

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 12 July 2022.

18. ITEMS IN CONFIDENCE

18.1 Proposed Sale of Land (Report No: 238/22)

Motion – Exclusion of the Public – Section 90(3)(b & d) Order C120722/2670

- 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: 238/22 Proposed Sale of Land 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: 238/22 Proposed Sale of Land in confidence 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 conducting 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 Patton

Carried Unanimously

At its meeting held on 24 August 2021, Council resolved in confidence to make a Road Process Order to formally close the unmade road reserves on Lynton and Lynmouth Avenues at North Brighton, as the first step towards the sale of the Lynton Avenue allotment on the open market, whilst pausing progress of the sale on the Lynmouth Avenue allotment to enable Administration to engage directly in discussions with Minda for better clarity as to Council's sale options for this site (Resolution No. C240821/2399). With the imminent creation of the Certificates of Title for the respective parcels of land, this report recommends that Council take the next step in the sale of the Lynton Avenue allotment in accordance with Council's Disposal of Land and Asset Policy.

Motion

- 1. That Council authorises the Chief Executive Officer to enter into a Sales Agent Agreement for the sale of the allotment comprising the Lynton Avenue allotment following the creation of a Certificate of Title and completion of the tender process to select an appropriate land agent to manage the sale in accordance with Section 20 of the *Land and Business (Sale and Conveyancing) Act 1994*.**
- 2. That Council authorises the Chief Executive Officer to determine the most appropriate method for sale for the allotment comprising the Lynton Avenue allotment having regard to the advice received from the successful Real Estate selected as the preferred tendered to manage the sale.**
- 3. That Council authorises the Chief Executive Officer to accept any reasonable offer for the allotment comprising the Lynton Avenue allotment that is not lower than \$800,000.**
- 4. That Council authorises the Chief Executive Officer and Mayor to authorise any legal and financial documentation required for the transaction of the allotment comprising the Lynton Avenue allotment.**
- 5. That Council authorises the removal of the non-regulated vegetation on the Lynton Avenue allotment prior to the allotment being marketed for sale.**
- 6. That prior to advertising the Lynton Avenue allotment for sale, courtesy written advice is provided to the Chief Executive of Minda announcing Council's intent for the sale of the Lynton Avenue allotment, and Council's continued willingness to engage further with Minda on the potential transfer of the Lynmouth Avenue allotment at a later date.**

RETAIN IN CONFIDENCE - Section 91(7) Order

C120722/2671

7. That having considered Agenda Item 18.1 Report No: 238/22 Proposed Sale of Land in confidence under Section 90(2) and (3)(b) & (d) of *the Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and/or with the Chief Executive Officer authorised to release the documents when the land purchase is completed and that this order be reviewed every 12 months.

Moved Councillor Fletcher, Seconded Councillor Patton

Carried Unanimously

CONFIDENTIAL

CONFIRMED 26 JULY 2022

MAYOR