



NOTICE OF ORDINARY COUNCIL MEETING
Tuesday 15 August 2023
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5.30pm.

A recording of the meeting will be available to view on the
Council's website.

Jo Moen
ACTING CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

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A. CONFIDENTIAL REPORTS

A Infrastructure and Environment Services

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COVER SHEET

CONFIDENTIAL REPORT

15 August 2023

Council Meeting

A Infrastructure and Environment Services Confidential Report

A.1 TANUNDA RECREATION PARK - OVAL - PROJECT SCOPE

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that as the matter has been requested to be considered confidential due to the commercially sensitive nature of the potential event.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Acting Chief Executive Officer, Acting Director Corporate Services and Business Innovation, Senior Manager Community Services, Senior Manager Development, Health Services and Community Safety, Director Infrastructure

and Environmental Services, Manager Capital Project Delivery, Manager Infrastructure and Environmental Services Operations, Team Leader Communications and Engagement and the Minute Secretary, in order to consider in confidence a report relating to A.1 Tanunda Recreation Park - Oval - Project Scope being information that must be considered in confidence pursuant to:

Section 90(3)(j) of the *Local Government Act 1999*:

information the disclosure of which-

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest;
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that as the matter has been requested to be considered confidential due to the commercially sensitive nature of the potential event.

COVER SHEET

CONFIDENTIAL REPORT

15 August 2023

Council Meeting

A Infrastructure and Environment Services Confidential Report

A.2 TANUNDA RECREATION PARK - OVAL - RECONSTRUCTION TENDER

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender T0235/2023 - Tanunda Recreation Park - Oval - Reconstruction and the Council Report, attachments and associated documentation; and the disclosure would give an unfair advantage to a person with whom Council proposes to do business.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of

the Acting Chief Executive Officer, Acting Director Corporate Services and Business Innovation, Senior Manager Community Services, Senior Manager Development, Health Services and Community Safety, Director Infrastructure and Environmental Services, Manager Capital Project Delivery, Manager Infrastructure and Environmental Services Operations, Team Leader Communications and Engagement and the Minute Secretary, in order to consider in confidence a report relating to A.2 Tanunda Recreation Park - Oval - Reconstruction Tender being information that must be considered in confidence pursuant to:

Section 90(3)(k) of the Local Government Act 1999:

tenders for the supply of goods, the provision of services or the carrying out of works;

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender T0235/2023 - Tanunda Recreation Park - Oval - Reconstruction and the Council Report, attachments and associated documentation; and the disclosure would give an unfair advantage to a person with whom Council proposes to do business.