

Exclusion of the Public

Tuesday, 3 February 2026

City Community Services
and Culture Committee

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 City Community Services and Culture Committee Special meeting for the consideration of information and matters contained in the Agenda.

For the following Workshop seeking consideration in confidence

10.1 Park Lands Community Buildings – Priority Needs Analysis [section 90(3) (b) of the Act]

For the following Reports for Recommendation to Council seeking consideration in confidence

11.1 Park Lands Community Buildings – Priority Needs Analysis [section 90(3) (b) of the Act]

11.2 City of Music Laneway Naming [section 90(3) (a) & (b) of the Act]

The Order to Exclude for Items 10.1, 11.1 and 11.2:

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 10.1

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Community Services and Culture Committee dated 3 February 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Park Lands Community Buildings – Priority Needs Analysis] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this workshop 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

The City Community Services and Culture 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 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 contract negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Community Services and Culture Committee dated 3 February 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 10.1 [Park Lands Community Buildings – Priority Needs Analysis] 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) of the Act.

ORDER TO EXCLUDE FOR ITEM 11.1

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Community Services and Culture Committee dated 3 February 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 11.1 [Park Lands Community Buildings – Priority Needs Analysis] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report 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

The City Community Services and Culture 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 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 contract negotiations

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Community Services and Culture Committee dated 3 February 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 11.1 [Park Lands Community Buildings – Priority Needs Analysis] 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) of the Act.

ORDER TO EXCLUDE FOR ITEM 11.2

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (a) & (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Community Services and Culture Committee dated 3 February 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 11.2 [City of Music Laneway Naming] 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 the disclosure of information contained in this report could reasonably pose reputational risk to the selected musical artist and create unnecessary fallout within their professional peer community.

The musical artist identified in this report remains subject to confidentiality arising from the 12 March 2019 Council decision and the proposed laneway has not yet been endorsed by Council as a City of Music Laneway.

Maintaining consideration in confidence is justified on the basis that public release of the information would involve unreasonable disclosure. In addition, the matter in relation is already subject to an existing confidential order from 2019.

The grounds for consideration in confidence also relate to potential commercial and reputational impacts. Any Council decision to name a city laneway after an artist may reasonably be expected to confer commercial benefits through heightened public profile, media attention, and future professional opportunities.

Given the likely interest in both the selected musical artist and the laneway landlords, withholding this information at this time will help to avoid unintended adverse impacts arising from premature disclosure.

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 which could prejudice the commercial position and identity of the artist/s named through the receipt of a level of commercial advantage from the decision or disadvantage the personal and professional brand and reputation of artist/s and landlords named and selected in the decision-making process by Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Community Services and Culture Committee dated 3 February 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 11.2 [City of Music Laneway Naming] 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) & (b) 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 10.1 – Park Lands Community Buildings – Priority Needs Analysis
 - 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) 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.

- 6.2 Information contained in Item 11.1 – Park Lands Community Buildings – Priority Needs Analysis
- 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) 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.
- 6.3 Information contained in Item 11.2 – City of Music Laneway Naming
- 6.3.1 Is subject to an existing Confidentiality Order dated 12/3/2019.
- 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (a) & (b) 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).
 - (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.

ATTACHMENTS

Nil

- END OF REPORT -