

11.1 Water Proofing the South

Cr Nash MOVED

1. *That*

- a. *Under the provisions of Section 90(2) of the Local Government Act 1999 and order be made that the public be excluded with the exception of General Manager City Services, General Manager Corporate Services, General Manager City Development, Project Leader, Mr Mark Booth, General Manager City Projects, Group Manager Economic Development, Chief Financial Officer, Chief Executive Officer, Group Manager Governance, and Minute Secretary from attendance at the meeting in order to consider the confidence of this item.*
- b. *That Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*
 - i. *Information the disclosure of which*
 1. *could 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*
 2. *would, on balance, be contrary to the public interest*
 - ii. *commercial information of a confidential nature (not being a trade secret) the disclosure of which:*
 1. *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*
 2. *would on balance be contrary to the public interest*
- c. *That accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Fletcher.

CARRIED

Cr Ferguson MOVED

2. *That the report on Water Proofing the South be received and noted.*

3. *That Council resolve to delegate responsibility to the Chief Executive Officer to finalise negotiations, including resolving National Water Commission Funding allocations, for the completion of the Funding Deed subject to:*
 - a. *conclusion of negotiations between Council and consortium members and Council and the National Water Commission to the satisfaction of the Chief Executive Officer;*
 - b. *the Funding Deed and other contractual documents being reviewed by Council's Legal and Commercial Advisors;*
 - c. *detailed business case proposals for each individual project being prepared for Council's subsequent consideration and approval; and*
 - d. *that detailed project delivery plans, community engagement plans and risk profiles for each project be endorsed by Council prior to the commencement of Council's elements of Water Proofing the South.*
4. *Subject to the Funding Deed being negotiated to the satisfaction of the Chief Executive Officer that the Mayor and Chief Executive Officer be delegated authority to execute the Funding Deed and affix the common seal.*
5. *That the Mayor and Chief Executive Officer develop a Communication Strategy for Waterproofing the South that will inform State and Local Members and other relevant Ministers and entities on the status of the project.*

Seconded by Cr Fletcher.

CARRIED

Cr Nash MOVED

5. *That an order be made under the provision of the Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussions of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(b), 90(3)(d) until negotiations with the National Water Commission are completed and the Water Proofing the South funding agreement is executed.*

Seconded by Cr Coomans.

CARRIED

Mayor Rosenberg reopened the meeting to the public at 11.06pm.

12. Closure

There being no further business Mayor Rosenberg closed the meeting at 11.09pm.

Certified Correct..... Chair
/ / 2007

