

**15 Confidential items**

**15.2 Consent to register a caveat on a title of private land at Aldinga Beach**

*Cr Chapman 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 this report, its attachments and related tender information at the meeting and relies on the following provisions:*

*Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -*

- (i) 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*
- (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 discussions of lease negotiations could 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 factor, that:*
- disclosure may have a detrimental effect on the efficient and effective conduct of government functions.*

- c. *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 de Jonge.*

**CARRIED**

*Cr Parslow MOVED:*

2. *That for the land described as Lot 51 in Deposited Plan 56987 being the whole of the land comprised in Certificate of Title Volume 5849 Folio 771 Council:*

- a. *approve the lodgement and registration of a caveat over the land to allow for the protection of the agreement for stormwater management contribution.*
- b. *delegate to the Mayor and Chief Executive Officer the authority to sign and seal all relevant documentation required to give effect to the above transactions including the authority to remove the caveat when the relevant developer contribution for avoided stormwater management is paid.*

*Seconded by Cr Nash.*

*CARRIED*

*Cr de Jonge MOVED:*

3. *That the matter of the Consent to register a caveat on a title of private land at Aldinga Beach having been considered in confidence under Section 90(3)(d) 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 Consent to register a caveat on a title of private land at Aldinga Beach report including the minutes of the Council relating to discussion of the subject matter of the document be kept confidential until the clearance by Council under Section 51 of the Development Act 1993 for the final stage of the land division development by Winwest Pty Ltd at Aldinga Beach.*
4. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
5. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Kilby.*

*CARRIED*