



COUNCIL AGENDA

for the Special meeting

Tuesday 8 December 2020
at 5.00pm

in the Colonel Light Room
Adelaide Town Hall



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

1. Acknowledgement of Country

At the opening of the Special 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. Apologies and Leave of Absence

Nil

3. Exclusion of the Public

3.1. Exclusion of the Public [2018/04291] [Page 2]

For the following report for Council seeking consideration in confidence

4.1. Eighty-Eight O’Connell [s 90(3) (b) & (d)]

4. Report for Council (Chief Executive Officer’s Report) in Confidence

Strategic Alignment – Strong Economies

4.1. Eighty-Eight O’Connell [2018/02324] [Page 5]

5. Closure

Exclusion of the Public

ITEM 3.1 08/12/2020
Council

Program Contact:
Rudi Deco, Manager
Governance 8203 7442

Approving Officer:
Mark Goldstone, Chief
Executive Officer

2018/04291
Public

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the 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 section 90(3) of the Act.

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

For the following Chief Executive Officer Report seeking consideration in confidence

4.1 Eighty-Eight O'Connell [section 90(3) (b) & (d) of the Act]

The Order to Exclude for Items 4.1

1. Identifies the information and matters (grounds) from section 90(3) of the Act 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.
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 4.1

THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 8 December 2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 4.1 [Eighty-Eight O'Connell] 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 contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably expect to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

More specifically, the disclosure of certain information in this special meeting of the Council could reasonably prejudice the commercial position of Council given that the City of Adelaide Council land holding is the subject of commercial negotiations with a third party.

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 given that information within this report pertains to commercial negotiations for a City of Adelaide land holding. The release of such information may severely prejudice the Council's ability to secure a developer to undertake development of the land for the benefit of the City of Adelaide, Council and the community in this matter.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this Special meeting of the Council dated 8 December 2020 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 4.1 [Eighty-Eight O'Connell] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.
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DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act), directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, 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 section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made under section 90(2) of the Act, 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, or
 - 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. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act 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.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act 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 4.1 – Eighty-Eight O'Connell
 - 6.1.1 Is subject to an Existing Confidentiality Order 19/11/2019.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (d) of the Act
 - (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.*

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 4.1

Strategic Property Matter – 88 O’Connell Street
Section 90 (3) (b) & (d) of the *Local Government Act 1999 (SA)*
Pages 5 - 104
