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CITY OF ADELAIDE

COUNCIL

Agenda and Reports

for the Special meeting on

Tuesday, 3 November 2026

at 5.30 pm

in the Council Chamber, Adelaide Town Hall

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Our Adelaide.
Bold.
Aspirational.
Innovative.

Members: The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)
Deputy Lord Mayor, Councillor Noon
Councillors Abrahimzadeh, Cabada, Couros, Freeman, Giles, Maher, Martin, Dr Siebentritt and Snape

Agenda

Item **Pages**

1. Acknowledgement of Country

The Lord Mayor will state:

'The City of Adelaide acknowledges the Kaurna People of the Adelaide Plains as the Traditional Custodians of the land on which we meet today.

We acknowledge and honour their spiritual and cultural stewardship of this Country and recognise their deep and enduring relationship with its lands, waters, the sky, and all living things.

We pay our respects to Kaurna Elders past and present and recognise the important role of emerging leaders in sustaining and strengthening culture.'

2. Apologies and Leave of Absence

Nil

3. Declaration of Conflict of Interest

4. Exclusion of the Public 3 - 5

In accordance with sections 90(2),(3) and (7) of the *Local Government Act 1999* (SA) Council will consider whether to discuss in confidence the reports contained within section 5 of this Agenda.

5. Confidential Reports for Council (Chief Executive Officer's Reports)

5.1 Strategic Property Matter [S90(3) (b), (d)] 6 - 14

6. Closure

Exclusion of the Public

Agenda Item 4

Tuesday 3 November 2026

Special Council

Program Contact:
Anthony Spartalis, Chief Operating Officer

Approving Officer:
Michael Sedgman, Chief Executive Officer

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

For the following Report to Council seeking consideration in confidence

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

The Order to Exclude for Item 5.1:

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 5.1

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 3 November 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 5.1 [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 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 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 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 meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of the information in this report, including certain financial information and further direction, may prejudice Council's contractual dealings with respect to a 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 Special meeting of the Council dated 3 November 2026 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 [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 report is submitted seeking consideration in confidence.

   6.1 Information contained in Item 5.1 – Strategic Property Matter

      6.1.1 Is not subject to an Existing Confidentiality Order.

      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.

ATTACHMENTS

Nil

- END OF REPORT -