



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday, 8 August 2023

at 5.30 pm

in the Council Chamber, Adelaide Town Hall

© 2023 CITY OF ADELAIDE. ALL RIGHTS RESERVED.



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

Agenda

Item	Pages
1. Acknowledgement of Country 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 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 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 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 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 Nil	
6. Confirmation of Minutes - 25 July 2023 That the Minutes of the meeting of the Council held on 25 July 2023, be taken as read and be confirmed as an accurate record of proceedings. View public 25 July 2023 here .	

7.	Deputations	
	Granted at time of Agenda Publication – 4 August 2023	
	Nil	
8.	Petitions	
	Nil	
9.	Reports from Committees and Kadaltilla / Adelaide Park Lands Authority	
9.1	Recommendations of the City Community Services and Culture Committee - 1 August 2023	4 - 5
9.2	Recommendations of the City Planning, Development and Business Affairs Committee - 1 August 2023	6 - 7
9.3	Audit and Risk Committee Report - 4 August 2023	8 - 11
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 Noon - QoN - Business SA Funding	12
14.	Questions without Notice	
15.	Motions on Notice	
	Nil	
16.	Motions without Notice	
17.	Exclusion of the Public	13 - 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 / Adelaide Park Lands Authority	
18.1	Confidential Recommendations of the City Planning, Development and Business Affairs Committee - 1 August 2023	18 - 19
18.2	Confidential Audit and Risk Committee Report - 4 August 2023	20 - 21
19.	Confidential Reports for Council (Chief Executive Officer's Reports)	
19.1	Strategic Property Matter [S90(3) (b), (d)]	22 - 27
20.	Closure	

Recommendations of the City Community Services and Culture Committee – 1 August 2023

Tuesday, 8 August 2023 Council

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Alana Martin, Manager,
Governance

EXECUTIVE SUMMARY

The City Community Services and Culture Committee considered the following Item at its meeting held on 1 August 2023 and resolved to present to Council the following recommendation for Council determination:

- Item 5.1 – NYE Events Incentive Framework for Businesses

RECOMMENDATION

1. Recommendation 1 – Item 5.1 - NYE Events Incentive Framework for Businesses

THAT COUNCIL:

1. Approves the New Year’s Eve Events Incentive Framework for Businesses to govern administration of the program, expands the program to include the eligibility of Precinct Groups to apply for incentive grants and the assessment criteria to include social benefit.
2. Approves delegation for Acting Managing Director of AEDA to approve final funding recommendations.
3. Asks AEDA to report to a Council Committee by March 2024 on the success or otherwise of the initiative, along with any recommendations for future funding.

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 - Expansion of Reuse and Recycling Hubs
THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE:
 1. Notes a Reuse and Recycle Hub will be installed at the North Adelaide Library and Minor Works Building Community Centre by October 2023.
 - 2.2. Item 5.1 - NYE Events Incentive Framework for Businesses
THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL:
THAT COUNCIL:
 1. Approves the New Year's Eve Events Incentive Framework for Businesses to govern administration of the program, expands the program to include the eligibility of Precinct Groups to apply for incentive grants and the assessment criteria to include social benefit.
 2. Approves delegation for Acting Managing Director of AEDA to approve final funding recommendations.
 3. Asks AEDA to report to a Council Committee by March 2024 on the success or otherwise of the initiative, along with any recommendations for future funding.

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 – 1 August 2023

Tuesday, 8 August 2023
Council

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Alana Martin, Manager,
Governance

EXECUTIVE SUMMARY

The City Planning, Development and Business Affairs Committee considered the following Items at its meeting held on 1 August 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement
- Item 4.2 – Planning and Design Code Amendments

RECOMMENDATION

1. **Recommendation 1** – Item 4.1 - City Plan Progress and Targeted Stakeholder Engagement

THAT COUNCIL

1. Approves engagement on City Plan from 31 August to 15 September 2023 with the targeted stakeholders identified in Attachment A to Item 4.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.

2. **Recommendation 2** – Item 4.2 - Planning and Design Code Amendments

THAT COUNCIL:

1. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Historic Area Statements Update Code Amendment by the City of Adelaide in Attachment A to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
2. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Adult Entertainment Premises Code Amendment by the City of Adelaide in Attachment B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
3. Notes the Program of Amendments to the Planning and Design Code in Attachment C to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
4. Authorises the CEO to make amendments to finalise, issue and seek agreement with the Minister for Planning in relation to the initiation of Code Amendments in Attachments A and B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.

DISCUSSION

1. The City Planning, Development and Business Affairs Committee met on Tuesday, 1 August 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 - City Plan Progress and Targeted Stakeholder Engagement

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

THAT COUNCIL:

 1. Approves engagement on City Plan from 31 August to 15 September 2023 with the targeted stakeholders identified in Attachment A to Item 4.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
 - 2.2. Item 4.2 - Planning and Design Code Amendments

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

THAT COUNCIL:

 1. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Historic Area Statements Update Code Amendment by the City of Adelaide in Attachment A to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
 2. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Adult Entertainment Premises Code Amendment by the City of Adelaide in Attachment B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
 3. Notes the Program of Amendments to the Planning and Design Code in Attachment C to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
 4. Authorises the CEO to make amendments to finalise, issue and seek agreement with the Minister for Planning in relation to the initiation of Code Amendments in Attachments A and B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.

DATA AND SUPPORTING INFORMATION

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

ATTACHMENTS

Nil

- END OF REPORT -

Audit and Risk Committee Report - 4 August 2023

Tuesday, 8 August 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate informed decision making in relation to discharging its legislative responsibilities and duties.

The Audit and Risk Committee is required to report to Council after every meeting. This report presents the outcomes of the Audit and Risk Committee following their meeting on 4 August 2023 (see [Agenda for Audit and Risk Committee on Friday, 4th August, 2023, 8.30 am - City of Adelaide](#)).

When consideration of matters results in a recommendation to Council, this will be incorporated into the report as an item comes to Council (via Committee) for decision.

Item 5.3 – Climate Change Risk Adaptation Action Plan was presented in response to a request from the Audit and Risk Committee and no reports on the matter are scheduled for presentation to Committee or Council. To facilitate presentation of the Audit and Risk Committee's recommendation to Council it has been incorporated into the Recommendation section of this report.

RECOMMENDATION

THAT COUNCIL

1. Notes that the Audit and Risk Committee met on 4 August 2023.
2. Notes that advice provided by the Audit and Risk Committee will be incorporated into the report as an item comes to Council (via Committee) for decision.
3. **Recommendation 1 – Item 5.3 – Climate Change Risk Adaptation Action Plan**

THAT COUNCIL

1. Notes the report.
2. Commends the intention to integrate Council's Climate Change Risk Adaptation Action Plan 2021-2026 and the City of Adelaide Climate Action Plan 2022-2025 by December 2023.
3. Notes the internal audit review project proposed as part of the strategic internal audit plan in relation to strategic climate change impacts.

DISCUSSION

1. The Audit and Risk Committee met on 4 August 2023 and considered the following items:
 - 1.1. Item 5.1 – Deloitte Review of the Adelaide Economic Development Agency (advice to be included in report to the City Finance and Governance Committee held on 15 August 2023)
 - 1.2. Item 5.2 – KPMG Review of the Adelaide Economic Development Policy (advice to be included in report to the City Finance and Governance Committee held on 15 August 2023)
 - 1.3. Item 5.3 – Climate Change Risk Adaptation Action Plan (advice incorporated into the Recommendation section of this report)
 - 1.4. Item 5.4 – Presiding Member’s Annual Report (In accordance with the Terms of Reference, the Audit and Risk Committee Presiding Member will present this report to the 22 August 2023 Council meeting)
 - 1.5. Item 5.5 – Risk Statement
 - 1.6. Item 5.6 – Internal Audit Progress Report
 - 1.7. Item 7.1 – Strategic Risk and Internal Audit Update (considered in confidence pursuant to Section 90 (3) (i) of the *Local Government Act 1999 (SA)*)
 - 1.8. Item 8.1 – LTFP Assumptions (this presentation to occur at the City Finance and Governance Committee held on 15 August 2023)

Resolutions of the Committee

2. Item 5.1 – Deloitte Review of the Adelaide Economic Development Agency
THAT THE AUDIT AND RISK COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL
 1. Notes the Deloitte review of the Adelaide Economic Development Agency (Attachment A to Item 5.1 on the Agenda for the 4 August 2023 meeting of the Audit and Risk Committee).
 2. Notes that the Audit and Risk Committee supports the development of an implementation plan addressing the recommendations of the Deloitte review and other relevant reviews showing how the recommendations will be addressed.
 3. Notes that the Audit and Risk Committee supports the recording of the actions in Promapp and reporting through the Strategic Risk and Internal Audit Group.
3. Item 5.2 – KPMG Review of the Adelaide Economic Development Policy
THAT THE AUDIT AND RISK COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL
 1. Notes the Review of the Adelaide Economic Development Agency (AEDA) as shown in Attachment A to Item 5.2 on the Agenda for the meeting of the Audit and Risk Committee held on 4 August 2023.
 2. Notes that the Audit and Risk Committee supports the development of an implementation plan addressing the recommendations of the KPMG review and other relevant reviews showing how the recommendations will be addressed.
 3. Notes that the Audit and Risk Committee supports the recording of the actions in Promapp and reporting through the Strategic Risk and Internal Audit Group
4. Item 5.3 – Climate Change Risk Adaptation Action Plan
THAT THE AUDIT AND RISK COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL
 4. Notes the report.
 5. Commends the intention to integrate Council’s Climate Change Risk Adaptation Action Plan 2021-2026 and the City of Adelaide Climate Action Plan 2022-2025 by December 2023.
 6. Notes the internal audit review project proposed as part of the strategic internal audit plan in relation to strategic climate change impacts.

5. Item 5.4 – Presiding Member’s Annual Report

THAT THE AUDIT AND RISK COMMITTEE

1. Receives the Presiding Member’s Annual Report for the 2022-23 financial year as included in Attachment A to Item 5.4 on the Agenda for the meeting of the Audit and Risk Committee held on 4 August 2023.

6. Item 5.5 – Risk Statement

THAT THE AUDIT AND RISK COMMITTEE

1. Approves the statement to be included in the Annual Report, as outlined in Attachment A to Item 5.5 on the Agenda for the meeting of the City of Adelaide Audit and Risk Committee held on 4 August 2023.

7. Item 5.6 – Internal Audit Progress Report

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the progress of the Internal Audit Plan as outlined in Item 5.6 on the Agenda for the meeting of the Audit and Risk Committee held on 4 August 2023.
2. Notes the progress of the completion of Internal Audit Actions as outlined in Item 5.6 on the Agenda for the meeting of the Audit and Risk Committee held on 4 August 2023.
3. Notes the internal audit report on workforce planning and staff retention and support the adoption of dashboards and KPIs and the development of a workforce plan.

8. Item 7.1 – Strategic Risk and Internal Audit Update (considered in confidence pursuant to Section 90 (3) (i) of the *Local Government Act 1999 (SA)*)

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the report, which will be provided to the next meeting of the Council as part of the confidential report of the Audit and Risk Committee.
2. In accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 7.1 listed on the Agenda for the meeting of the Audit and Risk Committee held on 4 August 2023 was received, discussed and considered in confidence pursuant to Section 90 (3)(i) of the Local Government Act 1999 (SA) this meeting of the Audit and Risk Committee, do order that:
 - 2.1. The resolution become public information and included in the Minutes of the meeting.
 - 2.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2030.
 - 2.3. The confidentiality of this matter be reviewed in December 2024.
 - 2.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

9. Item 8.1 – LTFP Assumptions

THAT THE AUDIT AND RISK COMMITTEE

1. Receives and notes the 2023/24 to 2032/33 Long term Financial Plan presentation as set out in Attachment A to Item 8.1 on the Agenda for the Audit and Risk Committee meeting held 4 August 2023, with feedback to be determined by the Audit and Risk Committee.

DATA AND SUPPORTING INFORMATION

Link 1 – Audit and Risk Committee Agenda

ATTACHMENTS

Nil

- END OF REPORT -

Business SA Funding

Tuesday, 8 August 2023
Council

Council Member
Councillor Noon

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Noon will ask the following Question on Notice:

'Please advise how the City of Adelaide via AEDA funds Business SA; the background, the annual amount, the purpose and reporting/KPI's?'

The 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 -

Exclusion of the Public

Tuesday, 8 August 2023
Council

2018/04291
Public

Program Contact:
Alana Martin, Manager
Governance

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 Reports seeking consideration in confidence

18.1 Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 1 August 2023 [section 90(3) (b) & (d) of the Act]

18.2 Confidential Audit and Risk Report – 4 August 2023 [section 90(3) (i) of the Act]

For the following Chief Executive Officer's Report 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, 18.2 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 8 August 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 Recommendation of the City Planning, Development and Business Affairs Committee – 1 August 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 is confidential as it 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 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 with respect to its commercial dealings with the land as well as prejudice the commercial position of parties who have supplied intellectual property and commercial in confidence information.

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 financial and contractual information, may prejudice Council's future commercial dealings regarding its strategic land holding. In addition, information within this report contains the intellectual property and commercial in confidence information of parties who have supplied information which if released could negatively impact Council. On this basis, the disclosure of such information may severely prejudice the City of Adelaide's ability to influence the proposal for the benefit of the City of Adelaide and 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 8 August 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 Recommendation of the City Planning, Development and Business Affairs Committee – 1 August 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 18.2

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8 August 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2 [Confidential Audit and Risk Report – 4 August 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 is confidential because the report includes information on Council litigation.

The disclosure of information in this report is likely to prejudice the outcome of the Council's actual litigation.

The Audit and Risk 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 relates to actual litigation of the Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 8 August 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 18.2 [Confidential Audit and Risk Report – 4 August 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) (i) 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 8 August 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 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. 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 8 August 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.
-

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 Recommendation of the City Planning, Development and Business Affairs Committee – 1 August 2023
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 1/8/2023.
 - 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 18.2 – Confidential Audit and Risk Report – 4 August 2023
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 4/8/2023.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (i) of the Act
 - (i) Information relating to the actual litigation or litigation that the council or council committee believes on reasonable grounds will take place involving the council or an employee of the council.
 - 6.3 Information contained in Item 19.1 – Strategic Property Matter
 - 6.3.1 Is subject to an Existing Confidentiality Order dated 17/7/2023.
 - 6.3.2 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 -

Document is Restricted

Document is Restricted

Document is Restricted