



# COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 8 October 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, 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 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.'

## 2. Acknowledgement of Colonel William Light

Upon completion of the Kaurna 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

On Leave:

Deputy Lord Mayor (Councillor Abiad)

Apology:

Councillor Hyde

## 4. Confirmation of Minutes – 24/9/2019

That the Minutes of the meeting of the Council held on 24 September 2019, be taken as read and be confirmed as an accurate record of proceedings.

## 5. Deputations

Granted as at 3 October 2019

5.1. Deputation - Mr Mark Henley – Motion by Councillor Simms - Opposing Note Acceptor Pokie Machines

## 6. Petitions

6.1. Petition – Removal of Trees on North Terrace [2018/04073] [Page 3]

## 7. Report of The Committee and Advice/Recommendation from Other Committees

7.1. Recommendations of The Committee –1/10/2019 [2018/04062] [Page 6]

Recommendation 1	City of Adelaide Annual Report 2018-19
Recommendation 2	Adelaide Airport Preliminary Draft Master Plan 2019
Recommendation 3	Significant Tree Removal (retrospective) in Pelzer Park/Pityarilla (Park 19)
Recommendation 4	Flinders Street Pedestrian Crossing Improvements
Recommendation 5	North Terrace/George Street Cyclist Safety Measures
Recommendation 6	Sanitising Strategy to Alleviate Asthma
Recommendation 7	International Ambassador Program

## 8. Reports for Council (Chief Executive Officer's Reports)

### Strategic Alignment – Green

8.1. Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointment [2018/02437] [Page 9]

## 9. Question on Notice

- 9.1.** Councillor Simms – Question on Notice – Destruction of Trees [Page 13]

## 10. Questions without Notice

## 11. Motions on Notice

- 11.1.** Councillor Simms – Motion on Notice – Amendment to Standing Orders to increase the accountability of Council to the community [2017/03262] [Page 14]
- 11.2.** Councillor Simms – Motion on Notice – Opposing Note Acceptor Pokie Machines [2019/01425] [Page 16]

## Motions without Notice

## 13. Exclusion of the Public

- 13.1.** Exclusion of the Public [2018/04291] [Page 18]  
For the following report of The Committee seeking consideration in confidence
- 14.1.1.** Recommendation of The Committee in Confidence – 1/10/2019  
Recommendation 1 Strategic Partnership Opportunity [s 90(3) (b), (d) & (g)]  
For the following Chief Executive Officer's Reports seeking consideration in confidence
- 14.2.1.** Strategic Procurement Matter [s 90(3) (b) & (d)]

## 14. Confidential Reports

- 14.1.** Confidential Report of The Committee
- 14.1.1.** Recommendation of The Committee in Confidence – 1/10/2019 [2018/04062] [Page 23]  
Recommendation 1 Strategic Partnership Opportunity
- 14.2.** Confidential Report for Council (Chief Executive Officer's Reports)  
**Strategic Alignment – Green**
- 14.2.1.** Strategic Procurement Matter [2018/00908] [Page 26]

# Petition – Removal of Trees on North Terrace

ITEM 6.1 08/10/2019  
Council

2018/04073  
Public

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7442

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

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## EXECUTIVE SUMMARY:

This report presents to Council a petition submitted by Emma Barson.

The petition contains 103 signatories calling on Council to:

- *reverse their decision to approve the removal of ten English Elm and one Plane Tree, located on North Terrace adjacent to the Old Royal Adelaide Hospital*
- *ask Renewal SA to investigate and provide Council with alternative landscaping options that incorporate the afore-mentioned trees, including 8 regulated and 2 significant trees*
- *include in their consideration of this matter the more than 1900 people who have signed the online petition to save the trees*
- *consult with the public, the citizens of South Australia, before granting any approvals that might threaten these iconic and historic trees.*

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## RECOMMENDATION:

### THAT COUNCIL

1. Notes the petition containing 103 signatories, distributed as a separate document to Item 6.1 on the Agenda for the meeting of the Council held on 8 October 2019 in relation to the removal of trees on North Terrace.
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## IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 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
19/20 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. A petition has been received from Emma Barson calling on Council to reverse its decision to approve the removal of trees on North Terrace, request alternate landscaping options from Renewal SA, consider the online petition signed by more than 1,900 people and consult with public prior to granting approvals that might threaten the trees.
2. If a petition is received the Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to the Lord Mayor and Council Members separately. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
3. To determine that a document presented is a petition under the Regulations, the following matters in conjunction with the requirements of Standing Orders (Regulation 10 *Local Government (Procedures at Meetings) Regulations 2013 (SA)*) are assessed prior to the presentation of a petition to the Council:
  - 3.1. *What is a Petition?*  
A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.
  - 3.2. *Does the Petition contain original signatures or endorsements, accompanied by an address?*  
A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.
  - 3.3. *Does each page of the Petition identify what the signature is for?*  
Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to; and
  - 3.4. *Language in the Petition?*  
The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.
4. To meet the requirements of Regulation 10 of *Local Government (Procedures at Meetings) Regulations 2013 (SA)* a petition must:
  - 4.1. be legibly written or typed or printed
  - 4.2. clearly set out the request or submission of the petitioners
  - 4.3. include the name and address of each person who signed or endorsed the petition
  - 4.4. be addressed to the Council and delivered to the principal office of the Council
5. The petition calls on Council to:
  - 5.1. reverse its decision to approve the removal of ten English Elm and one Plane Tree, located on North Terrace adjacent to the Old Royal Adelaide Hospital
  - 5.2. ask Renewal SA to investigate and provide Council with alternative landscaping options that incorporate the afore-mentioned trees, including 8 regulated and 2 significant trees
  - 5.3. include in its consideration of this matter the more than 1,900 people who have signed the online petition to save the trees
  - 5.4. consult with the public, the citizens of South Australia, before granting any approvals that might threaten these iconic and historic trees.
6. The petition contains 103 signatories.

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## ATTACHMENTS

**Petition** distributed separately to Lord Mayor and Councillors

# Recommendations of The Committee - 1/9/2019

**ITEM 7.1** 08/10/2019  
**Council**

**Program Contact:**  
Rudi Deco, Manager Governance  
8203 7422

2018/04062  
Public

**Approving Officer:**  
Mark Goldstone, Chief Executive  
Officer

## EXECUTIVE SUMMARY:

The Committee considered the following Items at its meeting held on 1 October 2019 and resolved to present to Council the following Recommendation for Council determination:

- Item 5.1 – City of Adelaide Annual Report 2018-19
- Item 5.2 – Adelaide Airport Preliminary Draft Master Plan 2019
- Item 5.3 – Significant Tree Removal (retrospective) in Pelzer Park/Pityarilla (Park 19)
- Item 5.4 – Flinders Street Pedestrian Crossing Improvements
- Item 5.5 – North Terrace/George Street Cyclist Safety Measures
- Item 5.6 – Sanitising Strategy to Alleviate Asthma
- Item 5.8 – International Ambassador Program

The Lord Mayor will seek a motion for each of the recommendations presented by The Committee below for determination by Council.

## RECOMMENDATION:

### 1. **Recommendation 1** - City of Adelaide Annual Report 2018-19

That Council:

1. Adopts the City of Adelaide Annual Report 2018-19 as included in Attachment A to Item 5.1 on the Agenda for the meeting of The Committee held on 1 October 2019.
2. Authorises the Chief Executive Officer to make any necessary amendments of a minor nature to the adopted Annual Report that do not change the substantive tone or message of the adopted report.

### 2. **Recommendation 2** - Adelaide Airport Preliminary Draft Master Plan 2019

That Council:

1. Endorses Attachment A (Response to the Adelaide Airport Preliminary Master Plan 2019) to Item 5.2 on the Agenda for the meeting of The Committee held on 1 October 2019.

**3. Recommendation 3 - Significant Tree Removal (retrospective) in Pelzer Park/Pityarilla (Park 19)**

That Council:

1. Approves in its capacity as having care and control of the land, the retrospective removal of one Eucalyptus Cladocalyx (Sugar Gum) located in Tarntanya Wama (Park 19) as provided in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 1 October 2019.

**4. Recommendation 4 - Flinders Street Pedestrian Crossing Improvements**

That Council:

1. Authorises the Chief Executive Officer, subject to the final route of the East – West Bikeway being approved by Council, to prepare detailed design and cost estimation for kerb extensions on Flinders Street adjacent Pilgrim Lane for the further consideration of Council. Funds will be requested as part of the 2020/21 Integrated Business Plan and Budget.

**5. Recommendation 5 - North Terrace/George Street Cyclist Safety Measures**

That Council:

1. Authorises the Chief Executive Officer to prepare detailed design and cost estimation for a bicycle hook turn and western pedestrian crossing at the intersection of North Terrace and George Street for Council's further consideration. Funds will be requested as part of the 2020/21 Integrated Business Plan and Budget.

**6. Recommendation 6 - Sanitising Strategy to Alleviate Asthma**

That Council:

1. Notes the current street cleansing service levels as the formal sanitisation strategy for the management of pollen in the City of Adelaide.
2. Will investigate the implications of increasing the leaf fall and pollen season sanitisation of the following streets, Pulteney Street South, Hutt Street and Frome Street, from two to four per week.
3. Notes that we will continue to monitor customer requests and complaints within the next 6 months in order to further determine the significance of the pollen issue within the City and the potential need for further detailed research and risk assessment.

**7. Recommendation 7 - International Ambassador Program**

That Council:

1. Notes the report.
2. Approves the pilot program in which the City of Adelaide hosts information sessions for interested people in the Adelaide community that are doing business internationally to leverage their networks and accelerate city growth.



## DISCUSSION

1. The table below summarises the deliberations of The Committee that resulted in recommendations to Council for Council determination.

The Committee Agenda with reports for the public component of the meeting of The Committee can be viewed [here](#).

The Committee adopted the recommendations as presented in the Committee report under Items 5.1, 5.2, 5.3, 5.4 and 5.8, recommendations 1, 2, 3, 4 and 7 for Council determination.
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The Committee adopted a revised recommendation as presented in the Committee report under Items 5.5 and 5.6, recommendations 5 and 6 for Council determination.
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2. Item 5.7, Adelaide Park Lands Building Design Guidelines on the Agenda for the meeting of The Committee held on 1 October 2019, was deferred.

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointment

**ITEM 8.1** 08/10/2019  
**Council**

2018/02437  
Public

**Program Contact:**  
Jean-Pierre Koekemoer, AD  
Infrastructure 8203 7251

**Approving Officer:**  
Klinton Devenish, Director Place

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## EXECUTIVE SUMMARY

At its meeting of 10 April 2018, Council endorsed the establishment of a Nominations Committee, comprising a representative from each of the five Constituent Councils, to select the five independent and skills based members for the Brown Hill and Keswick Creek Stormwater Board.

The Nominations Committee, representing the Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens and having followed the agreed recruitment process, presents to Council the following recommendation for appointment of a member to the Brown Hill and Keswick Creeks Stormwater Board.

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## RECOMMENDATION

### That Council:

1. Notes the recommendation from the Nominations Committee for the Brown Hill and Keswick Creeks Stormwater Board to re-appoint Mr. Geoff Vogt as a member of the Board for a term of three year term (expiring 2 August 2022).
  2. Approves the re-appointment of Mr. Geoff Vogt as a member of the Board for a term of three year term (expiring 2 August 2022).
  3. Notes that this matter will be considered by the five Constituent Councils and should one or more constituent councils not be in agreement, the matter will be referred back to the Nominations Committee for consideration.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	<b>Strategic Alignment – Green</b> Improve the ecological value of watercourses and biodiversity in the Park Lands
Policy	Integrated Biodiversity Management Plan 2018-2023  Adelaide Park Lands Management Strategy (APMS) - contains objectives to ensure that the Park Lands are resilient in adapting to a changing climate, enhancing biodiversity and sustaining the quality of user experiences.
Consultation	Extensive consultation within the five (5) Constituent Councils (Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens) has taken place on the development of the Brown Hill Keswick Creek Stormwater Management Plan (SMP).
Resource	The Brown Hill and Keswick Creeks Stormwater Board – a regional subsidiary formed pursuant to section 43 of the Local Government Act by the five constituent councils (Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens).
Risk / Legal / Legislative	Should Council not support the Nominations Committee's recommendation, or another Constituent Council not support the recommendation, the matter will be referred back to the Nominations Committee for consideration which may cause delays on decisions for the project.
Opportunities	Not as a result of this report
19/20 Budget Allocation	Not as a result of this report
Proposed 20/21 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
19/20 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. The Brown Hill Keswick Creek (BHKC) Stormwater Project is a collaborative effort by the five constituent councils of Adelaide, Burnside, Mitcham, Unley and West Torrens, to mitigate significant flood risks and assist in safeguarding properties across the BHKC catchment.
2. In order to manage the catchment, the Constituent Councils adopted the 2016 Stormwater Management Plan (the Plan) for the four major water- courses of Brown Hill, Keswick, Glen Osmond and Parklands Creeks. The primary objective of the Plan is to mitigate the risk and reduce the impact of major flooding on properties within the BHKC catchment, up to and including a 100-year average recurrence interval (ARI) flood.
3. To coordinate the implementation of the Plan, the Constituent Councils endorsed a draft BHKC Regional Subsidiary Charter, subsequently submitted to the Honourable Geoff Brock, Minister for Local Government. The Subsidiary Charter (the Charter) was approved by the Minister and listed within the Government Gazette on February 27, 2018. The Regional Subsidiary came into existence as of that date, pursuant to s43 of the *Local Government Act 1999 (SA)* (the Act), to be governed by a Board (the Board) ([Link](#)).
4. The Board of Management of the BHKC Stormwater Project was appointed on 3 August 2018. Pursuant to clause 8 of the Charter, the first appointments to the Board were differential to ensure that no more than two of the terms of office of Board Members will expire at any one time. In accordance with clause 7 of the Charter, the Constituent Councils must appoint Board members from recommendations made by the Nominations Committee.
5. The Charter defines 'Nominations Committee' as the Chief Executive Officers (or their nominees) and the Mayor (or elected member authorised by the Mayor) of each of the Constituent Councils. A meeting of the Nominations Committee for any purpose provided in this Charter may only occur if at least three of the Constituent Councils are represented by either of the CEO (or nominee) or Mayor (or elected member).
6. At its meeting on 10 April 2018, Council appointed the Chief Executive Officer and/or the Chief Executive Officer's delegate as the City of Adelaide's Nominations Committee representative.
7. The Charter specifies that the Board's membership is to comprise of five natural persons appointed jointly by the Constituent Councils being persons who are not members or officers of any of the Constituent Councils. These persons will be appointed by the Constituent Councils from recommendations made by the Nominations Committee.
8. The persons recommended for appointment are determined through a process approved by the Nominations Committee and are to comprise of persons with demonstrable skills relevant to the purpose of the Regional Subsidiary which may include (but is not limited to) skills in:
  - a) corporate financial management
  - b) corporate governance
  - c) project management
  - d) general management
  - e) engineering
  - f) economics
  - g) environmental management.
9. The Charter sets out that the Board's membership is to comprise of five natural persons who are not members or officers of any of the Councils. A Nominations Committee, consisting of the CEO, Mayor, or their delegate, from each of the Constituent Councils, is to determine the process for the selection of candidates to represent the following skill sets:
  - 9.1. corporate financial management
  - 9.2. corporate governance
  - 9.3. project management
  - 9.4. general management
  - 9.5. engineering
  - 9.6. economics
  - 9.7. environmental management.

10. The current Board Members and their terms of office are as follows
  - 10.1. Geoff Vogt, Board Member, 1-year term expiring 2 August 2019
  - 10.2. Paul Bowler, Board Member, 2-year term expiring 2 August 2020
  - 10.3. Rachel Barratt, Board Member, 2-year term expiring 2 August 2020
  - 10.4. Judith Choate, Chairperson, 3-year term expiring 2 August 2021
  - 10.5. Paul Gelston, Board Member, 3-year term expiring 2 August 2021
11. Geoff Vogt's term on the Board expired on 2 August 2019. It is therefore necessary for a new board member to be appointed, or alternatively, for Geoff to be reappointed. Geoff has nominated for reappointment.
12. The Nominations Committee and the Board's Executive Officer met on 11 July 2019 to discuss Geoff Vogt's term on the Board expiring.
13. At the meeting it was noted that in order to maintain differential appointments with no more than two board positions expiring at any one time, this term of appointment will be for three years.
14. Committee members were provided with details of the current board members, their experience and expiration dates of the current terms.
15. A majority vote by the Nominations Committee resulted in favour of recommending the reappointment of Geoff Vogt for a further term of three years, expiring 2 August 2022. It was a four to one majority with the one voting against, recommending that the vacancy be advertised on the open market, specifically targeting someone with Finance and Governance skills. It was also recommended at the meeting that Geoff Vogt's Board position be extended temporarily pending the outcome of the formal process. All attendees were in favour of this temporary extension.
16. Should Council not support the Nominations Committee's recommendation, or another Constituent Council not support the recommendation, the matter will be referred back to the Nominations Committee for consideration.
17. Future processes for the Nominations Committee will be streamlined including:
  - 17.1. Preparation of a Terms of Reference for the Nominations Committee.
  - 17.2. Distribution of information to the Nominations Committee including resumé of the candidate well in advance of the expiration date to allow for a market-based process if required.
  - 17.3. A process for the Board to assess their own performance collaboratively and to self-assess individually on an annual basis and provision of outcomes to the Nominations Committee.
  - 17.4. A process for capturing feedback and recommendations from the Chairperson and other Board Members and provision of this information to the Nominations Committee with the agenda.

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## ATTACHMENTS

Nil

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- END OF REPORT -

## Destruction of Trees

**ITEM 9.1** 08/10/2019  
**Council**

**Council Member**  
Councillor Simms

Public

**Receiving Officer:**  
Mark Goldstone, Chief  
Executive Officer

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## QUESTION ON NOTICE

**Councillor Simms will ask the following Question on Notice:**

'Following Council's decision to approve the destruction of the eleven historic trees on North Terrace, can Administration please provide the date and time that Renewal SA have planned for their removal?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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- END OF REPORT -

# Amendment to Standing Orders to increase the accountability of Council to the community

**ITEM 11.1** 08/10/2019  
**Council**

**Council Member**  
Councillor Simms

2017/03262  
Public

**Receiving Officer:**  
Mark Goldstone, Chief  
Executive Officer

## MOTION ON NOTICE:

**Councillor Simms will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That:

Council add a new standing order to allow questions on or without notice from the public such that:

- (1) A member of the public may submit a question on notice giving the Chief Executive Officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given the Chief Executive Officer will consider and place on the agenda for the meeting at which the question is to be asked with the question and reply entered in the minutes of the relevant meeting.
- (3) A member of the public may also ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.
- (7) A member of the public who asks a question on or without notice must begin by stating their name, the suburb in which they live and any organisation or business they are representing.
- (8) A member of the public may direct their question with or without notice to the Lord Mayor or a Councillor. The Lord Mayor or Councillor shall be given the opportunity to respond, subject to the clauses above.
- (9) A Councillor responding to a question on or without notice will make it clear that it is their personal opinion only as the Lord Mayor is the principal spokesperson for Council.
- (10) A person asking a question will not speak for more than three minutes, with an additional two minutes available with leave of the meeting.'

## ADMINISTRATION COMMENT:

1. Pursuant to section 59 of the *Local Government Act 1999 (SA)*, the role of a council member is to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.
2. Apart from liaising directly with elected representatives, a member of the public can also present a request to a meeting of the Council directly via petitions and deputations, which contributes to Council's informed decision making.
3. A member of the public has numerous options available to seek information from Council, for example through its extensive Customer Centre service offerings, City Chat and other on-line and social media options, direct e-mail, telephone enquiries etc.
4. Council should consider potential implications on the efficiency and effectiveness of the decision-making during Council meetings and the impact on the duration of the meeting, should the function of the Council meeting be amended to offer information services to members of the public during the meeting.
5. The *Local Government (Procedures at Meetings) Regulations 2013* don't provide for members of the public asking questions of the Lord Mayor or Council Members during a Council meeting, however at the discretion of Council, this can be incorporated in the Standing Orders.

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- END OF REPORT -



# Opposing Note Acceptor Pokie Machines

ITEM 11.2 08/10/2019  
Council

**Council Member**  
Councillor Simms

2019/01425  
Public

**Receiving Officer:**  
Mark Goldstone, Chief  
Executive Officer

## MOTION ON NOTICE:

**Councillor Simms will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

1. Notes that 13-19 October 2019 is Anti-Poverty Week which aims to strengthen public understanding of the causes and consequences of poverty in Australia and internationally, and to take action to alleviate poverty;
2. Notes that pokies are a significant driver of poverty in South Australia and the City of Adelaide;
3. Notes that 85 per cent of problem gamblers in SA play pokies and the impact is felt not only by the individual but at least 7 other people, including partners, children, family and friends;
4. Notes that the State Government's proposal to introduce note acceptor pokie machines would contribute to problem gambling and poverty in the City of Adelaide;
5. Joins Uniting Communities and the Alliance for Gambling Reform in opposing the introduction of note acceptors in SA;
6. Requests that the Lord Mayor write to Attorney General, Vickie Chapman conveying Council's opposition.'

## ADMINISTRATION COMMENT:

1. On 1 December 2018, Consumer and Business Services (CBS) in the Attorney General's Department, assumed responsibility for all gambling regulatory and policy functions in South Australia, including those previously overseen by the Independent Gambling Authority.
2. The State Government has been undertaking a review of South Australia's gambling laws and regulations following on from the Hon. Tim Anderson QC's Administrative Review of Gambling. A series of proposed amendments have been introduced to the State Parliament, including:
  - 2.1. The creation of a new Gambling Administration Act
  - 2.2. Allowing bank note acceptors to be fitted to gaming machines
  - 2.3. Allowing gaming venues to operate on Good Friday and Christmas Day
  - 2.4. Allowing for the creation of indefinite barring orders
  - 2.5. Allowing Clubs with gaming machine licenses to amalgamate or transfer entitlements
  - 2.6. Introducing a new fixed maximum number of gaming machines
3. There are 50 venues in the City of Adelaide who have been granted a license for gaming machine entitlements. These 50 venues hold collective entitlements as follows:

- 3.1. *2,733 machines approved.* Machines approved means the maximum number of gaming machines that a licensee could operate under their licence. The licensee is required to hold a sufficient number of gaming machine entitlements to cover the number of gaming machines actually operating on the premises.
- 3.2. *2,005 entitlements held.* Number of entitlements held at the premises, is usually equivalent to the number of gaming machines which are being operated by the licensee on the premises. This number must not exceed the maximum number of approved machines.
4. The 2018 SA Gambling Prevalence Survey conducted by the South Australian Department of Human Services, sought to describe the gambling patterns of adult South Australians, based on 20,017 phone interviews. The survey found that:
  - 4.1. 65% of South Australians had participated in some form of gambling in the last 12 months, compared to 69% in 2012 and 70% in 2005.
  - 4.2. 19% of South Australians reported playing gaming machines or 'pokies'.
  - 4.3. Among last year gamblers, 69% had gambled at a club or hotel/pub and 28% had gambled at a casino.

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- END OF REPORT -

## Exclusion of the Public

**ITEM 13.1** 08/10/2019  
**Council**

**Program Contact:**  
Rudi Deco, Manager  
Governance 8203 7442

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 report of The Committee seeking consideration in confidence

**14.1.1.** Recommendation of The Committee in Confidence – 1/10/2019

Recommendation 1 Strategic Partnership Opportunity [s 90(3) (b), (d) & (g)]

For the following Chief Executive Officer's Reports seeking consideration in confidence

**14.2.1.** Strategic Procurement Matter [s 90(3) (b) & (d)]

The Order to Exclude for Items 14.1.1 & 14.2.1:

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 14.1.1:

### 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 meeting of the Council dated 8/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.1.1 [Recommendation of The Committee in Confidence – 1/10/2019, Recommendation 1 – Strategic Partnership Opportunity] 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 8/10/2019 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 14.1.1 [Recommendation of The Committee in Confidence – 1/10/2019, Recommendation 1 – Strategic Partnership Opportunity] 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.

## ORDER TO EXCLUDE FOR ITEM 14.2.1:

### 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 meeting of the Council dated 8/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.2.1 [Strategic Procurement 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 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 Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party prior to finalising contract negotiations and execution.

#### Public Interest

The Committee 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 discuss or influence a Proponents proposal for the benefit of Council and the community in this matter. This may limit Council's ability to negotiate and achieve the best possible outcome for Council.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8/10/2019 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 14.2.1 [Strategic Procurement 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.
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## 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 14.1.1 – Recommendations of The Committee in Confidence – 1/10/2019:
    - 6.1.1 Is subject to an Existing Confidentiality Order dated 1/10/2019.
    - 6.1.2 Recommendation 1 – Strategic Partnership Opportunity - 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.
  - 6.2 Information contained in Item 14.2.1 – Strategic Procurement Matter:
    - 6.1.1 Is subject to Existing Confidentiality Orders dated 20/8/2019 & 27/8/2019.
    - 6.1.2 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;

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## ATTACHMENTS

Nil

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- END OF REPORT -

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Confidential Item 14.1.1

Recommendation of The Committee in Confidence – 1/10/2019  
Section 90 (3) (b), (d) & (g) of the *Local Government Act (SA) 1999*  
Pages 23 to 25

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Confidential Item 14.2.1

Strategic Procurement Matter  
Section 90 (3) (b) & (d) of the *Local Government Act (SA) 1999*  
Pages 26 to 43

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