



THE COMMITTEE MINUTES

for the meeting

Tuesday 4 May 2021

in the Colonel Light Room
Adelaide Town Hall



Present – The Right Honourable the Lord Mayor, Sandy Verschoor;
Councillor Couros (Deputy Lord Mayor) (Chair),
Councillors Abrahamzadeh, Donovan, Hou, Hyde, 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 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

Apology:

Councillor Mackie

Confirmation of Minutes – 20/4/2021 & 27/4/2021 [TC]

That the Minutes of the meeting of The Committee held on 20 April 2021 and the reconvened meeting of The Committee held on 27 April 2021, 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 11 May 2021 for consideration and determination

Strategic Alignment – Thriving Communities

1. Item 5.1 - Partial Road Closure of Chesser Street [2020/00761] [TC]

Klinton Devenish, Director Services, Infrastructure & Operations, Matthew Morrissey, Associate Director Infrastructure, City of Adelaide responded to questions from Committee Members.

2. Item 5.2 - Site for City Beach [2011/00972] [TC]

Tom McCready, Acting Director City Shaping, Christie Anthoney, Associate Director City Culture and Ray Scheuboeck, Community Lifestyle, City of Adelaide responded to questions from Committee Members.

3. Item 5.3 - Tennis SA – Sunken Show Court – Roof Proposal [2018/03439] [TC]

Christie Anthoney, Associate Director City Culture, Ray Scheuboeck, Community Lifestyle and Laura Morgan, Community Leasing Coordinator, City of Adelaide were available to respond to questions from Committee Members.

Strategic Alignment – Dynamic City Culture

4. Item 5.4 - Illuminate Adelaide Public Artwork [2021/00407] [TC]

Clare Mockler, Acting Chief Executive Officer, Tom McCready, Acting Director City Shaping and Christie Anthoney, Associate Director City Culture, City of Adelaide responded to questions from Committee Members.

5. Item 5.5 - City Connector Deed of Agreement [2019/02429] [TC]

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

6. Item 5.6 - Heritage Strategy and Action Plan [2019/00218] [TC]

Tom McCready, Acting Director City Shaping, Michelle English, Associate Director Park Lands, Policy & Sustainability and Rick Hutchins, City Planning & Heritage, City of Adelaide responded to questions from Committee Members.

Strategic Alignment – Enabling Priorities

7. Item 5.7 - Review of YourSay Adelaide [2018/00448] [TC]

Clare Mockler, Acting Chief Executive Officer and Matt Hulmes, Strategy & Insights, City of Adelaide responded to questions from Committee Members.

8. Item 5.8 - 2020-21 Quarter 3 Commercial Operations Report [2021/00850] [TC]

Tom McCready, Acting Director City Shaping, Shaun Coulls, Acting Associate Director Strategic Property & Commercial, City of Adelaide responded to questions from Committee Members.

9. Item 5.9 - 2020-2021 Quarter 3 Finance Report [2020/00150] [TC]

Klinton Devenish, Director Services, Infrastructure & Operations and Grace Pelle, Finance & Procurement, City of Adelaide responded to questions from Committee Members.

During the discussion, councillor Hyde entered the Colonel Light Room at 6.27 pm

10. Item 5.10 - Interest Rate Sensitivities [2020/01920] [TC]

Grace Pelle, Finance & Procurement, City of Adelaide responded to questions from Committee Members.

Exclusion of the Public

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

- 7.1 Physical Security Contract Extension [s 90(3) (b)]
- 7.2 City Connector Deed of Agreement [s 90(3) (d)]
- 7.3 2020-21 Quarter 3 Confidential Commercial Operations Report [s 90(3) (b)]

Order to Exclude for Item 7.1:

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 4 May 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.1 [Physical Security Contract Extension] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The confidential information in this Report contains information that could prejudice the commercial position of the Council in respect of its intended procurement activities.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed because it may prejudice Council's ability to undertake a competitive procurement process and achieve value for money for its ratepayers.

- Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this Special meeting of The Committee dated 4 May 2021 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 [Physical Security Contract Extension] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

Order to Exclude for Item 7.2:

THAT THE COMMITTEE

- Having taken into account the relevant consideration contained in section 90(3) (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 4 May 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.2 [City Connector Deed of Agreement] 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 information relates to operation costs and contractual arrangements between the Department for Infrastructure and Transport and its bus contractors.

The disclosure of information in this report could reasonably be expected to prejudice the commercial position of the contractors that supplied the information through a tender process.

Public Interest

Release of the information is contrary to the public interest as it could jeopardise the relationship between the City of Adelaide (CoA) and DIT and between DIT and its bus contractors and presents a legal risk to Council in context of commercial in confidence information being disclosed. DIT has advised the Deed contains specific financial information regarding one of the contractors that is commercial in confidence.

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 could be commercially damaging to the bus contractors involved.

- Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this Special meeting of The Committee dated 4 May 2021 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 [City Connector Deed of Agreement] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (d) of the Act.

Order to Exclude for Item 7.3:

THAT THE COMMITTEE

- Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 4 May 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.3 [2020-21 Quarter 3 Confidential Commercial Operations Report] 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 includes commercial information of a confidential nature where confidence consideration is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 31 March 2021.

The disclosure of information in this report to competitors in advance may be to Council's commercial detriment.

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 because the disclosure of this information to competitors in advance may be to Council's commercial detriment.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this Special meeting of The Committee dated 4 May 2021 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 [2020-21 Quarter 3 Confidential Commercial Operations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

Members of the public and Corporation staff present not directly involved with Items 7.1, 7.2 & 7.3 left the meeting at 6.39 pm.

Confidential Item 7.1

Physical Security Contract Extension

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

Page 5

Confidential Item 7.2

City Connector Deed of Agreement

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

Page 5

Confidential Item 7.3

2020-21 Quarter 3 Confidential Commercial Operations Report

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

Page 5

The meeting re-opened to the public at 7.03 pm.

Confidentiality Orders

Minute 12 - Item 7.1 – Physical Security Contract Extension [TC]

That in accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 7.1 [Physical Security Contract Extension] listed on the Agenda for the meeting of The Committee held on 4 May 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (b) 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 2028.
2. The confidentiality of the matter be reviewed in December 2022.
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 13 - Item 7.2 – City Connector Deed of Agreement [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 7.2 [City Connector Deed of Agreement] listed on the Agenda for the meeting of The Committee held on 4 May 2021 was received, discussed and considered in confidence pursuant to Section 90 (3) (d) of the *Local Government Act 1999 (SA)*, the 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 2022.
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 14 - Item 7.3 – 2020-21 Quarter 3 Confidential Commercial Operations Report [TC]

That in accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 7.3 [2020-21 Quarter 3 Commercial Operations Report] listed on the Agenda for the meeting of The Committee held on 4 May 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (b) 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 2028.
2. The confidentiality of the matter be reviewed in December 2022.
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 7.03 pm.

Councillor Couros (Deputy Lord Mayor)
The Committee Chair