

## ITEM NUMBER: 14.2

### ATTACHMENT 2

## MINUTES – AUDIT AND RISK COMMITTEE - 14 FEBRUARY 2024

*Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:*

- b. Information the disclosure of which –**
  - i. would 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;**
  
- j. 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;**

**Confidential Minutes of the special meeting of the Audit and Risk Committee of the City of Holdfast Bay held in the Mawson Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 14 February 2024 at 6:00pm.**

**5. CONFIDENTIAL ITEMS**

**5.1 Jetty Road Glenelg Masterplan Stage 2 Prudential Report (Report No: 37/24)**

**Motion – Exclusion of the Public (section 90(3)(b & j) Order**

**1. That pursuant to Section 90(2) of the *Local Government Act 1999* Audit and Risk Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 37/24 Jetty Road Masterplan Stage 2 Prudential Report in confidence.**

**2. That in accordance with Section 90(3) of the *Local Government Act 1999* Audit and Risk Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 37/24 Jetty Road Masterplan Stage 2 Prudential Report on the following grounds:**

**b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; proposing to conduct business; or would prejudice the commercial position of the Council.**

**In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.**

**j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, and Department of Infrastructure and Transport (not being an employee of the Council, or a person engaged by the Council).**

**The information in the prudential report will reveal information related to current confidential work that is proposed to be undertaken by the State Government regarding alternative locations for the Tram. This initiative**

**has not yet been approved by the State Government but forms part of the project's planning and risk profile. As there is significant work to do regarding this initiative it is currently only under consideration and not approved for public disclosure.**

**In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.**

- 3. The Audit and Risk Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved P Davies, Seconded Councillor Snewin

**Carried**

The *Local Government Act 1999* requires that councils undertake a prudential review for projects with a value over \$4.713 million, for expenditure in the proceeding five years. Accounting firm BRM Holdich was engaged to provide a prudential report on the Jetty Road Glenelg Masterplan in 2018. Since that time the project's scope, delivery timeframes and likely investment has changed. Given these changes the BRM Advisory (formally BRM Holdich) were engaged to undertake a new prudential review for the project.

The prudential report has identified risks and benefits in undertaking the project and overall determined that the City of Holdfast Bay has acted with due care, diligence and foresight in progressing the Project and Council has been provided with sufficient information to satisfy the requirements of the Prudential Management Policy and section 48 of the Act in order to make an informed decision on the Project, subject to consideration of the outcomes of the consultation process to be undertaken on the proposed funding methodology.

#### **Motion**

- 1. That the Audit and Risk Committee recommends that Council receives the Prudential Report provided as Attachment 1.**

#### **RETAIN IN CONFIDENCE - Section 91(7) Order**

- 2. That having considered Agenda Item 5.1 37/24 Jetty Road Masterplan Stage 2 Prudential Report in confidence under section 90(2) and (3)(b & j) of the *Local Government Act 1999*, the Audit and Risk Committee, pursuant to section 91(7) of that Act orders that the report, attachments and be minutes be retained in confidence for a period of 24 months and/or the Chief Executive Officer is authorised**

**to release the documents when reports to Council on this matter are released and that this order be reviewed every 12 months.**

Moved D Powell, Seconded C Garrett

**Carried**

**CONFIRMED 13 March 2024**

**PRESIDING MEMBER**