better use of funds, more efficient asset use, clarity regarding community needs, and shared contributions to social infrastructure by developers and others etc).

While SA Councils spent almost as much on community support, cultural and library services (\$316 mil) as they did on open space, sport and recreation services (\$319 mil) in 2016/17, the practice of strategic planning for these social/community assets and services is not as well developed. There is an opportunity to enhance how these assets and services are planned for strategically by Councils, and integrated into development outcomes for communities.

The LGA could play a role in promoting and supporting Councils to undertake appropriate planning for Council-owned social infrastructure (community buildings/assets, service provision), as well as strengthening Councils' role in advocacy and negotiation of provision by others such as through development processes.

The ALGA's National State of the Assets report 2018 also found that many councils have information and knowledge gaps in their overall infrastructure planning processes, including for community buildings. This report concluded that without intervention, such as capacity building, there is likely to be an increasing inability to forecast and finance future infrastructure renewal and upgrade infrastructure to meet future needs due to demand and growth.

The LGA Research and Development fund supported a project on this topic in 2012, which has assisted some Councils since. However, there remain gaps, inconsistencies and low levels of experience in the sector relating to social infrastructure planning.

A contemporary social infrastructure guideline could help promote a more consistent approach to social infrastructure planning in the state.

The 30-year Plan for Greater Adelaide includes policy which promotes social infrastructure, and it is understood that the Department for Planning, Transport and Infrastructure has developed a guideline resource for internal (but not Council) use i.e. by departmental staff and for State government projects.

The implementation of the PDI Act provides new opportunities for including social infrastructure in 'Infrastructure Schemes'. The Planning Commission is also developing new planning instruments, including design standards, which could include social infrastructure.

The motion will bring a stronger focus to this aspect of planning for liveable communities and support greater Council and State government collaboration.

Alignment to City of Adelaide Strategic Plan 2016-2020

Action 3.1.06: Increase participation by the broadest range of residents in the community life of their neighbourhood (Liveable)

Action 3.1.10 Work with neighbouring councils and the State Government to enhance the facilities, attractions, landscapes and movement networks in the Park Lands to meet the needs and expectations of growing high-density communities living in and near the City (Liveable)

ATTACHMENTS

Nil

- END OF REPORT -

Development of a Hotel

ITEM 11.1 12/02/2019
COUNCIL

Council Member
Councillor Moran

2018/02324
Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Moran will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

Request that Council's Reference Group ask the EOI proponents for 88 O'Connell Street, to consider that the site be used by the SMA for the development of a hotel.'

ADMINISTRATION COMMENT:

1. Council sought Expressions of Interest ("EOIs") for the development of Eighty Eight O'Connell in late 2018, as Stage 1 of a 2 stage process. The closing date of the EOI was 30 November 2018.
2. The Information Memorandum for the EOI did not require proponents to consider the development of a hotel (or to include a third party's (such as the SMA) proposal for a hotel).
3. An Evaluation Panel has considered the EOIs received, along with clarifications received, over December 2018 and January 2019 and scored each EOI.
4. The Project Reference Group is due to receive the recommendations from the Evaluation Panel for a short list for proponents on Monday 11th February 2019.
5. The Stage 1 Expression of Interest process and shortlist proponents will be finalised at a Council Workshop and meeting in March 2019.
6. An external Probity Advisor has been engaged to ensure procedural fairness with regard to the Expression of Interest process.
7. Council's probity advisor for the project has advised that given the progress of Stage 1 to date, it would not be appropriate to direct proponents to consider the site be used by the SMA for the development of a hotel during Stage 1.

- END OF REPORT -

Council Member
Councillor Dr Donovan

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Dr Donovan will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Approves submission of the following Proposed Item of Business to the Greater Adelaide Regional Organisation of Councils for consideration for inclusion on the agenda of the LGA Ordinary General Meeting:
 - 1.1. The Ordinary General Meeting requests that the LGA:
 1. Establishes a local government sector advocacy group with the intent to:
 - Keep informed of current and future trends in movement and transport strategies, with relevance to metropolitan Adelaide and regions across the state
 - Identify priority movement and transport projects, with a key focus on mobility sharing, cycling, walking and public transport
 - Identify strategic, capital and operational funding opportunities at all levels of government as well as seek partnerships to deliver strategies and projects
 - Ensure movement and transport strategies are aligned and cohesive across council areas
 - Discuss opportunities to partner on projects, cross-promote and share information, ideas, and learnings.
 2. Membership could include all councils who elect to sign up to the group, the LGA, as well as representatives from the State Government (eg DPTI and ODASA).
 3. The scope could include discussion of a metropolitan Adelaide without boundaries, and assisting councils and other key stakeholders (eg RAA, Bike SA, BISA, AILA, Engineers Australia, Property Council etc) to create, influence and implement:
 - Major projects
 - Climate change adaptation
 - Green infrastructure provision
 - Customer centricity
 - Business cases and the process for Infrastructure Australia (IA)
 - Consistent approaches to design and infrastructure
 - Consistent approaches to transport mode integration.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Community Sponsorship Program

ITEM 11.3 12/02/2019
Council

Council Member
Councillor Dr Donovan

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

Public

MOTION ON NOTICE:

Councillor Dr Donovan will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Notes that globally, 65 million people are now forcibly displaced – including more than 22 million refugees, and wealthy countries like Australia need to create more opportunities for safe, legal and supported entry, and one evidence-based way to do this is through community-led sponsorship;
2. Recognises the significant success of the 'gold standard' community-led refugee sponsorship in Canada, in which tens of thousands of refugees have been successfully sponsored by the community, and through this community support have learned the new local language faster, found jobs faster and in greater numbers, and formed stronger bonds within their new communities than non-community supported refugees;
3. Supports an expansion and improvement to the Australian Government's version of this program, the Community Sponsorship Program; and
4. Requests that the Lord Mayor write to the Minister for Immigration, Citizenship and Multicultural Affairs, calling on the federal government to improve and expand the Community Sponsorship Program to ensure the program:
 1. Does not take places from others in need
 2. Provides adequate support and services
 3. Limits the costs on sponsors
 4. Allows community, family and businesses to act as sponsors
 5. Creates more places for people in need of protection to settle in Australia.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Reconciliation Committee Consultation

ITEM 11.4 12/02/2019
COUNCIL

Council Member
Councillor Martin

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Martin will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council;

Following the lead of the Australia Day Council in South Australia inviting Karna representatives to lead our City's street parade last month with a banner proclaiming "Change the Date", asks its Reconciliation Committee to recommend if the City of Adelaide should;

- 1) begin a discussion about the way Australia Day is celebrated
- 2) with whom and how that discussion should be conducted, and
- 3) the issues associated with changing the date from January 26th, including proposals for alternative days.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Exclusion of the Public

ITEM 13.1 12/02/2019
Council

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

For the following Report of The Committee seeking consideration in confidence:

14.1.1 Recommendation of The Committee in Confidence – 5/2/2019 [s 90(3) (b) & (d)]

Recommendation 1 - 2018-19 Quarter 2 Commercial and Business Operations Report

For the following Report for Council (Chief Executive Officer's Report) seeking consideration in confidence

14.2.1 SMA Legal Update [s90 (3) (h)]

The Order to Exclude for Items 14.1.1 and 14.2.1:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 14.1.1:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/2/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.1.1 [Recommendation 1 - 2018-19 Quarter 2 Commercial and Business Operations 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 confidential as it includes commercial information of a confidential nature where confidence consideration is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 1 February 2019.

The disclosure of information in this report to competitors in advance may be to Council's commercial detriment.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information to competitors in advance may be to Council's commercial detriment.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 12/2/2019 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 14.1.1 [Recommendation 1 - 2018-19 Quarter 2 Commercial and Business Operations Report] 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) (b) & (d) of the Act.

ORDER TO EXCLUDE FOR ITEM 14.2.1:

THAT THE COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (h) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of Council dated 12/2/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 14.2.1 [SMA - Legal Update] listed on the Agenda.

Grounds and Basis

The CEO Update on SMA Legal Status provides members with information relating to legal advice.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of Council dated 12/2/2019 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 14.2.1 [SMA - Legal Update] 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) (h) of the Act.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following report is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 14.1.1 – Recommendation 1 - 2018-19 Quarter 2 Commercial and Business Operations Report:
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 5/2/2019.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (b) & (d)
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
 - 6.2 Information contained in Item 14.2.1 – SMA Legal Update:
 - 6.2.1 Is subject to an Existing Confidentiality Order dated 4/2/2019.
 - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (h)
 - (h) legal advice;

ATTACHMENTS

Nil

Confidential Item 14.1.1

Recommendation of The Committee – 5/2/2019

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

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