



COUNCIL MINUTES

for the meeting

Tuesday, 23 May 2023

in the Council Chamber, Adelaide Town Hall

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Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)

Deputy Lord Mayor, Councillor Martin

Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Noon, Dr Siebentritt and Snape

1 Acknowledgement of Country

At the opening of the Council meeting, the Lord Mayor 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 recognize 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.’

2 Acknowledgement of Colonel William Light

The Lord Mayor stated:

‘The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia’s planning heritage.’

3 Prayer

Upon the completion of the Acknowledgement of Colonel Light by the Lord Mayor, the Lord Mayor introduced the prayer:

‘A moment of contemplation of the gravity and implications of our decision making. I invite members to read the prayer as printed or reflect in a manner appropriate to their beliefs on these issues.’

4 Memorial Silence

The Lord Mayor asked all present stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

5 Apologies and Leave of Absence

Apology:

Councillor Li

The Deputy Lord Mayor, Councillor Martin entered the Council Chamber at 5.32 pm.

6 Confirmation of Minutes - 9 May 2023

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Giles -

That the Minutes of the meeting of the Council held on 9 May 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

7 Deputations

Nil

8 Petitions

Nil

9 Reports from Committees and Kadaltilla / Park Lands Authority**10 Item 9.1 - Audit and Risk Committee Report - 10 May 2023**

Moved by Deputy Lord Mayor, Councillor Martin,
Seconded by Councillor Snape -

THAT COUNCIL

1. Notes that the Audit and Risk Committee met on 10 May 2023.
2. Notes that advice provided by the Audit and Risk Committee will be incorporated into the report as an item comes to Council (via Committee) for decision.

Carried

11 Item 9.2 - Recommendations of the Infrastructure and Public Works Committee - 16 May 2023**12 Item 9.2 - Recommendation 2 - E-scooter Trial Extension and State Government Review**

Moved by Councillor Hou,
Seconded by Councillor Abrahamzadeh -

That Council:

1. Authorises the Lord Mayor to write to the Minister for Infrastructure and Transport, requesting a final extension to the e-scooter trial for a further 10 months until 30 April 2024 whilst the State Government review is undertaken.
2. Authorises the Lord Mayor to write to the Minister for Police, Emergency Services and Correctional Services as part of the State Government's consultation process on personal mobility devices, when clear direction and advice has been provided by Council.
3. Notes that the Administration will continue to review and amend the permit conditions as necessary to improve safety and efficiency of the e-scooter operations.

Discussion ensued

Amendment –

Moved by Councillor Elliott,
Seconded by Councillor Snape -

That part 2 of the motion be amended to read as follows:

2. 'Authorises the Lord Mayor to write to the Minister for Police, Emergency Services and Correctional Services as part of the State Government's consultation process on personal mobility devices, highlighting the following matters to be considered:
 - 2.1. enhancing the controlled use and management of parking e-scooters on footpaths including the safety risk to pedestrians.
 - 2.2. the need for increased policing to enforce compliance with current laws until such time as new legislation is gazetted.
 - 2.3. a scheme that can support victims in the event of being hit by Personal Mobility Devices.'

Discussion ensued

The amendment was then put and carried

Part 1 of the motion was then put and carried

Part 2 and 3 of the motion was then put and carried

13 Item 9.2 - Recommendation 1 - Private road adjacent to 11 Eliza Street

Moved by Councillor Snape,
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL:

1. Approves commencing a two-stage process to transfer the Road to the adjoining land-owners.
2. Authorises the Chief Executive Officer to negotiate the terms of a Deed (or deeds) with the owners of

land adjoining the private road shown hatched on Attachment A to Item 5.1 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 16 May 2023, the terms of which will require Council to undertake a two-stage process to transfer the road to the adjoining landowners, the two-stage process being to: a. declare the private road to be a public road pursuant to section 210 of the Local Government Act 1999 (SA). b. close and transfer the (by then) public road to adjoining owners pursuant to the Roads (Opening & Closing) Act 1991 (SA).

3. Authorises the Chief Executive Officer and Lord Mayor to execute and affix the Common Seal to deeds and any other documents to give effect to Council's resolution.

Carried

14 Item 9.3 - Recommendations of the City Finance and Governance Committee - 16 May 2023

The Lord Mayor then called for Recommendations from Item 9.3 to be moved En Bloc.

Discussion ensued

It was then -

Moved by Councillor Davis,
Seconded by Councillor Noon –

That the following Recommendations 4, 5 and 6 be adopted as presented, namely:

15 Item 9.3 - Recommendation 4 - Council Member Behavioural Support Policy

That Council:

1. Notes the requirements of 75F of the Local Government Act 1999, for the Council to consider if it will adopt a Council Member Behavioural Support Policy.
2. Having met the requirement of section 75F of the Local Government Act 1999, supports adopting a Council Member Behavioural Support Policy.

16 Item 9.3 - Recommendation 5 - Employee Behavioural Standards

That Council:

1. Supports the adoption of employee behavioural standards.
2. Delegates, pursuant to the power contained in Section 44 (1) of the Local Government Act 1999 (SA), to the Chief Executive Officer, the powers, and functions under Section 120A of the Local Government Act 1999 (SA) – Employee Behavioural Standards.

17 Item 9.3 - Recommendation 6 - Sister City Proposal with Athens, Greece

That Council:

1. Notes the keen interest expressed by the South Australian business community and members of the South Australian Parliament, Attachments A, B and C to Item 4.6 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023, in developing a Sister City relationship with Athens, Greece.
2. Authorises the Administration to enter discussions with Athens, Greece to determine the nature and themes of a proposed Memorandum of Understanding.
3. Notes that before a relationship can be entered into, intent to do so must be registered with the Foreign Arrangements Scheme and approval given.

Carried unanimously

18 Item 9.3 - Recommendation 2 - Q3 Business Update

Moved by Councillor Davis,
Seconded by Councillor Siebentritt -

That Council:

1. Approves the changes for the 2022/23 Business Plan and Budget as identified in this report and reflected in the Quarter 3 update presented in Attachment A to Item 4.2 on the Agenda for the meeting

of the City Finance and Governance Committee held on 16 May 2023.

2. Approves the Uniform Presentation of Finances as presented in Attachment A to Item 4.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023 and the revised Annual Financial Summary as identified in this report, which include:
 - 2.1. Total estimated operating income of \$213.446 million (\$213.446 million in Q2)
 - 2.2. Total estimated operating expenditure (including depreciation) of \$213.359 million (\$213.359 million in Q2)
 - 2.3. An operating surplus of \$87,000 (\$87,000 in Q2)
 - 2.4. Council borrowings (debt) projected to \$9.9 million (\$37.9 million in Q2).
3. Approves the proposed changes to Operating Position of:
 - 3.1. New offsets across both expenditure and revenue totalling \$1.988 million towards the \$4.83 million savings target set by Council.
4. Approves the revised Capital Budget for 2022/23 of:
 - 4.1. Major Projects expenditure of \$17.1 million (previously \$30.5 million in Q2)
 - 4.2. New and Upgrades expenditure of \$6.5 million (previously \$11.3 million in Q2)
 - 4.3. Renewals expenditure of \$38.2 million (previously \$42.6 million in Q2)
 - 4.4. Capital Program Management expenditure of \$9.8 million (no change from the \$9.8 million in Q2)
 - 4.5. Grant funding to support capital expenditure on new/upgraded assets of \$11.7 million (previously \$11.5 million in Q2).
5. Approves an allocation of \$20,000 to the Adelaide Crows Foundation for a strategic partnership with the City of Adelaide to enable the delivery of the Kumankga Cup, a cultural festival using AFL to create safe spaces for middle school students to learn about reconciliation and Kaurna culture and history, culminating in all 300 City of Adelaide students and 50 Tjindu Foundation/SEDA indigenous students participating in the AFL Sir Doug Nicholls round at Adelaide Oval, Saturday 20 May.
6. Notes the Adelaide Central Market Authority Quarter 3 report 2022/23 (Attachment B to Item 4.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023).
7. Notes the Adelaide Economic Development Agency Quarter 3 report 2022/23 (Attachment C to Item 4.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023).
8. Notes the Kadaltilla / Park Lands Authority Quarter 3 report 2022/23 (Attachment D to Item 4.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023).
9. Notes the Brown Hill Keswick Creek Quarter 3 report 2022/23 (Attachment E to Item 4.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023).
10. Notes that at the end of this Quarter 92% of Projects were capitalised within 10 Weeks, exceeding the 70% target set by the Audit and Risk Committee at its meeting of 5 February 2021.

Discussion ensued

The motion was then put and carried

19 Item 9.3 - Recommendation 3 - Award of Contract

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Hou -

That Council:

1. Approves the award of contracts to the preferred tenderers as identified by the evaluation panels for the following goods and services:
 - 1.1 Project 1: Adelaide Town Hall Façade Conservation
 - 1.2 Project 2: Rymill Park Lake Renewal and Surrounds.
2. Authorises the Chief Executive Officer or delegate to execute the relevant contract(s) including the approval of any variation (financial and non-financial) to the contract based on the procurement

process conducted.

Discussion ensued, during which with the consent of the mover and seconder, the Lord Mayor advised the meeting, that the motion would be taken in parts.

Part 1, 1.1 of the motion was then put and carried

Part 1, 1.2 of the motion was then put and carried

Part 2 of the motion was then put and carried

20 Item 9.3 - Recommendation 1 - 2023/24 Business Plan and Budget - Review of Fees and Charges

Moved by Deputy Lord Mayor, Councillor Martin,
Seconded by Councillor Siebentritt -

That Council:

1. Adopts the schedule of Fees and Charges set by Council for the 2023/24 Business Plan and Budget as included in Attachment A to Item 4.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023.
2. Resolves to provide a transitional approach to the fees being reinstated following waives in recent years, so that they commence being charged from 1 October 2023, instead of 1 July 2023. This applies specifically to the activities of outdoor dining, events held in park lands, and parklets.
3. Notes the schedule of Fees and Charges set under delegation by Council for the 2023/24 Business Plan and Budget as included in Attachment B to Item 4.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023.
4. Adopts the schedule of Fees and Charges set by Council for Adelaide Economic Development Agency for the 2023/24 Business Plan and Budget as included in Attachment C to Item 4.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023.
5. Notes the schedule of General Fees and Charges set by Statute included in Attachment D to Item 4.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023. These fees will be updated once gazetted by State Government in June 2023.
6. Notes the schedule of Commercial Business Fees and Charges set under delegation by Council for the 2023/24 Business Plan and Budget as included in Attachment E to Item 4.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023.
7. Notes the base level increase of 5% being applied to most fees and charges, which is in consideration of current levels of inflation and the most recent forecast for 2023/24 CPI from Deloitte Economics being 4.1%, and a reflection of recent years in which Council's fees and charges have not increased.

The Lord Mayor declared a material conflict of interest in Part 4 of Item 9.3 – Recommendation 1 [2023/24 Business Plan and Budget - Review of Fees and Charges], pursuant to Section 75 of the *Local Government Act 1999* (SA) as she is a member of the Adelaide Economic Development Agency Board, an entity that would receive an economic benefit from the decision of Council and that she would withdraw her Chair and leave the Chamber when Part 4 is debated and voted on.

Amendment –

Moved by Councillor Noon,
Seconded by Councillor Hou -

‘That Parts 2 and 3 of the motion be amended to read as follows:

2. Resolves to provide a transitional approach to the fees being reinstated following waives in recent years, so that they commence being charged from 1 October 2023, instead of 1 July 2023. This applies specifically to the activities of outdoor dining, events held in park lands, and parklets. That a review of the outdoor dining fee model that ceased in 2018 be conducted, with a view that fees will be reintroduced in the 24/25 FY and included in the long-term financial plan.
3. Notes the schedule of Fees and Charges set under delegation by Council for the 2023/24 Business Plan and Budget as included in Attachment B to Item 4.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 16 May 2023. That on-street parking fees are exempt from an increase in the 23/24 FY budget, however 5% CPI will be applied, as per Point 7 below.

Discussion ensued, during which the last sentence of part 3 of the amendment was varied to read as follows:

'That on-street parking fees will increase in the 23/24 FY budget, by 5%, as per Point 7 below.'

The amendment, as varied with consent of the mover and seconder, was then put and lost
Councillor Hou requested that a division be taken on the amendment, as varied

Division

For (3):

Councillors Davis, Hou and Noon.

Against (7):

Deputy Lord Mayor (Councillor Martin) and Councillors Abrahamzadeh, Couros, Elliott, Giles, Siebentritt and Snape.

The division was declared against the amendment, as varied

Parts 1 – 3 of the motion, were then put and carried
on the casting vote of the Lord Mayor

Councillor Couros requested that a division be taken on the motion

Division

For (6):

The Lord Mayor
Deputy Lord Mayor, Councillor Martin and Councillors Elliott, Giles, Siebentritt and Snape

Against (5):

Councillors Abrahamzadeh, Couros, Davis, Hou and Noon

The division was declared in favour of the motion

Parts 5 – 7 of the motion, were then put and carried
on the casting vote of the Lord Mayor

Councillor Couros requested that a division be taken on the motion

Division

For (6):

The Lord Mayor
Deputy Lord Mayor, Councillor Martin and Councillors Elliott, Giles, Siebentritt and Snape

Against (5):

Councillors Abrahamzadeh, Couros, Davis, Hou and Noon

The division was declared in favour of the motion

The Lord Mayor, having previously declared a material conflict of interest in Part 4 of Item 9.3 – Recommendation 1 [2023/24 Business Plan and Budget - Review of Fees and Charges], withdrew her Chair and left the Council Chamber at 6.40 pm.

The Deputy Lord Mayor, Councillor Martin, took the Chair at 6.40 pm.

Part 4 of the motion, was then put and carried

Councillor Davis requested that a division be taken on the motion

Division

For (5):

Councillors Elliott, Giles, Noon, Siebentritt and Snape

Against (4):

Councillors Abrahamzadeh, Couros, Davis and Hou.

The division was declared in favour of the motion

The Lord Mayor re-entered the Council Chamber at 6.43 pm and retook the Chair.

Discussion ensued during which:

- Councillor Davis raised a point of order in relation to a Council Member's behaviour. The Lord Mayor addressed the interruption to the meeting under Section 86(6a) of the *Local Government Act (SA) 1999*.
- Councillor Noon was invited by the Lord Mayor to make a personal explanation to the Chamber regarding the statement made to Councillor Couros. Councillor Noon when addressing the Chamber apologised for the language used.
- Councillor Couros addressed the Chamber by way of a personal explanation regarding the matter and apologised to Councillor Noon.
- The Lord Mayor considered and took into account the personal statements made to the Chamber and warned both Councillors regarding their behaviour.
- Councillor Elliott left the Council Chamber at 6.44 pm and re-entered at 6.46 pm.

21 Item 9.4 - Recommendation of the City Finance Governance Committee - 18 May 2023

Moved by Deputy Lord Mayor, Councillor Martin,
Seconded by Councillor Snape -

That Council:

1. Approves the 2023/24 Draft Business Plan and Budget document set out in Attachment A to Item 3.1 on the Agenda for the meeting of the City Finance and Governance Committee held 18 May 2023 for the purpose of public consultation commencing at 9.00am on Friday 26 May 2023 and concluding at midnight Sunday 18 June 2023, subject to the following changes:
 - The complete removal of the Park 21 West Plan (page 69)
 - Also from page 69, the complete removal of the King William Street South Revitalisation budget, the removal of the Gouger Street Revitalisation project except for the current allocation of \$500,000 for design and the removal of the Hindley Street Revitalisation except for the 2.4 million dollars allocated for design and other actions and a sum of 12.6 million dollars for future years (ie for construction).
 - In place of the King William Street South and Gouger Street Revitalisation would be a forward commitment for 15 million dollars, including design, for each of three Precincts not named (but to be determined by Council in the coming months) to be funded over the next three budgets, with an allocation for each for design in the preceding year and for development in the following year.
 - In respect of the AEDA budget, note that in the 22/23 budget, "reignite" programs funded last year totalling 1.6 million dollars have not been sought by the Agency, along with 813,000 dollars for the expansion of city events and 662,000 for sponsorship of new events.
 - Reduction in the budget for promotion of the City during the Adelaide 500 to \$75,000.
 - Invites AEDA to submit to Council for consideration the objectives and the details of its proposal for a new allocation of 600,000 dollars for a proposed strategic events fund.
 - \$100k be allocated to the concept plan and detailed design for Vincent Street
 - \$30k be allocated to Hamilton Place for concept plan and detailed design.
2. Notes the Operating service and expenditure changes from 2022/23 provided in Attachment B, to Item 3.1 on the Agenda for the meeting of the City Finance and Governance Committee held 18 May 2023.
3. Notes the 2023/24 Budget delivers a surplus of \$1.92 million from our core operating budget.
4. Notes the 2023/24 Budget projects borrowings of \$29.7 million at the end of 2023/24.

5. Notes the 2023/24 Business Plan & Budget for Council's Subsidiary Adelaide Economic Development Agency provided as Attachment C to Item 3.1 on the Agenda for the meeting of the City Finance and Governance Committee held 18 May 2023, which will be available as a reference document for the public consultation period commencing 9.00am on Friday 26 May 2023 and concluding at midnight Sunday 18 June 2023.
6. Notes the 2023/24 Business Plan & Budget for Council's Subsidiary Adelaide Central Market Authority provided as Attachment D to Item 3.1 on the Agenda for the meeting of the City Finance and Governance Committee held 18 May 2023, which will be available as a reference document for the public consultation period commencing at 9.00am on Friday 26 May 2023 and concluding at midnight Sunday 18 June 2023.
7. Notes the 2023/24 Business Plan & Budget for Council's Subsidiary Kadaltilla / Park Lands Authority provided as Attachment E to Item 3.1 on the Agenda for the meeting of the City Finance and Governance Committee held 18 May 2023, which will be available as a reference document for the public consultation period commencing at 9.00am on Friday 26 May 2023 and concluding at midnight Sunday 18 June 2023.
8. Authorises the Chief Executive Officer to make any necessary changes to the draft 2023/24 Business Plan & Budget document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

Discussion ensued, during which Councillor Abrahamzadeh left the Council Chamber at 6.49 pm and re-entered at 6.52 pm.

Amendment –

Moved by Councillor Hou,
Seconded by Councillor Abrahamzadeh –

'That Part 1 of the motion be amended by the inclusion of an additional dot point to read as follows:

- To include new trolley bays and trolleys for \$130,000 as endorsed by the Adelaide Central Market Authority as a capital project for the 2023/24 Business Plan and Budget.'

Discussion ensued

The amendment was then put and carried

Councillor Davis requested that a division be taken on the amendment

Division

For (8):

Deputy Lord Mayor (Councillor Martin) and Councillors Abrahamzadeh, Couros, Davis, Elliot, Hou, Noon, Siebentritt and Snape.

Against (1):

Councillor Giles.

The division was declared in favour of the amendment

Councillor Noon moved the following amendment which lapsed for want of a seconder:

'That the motion be amended to include an additional two dot points to read as follows:

- Increase funding from Business Events Adelaide funding from \$300K to \$450K which would be reinstating their funding including CPI, that was reduced post COVID.
- Increase funding for each Precinct Group from \$25K to at least \$100K and work with them on meeting their strategic objectives.'

Councillor Couros moved a formal motion to defer the item to the next meeting of Council, which she then withdrew.

Discussion continued, during which with the consent of the mover, seconder and the meeting the figure in part 4 of the motion was varied from \$29.7 to \$29.784, as a result of the earlier amendment.

The motion, as amended, was then put and carried

Councillor Davis requested that a division be taken on the motion, as amended

Division**For (6):**

Deputy Lord Mayor (Councillor Martin) and Councillors Elliot, Giles, Noon, Siebentritt and Snape.

Against (4):

Councillors Abrahamzadeh, Couros, Davis, Hou.

The division was declared in favour of the motion, as amended.

Councillor Abrahamzadeh left the meeting at 7.39 pm

22 Item 10 - Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following:

- Dr George Duncan Memorial
- Reception for the Coronation of King Charles II and Queen Camilla at Government House
- Panellist at French Chamber of Commerce and Industry (FACCI) Executive Women's event
- Legacy Torch Relay to Town Hall
- Honoured long-serving City of Adelaide volunteers with certificates as part of National Volunteers Week
- Attended Grote Street Business Precinct Networking Event
- Catherine House Gala
- Indofest official opening event at Pinky Flat
- Meeting with the Director of SCOSA
- Lunch with Noel Pearson prior to his address Town Hall

During the discussion, Councillor Davis left the Council Chamber at 7.39 pm.

It was then -

Moved by Councillor Hou,
Seconded by Councillor Noon –

That the report be received and noted.

Carried

23 Councillors' Reports**24 Item 11.1 - Reports from Council Members**

Councillor Davis re-entered the Council Chamber at 7.41 pm

Councillor Giles addressed the meeting to speak about her attendance at the Vino and Vibes event, organised by the City South Precinct group.

Councillor Hou addressed the meeting to request that members be mindful of comments made in relation to the previous elected body of Council.

Councillor Davis addressed the meeting to speak about his attendance at the Dambusters event, attended on behalf of the Lord Mayor.

During the discussion, Councillor Elliott left the Council Chamber at 7.43 pm and re-entered at 7.44 pm.

It was then –

Moved by Councillor Davis,
Seconded by Councillor Snape -

THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 11.1 on the Agenda for the meeting of the Council held on 23 May 2023).

2. Notes the summary of Council Members' meeting attendance (Attachment B to Item 11.1 on the Agenda for the meeting of the Council held on 23 May 2023.
3. Notes that reports for Councillors Giles, Hou and Davis, tabled at the meeting of the Council held on 23 May 2023 be included in the Minutes of the meeting.

Carried

25 Questions on Notice

Nil

26 Questions without Notice

27 Item 13 - Undertaking - Questions without Notice - Councillor Giles - Reconciliation Week Activities

In response to a query from Councillor Giles, an undertaking was given to provide Council Members with information on how they can be involved with activities during the upcoming Reconciliation Week.

28 Motions on Notice

29 Item 14.1 - Councillor Snape - MoN - Library of Things

Moved by Councillor Snape,
Seconded by Councillor Elliott -

That Administration prepare a report on the spatial and operational requirements for a 'Library of Things' for residents and ratepayers of the City of Adelaide.

Discussion ensued

The motion was then put and carried

30 Item 14.2 - Councillor Noon - MoN - Review of the Community Impact & Strategic Partnership Grants Program Guidelines

Moved by Councillor Noon,
Seconded by Councillor Elliott -

That a review of the Community Impact & Strategic Partnership Grants Program Guidelines to be conducted, in particular addressing the Assessment Criteria and reporting/communication processes.

Discussion ensued

It was then –

Moved by Councillor Snape,
Seconded by Councillor Giles –

That the motion be put.

Carried

The motion was then put and carried unanimously

31 Item 15 - Motions without Notice

Discussion ensued

32 Item 16 - Exclusion of the Public

Moved by Councillor Siebentritt,
Seconded by Councillor Giles -

THAT COUNCIL:

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 Council dated 23 May 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 17.1 [Confidential Audit and Risk Committee Report – 10 May 2023] 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 because the report includes information on Council litigation.

The disclosure of information in this report is likely to prejudice the outcome of the Council's actual litigation.

The Audit and Risk 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 relates to actual litigation of the Council.

2. Pursuant to section 90(2) of the Local Government Act 1999 (SA) (the Act), this meeting of the Council dated 23 May 2023 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 17.1 [Confidential Audit and Risk Committee Report – 10 May 2023] 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.

Carried

Councillor Davis, members of the public and Corporation staff present not directly involved with Item 17.1 left the Council Chamber at 7.59 pm.

- 33 Confidential Reports from Committees and Kadaltilla / Park Lands Authority**
- 34 Item 17.1 - Confidential Audit and Risk Committee Report - 10 May 2023**

35 Confidentiality Orders

The meeting re-opened to the public at 8.00 pm.

Resolution and Confidentiality Order

Minute 34 – Item 17.1 - Confidential Audit and Risk Committee Report - 10 May 2023

THAT COUNCIL

1. Notes the report.
2. Authorises that, in accordance with Section 91(7) and (9) of the Local Government Act 1999 (SA) and because Item 17.1 [Confidential Audit and Risk Committee Report - 10 May 2023] listed on the Agenda for the meeting of the Council held on 23 May 2023 was received, discussed and considered in confidence pursuant to Section 90(3) (i) of the Local Government Act 1999 (SA), this meeting of the Council do order that
 - 2.1 The resolution become public information and included in the Minutes of the meeting.
 - 2.2 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 2030.
 - 2.3 The confidentiality of the matter be reviewed in December 2024.
 - 2.4 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 8.01 pm

Dr Jane Lomax-Smith
Lord Mayor

Date of confirmation: