



THE COMMITTEE MINUTES

for the Special meeting

Monday 18 November 2019

Colonel Light Room,
Town Hall, Adelaide



Present - The Right Honourable the Lord Mayor [Sandy Verschoor];
Councillor Abiad (Deputy Lord Mayor) (Chair)
Councillors Couros, Hou, Hyde, Khera, Knoll, Martin, Moran 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 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.'

Apologies and Leave of Absence

Apology – Councillors Abrahamzadeh and Donovan (Deputy Chair)

Exclusion of the Public

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

For the following Discussion Forum Item in Confidence:

4.1. Eighty-Eight O'Connell [s 90(3) (b) & (d)]

For the following Item for Consideration and Recommendation to Council in Confidence:

5.1. Eighty-Eight O'Connell [s 90(3) (b) & (d)]

ORDER TO EXCLUDE FOR ITEM 4.1:

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 18/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 4.1 [Eighty-Eight O'Connell] listed on the Agenda.

Grounds and Basis

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably expect 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.

More specifically, the disclosure of certain information in this committee could reasonably prejudice the commercial position of Council given that the City of Adelaide Council land holding is the subject of commercial negotiations.

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 given that information within this report pertains to commercial negotiations for a City of Adelaide land holding. The release of such information may severely prejudice the Council's ability to secure a developer to undertake development of the land for the benefit of the City of Adelaide, 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 18/11/2019 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 [Eighty-Eight O'Connell] 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 5.1:

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 18/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 5.1 [Eighty-Eight O'Connell] listed on the Agenda.

Grounds and Basis

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably expect 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.

More specifically, the disclosure of certain information in this committee could reasonably prejudice the commercial position of Council given that the City of Adelaide Council land holding is the subject of commercial negotiations.

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 given that information within this report pertains to commercial negotiations for a City of Adelaide land holding. The release of such information may severely prejudice the Council's ability to secure a developer to undertake development of the land for the benefit of the City of Adelaide, 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 18/11/2019 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 5.1 [Eighty-Eight O'Connell] 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.

Members of the public and Corporation staff present not directly involved with Items 4.1 & 5.1 left the Colonel Light Room at 6.16 pm.

Councillor Couros entered the Colonel Light Room at 6.16 pm.

Confidential Item 4.1

Eighty-Eight O'Connell

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

Page 3

Confidential Item 5.1

Eighty-Eight O'Connell

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

Page 4

The Colonel Light Room re-opened to the public at 7.59 pm.

Confidentiality Orders

Minute 2 - Item 4.1 - Eighty-Eight O'Connell [TC]

That In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 4.1 [Eighty-Eight O'Connell] listed on the Agenda for the Special meeting of The Committee held on 18 November 2019 was 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 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.
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 5.1 - Eighty-Eight O'Connell [TC]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 5.1 [Eighty-Eight O'Connell] listed on the Agenda for the Special meeting of The Committee held on 18 November 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.
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.

Closure

The Special meeting closed at 7.59 pm.

Councillor Abiad (Deputy Lord Mayor)
The Committee Chair