



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday, 11 July 2023

at 5.30 pm

in the Council Chamber, Adelaide Town Hall

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Members: The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith
 Deputy Lord Mayor, Councillor Martin (Presiding)
 Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Noon, Dr Siebentritt and
 Snape

Agenda

Item	Pages
1. Acknowledgement of Country The Deputy 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 recognize 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 The Deputy 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. Prayer The Deputy Lord Mayor will introduce the prayer: A moment of contemplation of the gravity and implications of our decision making. I invite members to silently read the prayer as printed or reflect in a manner appropriate to their beliefs on these issues. ‘Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen’	
4. Memorial Silence The Deputy Lord Mayor will ask all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.	
5. Apologies and Leave of Absence On Leave - The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith Councillor Couros	
6. Confirmation of Minutes That the Minutes of the meeting of the Council held on 27 June 2023, be taken as read and be confirmed as an accurate record of proceedings. View public 27 June 2023 Minutes here .	

7.	Deputations	
	Granted at time of Agenda Publication – 6/7/2023	
	Nil	
8.	Petitions	
	Nil	
9.	Reports from Committees and Kadaltilla / Park Lands Authority	
9.1	Recommendations of the City Community Services and Culture Committee - 4 July 2023	4 - 7
9.2	Recommendations of the City Planning, Development and Business Affairs Committee - 4 July 2023	8 - 10
10.	Reports for Council (Chief Executive Officer's Reports)	
	Nil	
11.	Lord Mayor's Reports	
12.	Councillors' Reports	
13.	Questions on Notice	
13.1	Councillor Abrahamzadeh - QoN - Sister city travel arrangements	11
14.	Questions without Notice	
15.	Motions on Notice	
15.1	Councillor Noon - MoN - Mandatory Exemptions and Rebates from Council Rates	12 - 13
16.	Motions without Notice	
17.	Exclusion of the Public	14 - 17
	In accordance with sections 90(2),(3) and (7) of the <i>Local Government Act 1999 (SA)</i> Council will consider whether to discuss in confidence the reports contained within section 18 and 19 of this Agenda.	
18.	Confidential Reports from Committees and Kadaltilla / Park Lands Authority	
18.1	Confidential Recommendations of the City Planning, Development and Business Affairs Committee - 4 July 2023	18 - 19
19.	Confidential Reports for Council (Chief Executive Officer's Reports)	
19.1	Strategic Property Matter [S90(3) (b), (d)]	20 - 24
20.	Closure	

Recommendations of the City Community Services and Culture Committee – 4 July 2023

Tuesday, 11 July 2023
Council

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Iliia Houridis, Director City Shaping

EXECUTIVE SUMMARY

The City Community Services and Culture Committee considered the following Items at its meeting held on 4 July 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 4.1 - Developing a sustainable model to support people experiencing homelessness in the City of Adelaide
- Item 4.2 – South Australian Motor Sport Board World Solar Challenge 2023 Declarations Consultation
- Item 4.3 – Adelaide Fringe 2024 Event Road Closure
- Item 4.4 - Adelaide Aquatic Centre Redevelopment Lease and Licensing

RECOMMENDATION

1. **Recommendation 1 – Item 4.1** - Developing a sustainable model to support people experiencing homelessness in the City of Adelaide

THAT COUNCIL:

1. Notes the Discussion Paper contained in Attachment A to Item 4.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023, as a draft to be amended and adapted following the Homeless Roundtable as part of the process to inform the development of a new council Policy on Homelessness.
2. Approves the Engagement Plan contained in Attachment B to Item 4.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023, for the purpose of public consultation and engagement on Homelessness policy with the following changes.
 - 2.1 The Roundtable be held as a first step of the consultation/ engagement process. This to be held during Homelessness week and chaired by the Lord Mayor.
 - 2.2 A discussion paper and draft policy be developed incorporating the input of the round table which will be provided for discussion at the Community Services and Culture Committee and then approved by council prior to the commencement of community consultation.

2. **Recommendation 2 – Item 4.2** - South Australian Motor Sport Board World Solar Challenge 2023 Declarations Consultation

THAT COUNCIL:

1. Notes the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the World Solar Challenge 2023 event.
2. Authorises the Lord Mayor to write to the South Australian Motor Sport Board on behalf of Council with its feedback to the consultation, and to provide the following feedback and advice:
 - 2.1. That Council notes the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the World Solar Challenge 2023 event.
 - 2.2. Asks the SAMSB to keep public footpaths and bike lanes as open and accessible as is practicable throughout the Prescribed Works Period and Declared Period.

3. Notes the consultation was considered by Kadaltilla at its meeting of 22 June 2023 and that Kadaltilla will be providing a submission to the consultation.

3. **Recommendation 3 – Item 4.3 - Adelaide Fringe 2024 Event Road Closure**

THAT COUNCIL:

1. Notes the closure of Rundle Road for Adelaide Fringe 2024 is currently proposed for a six-week period from 7 February until 21 March 2024.
2. Notes a 21 day public consultation will be undertaken, including targeted consultation with key stakeholders, including residents, as required under section 223 of the Local Government Act 1999 (SA).
3. Notes a report will be presented to Council in September 2023 for decision relating to the road closure.

4. **Recommendation 4 – Item 4.4 - Adelaide Aquatic Centre Redevelopment Lease and Licensing**

THAT COUNCIL:

1. Endorses the location of the new Adelaide Aquatic Centre in Denise Norton Park / Pardipardinyilla (Park 2), Attachment A to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023.
2. Authorises the Lord Mayor and Chief Executive Officer or delegate to negotiate a draft Construction Licence (Licence), Attachment B to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023 for the purpose of undertaking community consultation in accordance with the Local Government Act 1999 (SA).
3. Authorises the Lord Mayor and Chief Executive Officer or delegate to negotiate a draft 42-year Park Lands Lease Agreement (Lease) with the Minister for Infrastructure and Transport (Minister), Attachment C to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023 to facilitate the operation of a new Adelaide Aquatic Centre for the purpose of undertaking community consultation on the essential terms of this agreement in accordance with the Local Government Act 1999 (SA).
4. Notes that results of the community consultation will be presented back to Council in August 2023.
5. Authorises the Lord Mayor and Chief Executive Officer to continue discussions and finalise the outstanding terms and conditions of the draft Construction Licence and draft 42-Year Lease Agreement.

DISCUSSION

1. The City Community Services and Culture Committee met on Tuesday 4 July 2023. The Agenda with reports for the meeting can be viewed [here](#).
2. The following matters were the subject of deliberation:

- 2.1. Item 4.1 - Developing a sustainable model to support people experiencing homelessness in the City of Adelaide

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL:

THAT COUNCIL

1. Notes the Discussion Paper contained in Attachment A to Item 4.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023, as a draft to be amended and adapted following the Homeless Roundtable as part of the process to inform the development of a new council Policy on Homelessness.
2. Approves the Engagement Plan contained in Attachment B to Item 4.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023, for the purpose of public consultation and engagement on Homelessness policy with the following changes.
 - 2.1 The Roundtable be held as a first step of the consultation/ engagement process. This to be held during Homelessness week and chaired by the Lord Mayor.
 - 2.2 A discussion paper and draft policy be developed incorporating the input of the round table which will be provided for discussion at the Community Services and Culture Committee and then approved by council prior to the commencement of community consultation.
- 2.2. Item 4.2 - South Australian Motor Sport Board World Solar Challenge 2023 Declarations Consultation

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the World Solar Challenge 2023 event.
 2. Authorises the Lord Mayor to write to the South Australian Motor Sport Board on behalf of Council with its feedback to the consultation, and to provide the following feedback and advice:
 - 2.1. That Council notes the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the World Solar Challenge 2023 event.
 - 2.2. Asks the SAMSB to keep public footpaths and bike lanes as open and accessible as is practicable throughout the Prescribed Works Period and Declared Period.
 3. Notes the consultation was considered by Kadaltilla at its meeting of 22 June 2023 and that Kadaltilla will be providing a submission to the consultation.
- 2.3. Item 4.3 - Adelaide Fringe 2024 Event Road Closure

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the closure of Rundle Road for Adelaide Fringe 2024 is currently proposed for a six-week period from 7 February until 21 March 2024.
 2. Notes a 21 day public consultation will be undertaken, including targeted consultation with key stakeholders, including residents, as required under section 223 of the Local Government Act 1999 (SA).
 3. Notes a report will be presented to Council in September 2023 for decision relating to the road closure.
- 2.4. Item 4.4 - Adelaide Aquatic Centre Redevelopment Lease and Licensing

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Endorses the location of the new Adelaide Aquatic Centre in Denise Norton Park / Pardipardinyilla (Park 2), Attachment A to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023.
 2. Authorises the Lord Mayor and Chief Executive Officer or delegate to negotiate a draft Construction Licence (Licence), Attachment B to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023 for the purpose of undertaking community consultation in accordance with the Local Government Act 1999 (SA).
 3. Authorises the Lord Mayor and Chief Executive Officer or delegate to negotiate a draft 42-year Park Lands Lease Agreement (Lease) with the Minister for Infrastructure and Transport (Minister), Attachment C to Item 4.4 on the Agenda for the meeting of the City Community Services and Culture Committee held on 4 July 2023 to facilitate the operation of a new Adelaide Aquatic Centre for the purpose of undertaking community consultation on the essential terms of this agreement in accordance with the Local Government Act 1999 (SA).
 4. Notes that results of the community consultation will be presented back to Council in August 2023.
 5. Authorises the Lord Mayor and Chief Executive Officer to continue discussions and finalise the outstanding terms and conditions of the draft Construction Licence and draft 42-Year Lease Agreement.
- 2.5. Item 5.1 - Response to Anti-Social Behaviour in the City

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE

1. Notes the response SAPOL has implemented to address increasing anti-social behaviour in the Adelaide CBD.
2. Notes the Safety and Wellbeing Taskforce is actively planning for short, medium and long term responses to anti-social behaviour and safety in the city.

DATA AND SUPPORTING INFORMATION

Link 1 – City Community Services and Culture Committee Agenda

ATTACHMENTS

Nil

- END OF REPORT -

Recommendations of the City Planning, Development and Business Affairs Committee – 4 July 2023

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Ilia Houridis, City Shaping

EXECUTIVE SUMMARY

The City Planning, Development and Business Affairs Committee considered the following Items at its meeting held on 4 July 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 5.1 - Draft Victoria Park Master Plan
- Item 5.2 – Noise Incentive Scheme Review

RECOMMENDATION

1. **Recommendation 1** – Item 5.1 - Draft Victoria Park Master Plan

THAT COUNCIL:

1. Endorses the draft Victoria Park / Pakapakanthi (Park 16) Master Plan as provided in Attachment A to Item 5.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023, for the purposes of Council undertaking community consultation.

2. **Recommendation 2** – Item 5.2 - Noise Incentive Scheme Review

THAT COUNCIL:

1. Endorses the updated Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines (Attachment A to Item 5.2 on the Agenda of the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023).
2. Notes the ongoing negotiation with the State Government to strengthen the:
 - 2.1. Planning and Design Code
 - 2.2. Ministerial Building Standard 101 – Construction requirements for the control of external sound
 - 2.3. Application of Planning Assessment and Building Assessment rules.
3. Notes the potential for larger noise rebates to be provided for adaptive reuse. Options and budget implications will be explored as part of the development of the adaptive reuse program.
4. Notes the refinements to the Noise Management Program as recommended by WSP will be progressively implemented in 2023/24.
5. Notes the increase in the rebate for improvements to residential properties from \$1300 to \$3000.
6. Approves the WSP recommendation for an additional Noise-source Management Incentive Scheme to be developed as a pilot in 2023/24 with any proposed projects above the 2023/24 budget allocation to be presented to Council at budget review.
7. Authorises the Chief Executive Officer authority to amend the Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines (Attachment A to Item 5.2 on the Agenda of the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023) if a Noise-source Management.

DISCUSSION

1. The City Planning, Development and Business Affairs Committee met on Tuesday, 4 July 2023. The Agenda with reports for the public component of the meeting can be viewed [here](#).

2. The following matters were the subject of deliberation:

2.1. Item 4.1 - North Adelaide On Street Parking Trial Summary

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Notes the report.

2.2. Item 4.2 - Relationship between business activity and car parking

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Notes that residents in new apartment buildings are not eligible for permits under Council's Residential and Visitor Parking Permit Operating Guidelines.

2. Notes that due to the multiple facets to parking demand and availability there is no direct link between new apartment approvals and business patronage.

3. Notes that the provision of additional Parking and Information Officers in the 2023/2024 Business Plan and Budget will lead to increased turnover of on-street parking bays, which in turn supports customers being able to access businesses.

2.3. Item 5.1 - Draft Victoria Park Master Plan

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Endorses the draft Victoria Park / Pakapakanthi (Park 16) Master Plan as provided in Attachment A to Item 5.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023, for the purposes of Council undertaking community consultation.

2.4. Item 5.2 - Noise Incentive Scheme Review

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL:

That Council:

1. Endorses the updated Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines (Attachment A to Item 5.2 on the Agenda of the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023).

2. Notes the ongoing negotiation with the State Government to strengthen the:

2.1. Planning and Design Code

2.2. Ministerial Building Standard 101 – Construction requirements for the control of external sound

2.3. Application of Planning Assessment and Building Assessment rules.

3. Notes the potential for larger noise rebates to be provided for adaptive reuse. Options and budget implications will be explored as part of the development of the adaptive reuse program.

4. Notes the refinements to the Noise Management Program as recommended by WSP will be progressively implemented in 2023/24.

5. Notes the increase in the rebate for improvements to residential properties from \$1300 to \$3000.

6. Approves the WSP recommendation for an additional Noise-source Management Incentive Scheme to be developed as a pilot in 2023/24 with any proposed projects above the 2023/24 budget allocation to be presented to Council at budget review.

7. Authorises the Chief Executive Officer authority to amend the Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines (Attachment A to Item 5.2 on the Agenda of the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023) if a Noise-source Management.

2.5. Item 5.3 - Mini Golf - Project Proposal

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Notes the Business Case in Attachment A to Item 5.3 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023.
2. Defers the matter pending a meeting of the City Planning, Development and Business Affairs Committee, at which the North Adelaide Golf Course draft master plan can be considered.

DATA AND SUPPORTING INFORMATION

Link 1 – City Planning, Development and Business Affairs Committee Public Agenda

ATTACHMENTS

Nil

- END OF REPORT -

Sister city travel arrangements

Tuesday, 11 July 2023
Council

Council Member
Councillor Abrahamzadeh

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Abrahamzadeh will ask the following Question on Notice:

‘Are there any travel plans by any elected members in relation to sister city relationships?’

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

- END OF REPORT -

Mandatory Exemptions and Rebates from Council Rates

Tuesday, 11 July 2023
Council

Council Member
Councillor Noon

Public

Contact Officer:
Clare Mockler, Chief Executive Officer

MOTION ON NOTICE

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

'That the Mandatory Statutory Exemptions and Rebates from Council Rates (as reported in the Public Council papers 27 June 2023 Agenda Item 10.2) be submitted to the Capital City Committee with the intention of this item being included on its August 2023 Agenda.'

ADMINISTRATION COMMENT

1. Should the motion be supported, an item on Mandatory Statutory Exemptions and Rebates from Council Rates will be proposed to the Capital City Committee Secretariat for inclusion on the agenda of the August 2023 meeting of the Capital City Committee.
 - 1.1. Item 10.2 on the agenda for the Council meeting held on 27 June 2023 was 'Council Rate Rebates 2023-24' ([Link 1](#)).
 - 1.2. Details of the Mandatory Statutory Exemptions from Council Rates were included in the report for Item 10.1 'Adoption of the 2023/24 Business Plan and Budget inclusive of Valuations and Rates' on the agenda for the Council meeting held on 27 June 2023 ([Link 2](#)).
 - 1.3. Relevant information from both Council reports will be compiled and provided for noting at the August 2023 meeting of the Capital City Committee.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:

Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable

Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	1 hour
Other	
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

- END OF REPORT -

Exclusion of the Public

Tuesday, 11 July 2023
Council

Program Contact:
Alana Martin, Manager
Governance 8203 7092

2018/04291
Public

Approving Officer:
Clare Mockler, Chief
Executive Officer

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

For the following Committee Report seeking consideration in confidence

- 18.1** Confidential Recommendations of the City Planning, Development and Business Affairs Committee – 4 July 2023 [section 90(3) (b) & (d) of the Act]

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

- 19.1** Strategic Property Matter [section 90(3) (b) & (d) of the Act]

The Order to Exclude for Items 18.1 and 19.1:

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 18.1

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 meeting of the Council dated 11 July 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1 [Confidential Recommendations of the City Planning, Development and Business Affairs Committee – 4 July 2023] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains certain confidential information (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person which 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 respect to future commercial dealings given that the report contains legal matters, financial information and 'commercial in confidence' material.

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 in the report, including certain commercial in confidence, financial information, and legal matters, may prejudice future commercial dealings with respect to its strategic land holding. On this basis, the disclosure of financial and commercial in confidence information may severely prejudice the Council's ability to influence the proposal for the benefit of the Council and the community in this matter.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 11 July 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.1 [Confidential Recommendations of the City Planning, Development and Business Affairs Committee – 4 July 2023] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.

ORDER TO EXCLUDE FOR ITEM 19.1

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 meeting of the Council dated 11 July 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 19.1 [Strategic Property Matter] listed in 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. This Item provides commercially sensitive information concerning possible negotiation positions and financial negotiation ranges.

The disclosure of information in this report could reasonably prejudice the position of Council as it includes information provided to Council on a confidential basis.

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 may result in release of information prior to the commencement and finalisation of a 'commercial in confidence' negotiation process with the vendor.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 11 July 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 19.1 [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 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 to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
 - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
 - (b) *cause a loss of confidence in the council or council committee; or*
 - (c) *involve discussion of a matter that is controversial within the council area; or*
 - (d) *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 reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 18.1 – Confidential Recommendations of the City Planning, Development and Business Affairs Committee – 4 July 2023
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 4/7/2023.
 - 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 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 19.1 – Strategic Property Matter
 - 6.2.1 Is not subject to an Existing Confidentiality Order.
 - 6.2.2 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 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 -

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