

15.1 Proposed Open Space acquisition - Sturt River Linear Park

MOVED Cr Parslow.

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 report at the meeting on the following grounds:*

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 potential acquisition 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.*

- 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 Bray.

CARRIED

MOVED Cr Nash.

2. *That Council receive this report.*
3. *That, for the property at 22 McNamara Road, Coromandel Valley described as Allotment 11 in Deposited Plan 14568 and comprised in Certificate of Title Volume 5143 Folio 815, Council:*
 - a. *Approves the acquisition of the subject property (bordered in red on Attachment 1 to Agenda Report) for inclusion in the Sturt River Linear Park in accord with the land acquisition priorities identified within the Sturt River (Coromandel Valley) Linear Park Concept Plan.*
 - b. *Authorises the Chief Executive Officer to negotiate purchase of the property for no more than \$430,000 (GST Exclusive) plus fees, charges and associated costs.*
 - c. *Provides funds of up to \$215,000 (GST Exclusive) plus fees, charges and associated costs toward the property purchase from the Sturt River Linear Park land purchases budget.*
 - d. *Seeks re-imburement from the Department of Planning, Transport and Infrastructure for up to 50% of the purchase price from grant funding provided to Council for 'Sturt River Linear Park land acquisitions'.*
 - e. *Authorises the Mayor and Chief Executive Officer to sign and affix the Council Seal to any documentation necessary to complete the purchase of the land.*
 - f. *Authorises the Mayor and Chief Executive Officer to complete any necessary documentation (if needed) to lease the property to the current owner, or a rental agreement to a suitable tenant, until the buildings are demolished and the site is utilised as a public reserve.*

Seconded by Cr Jamieson.

CARRIED

MOVED Cr Nash.

4. *That the matter of the Proposed Open Space acquisition – Sturt River Linear Park 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 Proposed Open Space acquisition – Sturt River Linear Park and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until settlement has been completed.*

Seconded by Cr de Jonge.

CARRIED