

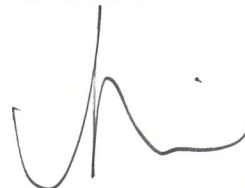
Confidential Minutes of the Ordinary Meeting of the City of Holdfast Bay held in the Kingston Room, Brighton Civic Centre on 24 September 2024.

18. ITEMS IN CONFIDENCE

- 14.3 Minutes – Transforming Jetty Road Committee – 11 September 2024 (Report No: 313/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order C240924/7888

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: 313/24 - Minutes – Transforming Jetty Road Committee – 11 September 2024 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: 313/24 - Minutes – Transforming Jetty Road Committee – 11 September 2024 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 confer a commercial advantage on a third party.
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.





RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 14.3 313/24 – Minutes – Transforming Jetty Road Committee – 11 September 2024 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, Council, pursuant to section 91(7) of that 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 Miller, Seconded Councillor Lonie

Carried Unanimously

CONFIDENTIAL

A handwritten signature in black ink, appearing to be "J. Miller", positioned above a horizontal line.

Leave of Meeting

Mayor Wilson sought leave of the meeting to move Item 18.2 Release of Confidential Reports in the Agenda to be considered after Item 14.3.

Leave of the meeting was granted.

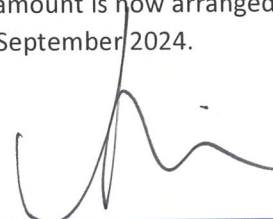
18.2 Release of Confidential Reports (Report No: 317/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order C240924/7889

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: 317/24 – Release of Confidential Reports 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: 317/24 – Release of Confidential Reports 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 O'Donohue **Carried Unanimously**

On 23 April 2024 Council resolved to forgive a portion of the loan to the Glenelg Football Club. A settlement of the outstanding amount is now arranged for 26 September 2024 with a public statement on 30 September 2024.



This report recommends the release of reports and minutes retained in confidence relating to this matter.

Motion

C240924/7890

That Council approves the Acting Chief Executive Officer to release the following reports as part of the public statement relating to the Glenelg Football Club Loan:

- 109/24 – Glenelg Football Club Loan (Audit and Risk Committee, 15 April 2024)
- 117/24 – Glenelg Football Club Loan (Council, 23 April 2024)
- 289/24 – Glenelg Football Club Loan Update (Council, 27 August 2024)

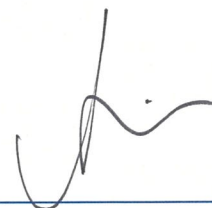
RETAIN IN CONFIDENCE – Section 91(7) Order

That having considered Agenda Item 18.2 317/24 – Release of Confidential Reports 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 1 month and the Acting Chief Executive Officer is authorised to release the documents when the public statement is made.

Moved Councillor Abley, Seconded Councillor Smedley

Carried Unanimously

CONFIDENTIAL



Leave of Meeting

Mayor Wilson sought leave of the meeting to move Item 18.3 City Zone Stormwater Renewal in the Agenda to be considered after Item 18.2.

Leave of the meeting was granted.

18.3 City Zone Stormwater Renewal (Report No: 318/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order C240924/7891

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: 318/24 – City Zone Stormwater Renewal 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: 318/24 – City Zone Stormwater Renewal 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, or to confer a commercial advantage on a third party that may prejudice the commercial position of a contractor that Council is considering doing business with.
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.
 - k. pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the supply of goods, the provision of services, and the carrying out of works that are related to the provision of non-intrusive construction within the City Zone of the Transforming Jetty Road project.
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 Kane

Carried Unanimously

Following the endorsement of the Transforming Jetty Road, City Zone Concept design on 9 July 2024, detailed investigations into the performance, service standards and condition of the stormwater assets were undertaken. These investigations revealed that the existing stormwater infrastructure is required to be replaced. This report provides a summary of the findings, replacement options and recommendations to undertake the work.

Motion

C240924/7892

That Council:

1. approves Administration to undertake a structural relining of the existing stormwater system on the southern side of the City Zone for a cost not to exceed \$250,000;
2. approves the cost of relining the stormwater pipes to be funded from the Transforming Jetty Road Project budget.
3. approves Administration to engage Plumbing and Pipeline Solutions to undertake the work; and
4. approves Administration to prepare the site and notify the businesses and stakeholders in the street of the work commencing from 28 October 2024.

RETAIN IN CONFIDENCE - Section 91(7) Order

5. That having considered Agenda Item 18.3 318/24 – City Zone Stormwater Renewal in confidence under section 90(2) and (3)(d & k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment 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 a contractor has been engaged and that this order be reviewed every 12 months.

This order is subject to section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition, section 91(8)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of cleaning services must be released once the contract has been entered into by all concerned parties.

Moved Councillor Miller, Seconded Councillor Abley

Carried

18.1 Confidential Minutes – Executive Committee – 10 September 2024 (Report No: 316/24)

Motion - Exclusion of the Public – Section 90(3)(c) Order C240924/7893

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 General Manager strategy and Corporate and Staff minute taker in attendance at the meeting in order to consider Report No: 316/24 – Confidential Minutes – Executive Committee – 10 September 2024 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: 316/24 – Confidential Minutes – Executive Committee – 10 September 2024 on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 316/24 – Confidential Minutes – Executive Committee – 10 September 2024 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
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 Kane

Carried

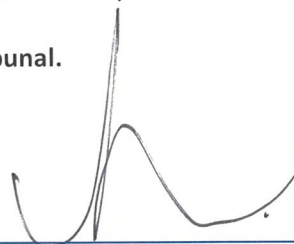
The confidential minutes of the meeting of the Executive Committee held 10 September 2024 are presented to Council for information.

Motion

C240924/7894

That Council:

1. notes the confidential minutes of the meeting of the Executive Committee of 10 September 2024;
2. notes the appointment of Ms Christine Molitor as the Qualified Independent Person for the recruitment of the CEO; and
3. notes the letter to the Remuneration Tribunal.



RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 18.1 – Confidential Minutes – Executive Committee – 10 September 2024 in confidence under section 90(2) and (3)(c) 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 until the recruitment of the CEO is finalised.

Moved Councillor Smedley, Seconded Councillor Lindop

Carried Unanimously

CONFIDENTIAL

CONFIRMED

8 October 2024



MAYOR