

**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 23 August 2022.**

**18. ITEMS IN CONFIDENCE**

**18.3 Kingston Park Agreement to Lease (Report No: 329/22)**

**Motion – Exclusion of the Public – Section 90(3)(b & d) Order C230822/7227**

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: 329/22 Kingston Park Agreement to Lease 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: 329/22 Kingston Park Agreement to Lease 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 would prejudice the commercial position of the Council; and
  - 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.

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 Fleming, Seconded Councillor Fletcher

**Carried Unanimously**

On 8 December 2020, Council endorsed that Administration seek expressions of interest for an operator to participate in the design process of the proposed kiosk at

Kingston Park (Kiosk) and, should the development proceed, provide café services from the Kiosk.

Five (5) expressions of interest were received by Administration during the two week submission period in April 2021. Three (3) of the submissions were short listed and were assessed by a tender evaluation panel, consisting of two Elected Members, using an appropriate and equitable process to determine the preferred applicant.

Administration has worked through the preferred applicant's expression of interest and an acceptable proposal has been negotiated and was presented for Council's approval.

**Motion**

**C230822/7228**

**That Council:**

1. **appoints The Seller Door Pty Ltd as the café service provider for the Kingston Park Kiosk;**
2. **enters into an Agreement To Lease with The Seller Door Pty Ltd pursuant to which Council agrees that it will, in the future, grant a lease to The Seller Door Pty Ltd in respect of that portion of land comprised in Certificate of Title Volume 6616 Folio 560 as delineated in red on the plan annexed hereto as Attachment 1 and more particularly situated in the south western corner of the Brighton Beachfront Holiday Park for a term of five (5) years subject in all respects to practical completion of the Kiosk and otherwise on the terms and conditions outlined herein; and**
3. **authorises the Mayor and the Chief Executive Officer to execute and seal any documents required to give effect to the Agreement For Lease.**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

4. **That having considered Agenda Item 18.3 Kingston Park Agreement To Lease (Report No: 329/22) 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 for the duration of the approved lease period (provided always that the release of the Report, Attachment and Minutes is subject to the redaction of any financial information contained therein).**

Moved Councillor Bradshaw, Seconded Councillor Lonie

**Carried Unanimously**

**CLOSURE**

**Meeting closed 9.39pm**

**CONFIRMED 13 September 2022**

**MAYOR**

CONFIDENTIAL