



COUNCIL MINUTES

for the meeting

Tuesday 22 October 2019

in the Council Chamber,
Adelaide Town Hall



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

Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor stated:

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

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

Acknowledgement of Colonel William Light

The Lord Mayor stated:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six (6) squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

Prayer

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

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

Memorial Silence

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

Apologies and Leave of Absence

On Leave:

Deputy Lord Mayor (Councillor Abiad)

Apologies:

Councillor Hyde.

Confirmation of Minutes

1. Item 6 - Confirmation of Minutes – 8/10/2019 [C]

Moved by Councillor Moran,

Seconded by Councillor Knoll –

That the Minutes of the meeting of the Council held on 8 October 2019, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Petitions

2. Item 8.1 - Petition – Declare Veale Gardens a Dry Zone [2018/04073] [C]

Moved by Councillor Moran,
Seconded by Councillor Couros –

THAT COUNCIL

- Notes the petition containing 34 signatories, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 22 October 2019, requesting Council to declare Veale Gardens a dry zone.

Carried

3. Item 8.2 - Petition – Parking in Kingston Terrace [2018/04073] [C]

Moved by Councillor Hou,
Seconded by Councillor Moran –

THAT COUNCIL

- Notes the petition containing 6 signatories, distributed as a separate document to Item 8.2 on the Agenda for the meeting of the Council held on 22 October 2019, requesting Council to revert Kingston Terrace back to 3 hour parking and original (6) 10 hour parks at the top of Kingston Terrace, near the bus stop.

Carried

Reports of The Committee and Audit Committee

4. Item 9.1 - Recommendations of The Committee – 15/10/2019 [2018/04062] [C]

The Lord Mayor advised the meeting that each recommendation would be dealt with separately.

It was then -

Moved by Councillor Knoll,
Seconded by Councillor Abrahamzadeh -

Recommendation 1 - Sports Lighting in Gladys Elphick Park

That Council:

- Approves the South Australian Cricket Association installing sports lighting on the main oval in Gladys Elphick Park/Narnungga (Park 25) as shown in Attachment A to Item 5.1 on the Agenda for the meeting of The Committee held on 15 October 2019, subject to receiving Development Approval.

Carried

It was then -

Moved by Councillor Moran,
Seconded by Councillor Khera -

Recommendation 2 - Assignment of Lease – Treeclimb

That Council:

- Approves the Assignment of Lease from Bounce SA Pty Ltd to TreeClimb SA Pty Ltd for the leased and licensed area in Blue Gum Park / Kurangga (Park 20).
- Authorises the Chief Executive Officer to execute all documentation to give effect to the Assignment of Lease.
- Authorises The Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Deed of Assignment and associated documentation.

Carried

It was then -

Moved by Councillor Simms,
Seconded by Councillor Moran -

Recommendation 3 - West Franklin Stage Three – 52-58 Elizabeth Street Adelaide - Rescind Land Management Agreement

That Council:

- Approves the rescission of the Land Management Agreement registered over the land contained in Certificates of Title Volume 6195 Folios 470, 471 and Volume 6219 Folio 583.

2. Authorises the Lord Mayor and Chief Executive Officer to execute and attach the Common Seal of Council to relevant documentation to give effect to the rescission of the Land Management Agreement registered over the land contained in Certificates of Title Volume 6195 Folios 470, 471 and Volume 6219 Folio 583.

Carried

It was then -

Moved by Councillor Simms,
Seconded by Councillor Donovan -

Recommendation 4 - Social & Affordable Housing in the City

That Council

1. Approves the undertaking of a scoping exercise to identify the scope, governance, process, timing and budget required to prepare a housing needs assessment followed by a policy position and/or strategy on social and affordable housing in the City of Adelaide, aligning with the approach being adopted by the State Government's Housing, Homelessness and Support Strategy.
2. Approves progressing research investigations, potentially in partnership with the State Government, on new innovative financing and delivery models for social and affordable housing.
3. Approves the Lord Mayor to table the matters contained in this report as an agenda item at the next or a subsequent meeting of the Capital City Committee, to discuss in partnership with the State Government.
4. Approves the Lord Mayor and Chief Executive Officer to table the matters contained in Item 5.4 on the Agenda for the meeting of The Committee held on 15 October 2019, as an agenda item at a future Council of Capital City Lord Mayors (CCCLM) forum.

Discussion ensued

Amendment –

Moved by Councillor Couros,
Seconded by Councillor Abrahamzadeh -

That Parts 1 and 2 of the motion be amended to read as follows:

- '1. Notes that the State Government's Housing, Homelessness and Support Strategy will be delivered by the end of 2019;
2. Approves the preparation of a Policy on social and affordable housing in the City of Adelaide after the delivery of this strategy;'

Discussion continued

The amendment was then put and carried

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

Division

For (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll.

Against (4):

Councillors Donovan, Martin, Moran and Simms.

The division was declared in favour of the amendment

The motion, as amended, was then put and carried

It was then -

Moved by Councillor Martin,
Seconded by Councillor Donovan -

Recommendation 5 - Adelaide Park Lands Building Design Guidelines

That Council

1. Notes the Adelaide Park Lands Management Strategy 2015-2025 (APLMS) Strategy 1.4, Action 2. Identifies a *'review [of] ... the Park Lands Building Design Guidelines to optimise design and functional outcomes from Park Lands buildings and structures whilst managing impacts on the Park Lands.'*
2. Approves the draft Adelaide Park Lands Building Design Guidelines for consultation as provided in Attachment A to Item 5.5 on the Agenda for the meeting of The Committee held on 15 October 2019, subject to removal of the word 'contemporary' from Objective 4.1 heading and the first sentence.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Hou,
Seconded by Councillor Knoll -

Recommendation 6 - Chinatown: Lunar New Year Street Party

That Council:

1. Notes that \$15,000 has been approved through the Sponsorship program with an additional \$15,000 committed for the 2020 event has been made available through the International program.
2. Approves the provision of a one off grant of up to \$10,000 to engage a third-party event manager who can work with the organising committee to mentor, offer advice and assistance in the planning, delivery and acquittal of the event.
3. Notes this additional support can be absorbed in the current 2019-20 approved budget.

Carried

It was then -

Moved by Councillor Simms,
Seconded by Councillor Moran -

Recommendation 7 - 2019 LGA Annual General Meeting papers

That Council:

1. Notes the report.
2. Notes that Councillor Dr Donovan is the Council's voting delegate, and Councillor Hyde the deputy voting delegate for the LGA AGM to be held on 31 October 2019.

Carried

5. Item 9.2 - Advice of the Audit Committee – 22/10/2019 [2018/04062] [C]

Item 9.2, distributed separately was before Council Members.

It was then -

Moved by Councillor Martin,
Seconded Councillor Knoll -

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 22 October 2019.

Carried

Item 9.2, distributed separately to the Agenda is attached for reference at the end of the Minutes of this meeting.

Lord Mayor's Reports

6. Item 10.1 – Lord Mayor's Report [2018/04064] [C]

The Lord Mayor addressed the meeting on the following:

- Hutt Street Traders AGM
- 70th birthday celebration of the founding of the People's Republic of China
- Opening Day for the 2019-2020 Adelaide Bowling Club bowls season
- State Theatre Company season 2020 opening event
- Catherine House gala dinner
- Ride2work day
- Kurna language lesson
- Mainstreet SA conference
- Samstag Museum of Art OzAsia Exhibition
- Vogue Festival Launch
- Capital City Council of Lord Mayor's AGM
- Lord Mayor's Homelessness Summit and tour of facility run by St Vincent de Paul Society
- Opening of the Health and Housing Expo at Adelaide Town Hall
- Meetings with Senator Rex Patrick, Michelle Lensink MLC, Heather Croall & Belinda Redman, Jason Tuazon-McCheyne, reps of History Trust of SA and the RAAF and Matt Swinney

- Receptions - Adelaide Town Hall & ASO induction into the SA Music Hall of Fame, Active Ageing Week 2019, Australian American Association Conference and Finish of the 2019 Bridgestone World Solar Challenge
- Morning tea to welcome Artists of Tarnanthi
- Lunch – input into the City of Adelaide new Strategic Plan
- Adelaide Town Hall Open Day

The following award was presented to the Lord Mayor by the project delivery team of Aleck Whitham, Chris Leidig and Steph Rogers:

- Australian Institute of Landscape Architects National Awards – North South City Bikeway Project - Award of Excellence in the Infrastructure category

Acclamation

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

That the report be received and noted.

Carried

Councillors' Reports

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

Moved by Councillor Donovan,
Seconded by Councillor Moran -

THAT COUNCIL

1. Notes the Council Member activities and 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 22 October 2019).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 11.1 on the Agenda for the meeting of the Council held on 22 October 2019).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 22 October 2019 be included in the Minutes of the meeting.

Councillor Donovan addressed the meeting on the following events attended:

- Illuminated Engineering Society Awards – Award of Excellence won by the City of Adelaide for the Illumination of Topham Mall
- Women in Sport breakfast
- Ride to Work Day

The motion was then put and carried

Report for Council (Chief Executive Officer's Reports)

8. Item 12.1 – Brown Hill and Keswick Creeks Stormwater Board – Annual Report 2018-19 [2018/02437] [C]

Moved by Councillor Simms,
Seconded by Councillor Knoll -

THAT COUNCIL

1. Receives the Brown Hill and Keswick Creeks Stormwater Board's Annual Report for the 2018-19 financial year, provided as Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 22 October 2019.

Carried

9. Item 12.2 – Global Cities After Dark – Night Culture Forum [2018/04236] [C]

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Couros -

That Council:

1. Approves travel and associated attendance and travel costs for Council Hyde to go to Sydney to attend the Global Cities After Dark forum on 15 November 2019.

Discussion ensued, during which the CEO gave the following undertaking:

CEO Undertaking - Global Cities After Dark – Night Culture Forum

In response to queries from Councillor Martin, an undertaking was given to provide members with information on whether the approximate costing for Councillor Hyde's attendance included a conference fee.

The motion was then put and carried

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

Division

For (5):

Councillors Abrahamzadeh, Couros, Donovan, Hou and Knoll.

Against (4):

Councillors Khera, Martin, Moran and Simms.

The division was declared in favour of the motion

10. Item 12.3 – Progress of Motions by Elected Members [2018/04074] [C]

Moved by Councillor Moran,
Seconded by Councillor Simms -

That Council:

1. Notes the report.

Carried

11. Item 12.4 – Local Government Reform - proposed response [2019/01903] [C]

Mark Goldstone, CEO, City of Adelaide preambled the item and the process going forward for Members.

It was then -

Moved by Councillor Moran,
Seconded by Councillor Hou -

THAT COUNCIL

1. Authorises the Chief Executive Officer to provide to the Office of Local Government and the Local Government Association of South Australia Council's response to the *Reforming Local Government in South Australia Discussion Paper*, as set out in Attachment A to Item 12.4 on the Agenda for the meeting of the Council held on 22 October 2019, subject to any revisions determined by Council and any amendments required for editorial purposes and in order to reflect Council's decisions regarding the questions set out in part 2 below, at the meeting of Council held on 22 October 2019.
2. Determines a position on LG Reform proposals 1.4, 1.5, 1.6-7, 1.13 (a), 1.13 (b), 2.2, 2.3, 2.6, 2.7, 2.12, 3.4, 4.7(a), 4.7(b), 4.8 as contained in Attachment B to Item 12.4 on the Agenda for the meeting of the Council held on 22 October 2019 for inclusion in the response to the Office of Local Government and the Local Government Association of South Australia.
3. Notes that the Lord Mayor will write on behalf of Council to the Honourable Minister for Transport, Infrastructure and Local Government Stephan Knoll, MP, to provide Council's response and highlight key reform proposals of interest to the City of Adelaide, as set out in Attachment A and Attachment B to Item 12.4 on the Agenda for the meeting of the Council held on 22 October 2019, subject to any amendments required for editorial purposes. and in order to reflect Council's decisions regarding the questions set out in Attachment B.

Carried

The Lord Mayor advised the meeting that she would call for a motion for each item from Part 2 of the motion for determination individually.

It was then –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

That the Council SUPPORT LG Reform proposal 1.4.

Carried

It was then –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

That the Council SUPPORT inclusion in response in support of LG Reform proposal 1.5 of the following:

- Apply '3 strikes' approach.
- Penalties to include publication of register of (upheld) complaints.

Carried

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

Division

For (6):

Councillors Abrahamzadeh, Couros, Donovan, Hou, Khera and Knoll.

Against (3):

Councillors Martin, Moran and Simms.

The division was declared in favour of the motion

It was then –

Moved by Councillor Martin,
Seconded by Councillor Moran -

That the Council NOT SUPPORT LG Reform proposal 1.6.

Lost

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

Division

For (4):

Councillors Donovan, Martin, Moran and Simms.

Against (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll.

The division was declared against the motion

It was then –

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll -

That the Council SUPPORT LG Reform proposal 1.6 (and request more information).

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Simms -

That the Council NOT SUPPORT LG Reform proposal 1.7

Lost

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

Division

For (4):

Councillors Donovan, Martin, Moran and Simms.

Against (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll.

The division was declared against the motion

It was then –

Moved by Councillor Knoll,
Seconded by Councillor Abrahamzadeh -

That the Council SUPPORT LG Reform proposal 1.7 (and request more information).

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Abrahamzadeh -

That Council SUPPORT LG Reform 1.13, that Mayors would be provided with a deliberative vote, and retain a casting vote

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Moran -

That Council SUPPORT LG Reform 1.13(a) as raised by Members.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Hou -

That Council SUPPORT LG Reform proposal 2.2.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Hou -

That Council SUPPORT LG Reform proposal 2.3.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Simms -

That Council SUPPORT LG Reform proposal 2.6.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Simms -

That Council SUPPORT LG Reform proposal 2.7.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Abrahamzadeh -

That Council NOT SUPPORT LG Reform proposal 2.12.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Simms -

That Council SUPPORT inclusion in LG Reform proposal 3.4 of a requirement for groups and bodies corporate to nominate a natural person to exercise its vote.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Abrahizadeh -

That Council NOT SUPPORT LG Reform proposal 4.7.

Carried

It was then –

Moved by Councillor Martin,
Seconded by Councillor Simms -

That Council SUPPORT LG Reform proposal 4.8.

Carried

It was then –

Moved by Councillor Simms,
Seconded by Councillor Martin -

That Council SUPPORT imposition of cap on expenditure related to elections.

Lost

Councillor Simms then requested that a division be taken on the motion.

Division

For (4):

Councillors Donovan, Martin, Moran and Simms.

Against (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll.

The division was declared against the motion

It was then –

Moved by Councillor Simms,
Seconded by Councillor Abrahamzadeh -

That Council SUPPORT increased requirements for disclosure of donations before elections.

Carried

12. Item 12.5 – Lord Mayor Travel to New Zealand, November 2019 [2019/01833] [C]

The Lord Mayor advised the meeting that she would have a conflict in Item 12.5 [Lord Mayor Travel to New Zealand, November 2019] and in the absence of the Deputy Lord Mayor (Councillor Abiad), the Lord Mayor called for an Acting Presiding Member.

Councillor Donovan nominated Councillor Moran, who accepted the nomination.

The Lord Mayor (Councillor Verschoor) disclosed a material conflict of interest in Item 12.5 [Lord Mayor Travel to New Zealand, November 2019], pursuant to Sections 73 & 74 of the Local Government Act 1999 (SA), on the basis that she is the nominee to attend which would result in a benefit, withdrew her Chair and left the Council Chamber at 7.02pm, whereupon with agreement of the meeting, Councillor Moran took the Chair.

It was then –

Moved by Councillor Knoll,
Seconded by Councillor Hou -

That Council:

1. Notes the invitation from the Mayor of Christchurch for the Lord Mayor to visit Christchurch, Attachment A to Item 12.5 on the Agenda for the meeting of the Council held on 22 October 2019.
2. Notes a draft itinerary, as shown in Attachment B to Item 12.5 on the Agenda for the meeting of the Council held on 22 October 2019.
3. Approves the Lord Mayor's travel to New Zealand from 20-26 November 2019.

Discussion ensued

The motion was then put and carried

The Lord Mayor re-entered the Council Chamber at 7.05pm and retook the Chair.

Questions on Notice

13. Item 13.1 – Councillor Khera – Question on Notice – Pop up separated bikeway [C]

The Lord Mayor advised the meeting that Councillor Khera had withdrawn his Question on Notice.

14. Item 13.2 – Councillor Martin – Question on Notice – Unsolicited Proposal Policy [C]

Councillor Martin read the following Question:

Question

Could the Administration advise if the Council's Unsolicited Proposal policy allows the City of Adelaide to withdraw from the process associated with any unsolicited bid and, if so, at what stage/s in the process?

Councillor Khera left the Council Chamber at 7.06pm.

The Lord Mayor read the following Reply:

Reply

1. City of Adelaide's Unsolicited Proposals Guideline (**Guideline**) sets out the process by which the Council will receive and consider unsolicited proposals. In accordance with the Guideline's submission terms and conditions, the City of Adelaide may, at any stage of the process of receiving, considering and negotiating any unsolicited proposal:
 - 1.1. accept or reject any unsolicited proposal;
 - 1.2. discontinue negotiations with any proponent.
2. The process by which City of Adelaide will receive and consider proposals is three staged. In addition to the above general rights, at the end of each stage, Council may resolve that all or part of a proposal is not suitable for further consideration and its consideration under the Guideline will come to an end.
3. In accordance with the Guideline's submissions terms and conditions, where City of Adelaide resolves to withdraw from a process associated with any unsolicited proposal, City of Adelaide will not be liable for any expenses or losses incurred by a proponent.
4. While there may be no legal or financial consequences for City of Adelaide in deciding to withdraw from any unsolicited proposal process, at any time, consideration should be given to reputational implications.
5. It may be arguable that in certain circumstances a party has not acted in good faith where discretion is exercised to unilaterally terminate an unsolicited proposal process based on a change of mind. Careful consideration should be given to withdrawal of any unsolicited proposal process in its specific circumstances to ensure City of Adelaide exercises its powers reasonably, so not to deter future proposals being submitted.

The tabled Reply for Item 13.2 is attached for reference at the end of the Minutes of this meeting.

Questions without Notice

Discussion ensued, during which:

- Councillor Hou left the Council Chamber at 7.08pm and re-entered at 7.10pm.
- Councillor Khera re-entered the Council Chamber at 7.09pm.

Motions on Notice

15. Item 15.1 – Councillor Martin – Motion on Notice – ACP Cladding [2019/00951] [C]

Moved by Councillor Martin,
Seconded by Councillor Simms -

That Council:

Noting the State Government has appointed a Commissioner to request building owners to advise only occupants of buildings with potentially flammable Aluminium Composite Panels (ACP),

1. Asks the Administration to publicly release immediately details to ALL South Australians of the buildings, private and public, in the City of Adelaide clad or partially clad in such material, together with the risk classification (for example, extreme, high etc) and the strategies to be adopted to ensure public safety pending remediation.

2. Requests the Lord Mayor write to the Planning Minister, Stephan Knoll, expressing concern the State Government has asked Local Government Areas to manage flammable ACP remediation and recommending the Minister urgently consider as an alternative approach the Victorian Government's prompt action which has included a 600 million dollar budget to rectify high risk sites, funded by a building industry levy and legal action where possible.

Discussion ensued, during which:

- The mover of the motion, with the consent of the mover requested the motion be taken in parts.
- With the consent of the mover, the seconder and the meeting Part 1 of the motion was varied to read as follows:
 - '1. Asks the Administration to publicly release (pending approval of the State Government) details to ALL South Australians of the buildings, private and public, in the City of Adelaide clad or partially clad in such material, together with the risk classification (for example, extreme, high etc) and the strategies to be adopted to ensure public safety pending remediation.'

Part 1 of the motion was then put and carried

Part 2 of the motion was then put and carried

16. Item 15.2 – Councillor Martin – Motion on Notice - North Adelaide Parking [2019/00551] [C]

The Lord Mayor advised the meeting that she would have to vacate the Chair for a short time and called upon Councillor Donovan, who took the Chair at 7.39pm when the Lord Mayor left the Council Chamber.

It was then -

Moved by Councillor Martin,
Seconded by Councillor Simms -

That Council:

- (1) Notes the motion put forward by Councillor Couros on 23 September 2019 that became the Council decision, scrapping the previously unanimously agreed North Adelaide Local Area Traffic and Parking Management Plan motion of 12 March 2019, which included a business on street parking scheme that was to have been introduced from 1 December 2019;
- (2) Asks the Administration to provide a report by 1 December 2019 on how a scheme for paid on street parking permits could be introduced for North Adelaide businesses.

Discussion ensued, during which:

- With the consent of the mover, the seconder and the meeting, Part 2 of the motion was varied to read as follows:
 - '(2) Asks the Administration to provide a report by the first meeting of Council in 2020 on how a scheme for paid on street parking permits could be introduced for North Adelaide businesses.'

The motion was then put and lost

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

Division

For (3):

Councillors Martin, Moran and Simms.

Against (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll.

The division was declared against the motion

The Lord Mayor re-entered the Council Chamber at 8.00pm and retook the Chair.

17. Item 15.3 – Councillor Simms – Motion on Notice - Treasury Policy Revision [2019/00224] [C]

Moved by Councillor Simms,
Seconded by Councillor Moran -

That **part 2 of the decision of** Council on 11/12/2018 in relation to the adoption of a Treasury Policy revision, namely:

“THAT COUNCIL:

1. Notes that the Audit Committee is satisfied the revised Treasury Policy, as set out in Attachment A to Item 5.4 on the Agenda for the meeting of the City of Adelaide Audit Committee held on 5 October 2018, provides appropriate direction to Council and the Administration in managing the key financial risk exposures of the Corporation; and
2. Adopts the proposed Treasury Policy, as contained in Attachment A, to Item 12.10 on the Agenda for the meeting of the Council held on 11 December 2018, excluding all reference to giving preference to banks and other financial agencies that do not invest in the fossil fuel industry.”

be amended:

- **By the deletion of the words ‘excluding all reference to giving preference to banks and other financial agencies that do not invest in the fossil fuel industry’**
- **By the inclusion of the following after 2018:**
‘including the following reference:
Subject to compliance with legislation, Treasury Policy objectives and parameters; and a competitive return, the City of Adelaide will preference investment securities and financial institutions which do not invest in the fossil fuel industry.

Discussion ensued

The motion was then put and lost

Councillor Simms then requested that a division be taken on the motion.

Division**For (4):**

Councillors Donovan, Martin, Moran and Simms.

Against (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll.

The division was declared against the motion

18. Item 15.4 – Councillor Khera – Motion on Notice - Electronic Signs [2019/00951] [C]

The Lord Mayor advised the meeting that Councillor Khera had withdrawn his Motion on Notice.

Exclusion of the Public**19. Item 17.1 – Exclusion of the Public [2018/04291] [C]**

For the following reports of The Committee & Audit Committee seeking consideration in confidence

18.1.1. Recommendation of The Committee in Confidence – 15/10/2019

Recommendation 1 Expression of Interest – Activating Eighty-Eight O’Connell [s 90(3) (d)]

18.1.2. Advice of the Audit Committee in Confidence – 22/10/2019 [s 90(3) (i) & (k)]

ORDER TO EXCLUDE FOR ITEM 18.1.1:

Moved Councillor Martin,
Seconded by Councillor Knoll -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22/10/2019 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 – 15/10/2019] 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 contains commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person, who supplied the information and confer a commercial advantage on a third party and in this instance it is the proponents who have supplied commercial information to support their submission to the EOI.

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 may result in release of information prior to the finalisation of 'commercial in confidence' negotiations between the proponent and their suppliers and may materially and adversely affect the financial viability of the proponent in relation to contract negotiations which on balance would be contrary to the public interest.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22/10/2019 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 – 15/10/2019] 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) (d) of the Act.

Carried

Councillor Simms left the Council Chamber at 8.05pm.

ORDER TO EXCLUDE FOR ITEM 18.1.2:

Moved Councillor Moran,
Seconded by Councillor Couros -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (i) & (k) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 18.1.2 [Advice of the Audit Committee in Confidence – 22/10/2019] listed on the Agenda.

Grounds and Basis

This Item is of a confidential nature because the report includes information on Council litigation.

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

The Audit Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to the actual litigation of council.

This Item is confidential as a procurement process was conducted for tenders to provide a provision of services to Council.

The disclosure of information in this report could reasonably prejudice the commercial position of the person who supplied the information as part of the tender process.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 22/10/2019 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 18.1.2 [Advice of the Audit Committee in Confidence – 22/10/2019] 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) (i) & (k) of the Act.

Carried

Councillor Moran, the public and members of Corporation staff not directly involved with Items 18.1.1 & 18.1.2 left the Council Chamber at 8.05pm.

Confidential Item 18.1.1

Recommendation of The Committee in Confidence – 15/10/2019

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

Page 14

Confidential Item 18.1.2

Advice of the Audit Committee in Confidence – 22/10/2019

Section 90 (3) (i) & (k) of the *Local Government Act (SA) 1999*

Pages 14 - 16

The Council Chamber re-opened to the public at 8.09pm.

Resolutions & Confidentiality Orders

Minute 20 - Item 18.1.1 - Recommendation of The Committee in Confidence – 15/10/2019 [C]

Recommendation 1 – Expression of Interest - Activating Eighty-Eight O'Connell

That Council:

1. Notes that the EOI - Activating Eighty-Eight O'Connell has received various submissions.
2. #####:
 - 2.1. #####;
 - 2.2. #####.
3. #####.
4. In accordance with Section 91(7) & (9) of the Local Government Act 1999 (SA) and because Item 18.1.1 [Confidential Recommendation of The Committee – Recommendation 1 - Expression of Interest – Activating Eighty-Eight O'Connell] listed on the Agenda for the meeting of the Council held on 22 October 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the Local Government Act 1999 (SA), this meeting of the Council do order that:
 - 4.1 Part 1 of the resolution become public information and included in the Minutes of the Council meeting.
 - 4.2 the resolution (excluding Part 1), the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026.
 - 4.3 the confidentiality of the matter be reviewed in December 2020.
 - 4.4 the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 21 - Item 18.1.2 - Advice of the Audit Committee in Confidence – 22/10/2019 [C]

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 22 October 2019.
2. In accordance with Section 91(7) & (9) of the Local Government Act 1999 (SA) and because Item 18.1.2 [Audit Committee Report – 22 October 2019] listed on the Agenda for the meeting of the Council held on 22 October 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (i) & (k) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
 - 2.1. the resolution become public information and included in the Minutes of the meeting.
 - 2.2. the report, the discussion and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026.
 - 2.3. the confidentiality of the matter be reviewed in December 2020.
 - 2.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Closure

The meeting closed at 8.09pm.

Mark Goldstone,
Chief Executive Officer

Sandy Verschoor,
Lord Mayor.

Documents Attached for Reference

Minute 5 – Item 9.2 - Advice of the Audit Committee – 22/10/2019, Distributed Separately

Minute 14 - Item 13.2 - Councillor Martin – Question on Notice – Unsolicited Proposal Policy, Tabled Reply

Audit Committee Report – 22 October 2019

ITEM 9.2 22/10/2019
Council

2018/04062
Public

Program Contact:
Rudi Deco, Manager Governance
8203 7442

Approving Officer:
Mark Goldstone, Chief Executive
Officer

EXECUTIVE SUMMARY

The Audit Committee plays a critical role supporting the Council and Chief Executive Officer in the financial reporting framework of Council, by overseeing and monitoring the participation of management and external auditors in the financial reporting process. It also addresses issues such as the approach being adopted by Council and management to address business risks, corporate and financial governance responsibilities and legal compliance.

The Audit Committee met on Tuesday, 22 October 2019 and is required to report to Council after every meeting to identify and present advice and recommendations.

A precis of the matters considered by the Audit Committee is presented within this report.

RECOMMENDATION

THAT COUNCIL

1. Notes the report of the meeting of the Audit Committee held on 22 October 2019.

DISCUSSION

1. The Audit Committee met on Tuesday, 22 October 2019. The agenda with reports for the public component of the meeting can be viewed [here](#).
2. The Audit Committee was provided with a Value and Efficiency Update presentation.
3. The following matters were the subject of deliberations. The Audit Committee resolved as follows for each subject:

3.1. Waste & Recycling Management Program

THAT THE AUDIT COMMITTEE

1. Notes the report.

3.2. Progress Update on 2018-19 Financial Efficiencies and Target <insert text>

THAT THE AUDIT COMMITTEE

1. Receives and notes the report.

3.3. Annual Report Risk Statement

THAT THE AUDIT COMMITTEE

1. Review and recommend the statements to be included in the Annual Report outlined in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit Committee held on 22 October 2019.

3.4. Audit Committee Performance

THAT THE AUDIT COMMITTEE

1. Reviews the results of the Audit Committee Self-Performance Evaluation outlined in the report to Item 5.4 on the Agenda of the Audit Committee held on 22 October 2019.

3.5. Internal Audit Progress Update

THAT THE AUDIT COMMITTEE

1. Receives and notes the report

3.6. Update on Activities of the Strategic Risk and Internal Audit Group Meetings

Considered, in confidence, pursuant to s 90(3) (i) of the *Local Government Act 1999* (SA).

THAT THE AUDIT COMMITTEE

1. Receives and notes the report.
2. The report is provided to the next meeting of the Council as part of the confidential report of Audit Committee meeting.
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999* and on the grounds that Item 9.1 listed on the Agenda for the meeting of the Audit Committee held on 22 October 2019 was received, discussed and considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999*, this meeting of the Audit Committee, do order that:
 - 3.1. The resolution becomes public information and included in the Minutes of the meeting.
 - 3.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2027.
 - 3.3. The confidentiality of the matter be reviewed in December 2020.
 - 3.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

3.7. Appointment of Internal Auditor

Considered, in confidence, pursuant to s 90(3) (k) of the Local Government Act 1999 (SA).

THAT THE AUDIT COMMITTEE

1. Receives and notes the report.
2. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 9.2 listed on the Agenda for the meeting of the City of Adelaide Audit Committee held on 22 October 2019 was received, discussed and considered in confidence pursuant to Section 90(3)(k) of the *Local Government Act 1999 (SA)*, this meeting of the City of Adelaide Audit Committee, do order that: -
 - 2.1. The resolution becomes public information and included in the Minutes of the meeting;
 - 2.2. The report, the discussions and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2023;
 - 2.3. The confidentiality of the matter be reviewed in December 2020.
 - 2.4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

- END OF REPORT -

Unsolicited Proposal Policy

ITEM 13.2 22/10/2019
Council

Council Member
Councillor Martin

2017/01176
Public

Receiving Officer:
Mark Goldstone, Chief
Executive Officer

QUESTION ON NOTICE

Councillor Martin will ask the following Question on Notice:

'Could the Administration advise if the Council's Unsolicited Proposal policy allows the City of Adelaide to withdraw from the process associated with any unsolicited bid and, if so, at what stage/s in the process?'

REPLY

1. City of Adelaide's Unsolicited Proposals Guideline (**Guideline**) sets out the process by which the Council will receive and consider unsolicited proposals. In accordance with the Guideline's submission terms and conditions, the City of Adelaide may, at any stage of the process of receiving, considering and negotiating any unsolicited proposal:
 - 1.1. accept or reject any unsolicited proposal;
 - 1.2. discontinue negotiations with any proponent.
2. The process by which City of Adelaide will receive and consider proposals is three staged. In addition to the above general rights, at the end of each stage, Council may resolve that all or part of a proposal is not suitable for further consideration and its consideration under the Guideline will come to an end.
3. In accordance with the Guideline's submissions terms and conditions, where City of Adelaide resolves to withdraw from a process associated with any unsolicited proposal, City of Adelaide will not be liable for any expenses or losses incurred by a proponent.
4. While there may be no legal or financial consequences for City of Adelaide in deciding to withdraw from any unsolicited proposal process, at any time, consideration should be given to reputational implications.
5. It may be arguable that in certain circumstances a party has not acted in good faith where discretion is exercised to unilaterally terminate an unsolicited proposal process based on a change of mind. Careful consideration should be given to withdrawal of any unsolicited proposal process in its specific circumstances to ensure City of Adelaide exercises its powers reasonably, so not to deter future proposals being submitted.

- END OF REPORT -