Exclusion of the Public

Tuesday 10 November 2026

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

For the following Committee Reports to Council seeking consideration in confidence

22 Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 3 November 2026 [section 90(3) (b) & (d) of the Act]

The Order to Exclude for Item 22:

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 22

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 10 November 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 3 November 2026] 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 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. More specifically, the disclosure of certain information in this report could reasonably prejudice the commercial position of the Council including its future commercial dealings given that it contains financial information and further direction with regard to Council's assets and strategic land holdings.

   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 this report, including certain financial information and further direction, may prejudice its future commercial dealings with regard to its assets and strategic land holdings. 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 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 10 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 22 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 3 November 2026] 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 22 - Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 3 November 2026

      6.1.1 Is subject to an Existing Confidentiality Order dated 3 November 2026.

      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 -