

Confidential 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 9 November 2021.

18. ITEMS IN CONFIDENCE

Item 12.1 on the Agenda was considered in Items in Confidence, as per leave of the meeting granted.

Conflict of Interest

Councillor Smedley declared a perceived conflict of interest for Item 18.1 Motion on Notice – Purchase of Land – Councillor Fleming (Report No: 385/21). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) is Councillor Smedley provides advice to a party who consults to the owner of the property.

Councillor Smedley dealt with the perceive conflict of interest by making it known and leaving the meeting at 7.57 pm.

18.1 Motion on Notice – Purchase of Land – Councillor Fleming (Report No: 385/21)

Motion – Exclusion of the Public – Section 90(3)(b) and (d) Order C091121/2472

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: 385/21 Motion on Notice – Purchase of Land – Cr Fleming 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: 385/21 Motion on Notice – Purchase of Land – Cr Fleming 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 proposing to conduct business; or would prejudice the commercial position of the Council.
 - 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, or to confer a commercial advantage on a third party.

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 Lonie, Seconded Councillor Miller

Carried

Motion

C091121/2473

That Council:

1. **ascertain the current purchase status of the property; and**
2. **if available Administration investigate the feasibility of purchasing 28 Sturt Road, Brighton (LeCornu site), for Council and community use, and provide a report to Council for their consideration.**

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C091121/2474

That having considered Agenda Item 18.1 385/21 Motion on Notice – Purchase of Land – Cr Fleming in confidence under section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the minutes be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant commercial transactions, and that this order be reviewed every 12 months.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

Councillor Smedley re-joined the meeting at 8.38pm.

Councillor Abley left the meeting at 8.38pm.

Councillor Abley re-joined the meeting 8.38pm.

Councillor Lonie left the meeting at 8.38pm.