

Confidential Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held via Electronic Means in a Virtual Meeting Room on Tuesday 27 July 2021.

18. ITEMS IN CONFIDENCE

- 18.1 Jetty Road Stage 1 Chapel Plaza and Hindmarsh Lane Execution of Land Sale Purchase Contract and Licence Agreement with Uniting Church in Australia (SA) (Report No: 247/21)

Motion – Exclusion of the Public –Section 90(3)(b & d) Order C270721/2365

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: 247/21 Jetty Road Stage 1 Chapel Plaza And Hindmarsh Lane Execution Of Land Sale Purchase Contract And Licence Agreement With Uniting Church In Australia (SA) 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: 247/21 Jetty Road Stage 1 Chapel Plaza And Hindmarsh Lane Execution Of Land Sale Purchase Contract And Licence Agreement With Uniting Church In Australia (SA) 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 would prejudice the commercial position of the Council in relation to the Licence Agreement and Land Sale Purchase Contract with Uniting Church in Australian (SA)
 - 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 and to confer a commercial advantage on a third party in relation to the Licence Agreement and Land Sale terms and conditions.

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 Lindop, Seconded Councillor Lonie

Carried Unanimously

On 19 January 2019, Council gave approval to implement the first stage of the Jetty Road Glenelg Masterplan which included the creation of a pedestrian friendly space of Chapel Plaza and Hindmarsh Lane. The scope for Chapel Street included utilising private property owned by the Uniting Church in Australia (SA) (known locally as St Andrews by the Sea Church), for the installation of garden beds, paving, trees and seating as part of the project.

Council then resolved on 23 March 2021 to enter into negotiations with the Uniting Church in Australia (SA) (UCA) for a Licence Agreement and an offer to purchase a portion of land, to support the delivery and implementation of the Jetty Rd Stage 1 Chapel Plaza and Hindmarsh Lane Project.

This report is seeking Council to endorse and accept the proposed terms and conditions of the Contract for Sale and Purchase of Land in Attachment 1 and allocate budget of \$124,899.77 to fund the sale of land and other fees and charges. In addition, this also requires Council to register the land at the Lands Title Office as an extension to the existing Road Reserve and execute the Licence Agreement with a provision to remove the area purchased by the Council by way of addenda to vary the licence agreement.

Motion

C270721/2366

That Council:

- 1. delegates authority to the Mayor and Chief Executive Officer to sign the Licence Agreement between the City of Holdfast Bay and the Uniting Church in Australian Property Trust (SA) as per Attachment 1 and affix Council's Common Seal;**
- 2. approves the purchase price of \$100,000.00 (exclusive GST) and associated costs to purchase the land described in Contract For Sale and Purchase of Land (Non Residential) Special Conditions Annexure B – Plan of Division (special condition 3);**
- 3. approves a deposit of \$10,000.00 be held by the vendor's legal representative Tri-Meridian Corporate & Commercial Pty Ltd Law Practice Trust Account ABN: 45 621 261 48900 327 580;**



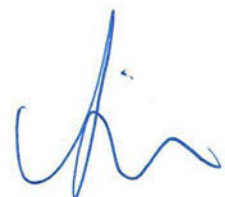
4. approves the special condition item of the Contract for Sale and Purchase of Land (Non Residential) item 4 Licence Agreement that:
 - a. the Licence Agreement between the City of Holdfast Bay and Uniting Church in Australia Trust (SA) be executed prior to the settlement date of this land purchase; and
 - b. post the finalisation of the land sale the licence be varied and remove the purchased land from the agreement;
5. approve the settlement date and submission of the sale to Land Titles Office to be registered as part of the Road Reserve;
6. approves the budget allocation for the purchase of the land and all associated costs which are estimated to be \$125,000 (exclusive of GST);
7. delegates authority to the Mayor and Chief Executive Officer to sign the Land Purchase Contract to purchase a portion of the property located at 92 Jetty Road Glenelg as per Attachment 2 Land Sale and affix the Common Seal of the City of Holdfast Bay; and

RETAIN IN CONFIDENCE - Section 91(7) Order

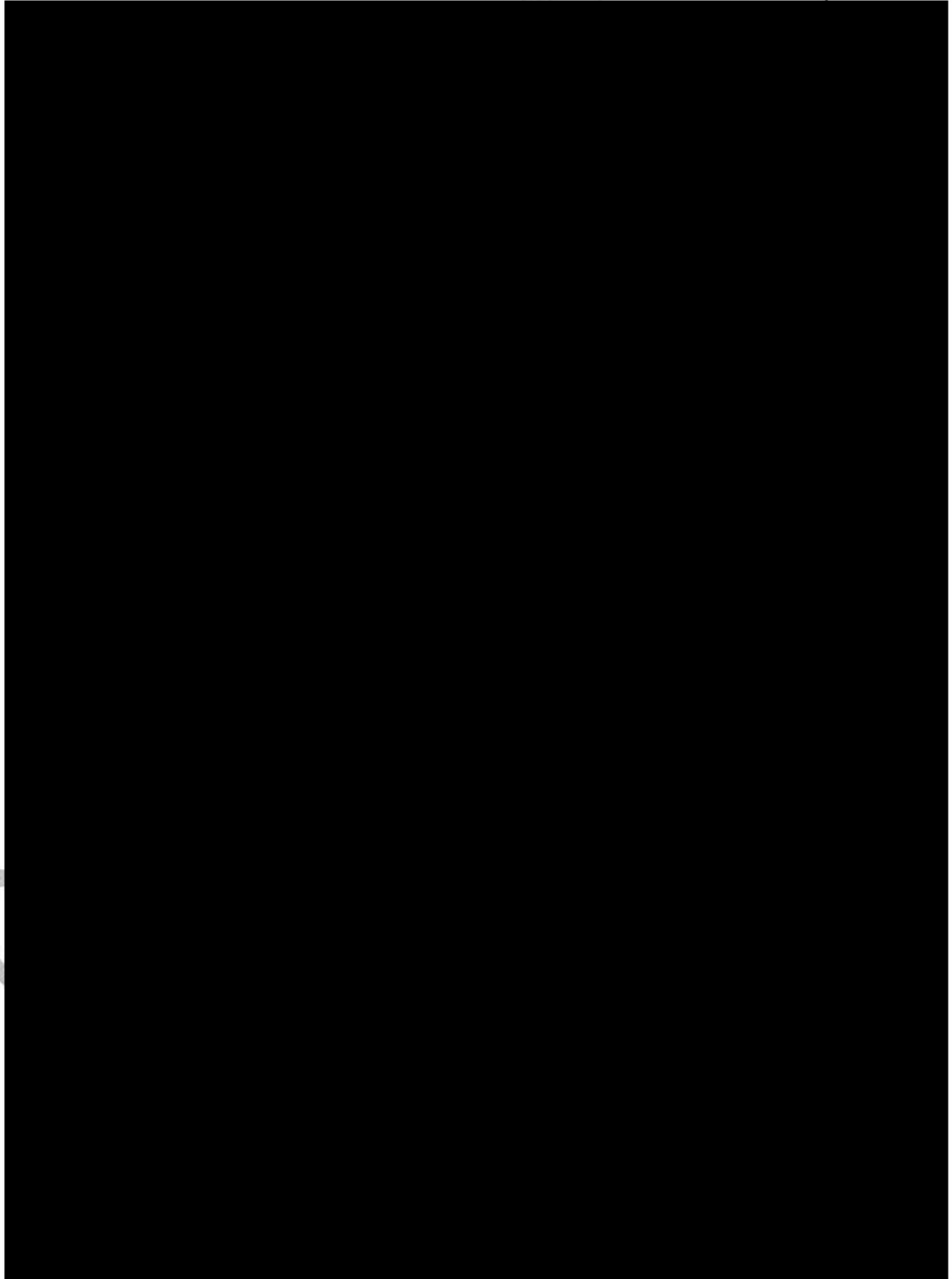
8. that having considered Agenda Item 18.3 Jetty Road Stage 1 Chapel Plaza And Hindmarsh Lane Execution Of Land Sale Purchase Contract And Licence Agreement With Uniting Church In Australia (SA) in confidence under Section 90(2) and (3)(b & d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when both the land purchase is completed and the licence is executed, giving due consideration to any relevant legal considerations and that this order be reviewed every 24 months.

Moved Councillor Abley, Seconded Councillor Miller

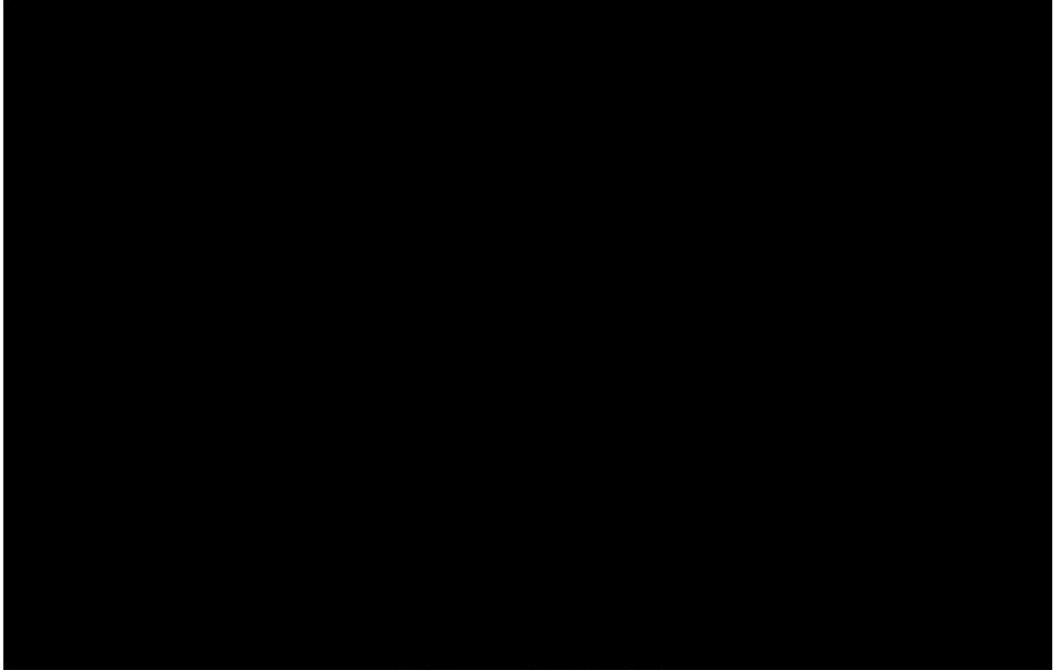
Carried Unanimously



18.3 **Claim Against Council** (Report No: 249/21)



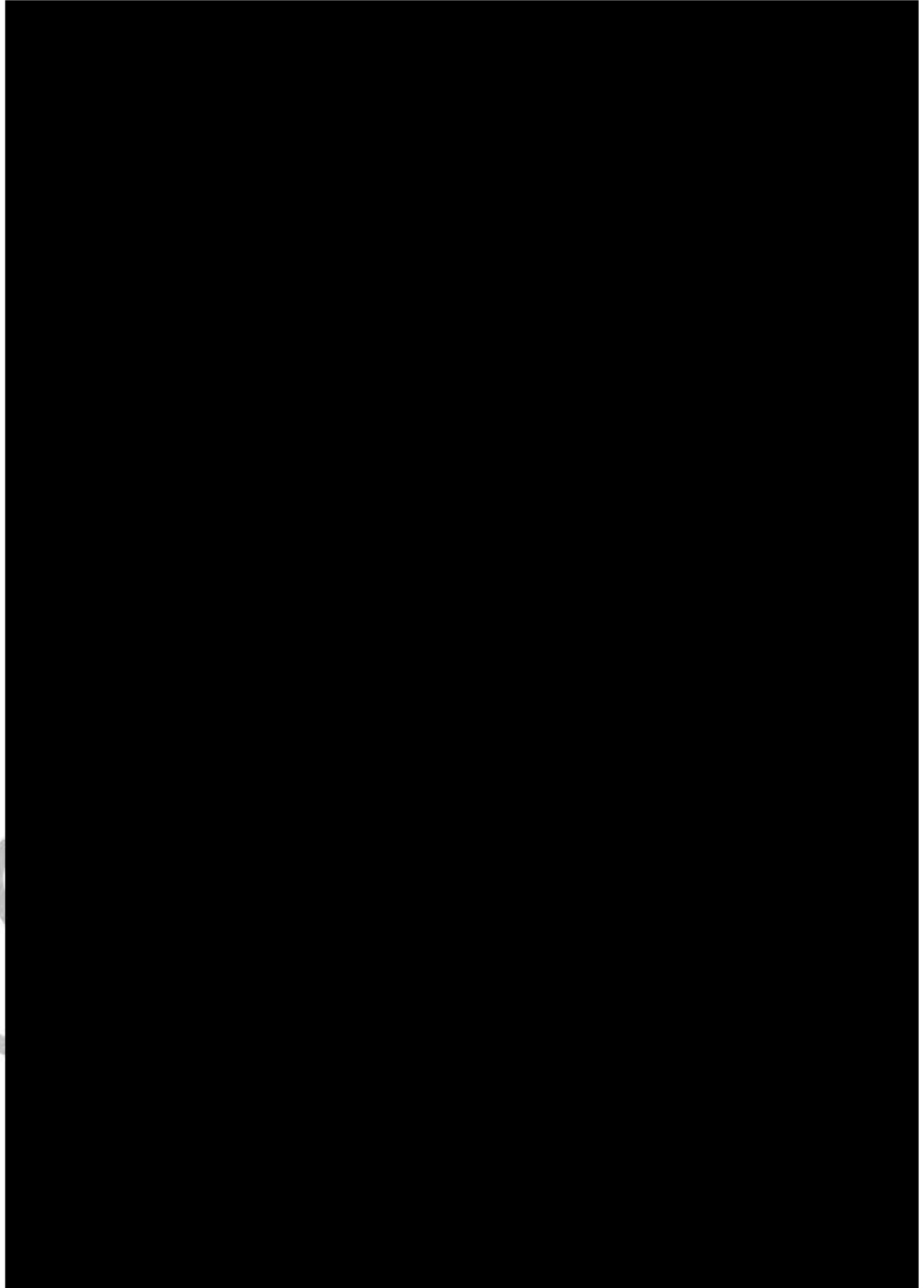
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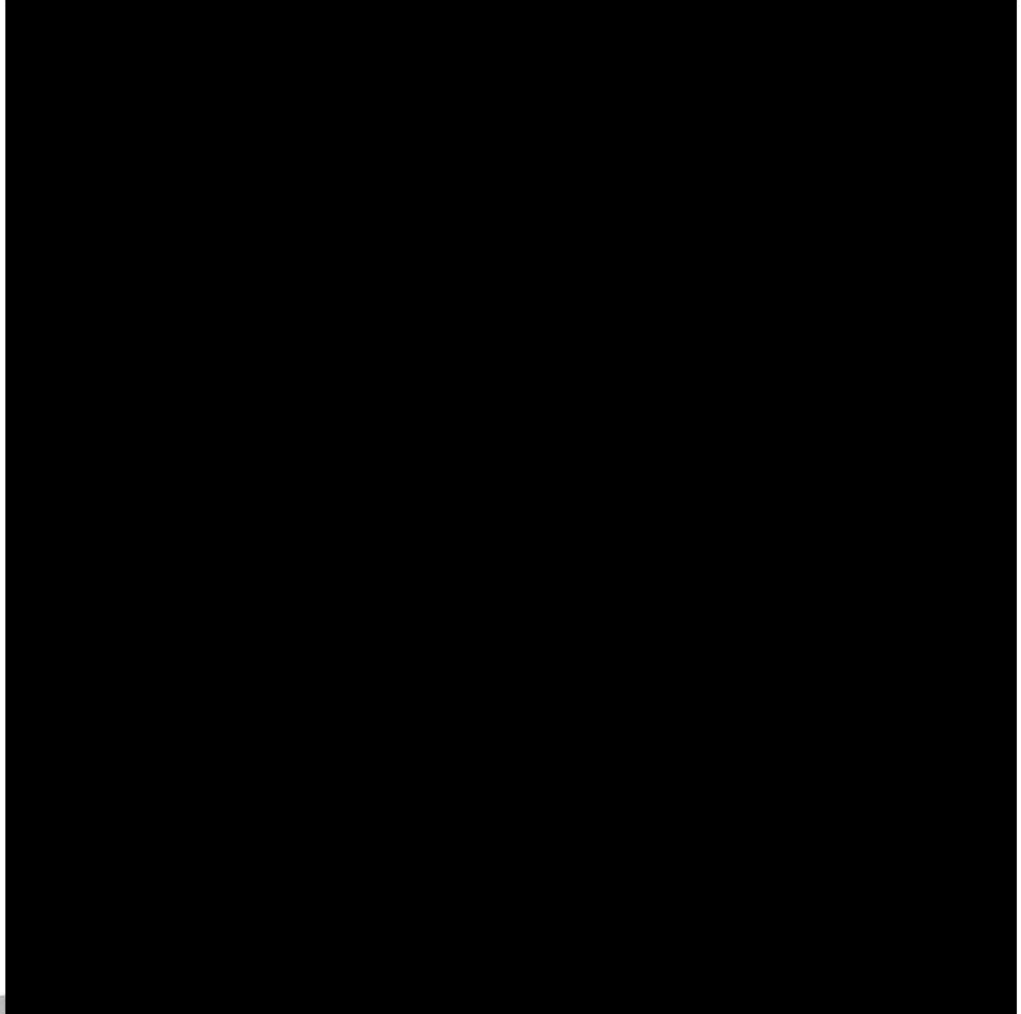
CONFIDENTIAL

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18.4 Kauri Community & Sporting Complex – EOI Tender (Report No: 250/21)



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CONFIRMED 10 AUGUST 2021



MAYOR