

ITEM NUMBER: 18.1

CONFIDENTIAL REPORT

MOTION ON NOTICE – PURCHASE OF LAND – COUNCILLOR FLEMING

Pursuant to Section 90(3) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- b. information the disclosure of which 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 would, on balance, be contrary to the public interest.**

- d. 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; and would, on balance, be contrary to the public interest.**

CONFIDENTIAL

Recommendation – Exclusion of the Public – Section 90(3)(b) and (d) Order

- 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.
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Item No: 18.1
Subject: **MOTION ON NOTICE – PURCHASE OF LAND – CR FLEMING**
Date: 9 November 2021

PROPOSED MOTION

Councillor Fleming proposed the following motion:

That 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.

BACKGROUND

The property at 28 Sturt Road, Brighton (LeCornu site), is a large allotment of land (9,378 sqm). The property was on the market and under offer subject to the approval of two separate development applications, being for the removal of 11 regulated trees and the division of the land into 20 residential allotments. This house is situated on almost 1 hectare of land and was recently put up for sale after the death of its last occupant. This is or one of the biggest blocks of land in the City of Holdfast Bay.

The house is a large well-built gentleman's bungalow with, as far as is known, 5 bedrooms, 2 bathrooms and garaging for 3 cars. It was constructed in 1918 for an important South Australian identity, Charles Patrick Wauchope (b1868), a well-known businessman and director of Balfour Wauchope Ltd from 1924. Charles was the son-in-law of Elizabeth Balfour and was married to Margaret Balfour (b 1867) and subsequently her sister Wilhemina (b 1878), following Margaret's death in 1911.

Another important family that has owned and occupied this property for over 60 years (since 1957) is the Le Cornu family, who established their business in Adelaide in 1861 and continued until 1989.

The house was built to the design of well-respected Adelaide architectural firm Woods, Bagot, Jory and Laybourne Smith (but likely to the design hand of Laybourne Smith) with the building contractor Emmett & Son appointed directly by Wauchope. WBJ&LS had designed the Jackman's tea rooms at 48 – 50 King William Street in 1917 for Balfour's Ltd so there was already a strong association with this family.

The house is an excellent example of a Federation-era bungalow retaining its setting on a large allotment. It has a dominant roof form, and the materials (slate roof and terracotta details, rendered masonry walls) and stylistic elements (such as prominent chimneys) are outstanding examples of the Federation period domestic style in Adelaide. It is a rare example of a house and garden setting surviving in Adelaide and South Australia.

The grounds contribute to the significance of the house and are an example of a large well-treed garden from the early 20th century, with lawns and many regulated and significant trees. The trees were specifically mentioned in the 2008 Brighton Heritage Review: 'Several trees within the garden are also of note, being large/mature specimens of their species'.

This house and its setting are considered a special place by the community around it. It is also in close proximity with other large old properties in this section of Sturt Road, including one locally listed property at No 42. It therefore contributes to the unique historic character of this section of Sturt Road as well as providing a green oasis for native birds and mammals.

For the above reasons, the house has twice been approved for local heritage listing but this was refused by the Le Cornu family. The quality of its build and its historic connections as the home of two of Adelaide's most important family-run companies unfortunately it was knocked back for State Heritage listing.

There are three concerns with the potential sale of this block of land:

1. The demolition of a house with heritage value
2. The loss of the mature trees
3. The proposed over-development of the site

It is believed the property is back on the market and if so, Council could make an offer for its purchase and utilise the property for Council and community use. There has been strong community support for Council to purchase and save the property from being developed into multiple allotments.

ADMINISTRATION COMMENT

Council needs to determine if the motion should be retained in confidence. If so, the following clause is recommended to be included in the motion:

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.