

### 15.1 Confidential update report on the proposal to sell a council reserve at White Court Aldinga Beach

Cr Richardson left the meeting at 10.35pm.

*Cr Webster MOVED:*

1. *That*

(a) *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.*

(b) *the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the matter at the meeting on the following grounds:*

*Section 90(3)(b) information the disclosure of which -*

- (i) 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*
- (ii) would, on balance, be contrary to the public interest;*

*The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the potential disposal of land would provide a commercial advantage to another party.*

*The Council is also satisfied in considering the 'public interest' that whilst disclosure would enhance:*

- the accountability of council or council staff in the performance of their official powers, duties and responsibilities;*
- the community's ability to inform their own decisions; and*
- informed debate about issues and public participation in democracy*

*the public interest is outweighed by the following factors, that:*

- disclosure may unduly inhibit the achievement of the objectives of the Act at Section 8, ie. obtaining value for money for the community;*
- disclosure would provide a commercial advantage to another party; and*
- disclosure may have a detrimental effect on the efficient and effective conduct of government functions.*

1. *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 Parslow.*

**CARRIED**

*Cr Greaves MOVED:*

2. *That in respect of Allotment 617 (the land) Deposited Plan 25007, Certificate of Title Volume 5387 Folio 162; Council:*

(a) (i) *Approve to place the land on the open market as a stand-alone residential allotment with sale proceeds to be assigned to the commercial reserve fund.*

(ii) *Place a condition on the sale of the land via a Land Management Agreement that upon settlement the purchaser of the land must construct a dwelling on the land within two years of purchase.*

3. *Authorise the Mayor and the Chief Executive Officer to sign and affix the Seal to any documentation required to complete the sale subject to the recommendations above.*

*Seconded by Cr Swann.*

*CARRIED*

*Cr Wenham called a Division.*

*For*

<i>Cr Schulze</i>	<i>Cr Greaves</i>	<i>Cr S Brown</i>	<i>Cr Sutherland</i>	<i>Cr Merritt</i>
<i>Cr Gunn</i>	<i>Cr Swann</i>	<i>Cr Webster</i>	<i>Cr Parslow</i>	

*Against*

<i>Cr Olsen</i>	<i>Cr Kilby</i>	<i>Cr Bray</i>	<i>Cr Jamieson</i>	<i>Cr R Brown</i>
<i>Cr Wenham</i>	<i>Cr Chapman</i>			

*CARRIED*

*Cr Schulze MOVED:*

4. *That the matter of the Confidential update report on the proposal to sell a council reserve at White Court Aldinga Beach having been considered in confidence under Section 90(3)(b) of the Local Government Act 1999 an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the Confidential update report on the proposal to sell a council reserve at White Court Aldinga Beach report including the minutes of the Council meeting relating to discussion of the subject matter of that document, be kept confidential on the grounds of information contained in 90(3)(b) until the property transfers are finalised.*

*Seconded by Cr Parslow.*

*CARRIED*