



THE COMMITTEE MINUTES

for the meeting

Tuesday 7 July 2020

in the Colonel Light Room,
Adelaide Town Hall



Present - Councillor Hyde (Deputy Lord Mayor) (Chair)
Councillors Abrahamzadeh, Couros (Deputy Chair), Donovan, Hou, Khera,
Knoll, Mackie, Martin, Moran and Simms

Acknowledgement of Country

At the opening of the Committee Meeting, the Deputy 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

The Right Honourable the Lord Mayor [Sandy Verschoor]

Confirmation of Minutes – 16/6/2020 [TC]

That the Minutes of the meeting of The Committee held on 16 June 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 July 2020 for consideration and determination

The Chair (Councillor Hyde, Deputy Lord Mayor), with the approval of the meeting advised that Item 4.9 - Brown Hill & Keswick Creek Stormwater Project (South Park Lands) would be considered before Item 4.1 - Adelaide Park Lands Building Design Guidelines.

Strategic Alignment – Environmental Leadership

1. Item 4.9 - Brown Hill & Keswick Creek Stormwater Project (South Park Lands) [2018/02437] [TC]

Matthew Morrissey, Associate Director Infrastructure, City of Adelaide was available to respond to questions from Committee Members.

Strategic Alignment – Thriving Communities

2. Item 4.1 - Adelaide Park Lands Building Design Guidelines [2019/01075] [TC]

Chris Dimond, Architect Planning Assessment, City of Adelaide responded to questions from Committee Members. During the discussion, Councillor Moran left the Colonel Light Room at 5.39pm.

3. Item 4.2 - Field Street Upgrade and partial closure (closure to northbound motor vehicles [VS2019/5170] [TC]

Klinton Devenish, Director Place, City of Adelaide introduced the item and responded to questions from Committee Members.

During the discussion, Councillor Moran re-entered the Colonel Light Room at 5.46pm.

Strategic Alignment – Strong Economies

4. Item 4.3 - Strategic Property Matter – Unnamed Private Road off Market Street [2016/03678] [TC]

Tom McCreedy, Associate Director Property & Commercial, City of Adelaide responded to questions from Committee Members

Strategic Alignment – Dynamic City Culture

5. Item 4.4 - 2020/21 Events and Festivals Sponsorship Program Funding Recommendations [2020/00725] [TC]

After discussion around possible conflicts of interest, Councillors Mackie and Simms left the Colonel Light Room at 5.59pm.

Clare Mockler, Acting Chief Executive Officer & Paula Stankiewicz, Events & Festivals Sponsorship Advisor, City of Adelaide responded to questions from Committee Members.

6. Item 4.5 - Review of the Adelaide Park Lands Events Management Plan [2019/02026] [TC]

Councillors Mackie & Simms re-entered the Colonel Light Room at 6.09pm.

Christie Anthony, Associate Director Community & Culture was available to respond to questions from Committee Members.

7. Item 4.6 - New Year's Eve 2020 COVID-19 Planning [2020/00492] [TC]

Christie Anthony, Associate Director Community & Culture introduced the item and responded to questions from Committee Members.

Strategic Alignment – Environmental Leadership

8. Item 4.7 - Wildlife Rescue Facility in Park Lands [2017/04573] [TC]

Maria Zotti, Manager Sustainability, City of Adelaide responded to questions from Committee Members

9. Item 4.8 - Electrification of Vehicles [2018/03956] [TC]

Klinton Devenish, Director Place, City of Adelaide as available to respond to questions from Committee Members.

Exclusion of the Public

10. Item 5.1 - Exclusion of the Public to Consider [2018/04291] [TC]:

6.1. Whitmore Square Apartments [s 90(3) (b) & (d)]

6.2. Review of E-Scooter Permit Decisions [s 90(3) (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 7/7/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 6.1 [Whitmore Square Apartments] 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.

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 the information in this report, including certain financial information and further direction, may prejudice its future commercial dealings within regard to its assets. 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 7/7/2020 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 [Whitmore Square Apartments] 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 6.2:

During the discussion, Councillor Donovan left the Colonel Light Room at 6.49pm and re-entered at 6.50pm.

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in s 90(3) (h) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 7/7/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 6.2 [Review of E-Scooter Permit Decisions] 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 confidential as it contains legal advice. The report contained in Attachment B is privileged and confidential. It is produced for the purpose of assisting the Council with its review of the Award Decision and the Review Decision. The report includes the consideration of sensitive matters and legal advice in respect of those matters.

In order to protect the advice contained in this report, we recommend that the Council does not disclose the content of this report to any third party. If the report is disclosed to any third party, the Council will lose privilege in the document and it could be used in legal proceedings against the Council. This is likely to significantly compromise the Council's defence of any claim against it, as confirmed by Kain Lawyers.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 7/7/2020 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 [Review of E-Scooter Permit Decisions] 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) (h) of the Act.

Members of the public and Corporation staff present not directly involved with Items 6.1 & 6.2 left the meeting at 6.52pm.

Confidential Item 6.1

Whitmore Square Apartments

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

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Confidential Item 6.2

Review of E-Scooter Permit Decisions

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

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The meeting re-opened to the public at 7.08pm.

Confidentiality Orders

Minute 11 - Item 6.1 – Whitmore Square Apartments [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 6.1 [Whitmore Square Apartments] listed on the Agenda for the meeting of The Committee held on 7 July 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 remain confidential and not available for public inspection until 31 December 2027.
2. The confidentiality of the matter be reviewed in 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 6.2 – Review of E-Scooter Permit Decisions [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 6.2 [Review of E-Scooter Permit Decisions] listed on the Agenda for the meeting of The Committee held on 7 July 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (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 remain confidential and not available for public inspection until 31 December 2027.
2. The confidentiality of the matter be reviewed in 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 7.08pm.

Councillor Hyde (Deputy Lord Mayor)
The Committee Chair

Documents attached:

Nil