

ITEM NUMBER: 18.2

CONFIDENTIAL REPORT

COMMERCIAL LICENCE EXTENSION

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:

- 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**

Recommendation – Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council 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: 388/23, Commercial Licence Extension in confidence.
 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 388/23, Commercial Licence Extension on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is 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.

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 Council 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.
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Item No: 18.2

Subject: COMMERCIAL LICENCE EXTENSION

Summary

The RD Jones Group have been granted a licence to operate the Moseley Beach Club on 750 square metres of beach immediately north of Glenelg Jetty. The existing licence covers the period from November to March.

In 2022-23, Council approved an extension of the license to mid-April. This aligned with tourism and promotional opportunities presented by AFL Gather Round and LIV Golf taking place in Adelaide during April. RD Jones have requested a similar extension is granted for 2023-24 and 2024-25 years as in previous years.

Recommendation

1. **That Council approves an extension of the existing licence agreement for the Moseley Beach Club to trade until 7 April 2024 and 21 April 2025.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Agenda Item 18.2 388/23 - Commercial Licence Extension in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report relevant to this item be retained in confidence for a period of 6 months and/or the Chief Executive Officer is authorised to release the documents when the licence extension is signed and that this order be reviewed every 12 months.**
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Background

The Moseley Beach Club (MBC) has been operated by the RD Jones Group on Glenelg Beach since 2018. Council, at its meeting of 27 January 2021, (Resolution number C270121/2205) approved the RD Jones group being granted a licence for two years with the option to extend a further two years. Council, at its meeting of 12 September 2023, (Resolution number C260423) approved this extension.

The existing licence covers the months from November to March each year and will conclude at the end of the 2024-25 season.

For the 2022-23 season, the Moseley Beach Club did not commence operation until early December, partly due to the unseasonably cool November weather. On 14 March 2023 Council approved an extension of the existing licence to operate the Moseley Beach Club to 16 April 2023, with the beach to be completely vacated by 19 April 2023 as per Council motion C140323/7386.

Motion

1. *That Council grant an extension of RD Jones Group's existing licence to operate the Moseley Beach Club until 16 April 2023, with the beach to be completely vacated by 19 April 2023.*

RETAIN IN CONFIDENCE - Section 91(7) Order

C140323/7386

2. *That having considered Agenda Item 18.2 Report No: 72/23, Commercial Licence Extension, in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of six months and/or the Chief Executive Officer is authorised to release the documents when the extended dates are publicised.*

This enabled the MBC to align with tourism and promotional opportunities presented by the AFL Gather Round and LIV Golf tournament. The AFL has confirmed that the Gather Round will be held in Adelaide each April until at least 2026. The 2024 dates for the LIV tournament have recently been announced as 26-28 April.

Report

The RD Jones Group have formally approached Administration requesting their licence be extended to April to allow trade until after the AFL Gather Round in both the 2023-24 and 2024-25 seasons. The AFL Gather Round is an initiative whereby all matches in a single round of the AFL Premiership Season are played within greater Adelaide. This event is expected to be a significant interstate tourism attractor, and the South Australian Tourism Commission (SATC) has expressed interest in hosting AFL players at the MBC to film content for national media as part of their promotion of the Gather Round.

It is expected that the Gather Round in 2025 will coincide with Easter. As well as an opportunity to showcase Glenelg during the AFL Gather Round, the extended trading period covers the Easter weekend in 2025 (18-21 April) and school holidays, both of which are expected to attract significant numbers of interstate visitors. The Moseley Beach Club is regularly promoted by SATC as a key destination within Adelaide, and extended operation of MBC through this period will add to the appeal of Glenelg as a 'must visit', thus bringing more foot traffic to the precinct in general.

The proposed details of the extension are as follows:

2023-24

- Final day of trade: Sunday 7 April 2024
- Bump out period: 8 – 11 April 2024
- Site completely clear by: 5pm, 14 April 2024

2024-25

- Final day of trade: Monday 21 April 2025 (Easter Monday)
- Bump out period: 22 - 24 April 2025
- Site completely clear by: 5pm, 28 April 2025

The beach is to be clear of site infrastructure by the end of the three-day bump out period. The 'site completely clear' date is the date for final clean-up of the site. No bump out works will be undertaken on Anzac Day.

All other terms and conditions of the existing licence agreement remain unchanged. Trading hours for Good Friday would be aligned with other licenced premises in the precinct.

Budget

Council would charge the prevailing weekly rate (\$2,930 plus gst per week or part thereof) for the additional period.

Life Cycle Costs

Not applicable

Strategic Plan

Innovation: entrepreneurialism for lifelong growth, economic and social vibrancy

Council Policy

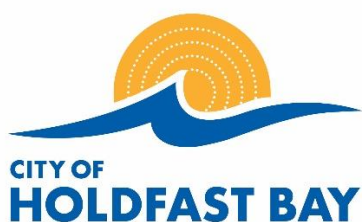
Not applicable

Statutory Provisions

Not applicable

Written By: Event Lead

General Manager: Community and Business, Ms M Lock



Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on 28 November 2023 at 7.00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor J Fleming
Councillor A Kane
Councillor C Lindop
Councillor S Lonie
Councillor W Miller
Councillor M O'Donohue
Councillor R Patton
Councillor R Snewin
Councillor A Venning

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager, Assets and Delivery – P Jackson
General Manager, Community and Business – M Lock
General Manager, Strategy and Corporate – S Wachtel
General Manager, Alwyndor – B Davidson-Park

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. PRAYER

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

5. APOLOGIES

5.1 Apologies Received – Councillor J Smedley

5.2 Absent – Councillor A Bradshaw (Approved Leave of Absence)

6. ITEMS PRESENTED TO COUNCIL - Nil

7. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES

Motion

C281123/7611

That the minutes of the Ordinary Meeting of Council held on 14 November 2023 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

9. PUBLIC PRESENTATIONS

9.1 Petitions - Nil

9.2 Presentation

9.2.1 Councillor Snewin addressed the chamber and gave thanks to the Elected Member body and Administration for their support during his recent health issues.

9.3 Deputations - Nil

10. QUESTIONS BY MEMBERS

10.1 Without Notice

10.1.1 Traffic Safety at Partridge Street and Broadway

Councillor Patton asked a question in relation to traffic safety concerns at Partridge Street and Broadway.

General Manager, Community and Business took the question on notice.

10.1.2 Line Marking

Councillor Fleming asked a question in relation to the removal of the yellow line at Grantham Road, Somerton Park.

General Manager, Assets and Delivery provided a response.

10.1.3 Bollards on Cowper Street, Glenelg

Councillor Miller asked whether his appreciation and thanks in the removal of graffiti and painting of the bollards located on Cowper Street can be conveyed to the teams involved.

10.1.4 Road Camber on Jetty Road/Partridge Street

Councillor O'Donohue asked a question in relation to the road camber on the corner of Jetty Road and Partridge Street, Glenelg.

General Manager, Assets and Delivery took the question on notice.

10.1.5 Parklet Trial

Councillor Kane asked for an update on when the Parklet trial will commence.

General Manager, Strategy and Corporate provided a response.

10.2 On Notice – Nil

11. MEMBER'S ACTIVITY REPORTS - Nil
12. MOTIONS ON NOTICE - Nil
13. ADJOURNED MATTERS - Nil
14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Alwyndor Management Committee – 26 October 2023
(Report No: 394/23)

The minutes of the Alwyndor Management Committee meeting held on 26 October 2023 were provided for information.

Motion

C281123/7612

1. That the minutes of the Alwyndor Management Committee meeting held on 26 October 2023 be noted.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 394/23 Minutes - Alwyndor Management Committee –26 October 2023 in confidence under section 90(2) and (3) (b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 393/23)

The items were presented for the information of Members.

After noting the report any items of interest were discussed and, if required, further motions proposed.

Motion

C281123/7613

That the following items be noted and items of interest discussed:

1. Call for Nominations for the Environment Protection Authority Board
2. Inaugural Green Business Awards
3. Bike Adelaide – Sturt River Linear Park

4. Local Government Association – Dog and Cat Management Board Nomination Update

Moved Councillor Lindop, Seconded Councillor Lonie

Carried

15.2 Monthly Financial Report – 31 October 2023 (Report No: 385/23)

Attached were financial reports as at 31 October 2023. They comprised a Funds Statement and a Capital Expenditure Report for Council’s municipal activities and Alwyndor. The adjusted forecast budget included the carried forward amount as approved by Council 22 August 2023 and first quarterly budget update approved by Council 24 October 2023.

No changes to Alwyndor and municipal budgets were recommended at this time, but the report highlighted items that showed a material variance from the YTD budget.

Motion

C281123/7614

That Council receives the financial reports and budget update for the four months to 31 October 2023 and notes:

- **no change to the municipal activities 2023-24 revised budget forecast;**
- **no change to the Alwyndor 2023-24 revised budget forecast.**

Moved Councillor Abley, Seconded Councillor Snewin

Carried Unanimously

Conflict of Interest

Councillor Snewin declared a material conflict of interest for Item 15.3 **Glenelg District Cricket Club – Loan Application** (Report No: 396/23). The nature of the conflict of interest (pursuant to sections 75 and 75A of the *Local Government Act 1999*) was that he is a committee member of the Glenelg District Cricket Club.

Councillor Snewin dealt with the conflict of interest by making it known to the meeting and leaving the chamber at 7.19pm.

Mayor Wilson declared a general conflict of interest for Item 15.3 **Glenelg District Cricket Club – Loan Application** (Report No: 396/23). The nature of the conflict of interest (pursuant to sections 74 and 75A of the *Local Government Act 1999*) was that she sponsors a player at the Glenelg District Cricket Club.

Mayor Wilson dealt with the conflict of interest by making it known to the meeting and remained in the chamber.

15.3 Glenelg District Cricket Club – Loan Application (Report No: 396/23)

The Glenelg District Cricket Club wrote to the Chief Executive Officer seeking funding assistance to undertake internal upgrades to their clubroom building. The

total scope of works equated to \$53,000 and they sought funding assistance from Council to undertake the works.

With loan funding assistance of \$53,000 the Club will be able to undertake some minor internal upgrades to their clubroom / function space including new carpets, new bar fridges and upgrade to the Club foyer. In addition, \$17,398 would be allocated to the supply and installation of a stair chair lift that will provide improved accessibility to the first-floor clubroom and undercover viewing area. These works will be able to be undertaken prior to the 2024-25 Cricket season. It was also recommended that Council considers the chairlift cost as part of the 2024-25 budget and reduces the loan payable if the funding is approved.

Motion

C281123/7615

That Council:

1. **provides a loan of \$53,000 to the Glenelg District Cricket Club amortised over a maximum nine years, on a six-month repayment basis in accordance with Council's borrowing guidelines for community organisations, for the purpose of improving the clubroom amenities. The Club is required to sign a loan agreement prior to monies being transferred; and**
2. **provides Landowner's consent for the proposed fit-out works subject to the following:**
 - **all costs to be borne by the Glenelg District Cricket Club;**
 - **all work to be undertaken by qualified tradespersons;**
 - **the Glenelg District Cricket Club indemnify the City of Holdfast Bay against any claims, losses and suits that may arise from this project;**
 - **the Glenelg District Cricket Club be responsible for the ongoing maintenance of the upgraded facilities in accordance with their lease;**
 - **the City of Holdfast Bay is permitted to inspect the works at any time; and**
 - **works to comply with the Building Code of Australia and relevant legislation.**
3. **considers a budget allocation of \$17,398 to fund the chairlift at the Glenelg District Cricket Club in the 2024-25 budget process and if funding is allocated, deduct this amount off the Club loan payable.**

Moved Councillor Abley, Seconded Councillor O'Donohue

Carried Unanimously

Councillor Snewin returned to chamber at 7.21pm.

15.4 **King George Avenue, Hove Koala Crossing Upgrade** (Report No: 395/23)

Council carried a motion on 14 March 2023 to undertake design and construction of a signalised koala crossing at King George Avenue, Hove. Construction quotations received have exceeded the allocated funding. Administration requested approval to increase the adopted budget for the King George Avenue koala crossing from \$100,000 to \$114,975 excluding GST for design and construction.

Delivery is scheduled to begin during the summer school holidays.

Motion

C281123/7616

That Council:

1. **notes the report and project progress;**
2. **notes the Chief Executive Officer approval of \$4,975 to engage the preferred contractor; and**
3. **approves the additional budget of \$14,975 excluding GST to complete the King George Avenue koala crossing.**

Moved Councillor Fleming, Seconded Councillor Venning

Carried Unanimously

15.5 **Appointment to the Audit and Risk Committee** (Report No: 384/23)

The term of Mr David Powell on Council's Audit and Risk Committee expires on 21 January 2024 and it was recommended that he be re-appointed for a further three-year term.

Motion

C281123/7617

That Council re-appoint Mr David Powell as an independent member of its Audit and Risk Committee for a term of three years expiring 21 January 2027.

Moved Councillor Snewin, Seconded Councillor Fleming

Carried Unanimously

15.6 **Call for Nominations – SA Heritage Council** (Report No: 391/23)

The SA Heritage Council is established under the *Heritage Places Act 1993*. It provides advice to the Minister on matters relating to heritage protection at the State and local level and, insofar as may be relevant, at the national level.

The Local Government Association sought nominations from a Council member or employee of the council who has knowledge of or experience in heritage conservation to fill a position on the Board for a term of up to three years, commencing immediately upon appointment by the Minister.

Any members who wish to be nominated need to have their nomination endorsed by Council prior to submission to the Local Government Association. If Council does not have a nominee, it may just note the report.

Nominations

Her Worship the Mayor called for nominations. Councillor Miller nominated Mr Anthony Marroncelli, Manager Development Services and provided reasons for the nomination.

Her Worship the Mayor announced that Mr Anthony Marroncelli had been selected for the nomination which was included in the Council's motion.

Motion

C281123/7618

That Council nominates Mr Anthony Marroncelli for consideration by the Local Government Association of South Australia to be nominated for the SA Heritage Council.

Moved Councillor Miller, Seconded Councillor Fleming

Carried Unanimously

15.7 **Call for Nominations – Local Government Grants Commission** (Report No: 392/23)

The Local Government Grants Commission is established under the *South Australian Local Government Grants Commission Act 1992*. It provides recommendations to the Minister for Local Government and performs the role of the Local Government Boundaries Commission.

The Local Government Association sought nominations from a Council member or employee of the council who has knowledge of or experience with the Commonwealth Financial Assistance Grants process, Boundary Reform process and exposure to financial management and decision making to fill a position on the Board for a period not exceeding five years, commencing immediately upon appointment by the Minister.

Any members who wish to be nominated need to have their nomination endorsed by Council prior to submission to the Local Government Association. If Council does not have a nominee, it may just note the report.

Adjournment

C281123/7619

That the report be adjourned until the next meeting to allow for absent Councillor's to consider nominating for the position.

Moved Councillor Snewin, Seconded Councillor Miller

Carried Unanimously

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

- 17.1 Mayor Wilson sought to bring forward an urgent motion without notice – Call for Nominations for the Environment Protection Authority Board.

Conflict of Interest

Mayor Wilson declared a material conflict of interest for Item 17.1 **Call for Nominations – Environment Protection Board**. The nature of the conflict of interest (pursuant to sections 75 and 75A of the *Local Government Act 1999*) was that she nominated for the position and would have a direct financial advantage.

Mayor Wilson dealt with the conflict of interest by making it known to the meeting and leaving the chamber at 7.29pm.

Deputy Mayor Lindop assumed the chair at 7.29pm.

Motion

C281123/7620

That Council nominates Mayor Wilson for consideration by the Local Government Association of South Australia for the Environment Protection Authority Board for a term of up to three years.

Moved Councillor Lonie, Seconded Councillor O’Donohue **Carried Unanimously**

Mayor Wilson re-joined the chamber and assumed the chair at 7.30pm.

Councillor Abley acknowledged the achievement by Mayor Amanda Wilson who recently passed the Australian Institute of Company Directors course, all whilst balancing the roles of Mayor and family responsibilities. This achievement brings added benefits to the position of mayor by providing a well-rounded skill set, leadership capabilities, greater decision-making skills and enhanced future strategic discussions.

18. ITEMS IN CONFIDENCE

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 18.1 **Jetty Road Masterplan Stage 2 – Project Initiation** (Report No: 397/23) (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that she is a member of the Council Assessment Panel which may consider items referred to the panel.

Councillor Fleming dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.34pm.

18.1 **Jetty Road Masterplan Stage 2 – Project Initiation (Report No: 397/23)**

Motion - Exclusion of the Public – Section 90(3)(b) Order **C281123/7621**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council 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: 397/23, Jetty Road Masterplan Stage 2 – Project Initiation in confidence.

2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 397/23, Jetty Road Masterplan Stage 2 – Project Initiation 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 proposing to conduct business; and the information 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.

3. The Council 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 Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C281123/7622

That having considered Agenda Item 18.1 397/23 – Jetty Road Masterplan Stage 2 – Project Initiation in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of three years and/or the Chief Executive Officer is authorised to release the documents on completion of the project and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

Councillor Fleming re-joined the chamber at 7.47pm.

18.2 **Commercial Licence Extension (Report No: 388/23)**

Motion - Exclusion of the Public – Section 90(3)(d) Order C281123/7623

1. **That pursuant to Section 90(2) of the *Local Government Act 1999* Council 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: 388/23, Commercial Licence Extension in confidence.**

2. **That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 388/23, Commercial Licence Extension on the following grounds:**
 - d. **pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is 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.**

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 Council 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 Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

The RD Jones Group have been granted a licence to operate the Moseley Beach Club on 750 square metres of beach immediately north of Glenelg Jetty. The existing licence covers the period from November to March.

In 2022-23, Council approved an extension of the license to mid-April. This aligned with tourism and promotional opportunities presented by AFL Gather Round and LIV Golf taking place in Adelaide during April. RD Jones have requested a similar extension be granted for 2023-24 and 2024-25 years, as in previous years.

Motion

C281123/7624

1. That Council approves an extension of the existing licence agreement for the Moseley Beach Club to trade until 7 April 2024 and 21 April 2025.

RETAIN IN CONFIDENCE – Section 91(7) Order

C281123/7624

2. That having considered Agenda Item 18.2 388/23 - Commercial Licence Extension in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and relevant to this item be retained in confidence for a period of six months and/or the Chief Executive Officer is authorised to release the documents when the licence extension is signed and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor O’Donohue

Carried

18.3 **Winter Activation** (Report No: 387/23)

Motion - Exclusion of the Public – Section 90(3)(d) Order

C281123/7625

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council 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: 387/23, Winter Activation in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 387/23, Winter Activation on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is 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.

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 Council 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 Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

RETAIN IN CONFIDENCE – Section 91(7) Order

C281123/7626

That having considered Agenda Item 18.3 387/23 – Winter Activation in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes relevant to this item be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the negotiations have been finalised and that this order be reviewed every 12 months.

Moved Councillor Kane, Seconded Councillor O'Donohue

Carried Unanimously

CLOSURE

The Meeting closed at 8.01pm.

CONFIRMED 12 December 2023

MAYOR