



THE COMMITTEE MINUTES

for the Special meeting

Saturday 23 February 2019

on Level 6, Colonel Light Centre,
25 Pirie Street, Adelaide



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

Acknowledgement of Country

At the opening of the Special Committee Meeting, the Chair stated:

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

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

Apologies and Leave of Absence

Apologies:

Councillors Abiad (Deputy Lord Mayor) and Knoll

Exclusion of the Public

1. Item 3.1 - Exclusion of the Public to Consider [2018/04291] [TC]:

For the following Discussion Forum Items in Confidence:

Strategic Alignment – Liveable

4.1 Strategic Property Matter [s 90(3) (b) & (d)]

4.2 Strategic Property Matter [s 90(3) (b) & (d)]

Order to Exclude for Item 4.1:

THAT THE COMMITTEE:

- Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of The Committee dated 23/2/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 4.1 [Strategic Property Matter] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

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

The disclosure of information in this report could reasonably prejudice the commercial position of Council as it discusses land disposal options for evaluation by Council, disclosure of which at this point in time may confer a commercial advantage on a third party, prejudice the ability for Council to undertake/participate in future discussion or negotiation and prejudice the Council's commercial position and opportunity to discuss or negotiate an option yet to be determined by the Council at this point in time.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in release of information in relation to the land disposal matter and because the disclosure of Council's commercial

position may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this Special meeting of The Committee dated 23/2/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 4.1 [Strategic Property Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) & (d) of the Act.

Order to Exclude for Item 4.2:

THAT THE COMMITTEE:

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of The Committee dated 23/2/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 4.2 [Strategic Property Matter] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Report details commercial information of a strategic property matter the disclosure of which could reasonably be expected to prejudice the commercial position and identity of the proponent who supplied 'commercial in confidence' information containing business directions/strategy. The disclosure of information contained in this report may prejudice the commercial position of the third party by disclosing the identity and content of the information at this point in time. Disclosure of this information may prejudice the ability to undertake/participate in any future process and or negotiations on any proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

Public Interest

Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances. The private sector may determine not to pitch new ideas and projects to Council if Council will not take into account a proponents concerns regarding protection of its ideas and commercially sensitive information. This may have the impact that Council does not maximise private sector innovation and service delivery improvement opportunities. Disclosure of the information contained in this report may cause detriment to the third party who supplied information to Council at this point in time, and may materially and adversely affect Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this Special meeting of The Committee dated 23/2/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 4.2 [Strategic Property Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) & (d) of the Act.

There were no members of the public or Corporation staff present not directly involved with Items 4.1 & 4.2 to leave the Level 6, Colonel Light Centre Meeting Room at 10.11 am.

Confidential Item 4.1

Strategic Property Matter

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

Pages 3 to 34

Confidential Item 4.2

Strategic Property Matter

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

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The Meeting Room on Level 6, Colonel Light Centre re-opened to the public at 1.03 pm.

Confidentiality Orders

Minute 2 - Item 4.1 - Strategic Property Matter [TC]

Confidentiality Order

That In accordance with Section 91(7) & (9) of the *Local Government Act 1999* (SA) and because Item 4.1 [Strategic Property Matter] listed on the Agenda for the Special meeting of The Committee held on 23 February 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999* (SA), this Special meeting of The Committee, do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
2. The confidentiality of the matter be reviewed in December 2020; and
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Minute 3 - Item 4.2 - Strategic Property Matter [TC]

Confidentiality Order

That In accordance with Section 91(7) & (9) of the *Local Government Act 1999* (SA) and because Item 4.2 [Strategic Property Matter] listed on the Agenda for the Special meeting of The Committee held on 23 February 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999* (SA), this Special meeting of The Committee, do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
2. The confidentiality of the matter be reviewed in December 2020; and
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

Discussion Forum Item

The 10 Gigabit Adelaide Project Update listed on the Agenda be rescheduled.

Closure

The Special meeting closed at 1.03 pm.

Councillor Anne Moran,
The Committee Chair