

MINUTES OF THE MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY, 17TH DECEMBER, 2013 AT 6.00 P.M.

MOTION WITHOUT NOTICE

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Smith moved that the following Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

S.90(3)(b) - information to be received and considered in relation to this 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
- proposing to conduct business; or
- would prejudice the commercial position of the Council.

S.90(3)(d) - information to be received and considered in relation to this 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 give a commercial advantage to a third party; and
- would be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the release of the information would prejudice the commercial position of the Council in sale negotiations and give a commercial advantage to the proposed purchaser. Further, that the release of commercial information provided by the proposed purchaser regarding their proposed development/use of the subject land could reasonably be expected to prejudice their commercial position and/or give a commercial advantage to another third party.

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.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Motions Without Notice		
4.	<u>SALE OF COUNCIL PROPERTY</u> – 38 James Street Ref: AF11/1400	(b) & (d)

Cr Von Stanke seconded

Carried

IN CONFIDENCE

MOTION WITHOUT NOTICE

4. SALE OF COUNCIL PROPERTY – 38 James Street - Ref. AF11/1400

Goal: Securing Economic Prosperity

Strategic Objective: Support the development of our local economy, our unique local experiences and our capacity to grow visitation to our City.

The Chief Executive Officer reported:

Councillors will be aware of earlier reports regarding negotiations for the sale of Council properties located at 38 & 40 James Street.

Sale negotiations were discontinued when the prospective purchaser became aware of an easement located upon the property at 40 James Street (adjacent the boundary of 38 James Street) that complicated their proposed development.

It is understood that the prospective purchaser has negotiated with adjacent property owners with a view to securing a development site including one of Council's properties.

Council's agent has now presented an offer for the purchase of 38 James Street only (Lot 89 in Deposited Plan 96 contained in Certificate of Title Volume 5798 Folio 19).

The purchase offer is \$335,000 +GST - matching Council's June 2011 purchase price, with a settlement date tentatively scheduled for 14th May 2014.

The proposed purchase is subject to and conditional upon:

- (a) the purchaser entering into a contract by 14th March 2014 for the purchase of adjoining property at 36 James Street (portion of CT 5248/845)
- (b) both contracts being subject to the approval of development of a dental clinic on site with car parking

No timeframe has been proposed for condition (b).

A Plan showing 38 James Street and the adjacent allotment is attached.

Should Council accept the purchase offer/conditions, then condition (b) should be confirmed as planning (not full development) approval, and further sub-conditions/purchaser obligations should limit grounds on which the purchaser may delay the contract/settlement, including:

- a date by which an application is to be lodged (eg 6-8 weeks)
- a date by which consent is to be obtained (eg 8-12 weeks)
- best endeavours of the purchaser to seek approval (ie lodge complying development with sufficient supporting docs/info)

The offer and conditions are presented for Council's consideration.

Location Plan - 38 James Street



Cr Von Stanke moved it be recommended:

- (a) The report be received and the contents noted;
- (b) Council accept the offer of \$335,000 +GST for the sale of 38 James Street upon conditions as presented in the report;
- (c) The Chief Executive Officer and Mayor be authorised to negotiate final contract conditions, and to execute and affix the Council Seal to any documentation necessary to give effect to the sale of 38 James Street (Lot 89 in Deposited Plan 96 contained in Certificate of Title Volume 5798 Folio 19) for a sale price of not less than \$335,000 +GST.

Cr Mutton seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Smith moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to item 3 which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Date</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
MOTION WITHOUT NOTICE				
17/12/2013	<u>SALE OF COUNCIL PROPERTY</u> – 38 James Street Ref: AF11/1400	(b) & (d)	All details	Until settlement of a contract of sale; or If no contract of sale is executed – 6 months

Cr Von Stanke seconded

Carried

Cr Von Stanke moved that Council resume to an open session.

Cr Smith seconded

Carried

Meeting closed at 7.30 p.m.
MJT