

Exclusion of the Public

Tuesday, 11 November

2025

Council

Program Contact:

Anthony Spartalis, Chief
Operating Officer

Public

Approving Officer:

Michael Sedgman, 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 for Recommendation to Council seeking consideration in confidence

- 22** Confidential Advice of the Kadaltilla / Adelaide Park Lands Authority – 30 October 2025
[section 90(3) (b) & (d) of the Act]
- 23** Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 4 November 2025 [section 90(3) (b), (d) & (h) of the Act]

For the following Reports for Council (Chief executive Officer's Reports seeking consideration in confidence

- 24.1** Adelaide Central Market Authority Appointment of Board Chairperson [section 90(3) (a) of the Act]

The Order to Exclude for Items 22, 23 and 24.1:

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 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 11 November 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Advice of the Kadaltilla / Adelaide Park Lands Authority – 30 October 2025] 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 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 on a third party.

The disclosure of information in this report could reasonably prejudice the commercial position and identity of the proponent who supplied 'commercial in confidence' information containing a business case and capability to undertake a promotional opportunity for evaluation by Council at the request of the Council for which 'commercial in confidence' discussions have been undertaken and remain current. Disclosure of this information may adversely impact project viability, prejudice the ability to undertake/participate in future negotiations on the proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

Public Interest

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 may result in the release of information prior to the finalisation of commercial Lease negotiations with the preferred proponents and competitors receiving the information to the detriment of the proponents who supplied information at this point in time, may materially and adversely affect the financial viability of the proponent for any future projects and severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other commercial Lease negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the Council dated 11 November 2025 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 Advice of the Kadaltilla / Adelaide Park Lands Authority – 30 October 2025] 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 23

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b), (d) & (h) and section 90(2) & (7) of the *Local Government Act 1999* (SA), this meeting of the Council dated 11 November 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 4 November 2025] 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 in respect to its assets and strategic land holdings, and that of adjacent landowners. The disclosure of information in this report could reasonably prejudice the position of Council and third parties as it includes specialist information provided to Council and others on a confidential basis.

The provision of legal advice.

Public Interest

The City Planning, Development and Business Affairs 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 confidential information of Council and adjacent landowners that are of a financial and strategic nature.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the Council dated 11 November 2025 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 23 [Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 4 November 2025] 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) & (h) of the Act.

ORDER TO EXCLUDE FOR ITEM 24.1

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the *Local Government Act 1999* (SA), this meeting of the Council dated 11 November 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 24.1 [Adelaide Central Market Authority Appointment of Board Chairperson] 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 information that must be considered in confidence in order to protect the personal affairs of the nominee.

The disclosure of information in this report could reasonably implicate the nominee's reputation in the business community.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the Council dated 11 November 2025 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 24.1 [Adelaide Central Market Authority Appointment of Board Chairperson] 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) (a) 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 22 – Confidential Advice of the Kadaltilla / Adelaide Park Lands Authority – 30 October 2025
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 30/10/2025
 - 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 23 – Confidential Recommendation of the City Planning, Development and Business Affairs Committee – 4 November 2025
 - 6.2.1 Is subject to an Existing Confidentiality Order dated 4/11/2025
 - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (b), (d) & (h) 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.

6.3 Information contained in Item 24.1 – Adelaide Central Market Authority Appointment of Board Chairperson

- 6.3.1 Is not subject to an Existing Confidentiality Order
- 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act
 - (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the affairs of any person (living or dead).

ATTACHMENTS

Nil

- END OF REPORT -