



THE COMMITTEE MINUTES

for the meeting

Tuesday 17 March 2020

in the Colonel Light Room,
Adelaide Town Hall



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

Acknowledgement of Country

At the opening of the 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 –

Councillor Simms (Deputy Chair)

Confirmation of Minutes – 4/2/2020 [TC]

That the Minutes of the meeting of The Committee held on 4 February 2020, be taken as read and be confirmed as an accurate record of proceedings.

CEO Update

- Item 4.1 – CEO Update – Eighty Eight O'Connell and Telecommunications Smarthub [TC]

Discussion Facilitators:

Mark Goldstone, Chief Executive Officer, City of Adelaide

Tom McCready, Associate Director Property & Commercial, City of Adelaide

Precis of topic:

Utilising a PowerPoint presentation, The Committee was provided with an update on Eighty Eight O'Connell and Telecommunications Smarthubs.

During the presentation, Councillor Knoll left the Council Chamber at 5.34pm

The PowerPoint presentation utilised is attached for reference at the conclusion of the Minutes of this meeting.

Exclusion of the Public

- Item 5.1 - Exclusion of the Public to Consider [2018/04291] [TC]:
 - Workshop - Eighty Eight O'Connell [s 90(3) (b) & (d)]
 - Workshop – Telecommunications Smarthub [s 90(3) (b) & (h)]

[Order to Exclude for Item 6.1:](#)

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 meeting of The Committee dated 17/3/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 6.1 [Workshop - Eighty Eight O'Connell] 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 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 parties have entered in a legally binding Non-Disclosure Agreement (NDA) in order to protect the Proponent's Intellectual Property and commercial interests and the public disclosure of certain information in this Committee Workshop would not only potentially result in legal challenges due to a contractual breach of the NDA, but 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 is 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. Not receiving this report in confidence creates a legal risk for Council due to the NDA with the Proponent. Furthermore, 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 and community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 17/3/2020 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 6.1 [Workshop - 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.

During the discussion Councillor Knoll re-entered the Colonel Light Room at 5.44pm, left at 5.44pm and re-entered at 5.45pm.

Order to Exclude for Item 6.2:

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (h) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 17/3/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 6.2 [Workshop – Telecommunications Smarthub] 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 certain 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.

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 given that information within this update pertains to non-binding commercial negotiations for the Council.

The release of such information may severely prejudice the Council's ability to 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 meeting of The Committee dated 17/3/2020 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 6.2 [Workshop – Telecommunications Smarthub] 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) & (h) of the Act.

Members of the public and Corporation staff present not directly involved with Items 6.1 & 6.2 left the Colonel Light Room at 5.53pm.

Confidential Item 6.1

Workshop – Eighty Eight O’Connell
Section 90 (3) (b) & (d) of the *Local Government Act 1999 (SA)*
Pages 3 to 38

Confidential Item 6.2

Workshop – Telecommunications Smarthub
Section 90 (3) (b) & (h) of the *Local Government Act 1999 (SA)*
Page 39

The Colonel Light Room re-opened to the public at 7.18pm.

Confidentiality Orders

Minute 3 - Item 6.1 – Workshop – Eighty Eight O’Connell [TC]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 6.1 [Eighty Eight O’Connell] listed on the Agenda for the meeting of The Committee held on 17 March 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999 (SA)*, this 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 remains confidential and not available for public inspection until otherwise determined by Council or 31 December 2027.
2. the confidentiality of the matter be reviewed December 2021.
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 4 - Item 6.2 – Workshop – Telecommunications Smarthub [TC]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 6.2 [Telecommunications Smarthub] listed on the Agenda for the meeting of The Committee held on 17 March 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (h) of the *Local Government Act 1999 (SA)*, this 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 remains confidential and not available for public inspection until otherwise determined by Council or 31 December 2027.
2. the confidentiality of the matter be reviewed December 2021.
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 meeting closed at 7.18pm.

Councillor Hyde (Deputy Lord Mayor)
The Committee Chair

Documents attached:

Nil