

**Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 27 October 2020 at 7:00pm.**

**MEMBERS PRESENT**

Mayor A Wilson  
Councillor R Abley  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor P Chabrel  
Councillor J Fleming  
Councillor C Lindop  
Councillor S Lonie  
Councillor W Miller  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin

**STAFF IN ATTENDANCE**

Chief Executive Officer – R Bria  
General Manager City Assets and Services – H Lacy  
General Manager Community Services – M Lock  
General Manager Strategy and Business Services – P Jackson  
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 Kurna 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 Kurna People today.

**3. SERVICE TO COUNTRY ACKNOWLEDGEMENT**

The City of Holdfast Bay acknowledged 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 Clancy
- 5.2 Absent - Nil

**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****C271020/2086**

**That the minutes of the Ordinary Meeting of Council held on 13 October 2020 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Abley

**Carried Unanimously****9. PUBLIC PRESENTATIONS**

- 9.1 **Petitions** - Nil
- 9.2 **Presentations** - Nil
- 9.3 **Deputations** - Nil

**10. QUESTIONS BY MEMBERS****10.1 Without Notice****10.1.1 Environment Strategy Update**

Councillor Chabrel asked for an update on the Environment Strategy.

General Manager City Assets and Services provided a response.

**10.1.2 Suicide Prevention Forum**

Councillor Chabrel asked a question in relation to outcomes from a recent Suicide Prevention Forum and Council's involvement in this.

General Manager Community Services provided a response.

10.2 **On Notice - Nil**

11. **MEMBER'S ACTIVITY REPORTS - Nil**

12. **MOTIONS ON NOTICE**

12.1 **Motion on Notice – Seacliff Plaza - Councillor Lindop** (Report No: 346/20)

Councillor Lindop proposed the following motion:

**Motion**

**C271020/2087**

1. **That Administration update the “Master Plan” for the Seacliff plaza area (the area along the Esplanade in front of the Seacliff Hotel from the Wheatland St Roundabout to the proposed new Seacliff Toilets) and bring the proposed plan back in time for Council to consider as part of the 2021/22 budget process.**
2. **This updated Master Plan to include concepts and elements which could be staged including (but not limited to) options for:**
  - **greening the centre of the roundabout;**
  - **coastal garden or lawn adjacent of the plaza area adjacent to the roundabout;**
  - **new low sign with “Seacliff Beach” and dual Kurna naming;**
  - **steps down from the plaza area to the beach for access and seating;**
  - **disability car parking;**
  - **improvements to pedestrian crossing points between eastern and western sides of the Esplanade;**
  - **planter boxes or other plantings to green, cool and soften the area; and**
  - **a way to include reference to the historical old breakwater rotunda.**

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

**BACKGROUND**

The Seacliff plaza comprises the area of the Esplanade in front of the Seacliff Hotel from the Wheatland St Roundabout to the proposed new Seacliff public toilets. The plaza area is currently paved, with limited plantings (some palm trees) and some items of street furniture.

At its meeting on 10 July 2018, Council considered a report (Report No: 239/18 – Item 14.5) on planning for the Seacliff Surf Lifesaving Tower which was to be sited adjacent to the existing public toilets just north of the Seacliff plaza area. A Master Plan for the plaza area was attached to that report to provide a long term context for planning the surf tower. The surf tower was officially opened in 2019.

Council Administration is currently developing plans for the Seacliff public toilet redevelopment which will be shortly presented to Council for consideration prior to Community Consultation. The project is fully funded and it is anticipated that construction will take place in 2020/21.

This is an opportune time to update the overall plaza master plan and recommended works for funding consideration as part of the 2021/22 capital works budget.

The master plan will cover other proposed works to complete the plaza area and incorporate concepts and elements which “green and beautify” the area.

### Conflict of Interest

Councillor Lindop declared a perceived conflict of interest for Item 12.2 Motion on Notice – Removal of Tree in Marlborough Street Brighton. The nature of the perceived conflict (pursuant to Section 75 of the *Local Government Act 1999*) is she lives on Marlborough Street.

Councillor Lindop dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as she was acting in the best interest of the community.

#### 12.2 **Motion on Notice – Removal of Tree in Marlborough Street Brighton - Councillor Bradshaw** (Report No: 349/20)

Councillor Bradshaw proposed the following motion:

#### Motion

**C271020/2088**

**That Council approve the removal of the street tree located on the Eastern side of the driveway of the property at 30 A Marlborough Street, Brighton. Approval is granted on the basis that the current owners of the property are to pay all costs associated with the removal of the said tree.**

Moved Councillor Bradshaw, Seconded Councillor Miller

**Lost**

### Division Called

A division was called and the previous decision was set aside.

Those voting for: Councillor Bradshaw (1)

Those voting against: Councillors Bouchee, Lindop, Snewin, Patton, Smedley, Lonie, Fleming, Abley, Miller and Chabrel (10)

Her Worship the Mayor declared the motion

**Lost**

### **BACKGROUND**

The current owners purchased this home approximately 4 years ago. At the time of purchasing the property they expressed concerns to the real estate agent that the street tree encroached on the driveway. The owners maintain, the agent

advised them under the circumstances, he believed that upon request, Council would remove the tree.

Whilst the residents have done their best endeavours to live with the tree, the position of it, continues to have a negative impact on their lives and puts them and their vehicle at risk each time they egress or ingress their driveway.

Returning home of an evening the gap between the trees adjacent the driveway is difficult to see and leaves very little margin for error.

During the day, the location attracts a high level of motorists and the property being on the corner further compounds the driveway issue, with motorists turning off Commercial Road into Marlborough Street.

To navigate their driveway, the owners advise they need to be at an angle which necessitates they swing out past the centre of the road. This can be very tricky if a car is parked on the opposite kerb or there is oncoming traffic.

It's reported most visitors to the property refuse to use the driveway, because they find it too challenging and opt to park in the street.

If the tree were removed the urban canopy would hardly be effected, as the neighbouring tree which is very close, would be able to spread to its full potential.

**13. ADJOURNED MATTER - Nil**

**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

**14.1 Minutes – Audit Committee – 7 October 2020 (Report No: 330/20)**

The public minutes of the meeting of the Audit Committee held on 7 October 2020 were presented to Council for information and endorsement.

**Motion**

**C271020/2089**

**1. That Council notes the public minutes of the Audit Committee meeting of 7 October 2020 namely:**

**(a) That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:**

- **Monthly Financial Statements**
- **Risk Management and Internal Control**
- **Audit – External/Internal**
- **Public Interest Disclosures – previously Whistle Blowing**
- **Economy and Efficiency audits**
- **Audit Committee Schedule**

- (b) That the Audit Committee recommended the revised Asset Management Plans 2020 to Council for approval to undertake public consultation.
- (c) That the Audit Committee inform Council it has reviewed the General Purpose Financial Reports for the year ending 30 June 2020, as required under Section 126(4)(a) of the *Local Government Act 1999*, and found them to present fairly the state of affairs of the Council as required under the *Local Government (Financial Management) Regulations 2011*.

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

14.2 **Minutes – Jetty Road Mainstreet Committee – 7 October 2020** (Report No: 329/20)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 7 October 2020 were attached and presented for Council’s information.

**Motion** **C271020/2090**

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 7 October 2020.**

Moved Councillor Abley, Seconded Councillor Miller **Carried Unanimously**

14.3 **Information Report – Southern Region Waste Resource Authority Board Meeting – 21 September 2020** (Report No: 348/20)

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 21 September 2020 were attached and provided for information.

**Motion** **C271020/2091**

1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 21 September 2020 be noted.

**RETAIN IN CONFIDENCE – Section 91(7) Order**

2. That having considered Attachment 2 to Report No: 348/20 Information Report – Southern Region Waste Resource Authority Board Meeting – 21 September 2020 in confidence under Section 90(2) and 3(b) and 3(d) 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 Smedley, Seconded Councillor Lindop **Carried Unanimously**

**15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 338/20)**

These items were presented for the information of Members.

**Motion****C271020/2092**

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

- 1. Update of Various Items**
- 2. 1st Quarter External Funding Update**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously****15.2 2019-20 General Purpose Financial Statements (Report No: 332/20)**

The completed financial statements for the year ended 30 June 2020 have been reviewed by the Audit Committee and audited by Council's external auditors, BDO who have indicated that an unqualified audit opinion will be provided. They were presented to Council to be received, noted and authorised.

The consolidated operating result before capital revenues is \$1,192,000 (deficit) comprising \$1,151,000 (deficit) from Alwyndor and \$41,000 (deficit) from Council's municipal operations. Contained in Council's municipal operations result is a \$99,000 surplus from Council's 15% equity interest in Southern Region Waster Resource Authority (SRWRA).

The operating results vary from the preliminary result reported to Council on 11 August 2020 (Report 277/20) as indicated in the table below.

<b>Preliminary Report Council 227/20 operating result before net gain/loss on asset disposals/revaluations - rounded</b>	<b>Financial Statements Operating Result (rounded)</b>	<b>Difference (to Council Report 277/20)</b>
<b><i>Municipal Operations</i></b>		
(\$48,000) Deficit	(\$41,000) Deficit	\$7,000 decrease in deficit
<b><i>Alwyndor Operations</i></b>		
(\$1,170,000) Deficit	(\$1,151,000) Deficit	\$19,000 decrease in deficit
<b><i>Consolidated</i></b>		
(\$1,218,000) Deficit	(\$1,192,000) Deficit	\$26,000 decrease in deficit

The major difference with the Council operating result was accounting for final employee leave provisions and processing invoices to 2019/20.

Loan receivables were reviewed and considered by the Audit Committee on 9 September 2020 (Report 246/20). On 22 September 2020 Council noted the minutes of the Audit Committee (Minute C220920/2040). The loan impairment provision has been maintained in accordance with the recommendations.

The final Alwyndor result included processing adjustments following a thorough reconciliation of unspent funds within the Home Care program and a review of the asset register and useful lives.

**Motion**

**C271020/2093**

1. **That the financial statements for the City of Holdfast Bay for the year ended 30 June 2020 as contained in Attachment 1 to Report No: 332/20 2019-20 General Purpose Financial Statements be received and noted.**
2. **That the Mayor and the Chief Executive Officer be authorised to sign the following certification of the financial statements;**

**In our opinion:**

- (a) **the accompanying (2019-20) financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards;**
- (b) **the financial statements present a true and fair view of the Council's financial position at 30 June 2020 and the results of its operations and cash flows for the financial year;**
- (c) **internal controls implemented by Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year; and**
- (d) **the financial statements accurately reflect the Council's accounting and other records.**

Moved Councillor Smedley, Seconded Councillor Abley **Carried Unanimously**

15.3 **Budget and Annual Business Plan Update – As at 30 September 2020** (Report No: 339/20)

This report covered the first update of Council's 2020/21 budget conducted as at 30 September 2020.

A comprehensive review of Municipal budgets has decreased the forecast operating deficit by \$720,903 to \$268,282. The original deficit is due to budget carry forwards and to allow for the effects of the COVID-19 pandemic and the relief measures Council offered.

Capital expenditure has increased by \$446,416 as a result of three new projects funded from the Local Roads and Community Infrastructure program and additional projects already approved by Council. Capital revenue has increased by \$75,000 to account for AFL funding received as part of the Brighton Oval redevelopment project.

Attached were financial reports for Municipal and Alwyndor operations, commercial activities, and progress summaries and analysis of Annual Business Plan projects.

**Motion**

**C271020/2094**

1. **That Council notes the first 2020/21 budget update for Council's municipal operations including:**
  - (a) **a decrease in the forecast operating deficit for 2020/21 of \$720,903 from \$989,185 to \$268,282;**
  - (b) **an increase in forecast capital expenditure of \$446,416 from \$26.111 million to \$26.557 million;**
  - (c) **an increase in forecast capital revenue of \$75,000 from \$6.649 million to \$6.724 million; and**
  - (d) **a decrease in forecast net financial liabilities of \$349,490 at 30 June 2021 from \$31.772 million to \$31.422 million.**
2. **That Council notes for Alwyndor operations no change to the 2020/21 original budget forecast.**
3. **That Council note the changes to the proposed 2020/21 Roadworks program.**
4. **That Council note the Annual Business Plan quarterly update for September 2020.**

Moved Councillor Lindop, Seconded Councillor Smedley **Carried Unanimously**

15.4 **Proposed Memorial to Honour Squadron Leader Robert Wilton Bungey** (Report No: 290/20)

This report investigated the proposed memorial to honour Squadron Leader Robert Wilton Bungey. Administration has investigated and made the following recommendations.

**Motion**

**C271020/2095**

**That Council endorses:**

1. **the construction of a bronze plaque memorial dedicated to Squadron Leader Robert Wilton Bungey be placed along the Esplanade coast park to the south of Phillipps Street, Somerton Park;**
2. **the funds of \$2,000 be allocated to undertake the project; and**

3. **that Squadron Leader Robert Wilton Bungey continue to be acknowledged in relevant projects carried out at the Glenelg Air-Raid Shelter and by the History Centre.**

Moved Councillor Patton, Seconded Councillor Miller

**Carried**

**Division Called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Lindop, Snewin, Patton, Lonie, Abley, Miller and Bradshaw (7)

Those voting against: Councillors Bouchee, Smedley, Fleming and Chabrel (4)

Her Worship the Mayor declared the motion

**Carried**

- 15.5 **Local Government Association (LGA) Annual General Meeting 2020** (Report No: 344/20)

The Local Government Association SA (LGA) Ordinary General Meeting (OGM) was due to be held on Friday 3 April 2020 but was withdrawn due to COVID 19. The LGA has now advised their Annual General Meeting (AGM) will be held on 29 October 2020 at Woodville Town Hall, Woodville South and the Agenda is now available and presented to Council for consideration.

Council's voting delegate to the LGA Meetings has historically been the Mayor (which has been maintained with Mayor Wilson registered as the voting delegate). Council was required to consider the items on the LGA AGM agenda and provide guidance to Council's voting Delegate, Mayor Wilson, on how to vote for each item. Suggested positions were provided in the recommendations.

**Motion**

**C271020/2096**

**That for the LGA Annual General Meeting, to be held on Thursday 29 October 2020, Council:**

1. **notes the LGA Business in the LGA AGM Agenda (Attachment 1) detailed as Items 6.1 to 6.13 (inclusive); and**
2. **endorses that the Mayor votes for the Recommendation Reports as detailed in Attachment 2.**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously**

Councillor Snewin left the chamber at 7.55pm.

Councillor Snewin re-joined the chamber at 7.56pm.

- 15.6 **Disability Access and Inclusion Plan (Final)** (Report No: 342/20)

The City of Holdfast Bay has a legislative obligation to develop a Disability Access & Inclusion Plan that must be registered with the Department of Human Services

and lodged with the Australian Human Rights Commission by 31 October 2020; reported on annually and updated every four years.

**Motion**

**C271020/2097**

**That Council endorses:**

- 1. The Disability Access & Inclusion Plan as presented; and**
- 2. The Disability Access & Inclusion Plan to be registered with the Department of Human Services and lodged with the Australian Human Rights Commission by 31 October 2020.**

Moved Councillor Abley, Seconded Councillor Lonie

**Carried Unanimously**

**15.7 Jetty Road – Glenelg Lighting (Report No: 341/20)**

As part of the 2020/21 budget process the Jetty Road Mainstreet Committee included budget for the replacement of outdated and broken tree lights along Jetty Road.

**Motion**

**C271020/2098**

**That Council provide landowners consent to install temporary tree lighting on 37 trees along Jetty Road and Moseley Square Glenelg.**

Moved Councillor Bouchee, Seconded Councillor Miller

**Carried Unanimously**

**15.8 Asset Management Plan Review (Report No: 333/20)**

Asset Management Plans (AMPs) provide a snapshot of the current and future state of Council's infrastructure, and ensure council is maintaining and renewing its assets in a cost effective and sustainable manner.

Council has five AMPs being; Buildings, Stormwater, Transport, Open Space & Coastal and Plant and Equipment.

A report was presented to the Audit Committee 7 October Report No: 306/20 and apart from some minor wording suggestions, the Committee recommended the revised Asset Management Plans 2020 to Council for approval to undertake public consultation.

The AMPs have been reviewed and updated to include the latest asset condition and inventory data, and approved council projects. Minor wording changes suggested at the Audit Committee will be addressed following the community consultation.

The forecast indicates Council's assets are generally in good condition, however a small increase to capital renewal expenditure is required over the next 10 years.

The total renewal expenditure forecast over the next 10 years is \$83.2 Mil.

The results of the AMPs inform the Long Term Financial Plan (LTFP). Council is legislatively required to update its AMPs prior to February 2021.

**Motion**

**C271020/2099**

**That Council endorses the revised Asset Management Plans 2020 for public consultation subject to any minor changes approved by the Chief Executive Officer.**

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

15.9 **2020 New Year's Eve Dry Area - Glenelg** (Report No: 347/20)

Over the years, the extension of the Glenelg Dry Area on New Year's Eve has proven vital in assisting South Australian Police to regulate alcohol related anti-social behaviour in the area.

Due to the mass gathering restrictions imposed due to COVID-19, the traditional New Year's Eve event hosted by the City of Holdfast Bay has been cancelled.

Administration sought to temporarily extend the boundaries of the Glenelg Long-Term Dry Area for 2020 New Year's Eve to ensure adequate crowd control and prevention of alcohol related anti-social behaviour is implemented in the absence of planned events.

**Motion**

**C271020/2100**

- 1. That in accordance with Section 131 of the Liquor Licensing Act 1997, Council temporarily extends the boundaries of the Glenelg Dry Zone for 2020 New Year's Eve as outlined in Attachment 1 for the period 6:00pm Tuesday 31 December 2020 to 6:00am Wednesday 1 January 2021; and**
- 2. That the associated boundaries and conditions of the 2020 extension remain the same as in 2019.**

Moved Councillor Miller, Seconded Councillor Abley

**Carried**

15.10 **Events Update** (Report No: 343/20)

The purpose of this report was to provide a brief summary on the 2020 - 2021 events season, the impact of COVID-19 on the program and the realignment of existing budget to continue to deliver events this summer.

**Motion**

**C271020/2101**

**That Council:**

- 1. note the report; and**

2. **endorse the reinvestment of the existing 2020/21 events budget into new community event and activation opportunities, as outlined in the report.**

Moved Councillor Lonie, Seconded Councillor Patton

**Carried Unanimously**

16. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

17. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

18. **ITEMS IN CONFIDENCE**

18.1 **Minutes – Audit Committee – 7 October 2020 (Report No: 331/20)**

**Motion – Exclusion of the Public – Section 90(3)(b)**

**C271020/2102**

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: 331/20 Minutes - Audit Committee – 7 October 2020 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: 331/20 Minutes – Audit Committee – 7 October 2020 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 and the disclosure of the information could prejudice Council's commercial position.**

**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 Abley, Seconded Councillor Miller

**Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order****C271020/2103**

That having considered Agenda Item 18.1 Minutes – Audit Committee Meeting – 7 October - Report No 331/20 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 and attachments, be retained in confidence for a period of eighteen months and the Chief Executive Officer is authorised to release the documents when the purchase order is issued to the successful tenderer.

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

**18.2 Bay Sheffield Event (Report No: 335/20)****Motion – Exclusion of the Public – Section 90(3)(d)****C271020/2104**

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: 335/20, Bay Sheffield Event 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: 335/20, Bay Sheffield Event 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 Patton, Seconded Councillor Lindop

**Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order****C271020/2105**

That having considered Agenda Item No: 18.2, Report no 335/20 Bay Sheffield Event 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 be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Councillor Patton, Seconded Councillor Miller

**Carried Unanimously**18.3 **Waste Contract (Report No: 345/20)****Motion – Exclusion of the Public – Section 90(3)(b)****C271020/2106**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* the 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: 345/20 - Waste Contract in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 345/20 - Waste Contract 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 and the disclosure of the information could prejudice Council's commercial position.

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.

Moved Councillor Lonie, Seconded Councillor Abley

**Carried Unanimously****RETAIN IN CONFIDENCE - Section 91(7) Order****C271020/2107**

That having considered Agenda Item 18.3 Report No: 345/20 - Waste Contract 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, and minutes relevant to this item be retained in confidence for a period of 18

**months and the Chief Executive Officer be authorised to release of the documents thereafter.**

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

18.4 **Verge Management – Artificial Turf – Update** (Report No: 286/20)

**Motion – Exclusion of the Public – Section 90(3)(h)** **C271020/2108**

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: 286/20 Verge Management - Artificial Turf – Update 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: 286/20 Verge Management - Artificial Turf – Update on the following grounds:
  - h. pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice provided by HWL Ebsworth.
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 Patton **Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order** **C271020/2109**

That having considered Agenda Item 18.4 Verge Management - Artificial Turf – Update Report No: 286/20 in confidence under Section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the Agenda Item 18.4 Verge Management - Artificial Turf – Update Report No: 286/20 be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents.

Moved Councillor Bouchee, Seconded Councillor Miller **Carried**

**CLOSURE**

The Meeting closed at 9.00pm.

**CONFIRMED 10 November 2020**

**MAYOR**