



THE COMMITTEE AGENDA & REPORTS

for the Special meeting

Thursday 28 November 2019

in the Colonel Light Room,
Adelaide Town Hall

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

1. Acknowledgement of Country

At the opening of the Committee Meeting, the Chair 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

On Leave – Councillor Abrahamzadeh

Apologies – Councillors Couros and Simms

3. Exclusion of the Public

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

For the following Discussion Forum Item in Confidence:

4.1. Visitor Information Feasibility Study [s 90(3) (b) & (d)]

For the following Item for Consideration and Recommendation to Council in Confidence:

5.1. Central Market Arcade Redevelopment [s 90(3) (b) & (d)]

4. Discussion Forum item in Confidence

Strategic Alignment – Creative

4.1. Visitor Information Feasibility Study [2018/00795] [Page 6]

5. Item for Consideration and Recommendation to Council in Confidence

Strategic Alignment - Liveable

5.1. Central Market Arcade Redevelopment [2015/00903] [Page 43]

6. Closure

Exclusion of the Public

ITEM 3.1 28/11/2019
The Committee

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 Special Committee meeting for the consideration of information and matters contained in the Agenda.

For the following Discussion Forum Item in Confidence:

4.1. Visitor Information Feasibility Study [s 90(3) (b) & (d)]

For the following Item for Consideration and Recommendation to Council in Confidence:

5.1. Central Market Arcade Redevelopment [s 90(3) (b) & (d)]

The Order to Exclude for Items 4.1 and 5.1:

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.
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ORDER TO EXCLUDE FOR ITEM 4.1:

THAT THE COMMITTEE:

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 Committee dated 28/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 4.1 [Visitor Information Feasibility Study] listed on the Agenda.

Grounds and Basis

This Item contains certain 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 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 update could reasonably prejudice the commercial position of Council in future negotiations with external agencies and property owners.

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 certain information will result in release of commercial information that may severely prejudice the City of Adelaide ability to influence a proposal for the benefit of the City of Adelaide Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this Special meeting of The Committee dated 28/11/2019 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 4.1 [Visitor Information Feasibility Study] 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 5.1:

THAT THE COMMITTEE:

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 Committee dated 28/11/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 5.1 [Central Market Arcade Redevelopment] listed on the Agenda.

Grounds and Basis

This Item contains 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 and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the council and the person forming part of this strategic property matter with associated documentation containing 'commercial in confidence' material and associated intellectual property.

The disclosure of this information could also reasonably prejudice the commercial position of Council given that the strategic property matter has been the subject of a competitive procurement process and commercial in confidence negotiations.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information will result in release of information which is 'commercial in confidence' including intellectual property relating to this strategic property matter. The disclosure of such information may severely prejudice the City of Adelaide Council's ability to influence the proposal for the benefit of the City of Adelaide Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this Special meeting of The Committee dated 28/11/2019 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 5.1 [Central Market Arcade Redevelopment] 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.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of a Council Committee 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 Committee may order that the public be excluded from attendance at a meeting if the Council Committee 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 87(10) 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 matter is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 4.1 – Visitor Information Feasibility Study
 - 6.1.1 Is not subject to Existing Confidentiality Orders.
 - 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;
 - 6.2 Information contained in Item 5.1 – Central Market Arcade Redevelopment
 - 6.2.1 Is subject to Existing Confidentiality Orders.
 - 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;

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 4.1

Discussion Forum Item in Confidence

Visitor Information Feasibility Study

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

Pages 6 to 42

Confidential Item 5.1

Item for Consideration and Recommendation to Council in Confidence

Central Market Arcade Redevelopment

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

Pages 43 to 116
