



THE COMMITTEE MINUTES

for the meeting

Tuesday 1 June 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, Knoll, Mackie, 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 Khera

Confirmation of Minutes – 18/5/2021 [TC]

That the Minutes of the meeting of The Committee held on 18 May 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 8 June 2021 for consideration and determination

Deputy Lord Mayor (Councillor Couros) (Chair) brought forward Item 5.12 - Adelaide Central Market Authority Charter Review to be considered before Item 5.1 – Toy Library, in the presence of external presenters.

1. Item 5.12 - Adelaide Central Market Authority Charter Review [2016/03926] [TC]

Tom McCready, Acting Director City Shaping, City of Adelaide responded to questions from Committee Members.

Councillor Hyde left the meeting at 6.59 pm.

2. Item 5.1 - Toy Library [2021/00932] [TC]

Anne Rundle, Manager Creative City, City of Adelaide responded to questions from Committee Members.

3. Item 5.2 - Community Impact Grants and Strategic Partnerships Operating Guidelines [2020/00900] [TC]

Tom McCready, Acting Director City Shaping and Christie Anthony, Associate Director City Culture, City of Adelaide responded to questions from Committee Members.

4. Item 5.3 - Stretch Reconciliation Action Plan 2021-2024 (Final Endorsement) [2018/04431] [TC]

Nicole Gollan, Reconciliation Officer, City of Adelaide responded to questions from Committee Members.

5. Item 5.4 - Quarterly Forward Procurement Report Q1 2021/2022 [2020/00150] [TC]

Clare Mockler, Acting Chief Executive Officer and Grace Pelle, Manager Finance & Procurement, City of Adelaide responded to questions from Committee Members.

6. Item 5.5 - Rebuilding Adelaide's Night Life [2013/01378] [TC]

Leandro Lopez Digon, Executive Advisory City Shaping, City of Adelaide responded to questions from Committee Members.

7. Item 5.6 - COVID-19 Financial Impact [2020/01920] [TC]

Grace Pelle, Manager Finance & Procurement, City of Adelaide responded to questions from Committee Members.
Councillor Hou left the meeting at 7.26 pm.

8. Item 5.7 - Adelaide's Christmas Festival Action Plan 2021-2024 [2021/00590] [TC]

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

9. Item 5.8 - City Connector Promotion [2019/02429] [TC]

Councillors Mackie and Moran left the meeting at 7.27 pm.

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

10. Item 5.9 - Heritage Incentives Scheme Allocation over \$50,000 [HIS/19/2021 & HIS/20/2021] [TC]

Tom McCready, Acting Director City Shaping, was available to respond to questions from Committee Members.

11. Item 5.10 - Rating Policy 2021-22 [2021/00122] [TC]

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

12. Item 5.11 - Adelaide Park Lands Regulations 2006 [2006/00219] [TC]

Tom McCready, Acting Director City Shaping, was available to respond to questions from Committee Members.

13. Item 5.13 - Procurement Policy [20202/00313] [TC]

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

Exclusion of the Public

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

- 7.1 Cycling Infrastructure Opportunities [s 90(3) (g)]
- 7.2 Contract Renewal - Christmas Decorations [s 90(3) (b) & (d)]
- 7.3 Gawler Place Upark – Priority Works [s 90(3) (i)]

Order to Exclude for Item 7.1:

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in section 90(3) (g) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 1 June 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 7.1 [Cycling Infrastructure Opportunities] listed on the Agenda.

Grounds and Basis

This Item contains matters that must be considered in confidence in order to ensure that the Council does not breach any law, any duty of confidence, or other legal obligation or duty.

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the City of Adelaide Act 1998 which has provided for a State/Capital City intergovernmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and legal obligation or duty as a member of the inter-governmental forum. The disclosure of information in this report would be acting contrary to the Capital City Committee operational provisions and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or Adelaide City Council evaluation and deliberation.

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 - the proposed project list - has been developed with the State Government and is currently 'cabinet in confidence'.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of The Committee dated 1 June 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 [Cycling Infrastructure Opportunities] 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) (g) of the Act.

Order to Exclude for Item 7.2:

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 1 June 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.2 [Contract Renewal - Christmas Decorations] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This report contains reference to 'commercial in confidence' information, disclosure of which at this point in time may confer a commercial advantage on a third party, prejudice the ability for Council to undertake/participate in future discussion or negotiation and prejudice the Council's commercial position and opportunity to discuss or negotiate an option yet to be determined by the Council at this point in time.

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 will result in release of information prior to the finalisation of 'commercial in confidence' negotiations and a competitor receiving the information to the detriment of the interested parties and the person who supplied the information at this point in time (and for approximately three years from the date of this report) and because the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence the variation for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of The Committee dated 1 June 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 [Contract Renewal - Christmas Decorations] 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) & (d) of the Act.

Order to Exclude for Item 7.3:

THAT THE COMMITTEE

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 1 June 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 7.3 [Gawler Place Upark – Priority Works] listed on the Agenda.

Grounds and Basis

This Item is confidential in nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

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 relates to actual litigation of Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of The Committee dated 1 June 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 [Gawler Place Upark – Priority Works] 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) (i) 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 7.44 pm.

Confidential Item 7.1

Cycling Infrastructure Opportunities

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

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Confidential Item 7.2

Contract Renewal - Christmas Decorations

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

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Confidential Item 7.3

Gawler Place Upark – Priority Works

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

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The meeting re-opened to the public at 8.05 pm.

Confidentiality Orders

Minute 15 - Item 7.1 – Cycling Infrastructure Opportunities [TC]

In accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 7.1 [Cycling Infrastructure Opportunities] listed on the Agenda for the meeting of The Committee held on 1 June 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (g) 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 16 - Item 7.2 – Contract Renewal - Christmas Decorations [TC]

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 7.2 [Contract Renewal - Christmas Decorations] listed on the Agenda for the meeting of The Committee held on 1 June 2021 was received discussed and considered in confidence pursuant to Section 9(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 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 17 - Item 7.3 – Gawler Place Upark – Priority Works [TC]

In accordance with Section 91(7) and (9) of the *Local Government Act 1999 (SA)* and because Item 7.3 [Gawler Place Upark - Priority Works] listed on the Agenda for the meeting of The Committee held on 8 June 2021 was received, discussed and considered in confidence pursuant to Section 90(3) (i) litigation 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 8.05 pm.

Councillor Couros (Deputy Lord Mayor)
The Committee Chair