



COUNCIL AGENDA & REPORTS

for the Special meeting

Tuesday 15 January 2019
at 6.00pm

in the Council Chamber,
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);
Deputy Lord Mayor (Councillor Abiad);
Councillors Abrahamzadeh, Couros, Dr Donovan, Hou, Hyde, Khera, Knoll,
Martin, Moran and Simms.

1. Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor will state:

'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 recognise 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

Upon completion of the Kurna Acknowledgment, the Lord Mayor will state:

'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. Apologies and Leave of Absence

Nil

4. Reports for Council (Chief Executive Officer's Reports)

Strategic Alignment – Creative

- 4.1. Proposal for trading extension for Archie's Clubhouse on the Pontoon, adjacent Elder Park [2018/02864] [Page 2]

Strategic Alignment – Corporate Activities

- 4.2. Civic Recognition Working Group [2018/00985] [Page 8]
4.3. City Deal [2013/01266]
To be distributed separately

5. Exclusion of the Public

- 5.1. Exclusion of the Public [2018/04291] [Page 12]

For the following Chief Executive Officer Report seeking consideration in confidence:

Strategic Alignment – Corporate Activities

- 6.1.1. 2019 Citizen of the Year Awards [s 90(3) (a)]
6.1.2. Strategic Property Matter [s 90(3) (b) & (d)]
6.1.3. City Deal [s 90(3) (b), (d) & (g)]

6. Confidential Report

- 6.1. Confidential Report for Council (Chief Executive Officer's Reports)

Strategic Alignment – Corporate Activities

- 6.1.1. 2019 Citizen of the Year Awards [2016/03691] [Page 17]
6.1.2. Strategic Property Matter [2016/01110] [Page 24]
6.1.3. City Deal [2013/01266]
To be distributed separately

7. Closure

Proposal for trading extension for Archie's Clubhouse on the Pontoon, adjacent Elder Park

Seeking Council endorsement for a new event proposal

ITEM 4.1 15/01/2019
COUNCIL

Program Contact:
Vanessa Godden, AD Customer
8203 7156

2018/02864
Public

Approving Officer:
Clare Mockler, Director Community

EXECUTIVE SUMMARY:

An application has been received from Adelaide Festival Corporation for Adelaide Pontoon Corporation Pty Ltd to run six additional operating dates in January 2019 for the event called 'Archie's Clubhouse' at the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park.

The proposed event includes an interactive art exhibition, local Adelaide music, stand-up comedy, cult movies, local food outlets and a bar.

The event application was originally assessed against the [Adelaide Park Lands Event Management Plan \(APLEMP\)](#) and meets the Elder Park Criteria for Event Use.

Council approval was given for the original event dates (9 November to 22 December 2018) at the Council meeting of 28 August 2018 ([Link 1](#)) and Council approval is therefore required for the event to extend its operating dates until 26 January 2019.

Public consultation for the original application was administered via Council's Your Say website from 18 July – 8 August 2018 ([Link 2](#)) and given this request is an extension of the original application, further public consultation was not required.

RECOMMENDATION:

THAT COUNCIL:

1. Authorises the Chief Executive Officer to enter into appropriate arrangements to grant the right of use to the Adelaide Pontoon Corporation Pty Ltd to hold the proposed 'Archie's Clubhouse' event at the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park during January 2019 as per the Event Management Approach as included in Attachment A to Item 4.1 on the Agenda for the Special meeting of Council held on 15 January 2019.
2. Approves the 'Archie's Clubhouse' event to operate beyond 12 Midnight and until 2am on Friday and Saturday nights during the event period.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Creative This proposal aligns with Council's Creative theme in the City of Adelaide (CoA) Strategic Plan 2016-2020.
Policy	This event application has been assessed against the requirements of the APLEMP . If supported by Council to proceed, the event would be subject to all relevant policies, plans and procedures including the APLEMP , Liquor Licensing Policy and CoA Event Noise Mitigation Standard Operating Procedures .
Consultation	As the event proposal meets the APLEMP criteria it does not need to be formally considered by APLA. Consumer & Business Services have been notified of the event application. Organisers of the Australia Day event programmed for Elder Park during the event period (on 26 January 2019) have been notified of the event application. Feedback from this event, in consultation with Adelaide Pontoon Corporation Pty Ltd, will inform the final operating conditions to be outlined in an agreement with Adelaide Pontoon Corporation Pty Ltd.
Resource	This activity will be facilitated within existing resources.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	This proposal presents an opportunity to continue to deliver a new offering in the City.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	If supported by Council, we will proceed to enter into appropriate arrangements to grant the right of use to the Adelaide Pontoon Corporation Pty Ltd for the delivery of 'Archie's Clubhouse' at the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park for the event period.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. On 14 December 2018, a request was received from Adelaide Pontoon Corporation Pty Ltd, the entity engaged by the Adelaide Festival Corporation to activate the Pontoon, to extend the operating dates of the event called 'Archie's Clubhouse' at the Pontoon on the River Torrens/ Karrawirra Pari, adjacent Elder Park. The event was due to conclude on Saturday 22 December 2018.
2. When the initial request was received from Adelaide Pontoon Corporation Pty Ltd, it was not supported by the Adelaide Festival Corporation and so the application was not progressed.
3. On 27 December 2018 the Adelaide Festival Corporation requested that the extended event application be considered.
4. The event concluded on 22 December 2018 and is not currently operating. However, permission was given for much of the event infrastructure to remain on the Pontoon, in light of the event seeking an extension for their operation during January 2019.
5. The request for an extension to the event dates requires Council approval given the event was approved by Council initially on 28 August 2018 and the approval was subject to the event finishing on Saturday 22 December 2018.
6. Two formal complaints have been received by the City of Adelaide Events team about the event, one during the event and one since it has ceased. To date, we have not received appropriate noise logs from the event organiser as requested, or any customer complaints that they may have received directly.

Event description and aim

7. 'Archie's Clubhouse' is proposed to continue to be situated at the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park with a proposed capacity of 470 people at any one time.
8. The event aims to create a unique atmosphere by transforming the Pontoon into an abstract representation of a family home.
9. The setup includes an interactive art exhibition, with installations from several young Adelaide artists and also showcases local music facilitated by community radio station 'Groundfloor Radio', stand-up comedy and cult movies with bar facilities.
10. Local businesses provide food for the event.

Strategic alignment

11. This proposal aligns with Council's Creative theme in the CoA Strategic Plan 2016-2020.

Trading hours

12. The applicant has requested the proposed additional operating dates and hours:
 - 12.1. Wednesday 16 January 6pm to 12 midnight
 - 12.2. Friday 18 January 6pm to 2am
 - 12.3. Saturday 19 January 12pm to 2am
 - 12.4. Wednesday 23 January 6pm to 12 midnight
 - 12.5. Friday 25 January 6pm to 2am
 - 12.6. Saturday 26 January 12pm to 2am (times subject to final discussions with Australia Day event).
13. The operating hours proposed by the applicant for the event are within the permissible hours for Elder Park as set out in the [APLEMP](#).

Admission

14. Free admission would apply except on Friday and Saturday nights after 9.00pm when entry would be \$10.00 for general public and \$5.00 for VIP guests.

Access throughout Elder Park and pathways

15. Access to Elder Park pathways will be maintained for pedestrians and cyclists for the event duration.

Care of Park Lands

16. As a premium site, there is a high expectation that Elder Park is maintained to a very high standard and that event organisers must cover all costs associated with remediating the site back to its original condition after an event. This has been communicated to the event organisers and would be a condition of the agreement.

17. Administration would work with the event organisers on strategies and approaches to minimise impact on the site during the event bump-in and out.

Noise Levels

18. The proposed event would be required to develop a Noise Management Plan which would describe how the event will manage its noise emission. This event has been categorised as a Temporary Multi-Day Venue under the [CoA Event Noise Mitigation Standard Operating Procedures](#).

Use of local contractors / suppliers

19. The event organiser has advised that Local Adelaide businesses and organisations would be engaged to provide products and services for the event such as:
 - 19.1. Peter Rabbit Café and Gang Gang Burger Co would provide food for the event
 - 19.2. Local Adelaide artists to create artworks for the exhibitions
 - 19.3. Local Adelaide music programming facilitated by community radio station 'Groundfloor Radio'
 - 19.4. A Local Adelaide business will manage the bar facility

Liquor Licence

20. The event organiser would apply for a liquor licence for the additional dates associated with this event.
21. The event organiser would be seeking a liquor licence capacity of 470 people. The event organisers would be required to comply with the liquor licence conditions as set by Consumer and Business Services.

Next Steps

22. If endorsed by Council, we will proceed to enter into appropriate arrangements to grant the right of use to the Adelaide Pontoon Corporation Pty Ltd for the delivery of 'Archie's Clubhouse' in January 2019 at the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park.

ATTACHMENTS

Attachment A – Event Management Approach – Archie's Clubhouse

- END OF REPORT -

Event Management Approach

Event	
<p>Archie's Clubhouse at the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park.</p> <p>Licence type: Single year</p>	
<p>Bump in: 16 Jan 2019 Event: 16 Jan - 26 Jan 2019 Bump out: 27 - 30 Jan 2019</p> <p>Proposed hours of operation:</p> <ul style="list-style-type: none"> - Wednesday 16 January 6pm to 12 midnight - Friday 18 January 6pm to 2am - Saturday 19 January 12pm to 2am - Wednesday 23 January 6pm to 12 midnight - Friday 25 January 6pm to 2am - Saturday 26 January 12pm to 2am (times subject to final discussions with Australia Day event) 	<p>Archie's Clubhouse is proposing a trading extension, to occupy the Pontoon on the River Torrens / Karrawirra Pari between 16 January and 26 January 2019 with set up commencing on 16 January, as much of the infrastructure currently remains in place. The pull down is to be completed by 30 January 2019.</p> <p>Archie's Clubhouse is a temporary venue situated on the Pontoon on the River Torrens / Karrawirra Pari. Through November and December 2018 they transformed the Pontoon into an abstract representation of a family home. The set doubled as an interactive art exhibition, with instalments from several young Adelaide artists. For the additional dates the Pontoon will be a fully functioning venue, complete with a stage, bars and entertainment. Music and Art are the two driving forces for this event. Complementing this will be local Adelaide music, facilitated by community radio station 'Groundfloor Radio', cult movies and stand-up comedy. There will be food and beverages on offer from local businesses.</p>
Event Planning Considerations	Event Management Approach
<p>'Archie's Clubhouse' is an event which will comply with the criteria for use of Elder Park as set out in the Adelaide Park Lands Events Management Plan. The event will occupy the Pontoon on the River Torrens / Karrawirra Pari, adjacent Elder Park</p>	<p>The event organisers will:</p> <ul style="list-style-type: none"> • Provide a welcoming, inclusive, healthy and safe environment for event patrons and staff, adhering to national standards and legislative requirements. • Ensure all safety and risk requirements regarding the use of the River Torrens / Karrawirra Pari for the Pontoon are adhered to and addressed in the risk management and safety plans. • Manage alcohol trading and consumption in a safe and effective manner, following all South Australian legislation and Council policy • Utilise fencing to control capacity and as part of the liquor license but will ensure that it is presentable and tidy. • Develop a Noise Management Plan which will describe how the event will manage their noise emissions. This event has been categorise as a Temporary Multi-Day Venue under the City of Adelaide Event Noise Mitigation Standard Operating Procedures. • Use best practice in waste minimisation and recycling. • Adhere to the operating hours of the event site. • Utilise the hard stand pathways for large vehicle deliveries and use track matting should vehicles need to drive over turf. • Undertake practices that limit the amount of damage to the event site and take responsibility for restoring the site to the pre-event condition through the remediation process.

	<ul style="list-style-type: none">• Undertake consultation with all relevant stakeholders prior to the event.• Publish behavioral guidelines on site during event and on website (if applicable).• Consider other events that may be held on Elder Park during your event.• Ensure the pathways in Elder Park are kept clear to allow pedestrian and cyclists access.
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Item 4.1 - Attachment A

Civic Recognition Working Group

ITEM 4.2 15/01/2019
Council

Program Contact:

Jacki Done, AD People &
Governance 8203 7256

Approving Officer:

Mark Goldstone, Chief Executive
Officer

2018/00985

Public

EXECUTIVE SUMMARY:

The Civic Recognition section of the *City of Adelaide Standing Orders* in the 2014-2018 municipal term reflect Civic Recognition Operating Guidelines endorsed by Council on 26 November 2013, outlining the forms of civic recognition bestowed by Council, and how they are to be delivered to the community. Council also noted on the same date revised Terms of Reference for the Civic Recognition Working Group (CRWG), that has operated (originally as a Civic Recognition Panel) since its establishment by the Chief Executive Officer (CEO) as a CEO working party on 25 September 2012.

The role of the CRWG is to consider and make recommendations to support Council's recognition of outstanding members of the community for their achievements in, and contributions to, the City of Adelaide.

The CRWG meets as and when required to provide advice to the CEO to support the co-ordination of all civic recognition activities.

In practice, membership of the CRWG has comprised the Lord Mayor, Deputy Lord Mayor and Chief Executive Officer. The Terms of Reference of the CRWG provide for all Council Members the ability to nominate themselves to participate in the CRWG at the commencement of each one year term of the Working Group.

This report indicates that the CRWG will continue to operate as a Working Group established by the Chief Executive Officer under the Standing Orders and that there is now the opportunity for a Council Member(s) to indicate a wish to participate in the working group.

RECOMMENDATION:

THAT COUNCIL

1. Notes that the Civic Recognition Working Group (CRWG) established by the Chief Executive Officer will continue in the 2018-2022 municipal term and in 2019 will review Terms of Reference for the CRWG and the Civic Recognition Operating Guidelines.
2. Notes that Council Members who wish to participate in the CRWG January 2019 to January 2020 will nominate themselves to the Chief Executive Officer by 18 January 2019.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities The maintenance of an effective Civic Recognition program, and the creative management and use of Civic Rooms, such as the Queen Adelaide and Colonel Light Rooms, is fundamental to the attainment of the City's strategic objectives to make Adelaide a welcoming and dynamic city full of rich and diverse experiences
Policy	Not as a result of this report
Consultation	Not as a result of this report. This report indicates to Council Members the opportunity to participate in the Civic Recognition Working Group for the period January 2019 to January 2020
Resource	Not as a result of this report Administrative support is provided by the Lord Mayor and People & Governance Program
Risk / Legal / Legislative	Not as a result of this report
Opportunities	There is an opportunity for increased collaboration in the delivery of Civic Recognition and Events through development of new partnerships internal to the City of Adelaide and with external partners
18/19 Budget Allocation	Not as a result of this report
Proposed 19/20 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
18/19 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Civic Recognition

1. In response to Council on 25 September 2012 the Chief Executive Officer (CEO) established a CEO working party to be known as the Civic Recognition Panel. The Panel was delegated the task of reviewing and establishing criteria for existing civic awards as well as assess nominations for civic recognition.
2. The outcome of the review by the Panel informed the preparation of Civic Recognition Operating Guidelines adopted by Council on 27 August 2013. These Guidelines provide a comprehensive framework to guide the co-ordination of all civic recognition activities.
3. Following the endorsement of the 2013/14 Business Plan and Budget, a Civic Recognition Working Group (CRWG) was established by the Chief Executive Officer (CEO) to consider and make recommendations to recognise outstanding members of the community for their achievements in, and contributions to, the City of Adelaide.
4. Council on 26 November 2013 endorsed redrafted Civic Recognition Operating Guidelines and noted Terms of Reference for the CRWG.
5. The CRWG provides advice to the CEO on:
 - 5.1. The eligibility criteria for existing civic awards
 - 5.2. Potential new civic awards for Council
 - 5.3. Nominations for the annual Citizen of the Year Awards
 - 5.4. Appeals from charitable organisations for support from Members of Council

Civic Recognition Working Group (CRWG)

6. In recent years, the CRWG has comprised the Lord Mayor, Deputy Lord Mayor, and Chief Executive Officer of the City of Adelaide. CRWG is also attended by the Chief of Staff to the Lord Mayor, with administrative support provided by the People and Governance Program. The Director Community, and other CoA employees and external advisors/consultants attend meetings as required.
7. This report advises that the Terms of Reference indicate Council Members will have the ability to nominate themselves at the commencement of each one year term of the Working Group. Any Council Member wishing to nominate for the January 2019 to January 2020 period is invited to advise the Office of the CEO by 18 January 2019.

Terms of Reference and Operating Guidelines

8. The civic recognition encompassed by the CRWG current Terms of Reference includes Civic Recognition and Awards such as the Key to the City, Freedom of Entry to the City, nominations for the City of Adelaide Citizen of the Year Award, as envisaged by the Standing Orders. It also includes requests for financial or other support for charities, causes or organisations.
9. During recent years the work of the CRWG has extended beyond this scope to encompass a range of matters related to the Civic Rooms within the Adelaide Town Hall, as defined in Standing Orders (including the Council Chamber, Colonel Light Room, Queen Adelaide Room and Lady Esther Jacob's Room). Examples of matters recently considered by the CRWG include:
 - 9.1. Maintenance and refurbishment of the Colonel Light Room in the Adelaide Town Hall
 - 9.2. Maintenance and use of artefacts including the Lord Mayoral Chain and the Council Mace
 - 9.3. Permanent or temporary display of art works, objects and artefacts in Civic Rooms
 - 9.4. An oral history project with a focus on historical Civic events and memories
10. The CRWG is well placed to consider and advise the CEO on such matters.
11. Revised draft Terms of Reference and Operating Guidelines are being prepared for consideration by the CRWG. These documents will be drafted consistently with any changes proposed to Standing Orders, to come before Council on 29 January.

ATTACHMENTS

Nil

- END OF REPORT -

Exclusion of the Public

ITEM 5.1 15/01/2019
Council

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

For the following Chief Executive Officer Report seeking consideration in confidence:

Strategic Alignment – Corporate Activities

- 6.1.1** 2019 Citizen of the Year Awards [s 90(3) (a)]
- 6.1.2.** Strategic Property Matter [s 90(3) (b) & (d)]
- 6.1.3.** City Deal [s 90(3) (b), (d) & (g)]

The Order to Exclude for Items 6.1.1, 6.1.2 and 6.1.3:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 6.1.1:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (a) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 15/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 6.1.1 [2019 Citizen of the Year Awards] listed on the Agenda.

Grounds and Basis

The Item contains information of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). Disclosure of the information in this report is considered inappropriate if released to the public prior to the official awarding of the City of Adelaide Citizen of the Year Awards on 25 January 2019. Once the Awards have been issued the intent is to lift the Order in its entirety.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 15/1/2019 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 6.1.1 [2019 Citizen of the Year Awards] 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) (a) of the Act.

ORDER TO EXCLUDE FOR ITEM 6.1.2:

THAT COUNCIL:

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 Special meeting of the Council dated 15/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 6.1.2 [Strategic Property Matter] 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 details commercial information of a strategic property matter the disclosure of which could reasonably be expected to prejudice the commercial position and identity of the proponent who supplied 'commercial in confidence' information containing business directions/strategy. The disclosure of information contained in this report may prejudice the commercial position of the third party by disclosing the identity and content of the information at this point in time. Disclosure of this information may prejudice the ability to undertake/participate in any future process and or negotiations on any proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

Public Interest

Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances. The private sector may determine not to pitch new ideas and projects to Council if Council will not take into account a proponents concerns regarding protection of its ideas and commercially sensitive information. This may have the impact that Council does not maximise private sector innovation and service delivery improvement opportunities. Disclosure of the information contained in this report may cause detriment to the third party who supplied information to Council at this point in time, and may materially and adversely affect Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 15/1/2019 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 6.1.2 [Strategic Property Matter] 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 6.1.3:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b), (d) & (g) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 15/1/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 6.1.3 [City Deal] 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 commercial 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.

The disclosure of information in this report could reasonably prejudice the commercial position of Council who supplied a 'commercial in confidence' proposal for evaluation by the Commonwealth government. Disclosure of commercial in confidence negotiations may adversely impact project viability, prejudice the ability to undertake/participate in future negotiations on the proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

Council has a duty of confidence to the Commonwealth and State governments in relation to the Adelaide City Deal negotiation process. It is reasonable to assume the Commonwealth and State may expect the Council maintain the confidentiality of negotiations.

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 may result in release of information prior to the finalisation of 'commercial in confidence' negotiations with the Commonwealth government. The disclosure of this information may materially and adversely affect the Council's ability to finalise the Adelaide City Deal and may prejudice Council's ability to discuss/participate or influence the proposal for the benefit of the Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 15/1/2019 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 6.1.3 [City Deal] 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) & (g) of the Act.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following report is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 6.1.1 – 2019 Citizen of the Year Awards:
 - 6.1.1 Is not subject to an Existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (a)
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - 6.2 Information contained in Item 6.1.2 – Strategic Property Matter:
 - 6.2.1 Is subject to an Existing Confidentiality Order dated 15/1/2018.
 - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (b) & (d)
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
 - 6.3 Information contained in Item 6.1.3 – City Deal
 - 6.2.1 Is subject to an Existing Confidentiality Orders dated 16/5/2017 & 11/12/2018.
 - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (b), (d) & (g)

- (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
- (g) matters that must be considered in confidence to ensure the Council does not breach any duty of confidence.

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 6.1.1
2019 Citizen of the Year Awards
Section 90 (3) (a) of the *Local Government Act (SA) 1999*
Pages 17 to 23

Confidential Item 6.1.2
Strategic Property Matter
Section 90 (3) (b) & (d) of the *Local Government Act (SA) 1999*
Pages 24 to 28
