

EXTRACT FROM COUNCIL MINUTES 17 JANUARY 2023

8.1 Melrose Caravan & Tourist Park – Future Operations

Moved Cr Till
Seconded Cr Keller

That Pursuant to Section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of Sam Johnson (Chief Executive Officer), Brenton Daw (Director Infrastructure and Regulatory) and Jacqui Kelleher (Director Community & Corporate) be excluded from the meeting as Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider a report containing information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business or to prejudice the commercial position of the Council (namely, information regarding an expression of interest process related to the operation of the Melrose Caravan & Tourist Park which if made public could negatively impact the expression of interest process) and would, on balance be contrary to the public interest.

Carried Unanimously
[017-2023]

Moved Cr Keller
Seconded Cr Heaslip

That Council receives and notes the report.

Carried Unanimously
[018-2023]

Moved Cr Keller
Seconded Cr Nottle

That Council:

1. approves the sale of the business of the Melrose Caravan and Tourist Park on terms as outlined within the attached Business Sale Agreement to Mark Edwin Fillery;
2. approves the lease of the Melrose Caravan and Tourist Park on terms as outlined within the Lease as attached to the report, between Council and Mark Edwin Fillery;
3. authorises the Chief Executive Officer to make any necessary changes to the Business Sale Agreement and/or the Lease, as deemed reasonably necessary by the Chief Executive Officer, after having consulted with the Mayor, to give effect to the transactions contemplated by recommendations 1 and 2 above and in accordance with the report;
4. authorises the Mayor and the Chief Executive Officer to sign and affix the Common Seal of Council to the Business Sale Agreement and to the Lease with Mark Edwin Fillery (and or nominee/s), as attached to the report (or otherwise amended in accordance with Recommendation 3) with respect to the Melrose Caravan & Tourist Park; and
5. authorises the Chief Executive Officer to take all steps reasonably necessary to give effect to the transactions as outlined in 1 and 2 above.

Carried Unanimously
[019-2023]

Moved Cr Tate
Seconded Cr Till

That:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999*, Council orders that this report item 8.1 - Melrose Caravan & Tourist Park – Future Operations, the attachments to this report, discussion at the meeting and resolution pertaining to this item having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis that it contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council (namely, information regarding an expression of interest process related to the operation of the Melrose Caravan & Tourist Park which if made public could negatively impact the expression of interest process) and would, on balance, be contrary to the public interest.
2. This order is to remain in force until the satisfaction of all of the following events:
 - a. the completion of the sale of the business; and ,
 - b. the lease being fully executed by all parties; and
 - c. the commencement of the lease,noting also that the order will be reviewed at least annually in accordance with the *Local Government Act 1999*.
3. Pursuant to Section 91(9)(c) of *the Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order and any other orders made by the Council under Section 91(7) in relation to the Melrose Caravan & Tourist Park – Future Operations in whole or part.

Carried Unanimously
[020-2023]