



THE COMMITTEE MINUTES

for the meeting

Tuesday 7 April 2020



Present - The Right Honourable the Lord Mayor [Sandy Verschoor]

Councillor Hyde (Deputy Lord Mayor) (Chair)

Councillors Abrahamzadeh, Couros, Donovan, Hou, Khera, Knoll, Martin, Moran and Simms (Deputy Chair).

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

Nil

Confirmation of Minutes – 17/3/2020 [TC]

That the Minutes of the meeting of The Committee held on 17 March 2020, be taken as read and be confirmed as an accurate record of proceedings.

Reports to be presented to Council

All reports in this section will be presented to Council on 14 April 2020 for consideration and determination

Strategic Alignment – Smart

1. Item 5.1. - Adelaide Aquatic Centre Needs Analysis Consultation Results [2019/01387] [TC]

Tom McCready, Associate Director Property & Commercial, City of Adelaide introduced the item. Mark Goldstone, Chief Executive Officer, Ian Hill, Director Growth and Tom McCready responded to questions from Committee Members.

2. Item 5.2 - Adelaide Football Club Draft Proposal Consultation Results [2019/01387] [TC]

Tom McCready, Associate Director Property & Commercial, City of Adelaide introduced the item and responded to questions from Committee Members.

Strategic Alignment – Liveable

3. Item 5.3 - Child Care Facilities [2019/00957] [TC]

Shanti Ditter, Associate Director Planning, Design & Development, City of Adelaide, was available to respond to questions.

4. Item 5.4 - Amendments to Heritage Incentives Scheme Operating Guidelines [2003/02604] [TC]

Shanti Ditter, Associate Director Planning, Design & Development, City of Adelaide, responded to questions from Committee Members.

5. Item 5.5 - Adelaide Archery Club – Lease Consultation Results [2015/02131] [TC]

Tom McCready, Associate Director Property & Commercial, City of Adelaide, was available to respond to questions.

6. Item 5.6 - The Stables of Victoria Park - Lease Assignment [2013/00354-2] [TC]

Tom McCready, Associate Director Property & Commercial, City of Adelaide, was available to respond to questions.

7. Item 5.7 - City of Adelaide Submission – Federal Parliamentary Inquiry into Homelessness [2017/03664] [TC]

Clare Mockler, Deputy CEO & Director Community, City of Adelaide introduced the item. Clare Mockler and Christie Anthony, Associate Director Community & Culture, City of Adelaide responded to questions from Committee Members.

8. Item 5.8 - E-Scooter Update Report [2020/00191] [TC]

Rudi Deco, Manager Governance, City of Adelaide introduced the item. Rudi Deco and Brett Kahland, Consultant, Legal Governance, City of Adelaide responded to questions from Committee Members.

The meeting **adjourned at 7.47pm** for a break **and reconvened at 7.55pm** with all Committee Members present.

Exclusion of the Public

9. Item 6.1 - Exclusion of the Public to Consider [2018/04291] [TC]:

- 7.1** Telstra SmartHub Telephones [s 90(3) (b) & (h)]
- 7.2** Bonython Park Kiosk EOI Results [s 90(3) (d)]
- 7.3** Strategic Property Review [s 90(3) (b) & (d)]

Order to Exclude for Item 7.1:

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 7/4/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.1 [Telstra SmartHub Telephones] 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.

Council has also sought legal opinion on the matter and the advice provided requested that the matter should be considered in confidence due to ongoing or potential litigation.

Public Interest

The Council is satisfied that in principle 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 7/4/2020 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 7.1 [Telstra SmartHub Telephones] 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.

Order to Exclude for Item 7.2:

THAT THE COMMITTEE

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 Committee dated 7/4/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.2 [Bonython Park Kiosk EOI Results] 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.

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 Committee dated 7/4/2020 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 7.2 [Bonython Park Kiosk EOI Results] 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.

Order to Exclude for Item 7.3:

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 meeting of The Committee dated 7/4/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.3 [Strategic Property Review] 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 and confer a commercial advantage to a third party.

More specifically, the disclosure of certain information in this report could reasonably prejudice the commercial position of the council including its future commercial dealings given that it contains financial information and further direction with regard to Council's assets and strategic land holdings.

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 the information in this report, including certain financial information and further direction, may prejudice its future commercial dealings within regard to its assets and strategic land holdings. On this basis, the disclosure of such information may severely prejudice the City of Adelaide's ability to influence the proposal for the benefit of the City of Adelaide 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 7/4/2020 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 7.3 [Strategic Property Review] 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 Corporation staff present not directly involved with Item 7.1, 7.2 & 7.3 left the Meeting at 8.03pm.

Confidential Item 7.1

Telstra SmartHub Telephones

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

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Confidential Item 7.2

Bonython Park Kiosk EOI Results

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

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Confidential Item 7.3

Strategic Property Review

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

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The meeting re-opened to the public at 9.26pm.

Confidentiality Orders

Minute 10 - Item 7.1 – Telstra SmartHub Telephones [TC]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 7.1 [Telstra SmartHub Telephones] listed on the Agenda for the meeting of The Committee held on 7 April 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 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 11 - Item 7.2 – Bonython Park Kiosk EOI Results [TC]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 7.2 [Bonython Park Kiosk EOI Results] listed on the Agenda for the meeting of The Committee held on 7 April 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (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 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 12 - Item 7.3 – Strategic Property Review [TC]

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 7.3 [Strategic Property Review] listed on the Agenda for the meeting of The Committee held on 7 April 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 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 9.26pm.

Councillor Hyde (Deputy Lord Mayor)
The Committee Chair

Documents attached:

Nil