

### Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 18.4 **Jetty Road Masterplan Stage 2 Prudential Report** (Report No: 54/24) (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 7.40pm.

### Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item 18.4 **Jetty Road Masterplan Stage 2 Prudential Report** (Report No: 54/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that he is a member of the Council Assessment Panel which may consider items referred to the panel. Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.40pm.

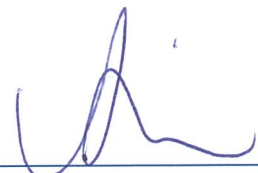
#### 18.4 **Jetty Road Masterplan Stage 2 Prudential Report** (Report No: 54/24)

##### Motion - Exclusion of the Public – section 90(3)(b & j) Order C270224/7695

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: 54/24 Jetty Road Masterplan Stage 2 Prudential Report 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: 54/24 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 proposing to conduct business; and 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, or Department of Infrastructure and Transport (not being an employee of the Council, or a person engaged by 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 Abley

Carried Unanimously

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, BRM Advisory (formerly BRM Holdich) were engaged to undertake a new prudential review for the project.

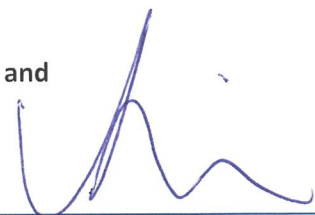
The report identified risks and benefits in undertaking the project and overall determined that the City of Holdfast Bay has acted with due care, diligence and foresight in progressing the Project and Council has been provided with sufficient information to satisfy the requirements of the Prudential 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.

The prudential report was presented to the Audit and Risk Committee on 14 February 2024.

### Motion

That Council:

1. receives and notes the Prudential Report; and



2. endorses to release, through public announcement, the intended \$40 million investment in the Project, including their acceptance of the Federal Government grant funding contribution of \$10 million.

RETAIN IN CONFIDENCE – Section 91(7) Order

C270224/7696

4. That having considered Agenda Item 18.4 - Jetty Road Masterplan Stage 2 Prudential Report in confidence under section 90(2) and (3)(b & j) 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 12 months and/or the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.

Leave of the Meeting

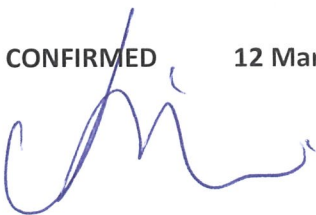
Leave of the meeting was sought to allow Councillor Smedley to speak to the motion for a second time. Leave of the meeting was granted.

Moved Councillor Smedley, Seconded Councillor Miller

Carried Unanimously

CONFIRMED

12 March 2024



MAYOR