

## 10. Confidential

### 10.1 Confidential - Futurtec - Expression of Interest Outcomes

*Cr de Jonge MOVED:*

1. *That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public with the exception of the Chief Executive Officer, General Manager Corporate and Community, General Manager Projects and Services, General Manager City Development, Group Manager Sustainability, Group Manager Economic Development, Manager Business and Information, Manager Infrastructure, Chief Financial Officer, Manager Employment and Customer, Project Leaders and Minute Secretary be excluded from attendance at the meeting in order to consider in confidence this item.*
- b. *the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*

*Section 90(3)(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 to prejudice the commercial position of the council; and*
  - (ii) *would, on balance, be contrary to the public interest;*

*Section 90(3)(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;*
- c. *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Erwin.*

**CARRIED**

*Cr de Jonge MOVED:*

2. *That this report be received and noted.*
3. *That the stage 2 request for proposal process be implemented and the following shortlisted respondents be invited to participate in the process:*
  - *Southern Adelaide Renewables Consortium*
  - *Ingenero*

- *Jott Engineering / UMC / Leighton*
  - *Nu Energy*
4. *That a further report be presented to Council by March 2011 detailing the outcomes of the stage 2 request for proposal process and seeking approval of the preferred respondent to develop the Futurtec project.*

*Seconded by Cr Fletcher.*

*CARRIED*

*Cr Erwin MOVED:*

5. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(b), 90(3)(d) until the procurement process for Futurtec is complete and legal agreements executed.*

*Seconded by Cr de Jonge.*

*CARRIED*

RELEASED