CONFIDENTIAL AGENDA – COUNCIL MEETING
17 JULY 2018

8.1 MAYOR

  8.1.1 Chief executive Officer’s 2017/18 Performance and Conditions of Contract Review 2

8.2 CHIEF EXECUTIVE OFFICER

  8.2.1 Springwood Estate – Stormwater Easement Negotiation 133

8.3 MANAGER COMMUNITY PROJECTS

  8.3.1 Santos Tour Down Under 2019 – Licence Agreement 213
8.3 CONFIDENTIAL AGENDA – CORPORATE AND COMMUNITY SERVICES

8.3.1 SANTOS TOUR DOWN UNDER 2019 – LICENCE AGREEMENT

The matter of the agenda item being a Report regarding a potential licence agreement to host a stage of the 2019 Santos Tour Down Under and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 (“the Act”) being commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.

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 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 reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council as commercial in confidence. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2019 Santos Tour Down Under is lifted by Events South Australia.

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 Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Manager Community Projects, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (d) of the Local Government Act 1999 being 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.

(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 as the information has been provided to Council as commercial in confidence.
8.3.1
SANTOS TOUR DOWN UNDER 2019 – LICENCE AGREEMENT
B7306

**PURPOSE**

Following Council’s registration of interest for hosting a stage of the 2019 Santos Tour Down Under, as authorised by Council at its meeting held on 19 December 2017, advice has been received of acceptance of Stage 2 – Finish – Murray Street, Angaston on Wednesday 16 January 2019.

**RECOMMENDATION 1**

That Council:

1. Endorses hosting Stage 2 of the Santos Tour Down Under 2019 event with a finish in Angaston on Wednesday 16 January 2019, and authorises the Chief Executive Officer to sign the Licence Agreement between the South Australian Tourism Commission and Council for a fee of $22,000 (GST inclusive).

2. Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(b)(i) being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council, makes an order pursuant to Section 91(7) and (9) of the Local Government Act 1999, that the minutes, report and attachments other than the minutes relating to the confidentiality order of the Confidential Council Meeting held on 17 July 2018 in relation to Confidential Item Number 8.3.1 and titled Santos Tour Down Under 2019 – Licence Agreement, be kept confidential and not available for public inspection until such date as any embargo on the announcement regarding venues for the 2019 Santos Tour Down Under is lifted.

**REPORT**

**Discussion**

Licence Agreement documentation between the South Australian Tourism Commission and Council has now been received for signing by Council. A contribution fee of $22,000 (GST inclusive) is to be paid by Council to SA Tourism Commission for the hosting of the Stage 2 finish at Angaston on Wednesday 17 July 2019.

Benefits to Council include:

- Acknowledgement as host council through use of logo on promotional collateral and media
• Block mounted stage map and corflute signs
• Promotion of associated community event/s
• Participation on race day

Council obligations:
• Grant to SATC right to use and occupy Murray Street Angaston (between Sturt Street & Moculta Road), Middle Street Angaston (between Murray St & Newcastle Street), Cross Street, Schilling Street (between Hill Street and Murray Street) and surrounding property/facilities for the event day (Wednesday 16 January 2019) in addition to selected areas for the duration of bump in and out,
• Supply and pay any costs or expenses for the supply of services (including access to on site power, public lighting, potable water, public toilet facilities, garbage and waste collection) to the property and facilities used by SATC, and in relation to the Race Event, Subsequent Stage(s) and/or women’s race,
• Pay any costs of road closures and traffic management and ensure are appropriate for approximately 140 riders, 40 team vehicles and 30 tour parade and other race convoy vehicles to participate in the Race Event, Subsequent Stage(s) and/or women’s race.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Licence Agreement

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

2. Community and Culture
4. Health and Wellbeing
5. Business and Employment

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
4.2 Create opportunities for people of all ages and abilities to participate in the community.
5.13 Support economic development through events

Legislative Requirements
Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The contribution fee of $22,000 (GST inclusive) is within the 2018/19 budget.

COMMUNITY CONSULTATION

Community notifications and opportunity for involvement will be conducted through the establishment of a Working Party comprising town representatives, emergency services, service providers, tourism and event organisers. Closer to the event, Council will develop a Communication Plan to guide communications to the broader community.
OUT OF CONFIDENCE