



THE COMMITTEE MINUTES

for the meeting

Tuesday 6 October 2020

Held Remotely



Present – The Right Honourable the Lord Mayor, Sandy Verschoor;
Councillor Hyde (Deputy Lord Mayor) (Chair),
CCouncillors Abrahamzadeh, Couros (Deputy Chair), Donovan, Hou, Khera, Knoll, Mackie, Martin and Simms.

Acknowledgement of Country

At the opening of the 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.’

The meeting adjourned at 5.58 pm until the conclusion of the Special meeting of Council and resumed at 6.08 pm with the following Members present –

The Right Honourable the Lord Mayor, Sandy Verschoor (Presiding), Deputy Lord Mayor (Councillor Hyde) and Councillors Couros, Donovan, Hou, Khera, Knoll, Mackie, Martin and Simms.

Apologies and Leave of Absence

Apology:

Councillor Moran

Confirmation of Minutes – 15/9/2020 & 29/9/2020 [TC]

That the Minutes of the meeting of The Committee held on 15 September 2020 and the Special meeting of The Committee held on 29 September 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 8 September 2020 for consideration and determination

Strategic Alignment – Thriving Communities

1. Item 5.1 - Golden Wattle Park Community Land Management Plan & Building Concept [2018/00561] [TC]

Clare Mockler, Director Culture and Ray Scheuboeck, Senior Coordinator Recreation & Sport, City of Adelaide responded to questions from Committee Members.

2. Item 5.2 - 2021/22 Black Spot Nominations [TC]

Mark Goldstone, Chief Executive Officer and Matthew Morrissey, Associate Director Infrastructure, City of Adelaide responded to questions from Committee Members.

During the discussion, Councillor Abrahamzadeh entered the meeting at 6.33 pm

3. Item 5.3 - Community Services South West City [2004/02764-4] [TC]

Clare Mockler, Deputy CEO & Director Culture, City of Adelaide responded to questions from Committee Members.

During the discussion, Councillor Khera left the meeting at 6.42 pm

Strategic Alignment – Strong Economies

4. Item 5.4 - Business Assistance [VS2020/5827] [TC]

Item 5.4 was withdrawn from consideration.

Strategic Alignment – Dynamic City Culture

5. Item 5.5 - Proposed Event in the Adelaide Park Lands – Adelaide Festival 2021 [2020/00800] [TC]

Lord Mayor, Sandy Verschoor disclosed a material conflict of interest in Item 5.5 [2020/ Proposed Event in the Adelaide Park Lands – Adelaide Festival 2021], pursuant to Sections 73 & 74 of the *Local Government Act 1999* (SA), because she is a Board Member of the Festival Centre Board Corporation, withdrew her Chair and left the meeting at 6.52 pm.

Clare Mockler, Deputy CEO & Director Culture, City of Adelaide responded to questions from Committee Members.

During the discussion:

- Councillor Khera re-entered the meeting at 6.52 pm
- Councillor Donovan left the meeting at 6.53 pm and re-entered at 6.54 pm

Strategic Alignment – Environmental Leadership

6. Item 5.6 - Regulated Tree Removal – Wellington Square/Kudnartu [2011/01043] [TC]

Matthew Morrissey, Associate Director Infrastructure, City of Adelaide responded to questions from Committee Members.

Strategic Alignment – Enabling Priorities

7. Item 5.7 - City of Adelaide Annual Report 2019-2020 [2020/00571] [TC]

The Lord Mayor re-entered the meeting at 6.56 pm

Mark Goldstone, Chief Executive Officer and Clare Mockler, Deputy CEO & Director Culture, City of Adelaide responded to questions from Committee Members.

8. Item 5.8 - The Committee - Updated Terms of Reference [2018/04071] [TC]

Rudi Deco, Manager Governance, City of Adelaide responded to questions from Committee Members.

Exclusion of the Public

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

- 7.1 Eighty Eight O'Connell Status Update [s 90(3) (b) & (d)]
- 8.1 Renewal of Recycled Water Service - Award of Contract [s 90(3) (d)]
- 8.2 Initiating the Representation Review [s 90(3) (k)]

Order to Exclude for Item 7.1:

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 meeting of The Committee dated 6/10/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.1 [Eighty Eight O'Connell Status Update] 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 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 with 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 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.

- Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 6/10/2020 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 [Eighty Eight O'Connell Status Update] 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 Abrahamzadeh left the meeting at 7.15 pm and re-entered at 7.17 pm

Order to Exclude for Item 8.1:

THAT THE COMMITTEE

- 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 6/10/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 8.1 [Renewal of Recycled Water Service - Award of Contract] 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 commercial information of a confidential nature (not being a trade secret). All SA Water Recycled Water Agreements, which are non-dual reticulation (dual reticulation price is gazetted) are commercial in confidence.

The disclosure of information in this report 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

Release of the information is contrary to the public interest as it could jeopardise the relationship between CoA and SA Water and presents a legal risk to Council in context of commercial in confidence information being disclosed. All SA Water non-residential agreements are subject to unique commercial arrangements. SA Water has advised the contract contains specific financial information regarding one of the contractors that is commercial in confidence.

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 could be commercially damaging to SA Water and CoA.

- Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 6/10/2020 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 8.1 [Renewal of Recycled Water Service - Award of Contract] 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.

Councillor Abrahamzadeh left the meeting at 7.18 pm

Order to Exclude for Item 8.2:

THAT THE COMMITTEE

- Having taken into account the relevant consideration contained in s 90(3) (k) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 6/10/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 8.2 [Initiating the Representation 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 is confidential as it relates to a tender for the provision of the services of a consultant to undertake the Representation Review process in accordance with section 12 of the *Local Government Act 1999 (SA)*.

The disclosure of names in this report could reasonably prejudice the unsuccessful parties of the tender appraisal and evaluation process, and as such compromise the procurement process and associated tenderers.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 6/10/2020 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 8.2 [Initiating the Representation 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) (k) of the Act.

Members of the public and Corporation staff present not directly involved with Items 7.1, 8.1 & 8.2 left the meeting at 7.18pm.

Confidential Item 7.1

Eighty Eight O'Connell Status Update

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

Page 5

Confidential Item 8.1

Renewal of Recycled Water Service - Award of Contract

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

Page 5

Confidential Item 8.2

Initiating the Representation Review

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

Page 5

The meeting re-opened to the public at 7.43pm.

Confidentiality Orders

Minute 10 - Item 7.1 – Eighty Eight O’Connell Status Update [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 7.1 [Eighty Eight O’Connell Status Update] listed on the Agenda for the meeting of The Committee held on 6 October 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 11 - Item 8.1 – Renewal of Recycled Water Service - Award of Contract [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 8.1 [Renewal of Recycled Water Service - Award of Contract] listed on the Agenda for the meeting of The Committee held on 6 October 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 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 8.2 – Initiating the Representation Review [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 8.2 [Initiating the Representation Review] listed on the Agenda for the meeting of The Committee held on 6 October 2020 was received, discussed and considered in confidence pursuant to Section 90(3) (k) 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 7.43pm.

Councillor Hyde (Deputy Lord Mayor)
The Committee Chair

Documents attached:

Nil