



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 26 March 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 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

Upon completion of the Kurna 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. Prayer

Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Chief Executive Officer will ask 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'

4. Memorial Silence

The Lord Mayor will ask 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.

5. Apologies and Leave of Absence

Nil

6. Confirmation of Minutes – 12/3/2019 & 18/3/2019

That the Minutes of the meeting of the Council held on 12 March 2019 and the Minutes of the Special meeting of the Council held on 18 March 2019, be taken as read and be confirmed as an accurate record of proceedings.

7. Deputations

Granted as at 21 March 2019

7.1. Ms Rhonda Avard – Deputation – Grants to assist carers of significant trees

7.2. Mr Zel Whiting - Deputation - Declaration of a climate emergency

8. Petitions

Nil

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

9.1 Recommendations of The Committee – 19/2/2019 [2018/04062] [Page 3]

Recommendation 1 Shaping Streets & Green Spaces

Recommendation 2 Encroachment Policy Review

Recommendation 3 Vietnamese Boat People Monument

Recommendation 4 National General Assembly of Local Government 2019

- 9.2** Advice of the Adelaide Park Lands Authority – 21/3/2019 [2018/04062]
To be distributed separately

10. Lord Mayor's Reports

11. Councillors' Reports

- 11.1** Reports from Council Members [2018/04064] [Page 6]

12. Reports for Council (Chief Executive Officer's Reports)

Strategic Alignment – Liveable

- 12.1.** Adelaide Park Lands Authority Nominations [2010/03029]

To be distributed separately

- 12.2.** Appointment of Traders Advisory Group Chair to Adelaide Central Market Authority Board [2017/02033] [Page 9]

- 12.3.** Appointment of Board Members to Rundle Mall Management Authority Board [2017/02034] [Page 12]

Strategic Alignment - Corporate Activities

- 12.4.** Quarterly Forward Procurement Report Q4 2018/19 [2018/03945] [Page 15]

- 12.5.** Election of GAROC Representatives [2018/04054] [Page 20]

- 12.6.** Stormwater Management Authority Board [2018/04054] [Page 24]

- 12.7.** Progress of Motions by Elected Members [2018/04074] [Page 27]

13. Questions on Notice

14. Questions without Notice - Nil

15. Motions on Notice

- 15.1.** Councillor Hyde – Motion on Notice – King William Street South Tram Infrastructure [Page 30]

- 15.2.** Councillor Simms – Motion on Notice – Response to Climate Change [Page 31]

- 15.3.** Councillor Simms – Motion on Notice – Hindley Street [Page 32]

- 15.4.** Councillor Moran – Motion on Notice – Rate Freeze [2019/00224] [Page 33]

- 15.5.** Councillor Martin – Motion on Notice - Automatic External Defibrillators [2018/02560] [Page 34]

- 15.6.** Councillor Hou – Motion on Notice - Customer Service Opportunities in Languages other than English [Page 35]

16. Motions without Notice

17. Exclusion of the Public

- 17.1.** Exclusion of the Public [2018/04291] [Page 36]

For the following report of The Committee seeking consideration in confidence

- 18.1.1** Recommendation of The Committee in Confidence – 19/3/2019

Recommendation 1 Capital City Committee Update
[s90 (3) (g)]

18. Confidential Reports

- 18.1.** Confidential Report of The Committee and Advice from the Audit Committee

- 18.1.1** Recommendations of The Committee in Confidence– 19/3/2019 [2018/04062] [Page 39]

Recommendation 1 Capital City Committee Update

19. Closure

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 19 March 2019 and resolved to present to Council a Recommendation for each for Council determination:

- Item 4.1 – Shaping Streets & Green Spaces
- Item 4.2 – Encroachment Policy Review
- Item 4.3 – Vietnamese Boat People Monument
- Item 4.4 - National General Assembly of Local Government 2019

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

RECOMMENDATION:

1. **Recommendation 1** - Shaping Streets & Green Spaces

That Council

1. Adopts the draft Public Value Principles as contained in Attachment A to Item 4.1 on the Agenda for the meeting of The Committee held on 19 March 2019, as a basis for:
 - 1.1. assessing future proposals that involve a request by developers to vest land to Council as public open space and to upgrade existing public spaces.
 - 1.2. guiding the development of Evaluation Criteria containing measurable performance requirements to guide decision making.
 - 1.3. informing future Council input on preparation of the Planning & Design Code.

2. **Recommendation 2** - Encroachment Policy Review

That Council:

1. Receives submissions to the draft Encroachment Policy contained in Attachment A to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.
2. Approves the response to each submission on the draft Encroachment Policy as contained in Attachment B to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.
3. Adopts the:

- 3.1. revised Encroachment Policy following consideration of consultation feedback as contained in Attachment C to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019, subject to the inclusion of an additional Clause, Section 5 to read as follows:

'5.0 VARIATIONS TO THE POLICY

Where an individual site presents circumstances such as where the development of a site would be impacted due to its size, dimensions and/or orientation, a variation to the criteria of the Policy will be considered providing it is consistent with the overall intent and purpose of the Encroachment Policy.'

- 3.2. Fee Schedule for encroachments contained in Attachment D, to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.

3. Recommendation 3 - Vietnamese Boat People Monument

That Council:

1. Accepts the donation of a fully funded Vietnamese Boat People Monument, including establishment costs and a minimum of 15 years maintenance costs, from the Vietnamese Boat People Monument Association, designed as shown in **Attachment A** to Item 4.3 on the Agenda for the meeting of The Committee held on 19 March 2019, subject to design modifications to reduce identified public accessibility risks and to facilitate protection and maintenance of the surrounding Park Lands grass, and subsequent development approval.
2. Notes that at the meeting of the Adelaide Park Lands Authority held on 24 January 2019 the Board agreed to support the location of the proposed Vietnamese Boat People Monument within Park 12, Red Gum Park/Karrawirra.
3. Approves the location of the proposed Vietnamese Boat People Monument within Park 12, Red Gum Park/Karrawirra, approximately 30m to the west of the location shown in Attachment B to Item 4.3 on the Agenda for the meeting of The Committee held on 19 March 2019, subject to satisfactory site investigations that enable the project to be delivered within the existing budget of \$510k.

4. Recommendation 4 - National General Assembly of Local Government 2019

That Council:

1. Appoints a Council Member to represent Council as a voting delegate at the 2019 National General Assembly of Local Government to be held in Canberra from 16-19 June 2019.
2. Approves submission of the following Notice of Motions to the 2019 National General Assembly of Local Government:
 - 2.1. That ALGA works with local governments, and lobbies the Australian Government, to develop Australian standards for the provision of national standards for cycling infrastructure including separated bikeways.
 - 2.2. That ALGA lobbies the Australian Government for changes to the *Telecommunications Act 1997* (Cth) and/or the *Telecommunications (Low-Impact facilities) Determination 2018* to either:
 - Remove public payphones from the definition of "low-impact facility", or
 - Otherwise require planning approval for payphones.

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](#).

The following recommendations of The Committee for Council determination revised the recommendation presented in the Committee Report

Recommendation 2 - Encroachment Policy Review [Item 4.2]

Recommendation 3 - Vietnamese Boat People Monument [Item 4.3]

The following recommendation of The Committee for Council determination adopted the recommendation as presented in the Committee Report

Recommendation 1 - Shaping Streets & Green Spaces [Item 4.1]

Recommendation 4 - National General Assembly of Local Government 2019 [Item 4.4]

ATTACHMENTS

Nil

- END OF REPORT -

Reports from Council Members

ITEM 11.1 26/03/2019
Council

2018/04064
Public

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

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

This report is presented to:

1. Advise Council of the functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members meeting attendance for the period 21 February 2019 to 19 March 2019.
3. For Council Members who are representing Council on external Boards or Committees, provide information on the activities being undertaken by the relevant Board and Committee.

Council Members can table reports at the Council meeting and these reports will be included in the Minutes of the meeting.

RECOMMENDATION:

THAT COUNCIL

1. Notes the functions attended on behalf of the Lord Mayor (Attachment A to Item 11.1 on the Agenda for the meeting of the Council held on 26 March 2019.
2. Notes the summary of Council Members meeting attendance for the period 21 February 2019 to 19 March 2019 (Attachment B to Item 11.1 on the Agenda for the meeting of the Council held on 26 March 2019.
3. Notes that reports from Council Members tabled at the meeting of the Council held on 26 March 2019 be included in the Minutes of the meeting.

ATTACHMENTS

Attachment A – Functions attended

Attachment B – Summary of meeting attendance

- END OF REPORT -

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR

26/2/19 – 26/3/19

ELECTED MEMBER	EVENT	INFORMATION
Deputy Lord Mayor (Councillor Abiad)	13/3 Civic Reception ASEAN Heads of Mission and Australia - ASEAN Council Board.	Hosted Civic Reception at the Town Hall to welcome the ASEAN Heads of Mission to Adelaide.

ELECTED MEMBER	EVENT	INFORMATION
Councillor Simms	27/2 Government House Reception for Governor's Leadership Foundation Program.	Attended Reception hosted by the Governor and patron to launch the 2019 Governor's Leadership Foundation Program.

ELECTED MEMBER	EVENT	INFORMATION
Councillor Khera	28/2 History Trust of SA Thank you Reception	Attended History Trust of SA Thank you Reception to acknowledge support to their Committees and special events of the Trust

ELECTED MEMBER	EVENT	INFORMATION
Councillor Abrahamzadeh	6/3 SCOSA Maximum Potential Networking Forum	Attended the SCOSA Maximum Potential Networking Forum held to promote the extensive range of disability services provided by SCOSA.
	17/3 Iranian Women's Organisation Nowruz Bazaar	Attended Nowruz Bazaar, festival prior to Nowruz (Iranian New Year's Day) bringing community members together and cultural exchange in a family fun day festival at Bonython Park.

Member Meeting Attendance

		21/2/2019 - Adelaide Park Lands Authority	22/2/2019 - Audit Committee	23/2/2019 - The Committee - Special	25/2/2019 - SPDP Committee - Special	26/2/2019 - Council	27/2/2019 - Reconciliation	4/3/2019 - Council Assessment Panel	5/3/2019 - The Committee	7/3/2019 - The Committee - Special	12/3/2019 - Council	18/3/2019 - Council - Special	18/3/2019 - The Committee - Special	19/3/2019 - The Committee	Meetings held	Meetings attended
	NAME															
1	Lord Mayor Sandy Verschoor		↙	↙		↙		↙	↙	↙	↙	↙	↙	↙	12	10
2	Councillor Houssam Abiad			↙	↙	↙		↙	↙	↙	↙		↙	↙	9	6
3	Councillor Arman Abrahimzadeh OAM			↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	9	9
4	Councillor Mary Couros			↙	↙	↙		↙	↙	↙	↙		↙	↙	9	7
5	Councillor Dr Helen Donovan	↙		↙		↙		↙	↙	↙	↙	↙	↙	↙	11	10
6	Councillor Simon Hou			↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	9	9
7	Councillor Alex Hyde			↙	↙	↙		↙			↙	↙	↙	↙	10	7
8	Councillor Jessy Khera			↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	9	9
9	Councillor Franz Knoll			↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	11	9
10	Councillor Phillip Martin	↙	↙	↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	11	11
11	Councillor Anne Moran	↙		↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	11	11
12	Councillor Robert Simms	↙		↙	↙	↙		↙	↙	↙	↙	↙	↙	↙	11	11
	# in Attendance:	4	2	10	10	12	4	1	12	11	12	9	10	12		

Key:

	Apology
	Leave
	Not a Member
	Proxy Member

Appointment of Traders Advisory Group Chair to Adelaide Central Market Authority Board

ITEM 12.2 26/03/2019
Council

2017/02033
Public

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

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

Council appointed Mr William Howison, Chair of the Traders Advisory Group (TAG), to the Adelaide Central Market Authority (ACMA) Board for a two-year term.

Mr William Howison's term will expire as Chair of the Traders Advisory Group (TAG) and in accordance with the ACMA Charter, an ACMA Board vacancy for the TAG Chair is to be filled.

An election was held in accordance with the Terms of Reference for the Traders Advisory Group to appoint its new Chair, and Mr Ivan Oulianoff was subsequently elected.

As a result, this report recommends that Mr Ivan Oulianoff be appointed as ACMA Board Member as Chair of the TAG for a term of two (2) years, effective 1 March 2019.

RECOMMENDATION:

THAT COUNCIL

1. Appoints in accordance with Section 2.3.2 of the Adelaide Central Market Authority Charter, Mr Ivan Oulianoff to the Adelaide Central Market Authority Board for a term commencing 1 March 2019 and expiring on 28 February 2021.
-

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable This report contributes to Council's 2016-2020 Strategic Plan by supporting the activities of the Adelaide Central Market Authority.
Policy	The Adelaide Central Market Authority (ACMA) Charter (2014) outlines the role and term of members of the ACMA Board and has informed the selection process.
Consultation	Mr Oulianoff was elected as Chair of TAG by the Traders of the Adelaide Central Market, following a nomination and voting process.
Resource	Not as a result of this report
Risk / Legal / Legislative	In accordance with Clause 2.3.2 of the Charter, one member of the ACMA Board must be the Chair of TAG. 2.3.2 One Board Member must be a Council Member and one Board Member must be the Chair of the Traders Advisory Group, unless the Chair of the Traders Advisory Group refuses or is unable to act as a Board Member, in which case the Council may appoint another person to be a Board Member in place of the Chair of the Traders Advisory Group.
Opportunities	Not as a result of this report
18/19 Budget Allocation	No additional budget impact. Funded through existing operating budget of \$15,450 (\$92,700 for six (6) Board Members, excluding Chairman).
Proposed 19/20 Budget Allocation	Consistent with current operating budget - \$15,450 (\$92,700 for six (6) Board Members, excluding Chairman).
Life of Project, Service, Initiative or (Expectancy of) Asset	This report seeks a two (2) year appointment of an ACMA Board Member.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Board sitting fees and reimbursement of expenses for the two (2) year term.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. On 28 February 2019, Mr William Howison's term as Chair of the Traders Advisory Group (TAG) for the Adelaide Central Market expired. Subsequently his position as Board Member of the Adelaide Central Market Authority (ACMA) also expired.
2. Council is now required to appoint the new Chair of TAG as a Board Member of the Adelaide Central Market Authority.
3. Section 2.3.2 of the ACMA Charter states that, "*One Board Member must be a Council Member and one Board Member must be the Chair of the Traders Advisory Group, unless the Chair of the Traders Advisory Group refuses or is unable to act as a Board Member, in which case the Council may appoint another person to be a Board Member in place of the Chair of the Traders Advisory Group.*"
4. On 27 February 2019, the ACMA General Manager, Jodie Kannane, advised that Mr Ivan Oulianoff was appointed as the new Chair of TAG for the Adelaide Central Market effective 1 March 2019 and expiring on 28 February 2021. Mr Oulianoff is the current lease holder of Central Organics (Stall 72) in the Adelaide Central Market.
5. In accordance with Section 2.3.2 of the ACMA Charter, it is recommended that Mr Ivan Oulianoff, in his capacity as Chair of TAG, be offered a position as a Board Member of the ACMA Board.

ATTACHMENTS

Nil

- END OF REPORT -

Appointment of Board Members to Rundle Mall Management Authority

ITEM 12.3 26/03/2019
Council

Program Contact:

Jacki Done, AD People & Governance 8203 7256

Approving Officer:

Steve Mathewson, Director Services

2017/02034

Public

EXECUTIVE SUMMARY:

Mr David Cooke and Ms Kate Gould were appointed to the RMMA Board by Council in their capacity as Board Members on 1 February 2013 and 3 August 2015 respectively. Mr Cooke's and Ms Gould's terms as Board Members will expire on 31 March 2019.

Pursuant to section 16.3 of the RMMA Charter, a further appointment for a maximum three (3) year term can be made by Council following a recommendation from the Council's Chief Executive Officer (or delegate) and the RMMA Chairperson. Mr Cooke and Ms Gould have nominated for re-appointment and Steven Mathewson, Director Services (as the CEO's delegate) and Peter Joy, RMMA Chairperson recommend the re-appointment of Mr Cooke and Ms Gould to the RMMA Board for twelve (12) month terms commencing 1 April 2019.

RECOMMENDATION:

THAT COUNCIL

1. Approves the re-appointment of Mr Cooke to the RMMA Board for a twelve (12) month term commencing 1 April 2019 and expiring on 31 March 2020.
 2. Approves the re-appointment of Ms Gould to the RMMA Board for a twelve (12) month term commencing 1 April 2019 and expiring on 31 March 2020.
-

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable This report contributes to Council's 2016-2020 Strategic Plan by supporting the activities of the Rundle Mall Management Authority
Policy	The RMMA Charter outlines the role and term of members of the RMMA Board and has informed the selection process.
Consultation	The Director Services and the RMMA Chairperson were involved in the selection process.
Resource	Not as a result of this report
Risk / Legal / Legislative	The RMMA Charter outlines the role and term of members of the RMMA Board and has informed the selection process. Council Members that are also Board Members of the RMMA Board have been provided with advice on conflict of interest considerations they need to be aware of in considering this item.
Opportunities	Not as a result of this report
18/19 Budget Allocation	No additional budget impact. Funded through existing operating budget of \$14,630 for two (2) Board Members.
Proposed 19/20 Budget Allocation	Consistent with current operating budget - \$14,630 for two (2) Board Members.
Life of Project, Service, Initiative or (Expectancy of) Asset	This report seeks twelve (12) month term appointments for two (2) Board Members for the RMMA Board.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Board sitting fees and reimbursement of expenses for the twelve (12) month terms.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. The current RMMA Board Members, Mr Cooke and Ms Gould's terms will expire on 31 March 2019.
2. Pursuant to section 16 of the RMMA Charter, a further appointment can be made by Council following a recommendation of the Council's Chief Executive Officer (or delegate) and Peter Joy, RMMA Chairperson, for a maximum three (3) year term
3. On 22 January 2019, Mark Goldstone, Chief Executive Officer delegated his responsibility to undertake the process to Steven Mathewson, Director Services.
4. On 27 February 2019 it was agreed by Steve Mathewson and Peter Joy, RMMA Chairperson, to adopt the following approach:
 - 4.1. Directly seek Mr Cooke and Ms Gould's expression of interest for re-appointment to the Board, and not open this to outside expressions in the first instance (as allowed pursuant to Clause 16.3 of the RMMA Charter)
5. On 4 March 2019, Ms Gould advised the RMMA Chairperson of her interest to be considered for another term following the expiry of her current term on 31 March 2019.
6. On 12 March 2019, Mr Cooke advised the RMMA Chairperson of his interest to be considered for another term following the expiry of his current term on 31 March 2019.
7. On 12 March 2019, the Director Services and the RMMA Chairperson agreed to accept Mr Cooke and Ms Gould's expressions of interest for re-appointment to the RMMA Board for twelve (12) month terms.

ATTACHMENTS

Nil

- END OF REPORT -

Quarterly Forward Procurement Report

ITEM 12.4 26/03/2019
COUNCIL

Program Contact:
Tracie Dawber, AD Finance 8203
7002

2018/03945

Public

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

In accordance with the Procurement Policy and Operating Guidelines, a forward Procurement Report will be presented to Council every quarter outlining significant planned procurement activities for the next quarter. Council may elect to call in a particular procurement activity to be considered by Council prior to commencing planned procurement activities. Significant procurements are defined as those with procurement expenditure estimated to be equal to or above \$4 million and high value / high criticality / risk procurements as assessed by Council's tiering tool as Tier 1 or 2.

This report covers Quarters 4 for the 2018/2019 financial year.

RECOMMENDATION:

THAT COUNCIL:

1. Receives and notes the report, Attachment A to Item 12.4 on the Agenda for the meeting of Council held on 26 March 2019.
2. Notes the Chief Executive Officer currently has delegated authority for up to \$4,000,000 under the Procurement Policy, provided the expenditure is within Council approved budget.
3. Notes the Chief Executive has determined from 1 July 2019 that it is appropriate to refer Contract Award of all Contracts where the value of the Contract exceeds \$1,000,000 for Council's approval, except where it is a Council Solutions/Purchasing Co-Operative Contractual arrangement, in which case approval of Contract Award is by the Chief Executive Officer.
4. Notes, going forward, a Forward Procurement Report will be presented to Council every quarter outlining planned procurement activities for the next quarter which meet the following thresholds:
 - 4.1. procurement activities with an estimated spend over \$1,000,000; and
 - 4.2. procurement activities with an estimated spend under \$1,000,000 which have been assessed as a Tier 1 and 2 procurement activity.
5. Notes Council will formally consider financial delegations as part of the review of the Procurement Policy and Operating guidelines later this calendar year.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	This report supports the delivery of all key themes in Council's strategic plan.
Policy	This report is prepared in accordance with the requirements of Council's Procurement Policy. Council's current delegations for procurement are outlined in the Procurement Policy and Procurement Approvals Operating Guideline. There are no other policy implications.
Consultation	All Programs were consulted with in respect to significant procurement activity that is anticipated to occur in the fourth quarter of the 2018/19 financial year.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Section 49 of the <i>Local Government Act</i> outlines the principles that Council will apply to procurement.
Opportunities	Not as a result of this report.
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 purpose of the Quarterly Procurement Plan, Attachment A to this report, is to provide further information and visibility to Council of major procurement and contracting activity. In addition, this process provides opportunity for Council to call in a particular procurement activity to be considered by Council.
 2. The following is an extract from the Procurement Policy, endorsed by Council on 13 December 2016:
 “The Council will have regard to the following measures in ensuring probity, accountability and transparency”
 - Elected Members will be provided with a quarterly forward procurement plan for consideration, detailing tenders and contracts which will require Elected Member approval;
 - Elected Members will be requested to approve the award of all contracts that exceed \$4,000,000 (ex GST).”
 3. Further, the *Procurement Approvals Operating Guideline* provides that Elected Members will also be given details of procurement activities which have been assessed as Tier 1 or 2 Procurement Activity. Such Procurement Activity is considered high criticality and/or high risk.
 4. Following receipt of the Forward Procurement Report, the Council may elect to “call in” a particular procurement activity to be considered by Council. All procurement activities that are not “called in” will be undertaken as planned without any additional involvement from the Council except as otherwise specified in the Procurement Policy or Operating Guidelines.
 5. For those procurement activities that are called into Council, a report may be provided to Council outlining the following:
 - 5.1. specification of goods or services to be procured;
 - 5.2. the proposed evaluation criteria and weighting for the procurement activity;
 - 5.3. the proposed evaluation team; and
 - 5.4. the proposed procurement approach and, if a select tender, the proposed companies that will be invited to submit a bid (***Procurement Summary Report***).
 6. Based on the Procurement Summary Report, Council will either:
 - 6.1. approve the proposed procurement process as required; or
 - 6.2. request the Chief Executive Officer to make amendments to the proposed procurement process, consistent with the Procurement Policy and applicable legislation.
 7. This report covers Quarter 4 of the 2018/2019 financial year.
 8. For the Quarter 1 report of the 2019-20 financial year the Chief Executive has determined that is appropriate to refer Contract Award of all Contracts where the value of the Contract exceeds \$1,000,000 for Council's approval, except where it is a Council Solutions/Purchasing Co-Operative Contractual arrangement, in which case approval of Contract Award is by the Chief Executive Officer.
 9. Going forward a Forward Procurement Report will be presented to Council every quarter outlining planned procurement activities for the next quarter which meet the following thresholds:
 - 9.1. procurement activities with an estimated spend over \$1,000,000; and
 - 9.2. procurement activities with an estimated spend under \$1,000,000 which have been assessed as a Tier 1 and 2 procurement activity. Such procurement activity is considered high criticality and/or high risk.
 10. Council will formally consider financial delegations as part of the review of the current Procurement Policy ([Link 1](#)) and Operating guidelines ([Link 2](#)) later this calendar year.
-

ATTACHMENTS

Attachment A – Quarterly Forward Procurement Report Q4 2018/19.

- END OF REPORT -

Attachment A – Quarter 4 2018/19 Forward Procurement Report

Program	Description	Proposed Procurement Approach	Anticipated Spend	Tier	Expected Qtr at Market	Comments
Public Realm	Waste Services (including: <ul style="list-style-type: none"> • Kerbside collection of Mobile Garbage Bins – collection of kerbside waste • Residual Waste Processing • Recyclables • Organics 	Request for Tender (procured through Council Solutions)	\$21 million over total 10 year term	1	Q4	Currently under evaluation. City of Adelaide has reserved the right determine its involvement in each service.
Design & Strategy Infrastructure	City Skate Park	Request for Tender	\$3 million (State Government funding)	1	Q4	Total project value is \$3m including design, construction, community engagement,

Election of GAROC Representatives

ITEM 12.5 26/03/2019
Council

2018/04054
Public

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

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

Chief Executive Officer of the Local Government Association of South Australia (LGA), Mr Matt Pinnegar, has written to the Chief Executive Officer to advise of the nominations received for two (2) positions on the Greater Adelaide Regional Organisation of Councils (GAROC). Mr Pinnegar advised that an election will take place for the two (2) positions on GAROC and asks Council to cast its vote for the two (2) candidates it wishes to elect.

Nominations have been received from:

- Councillor Jordan Dodd (City of Unley)
- Mayor Michael Coxon (City of West Torrens)
- Deputy Mayor Tim Pfeiffer (City of Marion)
- Mayor Angela Evans (City of Charles Sturt)
- Mayor Jill Whittaker (Campbelltown City Council)
- Councillor Grant Piggott (City of Burnside)
- Mayor Heather Holmes-Ross (City of Mitcham)
- Councillor Don Palmer (City of Unley)
- Mayor Erin Thompson (City of Onkaparinga)
- Mayor Amanda Wilson (City of Holdfast Bay)

The completed ballot form must be received by the LGA by 5.00 pm on Thursday, 11 April 2019.

RECOMMENDATION:

THAT COUNCIL

1. Notes the advice of the Local Government Association of South Australia that an election is being held for two (2) positions on the Greater Adelaide Regional Organisation of Councils.
2. Authorises the Lord Mayor to mark the ballot paper in accordance with Council's resolution to vote for up to two (2) of the following candidates:
 - 2.1. Councillor Jordan Dodd (City of Unley) **or**
 - 2.2. Mayor Michael Coxon (City of West Torrens) **or**
 - 2.3. Deputy Mayor Tim Pfeiffer (City of Marion) **or**
 - 2.4. Mayor Angela Evans (City of Charles Sturt) **or**
 - 2.5. Mayor Jill Whittaker (Campbelltown City Council) **or**

- 2.6. Councillor Grant Piggott (City of Burnside) **or**
 - 2.7. Mayor Heather Holmes-Ross (City of Mitcham) **or**
 - 2.8. Councillor Don Palmer (City of Unley) **or**
 - 2.9. Mayor Erin Thompson (City of Onkaparinga) **or**
 - 2.10. Mayor Amanda Wilson (City of Holdfast Bay)
-

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 provided with candidate information via E-news.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	Participating in the election of the GAROC representatives 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. Chief Executive Officer of the Local Government Association of South Australia (LGA), Mr Matt Pinnegar, has advised that ten (10) candidates have nominated for two (2) positions available on the Greater Adelaide Regional Organisation of Councils (GAROC).
2. As a result of receiving more than the required number of nominations, Mr Pinnegar advises that an election for the two (2) positions on GAROC will take place, and requests that Council casts its vote for the two (2) candidates it wishes to elect, from the following:
 - 2.1. Councillor Jordan Dodd (City of Unley)
 - 2.2. Mayor Michael Coxon (City of West Torrens)
 - 2.3. Deputy Mayor Tim Pfeiffer (City of Marion)
 - 2.4. Mayor Angela Evans (City of Charles Sturt)
 - 2.5. Mayor Jill Whittaker (Campbelltown City Council)
 - 2.6. Councillor Grant Piggott (City of Burnside)
 - 2.7. Mayor Heather Holmes-Ross (City of Mitcham)
 - 2.8. Councillor Don Palmer (City of Unley)
 - 2.9. Mayor Erin Thompson (City of Onkaparinga)
 - 2.10. Mayor Amanda Wilson (City of Holdfast Bay)
3. A copy of the candidates' information sheets can be viewed here [\[Link 1\]](#).
4. Correspondence seeking Council's support has been received from one (1) candidate, Mr Tim Pfeiffer, Deputy Mayor and Councillor for the City of Marion. Mr Pfeiffer's correspondence can be viewed here [\[Link 2\]](#).
5. The GAROC Terms of Reference provide that the casting of the vote by Council be conducted as follows:
 - 5.1. *Each Member [council] shall determine by resolution the two (2) candidates it wishes to elect (Clause 4.4.5(c));*
 - 5.2. *The chair of the meeting for that member [council] shall mark the ballot paper with an "X" next to the two (2) candidates that the member [council] wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the Delegate must indicate the member's [council] name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer (Clause 4.4.5(d)).*
6. The completed ballot form must be received by the LGA by 5.00 pm on Thursday, 11 April 2019.
7. The counting of votes will take place at the Adelaide Entertainment Centre on Friday, 12 April 2019, during the LGA Ordinary General Meeting.

ATTACHMENTS

Nil

- END OF REPORT -

2018/04054
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 called for nominations for a Presiding Member and not less than three other members for the Stormwater Management Authority Board.

This report seeks Council's consideration and approval to submit up to two (2) nominations for the positions of board members only. The LGA Board of Directors has determined that nominees for the position of Presiding Member should **not** be currently serving local government members or officers.

While three board members are sought, the LGA's Nominations to Outside Bodies Policy states that only two (2) nominations will be accepted from any one Council.

RECOMMENDATION:

THAT COUNCIL

1. Approves the nomination of a Council or staff member to the Stormwater Management Board.
-

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report contributes to Council's 2016-220 Strategic Plan by providing the opportunity to collaborate and strengthen relationships with Government entities that have a keen interest and stake in the future of Adelaide.
Policy	Not as a result of this report.
Consultation	Expressions of interest were sought from Council members via E-news. An expression of interest was received from Councillor Donovan
Resource	For participating members, preparation for and attendance at quarterly meetings.
Risk / Legal / Legislative	As remuneration is payable for the position, nominated Council members will be required to declare a material conflict of interest in the matter and leave the Council Chamber while the matter is being discussed and voted on. A material conflict of interest may arise for a Council Member who is also a Board Member if a matter were to be discussed at a meeting of the Council where the body corporate of which the Council Member is a Board Member would gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting. In that case, the Council Member must inform the Council meeting and leave the room while the matter is being discussed and voted on.
Opportunities	Appointments to outside bodies provides opportunity for Council Members to contribute to discussion and decision making on a broad range of matters relevant to the City of Adelaide.
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	Appointment to the Stormwater Management Board commences in July 2019 for a period not exceeding three (3) years.
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 Local Government Association of South Australia (LGA) is seeking nominations for a Presiding Member and not less than three (3) other members for the Stormwater Management Authority Board.
2. The role of the Stormwater Management Authority is *'to facilitate and coordinate stormwater management planning by councils and to ensure relevant public authorities cooperate in relation to facilitating this outcome.'*
3. The LGA Board of Directors has determined that nominees for the position of Presiding Member should **not** be currently serving local government members or officers.
4. Nominations for the board member positions should be currently serving local government members or officers.
5. Council may put forward a maximum of two (2) nominations for consideration by the LGA Board of Directors.
6. A person nominated for appointment to the board must have appropriate qualifications or experience in public administration, water resources, stormwater management, mitigation of flood hazards, environmental management or infrastructure development.
7. The appointment commences in July 2019 for a period not exceeding three (3) years.
8. Sitting fees of \$12,383 per annum are payable to board members.
9. Meetings are held at least quarterly with special meetings called as required. Recent meetings have been held at the office of the Department of Environment and Water at 81-95 Waymouth Street, Adelaide.
10. Nominations must be forwarded to the LGA by close of business Tuesday, 9 April 2019.
11. The LGA Board of Directors will consider nominations at its meeting on Wednesday, 17 April 2019.

ATTACHMENTS

Nil

- END OF REPORT -

Progress of Motions by Elected Members

ITEM 12.7 26/03/2019
Council

2018/04074
Public

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

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

This report responds to the decision of Council from 12 March 2019 to report to every second Council meeting of the month on the Progress of Motions by Elected Members.

.....

RECOMMENDATION:

That Council:

1. Notes the report.
-

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
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. On 12 March 2019, Council resolved:
'That Council requests the Administration, at every second meeting of Council;
 - i) Returns to the previous practice of reporting the progress of Councillor motions with and without notice adopted by the elected body over the current and previous two terms but which have not yet been fully implemented, and
 - ii) An oral or written response to matters raised at prior Committee and Council meetings to which the Administration declined to provide an answer or information at that time, undertaking instead to "take on (it) notice".
2. Since the commencement of the 2018-2022 Council Term a total of 28 Motions on and without Notice have been carried by Council.
3. As at 21 March 2019 a total of 63 Motions on or without Notice remain open from the current and previous terms of Council. The current progress of these Motions on and without Notice can be found [here](#).
4. In response to Part ii) of the decision, work is being undertaken to establish a process to collate and manage the requested information.

ATTACHMENTS

Nil

- END OF REPORT -

King William Street South Tram Infrastructure

ITEM 15.1 26/03/2019
Council

Council Member
Councillor Hyde

Public

Receiving Officer:
Mark Goldstone, Chief Executive Officer

MOTION ON NOTICE:

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

'That Council:

- Notes that car accessibility into and around the City of Adelaide is vital for resident, visitor and commuter convenience and business viability;
- Notes that Council Administration has provided the Department of Planning, Transport and Infrastructure with a number of possible designs of the King William Street South tram infrastructure upgrades since 2014.
- Does not support the number of proposed right turn removals along King William Street.
- Does not support the number of proposed angle park removals along King William Street.
- Requests that the CEO write to the Minister for Transport, Planning and Infrastructure to advise that Council does not support the current proposal for the upgrade, and requests that options to preserve as many right hand turns and angle parking spaces as possible are investigated, including:
 - The continuation of the shared corridor for trams and cars, and
 - The possibility of a 'split stop' platform arrangement.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Council Member
Councillor Simms

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

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

'That Council:

- (1) Recognises that:
 - the City of Adelaide has been taking action to respond to climate change for over 20 years, through reducing our own emissions and supporting our community to reduce their emissions and become 'climate ready';
 - Adelaide is experiencing extreme temperatures and recently endured its hottest day on record, the hottest decade on record and more days exceeding extreme temperatures than any other major city in Australia;
 - in January 2019, the Australian Prudential Regulation Authority Executive Geoff Summerhayes warned that addressing climate change had become a financial necessity and earlier this month the Deputy Governor of the Reserve Bank of Australia, Guy Debelle, warned of the potential for climate change to cause a shock to the Australian economy;
 - we are facing a climate emergency that represents a serious threat to our wellbeing, economy, built infrastructure, services, water supplies, environment, and reputation as a liveable city.
- (2) Supports Administration's continued delivery of programs (as part of the 2019-2020 budget) that support our community in taking urgent action to further reduce Adelaide's emissions.
- (3) Investigates new opportunities beyond the current budget cycle, to ensure Adelaide is climate ready and heat prepared, including improving water resilience and ensuring an equitable distribution of greening in city streets.
- (4) Requests that at the next meeting of the Capital City Committee, the Lord Mayor raise the opportunity with the State Government to work together to electrify our passenger vehicle fleets and decarbonise the Free City Connector bus service to improve the health and amenity of the community and reduce carbon emissions.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Council Member
Councillor Simms

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

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

'That Council:

1. Notes that:

- the pavers on the footpaths along Hindley Street (from Morphett Street to King William Street) are in an unsatisfactory condition and require repair or replacement;
- a number of regulations relating to outdoor dining and queuing on Hindley Street at night are not being enforced.

2. Requests that administration prepare costings (as part of the 2019-2020 budget process) for:

- repairing or replacing the pavers on the footpaths on Hindley Street, from Morphett Street to King William;
- creating the position of Night Time Precinct Officer to enforce Council regulations on Hindley Street at night.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Rate Freeze

ITEM 15.4 26/03/2019
Council

Council Member
Councillor Moran

2019/00224
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:

- Provide a commitment to our ratepayers by reaffirming Council's commitment to freezing the rate in the dollar within this current budget and by extending this commitment to freeze the rate in the dollar or lower the rate for the rest of this Council term.'

ADMINISTRATION COMMENT:

1. The motion, if adopted, provides notice of Council's intention to consider a further freeze in the rate in the dollar to be included as an option in the Financial Planning and budget process for 2019-20 and the intention to consider this in future budgets.
2. It should be noted that consistent with Section 153 (5) of the Local Government Act 1999, Council cannot formally declare a general rate until after it has adopted its annual business plan and budget for the relevant year.
3. The process for 2019-20 provides a number of key decision points and will provide Council with a range of inputs (including outcomes from Community Engagement) and options for consideration prior to adoption of the annual business plan and budget in June 2019.

- END OF REPORT -

Automatic External Defibrillators

ITEM 15.5 26/03/2019
Council

Council Member
Councillor Martin

2018/02560
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:

Working with SA Ambulance and other stakeholders, continues its commitment to assist in the fight against avoidable deaths in the City of Adelaide from sudden cardiac arrest by;

- i) moving the four Automatic External Defibrillators (AEDs) inside the City's 3 Community Centres and the Hutt Street Library to walls outside of the locations at a cost of \$3,500 so that the AEDs are accessible 24 hours day
- ii) allocating \$24,000 for the currently unfunded maintenance of the 15 AEDs in 24/7 public locations in the City and as required in future budgets, and
- iii) requesting the Administration prepares a report for Council's consideration at the end of 2019 on the optimum locations, numbers of devices recommended and the associated costs in order to continue the roll out of AEDs for each of the remaining years of the current Council term.'

ADMINISTRATION COMMENT:

1. If this Motion is supported, we will work to move the four Automatic External Defibrillators (AEDs) inside the City's 3 Community Centres and the Hutt Street Library to walls or posts outside of the locations so that the AEDs are accessible 24 hours day.
2. This item will be included as part of the 19/20 budget considerations and we will work to prepare a one page scope for Council's consideration.
3. A report will be prepared for Council's consideration by the end of 2019 outlining the optimum locations, numbers of devices recommended and the associated costs in order to continue the roll out of AED's for each of the remaining years of the current Council term.
4. We will continue to work in partnership with the South Australian Ambulance Service and the Heart Foundation.

- END OF REPORT -

Customer Service Opportunities in Languages other than English

ITEM 15.6 26/03/2019
Council

Council Member
Councillor Hou

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

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

'That Council:

- Requests administration provide an update on the current strategies in place to support communication and customer service to non-English speaking visitors and residents to the City of Adelaide.
- Requests administration investigate opportunities to broaden and enhance our approach to communicating with non-English speaking visitors and residents across all key customer channels and contact points. This shall also give consideration to a communications strategy which better informs visitors, residents and business owners about what services can be provided in languages other than English.
- Requests that administration provide a report highlighting options, impacts and costs to Council within 3 months.'

ADMINISTRATION COMMENT:

To be distributed separately

- END OF REPORT -

Exclusion of the Public

ITEM 17.1 26/03/2019
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 Reports of The Committee and Audit Committee seeking consideration in confidence:

- 18.1.1** Recommendation of The Committee in Confidence – 19/3/2019
Recommendation 1 – Capital City Committee Update [s 90(3) (g)]

The Order to Exclude for Item 18.1.1:

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 18.1.1:

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 26/3/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1.1 [Recommendation of The Committee in Confidence – 19/3/2019] 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 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 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 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 City of Adelaide evaluation and deliberation.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 26/3/2019 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 18.1.1 [Recommendation of The Committee in Confidence – 19/3/2019] 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.

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 reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 18.1.1 – Recommendation of The Committee in Confidence – 19/3/2019:
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 19/3/2019.
 - 6.1.2 Recommendation 1 - Capital City Committee Update - The grounds utilised to request consideration in confidence is s 90(3) (g)
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 18.1.1

Recommendations of The Committee in Confidence– 19/3/2019

Recommendation 1 – Capital City Committee Update

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

Pages 39 to 40
