

12.1. (Confidential) Coorong Cafe - Lease Proposal to Community Engagement

C273/08/25

Moved Cr Craig Maidment seconded Cr Lou Nicholson

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Manager Governance and Communications, Manager Property and Procurement Services, Team Leader Communications and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 12.1 (Confidential) Coorong Cafe - Lease Proposal to Community Engagement.

The Council is satisfied, pursuant to section 90(3)(d) of the Act, that 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:

- (i) 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
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information provided in this report contains a commercial proposal supplied by an applicant in accordance with a requirement from a confidential report from the 23 May 2022 Council Meeting of which the Attachments and Audio remains in confidence until it is resolved to proceed to community engagement or otherwise.

CARRIED UNANIMOUSLY

C274/08/25

Moved Cr Milli Livingston seconded Cr Craig Maidment

That Council:

1. Receive and note the contents of the report titled '(Confidential) Coorong Cafe - lease proposal to community engagement'.
2. Receive and note the proposal from Coorong Cafe for a new 20-year lease at Sugars Beach as provided at Attachment 1 contained in this meeting agenda.
3. Proceed to community engagement in accordance with the Community Engagement Plan as provided at Attachment 2 contained in this meeting agenda, on the essential terms proposed for a 20-year lease with Coorong Cafe, for continued occupancy of portion of Sugars Beach Reserve Hindmarsh Island, Section 501 Crown Record Volume 5763 Folio 664, as below:
 - a. 20-year (5+5+5 +5) year lease.
 - b. Lease commencement date of 1 November 2025.
 - c. Purpose of 'shop, comprising of two mobile food vans with associated approved storage container, amenities and open dining area'.
 - d. Commencement rent to be determined and applied by an Independent Market Valuation.

- e. Independent Market Valuation to be undertaken and applied at each 5-year renewal term.
 - f. Rent to be reviewed by CPI in the years between a market valuation.
 - g. Lease area as depicted within the images included in this Report titled '(Confidential) Coorong Cafe - lease proposal to community engagement'.
 - h. Lease to be accompanied by a road rental permit for the partial placement of the shipping container on road.
 - i. Lease to be accompanied by a commercial trading permit for the dining area located external to the lease area.
- 4. Resolve to undertake community engagement on an amendment to the Community Land Management Plan to reflect the footprint of the proposed lease from 'Multi-Use Developed Reserve' to 'Multi-Use Commercial Properties.'
 - 5. Note that a further report following community engagement, inclusive of all submissions received, will be presented to a future meeting of Council.

CARRIED

C275/08/25

Moved Cr Milli Livingston seconded Cr Bill Coomans

- 1. That subject to the Chief Executive Officer, or their delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Council's decision(s) in this matter in the performance of the duties and responsibilities of office, the Council having considered Agenda Item 12.1 (Confidential) Coorong Cafe - Lease Proposal to Community Engagement in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 12.1 (Confidential) Coorong Cafe - Lease Proposal to Community Engagement be retained in confidence until further order.
- 2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

CARRIED UNANIMOUSLY