

**CORRESPONDENCE**

Nil

**QUESTIONS ARISING FROM COUNCIL MEETING (10 MINUTES)**

Nil

**105      CONFIDENTIAL REPORTS**

**105.1      REPORT TITLE:      CONFIDENTIAL REPORT - STRATEGIC  
   LAND PARCELS  
                 DATE OF MEETING: 16 JUNE 2008  
                 AUTHOR:      DAVID NINIO  
   SPECIAL PROJECTS OFFICER  
                 DEPARTMENT:      INFRASTRUCTURE AND PROJECTS  
                 DEPARTMENT  
                 MANAGER:      BRIAN CLANCEY  
                 REPRESENTORS:      N/A  
                 FILE NUMBER:      64/050/008**

Moved Cr Irvine that Council:

1. orders pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 that the public be excluded from attendance at the meeting to consider in confidence matters regarding:
  - (a) information the disclosure of which:
    - (i) 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; and
    - (ii) would, on balance, be contrary to the public interest.
  - (b) 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;

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

- 2. permits the Chief Executive Officer, General Manager Infrastructure & Projects, General Manager Strategy Development and Communities, General Manager Corporate and Community Services, Manager, Engineering and Technical Services and the Minute Secretary to remain in the room;

Seconded Cr Zanker and CARRIED.

Cr Stokes left 9.29pm

Moved Cr Gamble that Council

- 3. authorise Council Officers to progress negotiations with the Stephenson Family based on the possible acquisition by Council of:
  - (a) Proposed Allotments 410 and 412 (a total of approximately 51.47ha) as shown on attachment 1 which includes the homestead on current allotment 41 but excludes proposed allotment 411 or;
  - (b) Proposed Allotments 412 and 413 (a total of approximately 48.58ha) as shown on attachment 2 which excludes the homestead and land shown as proposed allotment 410 and excludes proposed allotment 411. Note that proposed allotment 413 is identified for Road reserve.
- 4. authorise Council officers to continue discussions with the representatives of St Francis De Sales College (The College) on the possible sale by Council of a portion of land contained in the Big Green which will be the subject to the required statutory process referred to in recommendation 5 b) below;
- 5. Note that a further report shall be presented to a Council meeting by no later than 15 December 2008 which:
  - a) would include an update on the negotiations with the Stephenson Family and the discussions held with the College.
  - b) may include seeking council authority to undertake community consultation for the proposed exclusion of land from Community Land classification on the Big Green in accordance with the disclosure requirements of the Local Government Act 1999 including the proposed sale of portion of the land to the College and possible use of the balance of the land.

6. authorise Council officers to contact Ms C L Lambe the owner of the property located on Bald Hills Road (the land identified as lot 81 on attachments 1 and 2) to firstly brief her about the possible acquisition by Council of portion of the Stephenson Land and the intended subsequent use for public purposes such as the establishment of recreational and sporting facilities and of treated waste water storage; and secondly to gauge her willingness or otherwise to sell her property to Council;
7. authorise Council Officers to brief representatives of the Mount Barker Football Club on the current status of the possible configurations of the Stephenson land that may be available for sale to Council;
8. note that Mrs S. A Flett the owner of the property located on Springs Road (shown in attachment 3) has been consulted on the possible acquisition by Council of land from the Stephenson Family and the intended subsequent use for public purposes such and authorise Council Officers to keep Mrs Flett informed as per her verbal request;
9. note that investigations are occurring in relation to the possible acquisition by Council of another parcel of land currently on the market as to its suitability for treated waste water storage;
10. orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 15 December 2008 or until all land transactions arising from this item have been undertaken with a contract executed by all parties whichever is the sooner
11. extend the existing order pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to item 17.1 of the Council meeting held on 3 March 2008 now be kept confidential until 15 December 2008 or until all land transactions arising from this item have been undertaken with a contract executed by all parties whichever is the sooner; and

Seconded Cr Wilksch and CARRIED.

Moved Cr Zanker that Council

12. subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

Seconded Cr Irvine and CARRIED.

MEETING DECLARED CLOSED AT 9.36 PM

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

**17. CONFIDENTIAL REPORTS**

**17.1 REPORT TITLE: CONFIDENTIAL REPORT - STRATEGIC LAND PARCELS**

**DATE OF MEETING: 16 JUNE 2008**

**AUTHOR: DAVID NINIO  
SPECIAL PROJECTS OFFICER**

**DEPARTMENT: INFRASTRUCTURE AND PROJECTS**

**DEPARTMENT  
MANAGER: BRIAN CLANCEY**

**REPRESENTORS: N/A**

**FILE NUMBER: 64/050/008**

**ATTACHMENTS: 1. PRELIMINARY SURVEY PLAN INCLUDING  
THE HOMESTEAD  
2. PRELIMINARY SURVEY PLAN EXCLUDING  
THE HOMESTEAD  
3. LOCATION PLAN SHOWING MS FLETT'S  
PROPERTY**

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**PURPOSE**

1. To update Council on the current status of negotiations between Council Officers and the Owners of the Stephenson Land.
2. To update Council on the discussions held between Council Officers and representatives of the St Francis De Sales College.

**RECOMMENDATION**

That Council:

1. orders pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 that the public be excluded from attendance at the meeting to consider in confidence matters regarding:
  - (a) information the disclosure of which:
    - (i) 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; and

- (ii) would, on balance, be contrary to the public interest.
  - (b) 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;
    - (ii) would on balance, be contrary to the public interest.
2. permits the Chief Executive Officer, General Manager Infrastructure & Projects, General Manager Strategy Development and Communities, General Manager Corporate and Community Services, and the Minute Secretary to remain in the room;
  3. authorise Council Officers to progress negotiations with the Stephenson Family based on the possible acquisition by Council of:
    - (a) Proposed Allotments 410 and 412 (a total of approximately 51.47ha) as shown on attachment 1 which includes the homestead on current allotment 41 but excludes proposed allotment 411 or;
    - (b) Proposed Allotments 412 and 413 (a total of approximately 48.58ha) as shown on attachment 2 which excludes the homestead and land shown as proposed allotment 410 and excludes proposed allotment 411. Note that proposed allotment 413 is identified for Road reserve.
  4. authorise Council officers to continue discussions with the representatives of St Francis De Sales College (The College) on the possible sale by Council of a portion of land contained in the Big Green which will be the subject to the required statutory process referred to in recommendation 5 b) below;
  5. Note that a further report shall be presented to a Council meeting by no later than 15 December 2008 which:

- a) would include an update on the negotiations with the Stephenson Family and the discussions held with the College.
  - b) may include seeking council authority to undertake community consultation for the proposed exclusion of land from Community Land classification on the Big Green in accordance with the disclosure requirements of the Local Government Act 1999 including the proposed sale of portion of the land to the College and possible use of the balance of the land.
- 6. authorise Council officers to contact Ms C L Lambe the owner of the property located on Bald Hills Road (the land identified as lot 81 on attachments 1 and 2) to firstly brief her about the possible acquisition by Council of portion of the Stephenson Land and the intended subsequent use for public purposes such as the establishment of recreational and sporting facilities and of treated waste water storage; and secondly to gauge her willingness or otherwise to sell her property to Council;
  - 7. authorise Council Officers to brief representatives of the Mount Barker Football Club on the current status of the possible configurations of the Stephenson land that may be available for sale to Council;
  - 8. note that Mrs S. A Flett the owner of the property located on Springs Road (shown in attachment 3) has been consulted on the possible acquisition by Council of land from the Stephenson Family and the intended subsequent use for public purposes such and authorise Council Officers to keep Mrs Flett informed as per her verbal request;
  - 9. note that investigations are occurring in relation to the possible acquisition by Council of another parcel of land currently on the market as to its suitability for treated waste water storage;
  - 10. orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 15 December 2008 or until all land transactions arising from this item have been undertaken with a contract executed by all parties whichever is the sooner
  - 11. extend the existing order pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to item 17.1 of the Council meeting held on 3 March 2008 now be kept

confidential until 15 December 2008 or until all land transactions arising from this item have been undertaken with a contract executed by all parties whichever is the sooner; and

12. subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

### **BACKGROUND**

Council resolved at its meeting held on 3 March 2008 to:

1. *orders pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 that the public be excluded from attendance at the meeting to consider in confidence matters regarding:*
  - (b) *information the disclosure of which:*
    - (i) *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; and*
    - (ii) *would, on balance, be contrary to the public interest*
2. *permits the Chief Executive Officer, General Manager Infrastructure & Projects, General Manager Strategy Development and Communities, General Manager Corporate and Community Services, and the Minute Secretary to remain in the room.*
3. *authorise officers to continue negotiations with the owners of the 'Stephenson land' (the Stephenson Family) on the corner of Bald Hills Road and Springs Road and with representatives of St Francis De Sales College (The College) on the possible purchase and sale of land parcels and a further report shall be presented to a Council meeting by no later than 16 June 2008.*
4. *note that the further report referred to in recommendation 3:*
  - a) *would include an update on the negotiations; and*
  - b) *may include seeking council authority to undertake community consultation for the proposed exclusion of land from Community Land classification on the Big Green in accordance with the disclosure requirements of the Local Government Act 1999 including the proposed sale of portion of the land and use of the land.*



5. *note that in the event that Council does determine to undertake Community Consultation on the Community Land classification on the Big Green at some future time it will need to consider the outcome of this consultation before determining whether it will continue negotiations with the College.*
6. *authorise officers to brief the owner (Ms S A Flett) of the land located on Springs Road about the possible establishment of treated wastewater storage on the Stephenson land.*
7. *orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 30 June 2008.*

## **DISCUSSION**

### **General**

In addition to the recommendations the Council Report dated 3<sup>rd</sup> March 2008 covered the following topics:

1. preliminary feed back from the Environment Protection Authority regarding the desirability to investigate an alternative location regarding the possible establishment of treated wastewater storage on the Stephenson Land;
2. the Heritage significance of certain structures contained on the Stephenson Land;
3. Planning/zoning issues pertaining to the potential development of the Stephenson Land;
4. the potential relocation of the Field Services Centre to portion of the Big Green and;
5. update on the Transport Master Plan as it potentially impacts on the Big Green and the Stephenson land.

As resolved at the meeting, The General Manager Infrastructure and Projects (Brian Clancey) met with Mrs S A Flett the owner of the land located on Springs Road on 11 April 2008. Mr Clancey briefed her on the possible acquisition by Council of land from the Stephenson Family and the intended subsequent use for public purposes such as the establishment of recreational and sporting facilities and of treated waste water storage.

Mrs Flett raised some matters of particular interest to her including the impact on amenity and increased traffic.

Mrs Flett asked that Council keep her informed.

**Update on the current status of negotiations between Council and the Stephenson Family.**

The Mayor, Chief Executive Officer and Council staff met on 4 April 2008 with members of the Stephenson Family. The purpose of this meeting was to reaffirm the Stephenson's Family willingness to negotiate with Council for the possible sale of portion of their land.

Following further negotiations between Council staff and members of the Stephenson Family, the Stephenson Family have identified two areas of land (options 1 and 2) that can now be valued:

- **Option 1:** The land contained on attachment 1 shown as proposed allotments 410 and 412 comprising a total of approximately 51.47ha which includes the Homestead on current allotment 41 but excludes proposed allotment 411. At present this option appears unlikely as it is understood that some family members consider the house as a long term family home.
- **Option 2:** The land contained on attachment 2 shown as proposed allotments 412 and 413 comprising a total of approximately 48.58ha which excludes the homestead and land shown as proposed allotment 410 and excludes proposed allotment 411 (allotment 413 has been identified for future possible Road reserve).

The Stephenson Family wish to consider the market values of both options before deciding on a preferred option to further their commercial negotiations with Council.

Egan National Valuers have been retained by Council to determine the current market values for options 1 and 2 above.

It was agreed with the Stephenson Family that they will appoint their own valuer to determine the current market values for options 1 and 2 above and that there will be an exchange of valuations between their valuation and the Council's valuation when both valuations have been completed. This is likely to be around early July 2008.

The boundary realignment shown in green on the enclosed attachments have been approved by Council but as yet not activated. The proposed changes to the boundary realignments for both options are shown in blue.

In both options, the family residence (Kevin and Yvonne's Stephenson home) located on proposed allotment 411 as shown on the enclosed attachments is to be excluded from sale.

In order to achieve a successful negotiated outcome between the Stephenson family and Council the following essential issues would need to be satisfied:

- Commercial agreement on price from both parties.
- Statutory approval to changes to the existing approved boundary realignments to the proposed boundary realignments (delineated in blue on the enclosed attachments)

A further consideration is the need for approval from the Environment Protection Authority to the development of treated waste water storage on the land and whether Council would want to commit to purchase in advance of this matter being known (refer below).

#### **Approach to Ms Lambe, the owner of allotment 81 Bald Hills Road**

The subject land is considered to be of significant importance to Council given that it contains a small area of rural land (1894 square metres) surrounded by the Stephenson land. Its potential acquisition provides an opportunity of an uninterrupted ownership along Bald Hills Road. Its consolidation with the Stephenson Land would reduce any potential future conflict. The house is in a poor state of repair and has a Housing Improvement Order with a specified maximum rental.

#### **Environment Protection Authority**

The previous Council report indicated the need for Council Officers to engage with EPA regarding the siting for the proposed location of the treated waste water lagoons on the Stephenson land and the need to undertake a risk assessment if an alternative location could not be identified.

Council is seeking to have a risk assessment undertaken of the preferred site on the Stephenson Land to enable a submission to be made to the EPA by Council to demonstrate how proximity to two houses and a watercourse could be adequately managed.

It is hoped that this will shortly be commissioned from a suitably qualified consultant.

#### **Alternative Site Location for the possible establishment of treated wastewater storage**

Council Officers have recently been investigating the feasibility of alternative locations that may be suitable for establishing additional

treated wastewater storage facilities. Major landholdings in the Mount Barker Region are held in tight ownerships and the task of identifying a suitable parcel of land that may be available is challenging.

Investigations are occurring in relation to the possible acquisition by Council of another parcel of land (also on Bald Hills Road) currently on the market as to its suitability for treated waste water storage.

Council is in the process of receiving preliminary advice from Wallbridge and Gilbert Consulting Engineers regarding the suitability of this site. An update is to be provided by officers at the Council meeting.

This will be the subject of a further agenda item for Council consideration if the investigations warrant the site being pursued.

#### **Update of discussions with the College**

Regular contact has been maintained between The College representatives and Council. The College is keen to enter commercial negotiations with Council. At the meetings held with the College it has been reaffirmed that until and unless Council determines to undertake Community consultation to exclude from Community Land Classification the land required by the College on the Big Green:

- that our discussions cannot pre-empt any Council decision on this matter and;
- those commercial negotiations cannot be initiated between the College and Council.

#### **Community Consultation Big Green**

It is proposed that a Council report for consideration to undertake community consultation for the exclusion of Community Land Classification for the Big Green will be presented when and if a firm commitment is reached between Council and the Stephenson Family to sell portion of their land to Council. It is also proposed that if a firm commitment is reached the following process in addition to the prescribed process (Local Government Act 1999) is undertaken:

- A Council Members Workshop is held to enable input towards the possible uses of the Big Green.
- Concept plans are prepared following the workshop.
- Council considers the Concept plans and if approved by Council the plans are then used for the purpose of undertaking Community Consultation.

- A Community Information Forum is held in addition to the prescribed process.
- Council considers the outcome of all public comments received including matters raised at the Community Information Forum before taking a decision on this matter.

### **Transport Master Plan**

The project brief for the Transport Master Plan includes that consideration be given to a "Possible new access to 'The Big Green' space in Mount Barker including reviewing the role of MacFarlane Terrace."

Please refer to the separate item in this agenda regarding the current status of the Transport Master Plan.

### **Mount Barker Football Club**

As reported in the 3 March 2008 Council report, representatives of the Club were previously consulted in order to determine their needs relating to the Stephenson Land. It is proposed that an update is provided to representatives of the Club on a confidential basis to inform them on the possible future configurations of the Stephenson land if sold to Council and the current status of the negotiation process.

### **Next Steps**

1. Exchange valuations between Council and the Stephenson Family.
2. Undertake commercial negotiations with the Stephenson family i.e. what land and at what price.
3. Continue discussions with representatives of the College;
4. Commission a risk assessment of the preferred site for treated wastewater storage and prepare a submission to the EPA;
5. Discussions with the adjacent property owner, Ms C L Lambe.
6. Provide an update to Mrs Flett.
7. Present a further agenda item for Council consideration if the investigations of another parcel of land currently on the market (as to its suitability for treated waste water storage) warrant the site being pursued.

8. Update Council on the relationship between the Stephenson Land and the Big Green to the Transport Master Plan when a draft Plan is available.
9. Further consider the implications of the current zoning of the Stephenson land and its potential use.
10. Further progress report to council by 15 September 2008.

## **POLICY IMPLICATIONS**

### **1. Financial/budget**

A key consideration of the possible acquisition of the available Stephenson land is how this would be funded.

Potential sources include:

1. Income from Council land sales potentially:
  - portion of the Big Green if sold to The College;
  - portion of the Big Green if 'purchased' by Council from Council for a new Field Services Centre i.e. using funds derived from the sale of the current site on Alexandrina Road;
  - no other Council land is being suggested for sale in relation to the potential purchase of land from the Stephensons.
2. Council CWMS reserves if portion of the Stephenson land was to be used for the storage of treated waste water;
3. Portion of the indirect infrastructure contribution funds to be paid to Council by several developers pursuant to the legal agreements entered into by Council in late 2006.

These options would need to be considered in the context of Council's long term financial planning and other priorities e.g. in the case of the indirect infrastructure contribution funds there are other priorities such as car parking and extensions to the linear trail network.

### **2. Legal**

The Stephenson land is zoned Rural Mount Barker.

The Big Green is zoned Public Purpose.

The Big Green is classified as community land under the Local Government Act. Pursuant to the Act there is a prescribed process to be followed that includes Council resolutions, community consultation and approval from the Minister for State/Local Government Relations prior to the land no longer being classified as community land and being available to be sold.

Any proposed new storage area for treated waste water will need EPA support as part of seeking development approval.

### **3. Staffing/Work Plans**

As indicated above the work to date has involved numerous Council officers as well as specialist valuation, heritage architectural and engineering advice that has been procured externally.

The required further work will also require input from numerous Council officers and a consultant in relation to the risk assessment of the preferred site for treated waste water storage.

### **4. Environmental**

Securing suitable land for the storage of treated waste water and stormwater harvesting will have environmental benefits.

### **5. Social**

Considerations include various community objectives including:

- having a range of private and public education schooling options;
- adequate open space to cater for recreation and sporting needs;
- adequate public purpose land;
- further extensions of the linear trail to provide safe off road routes for pedestrians and cyclists and promote exercise and healthy lifestyles; and
- alleviating the current traffic congestion and car parking difficulties in the vicinity of The College.

### **6. Strategic Plans**

#### Community Strategic Plan

Leisure, Recreation, Arts and Sport

*Goal: Support, encourage and provide a range of accessible facilities, programs and events that everybody in the community will be able to use and enjoy*

Transport Master Plan

As previously highlighted, the preparation of the new Transport Master Plan is to consider the opportunities and implications arising from the Stephenson land and the Big Green.

**COMMUNITY CONSULTATION****1. Customer Needs Analysis**

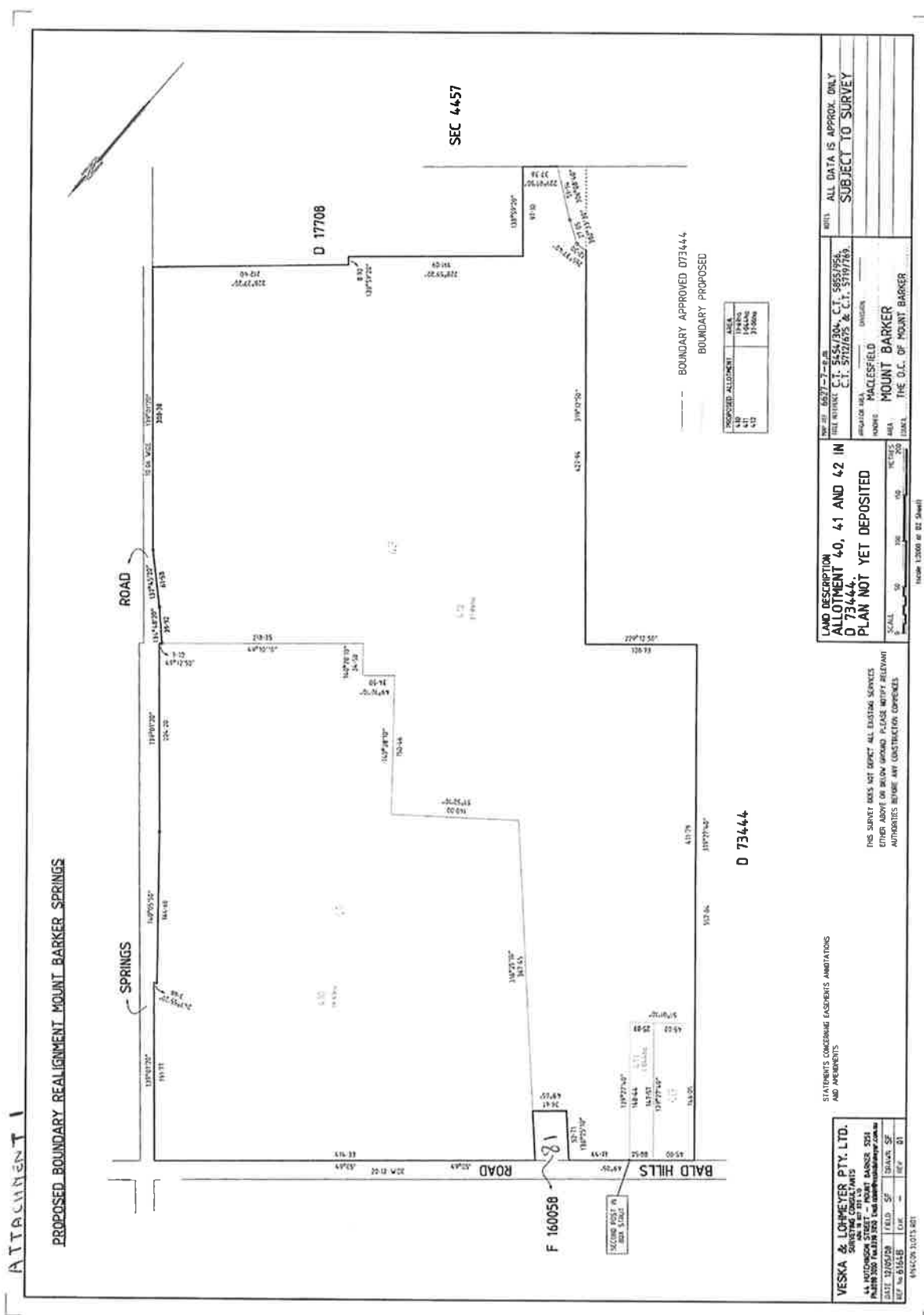
The representatives of the Stephenson family, The College and representatives of the Mount Barker Football Club have been given a courtesy overview awareness (verbal) of the preparation of this agenda item.

An undertaking has been given that an update is proposed to be provided to each of these parties post the Council meeting on 16 June 2008.

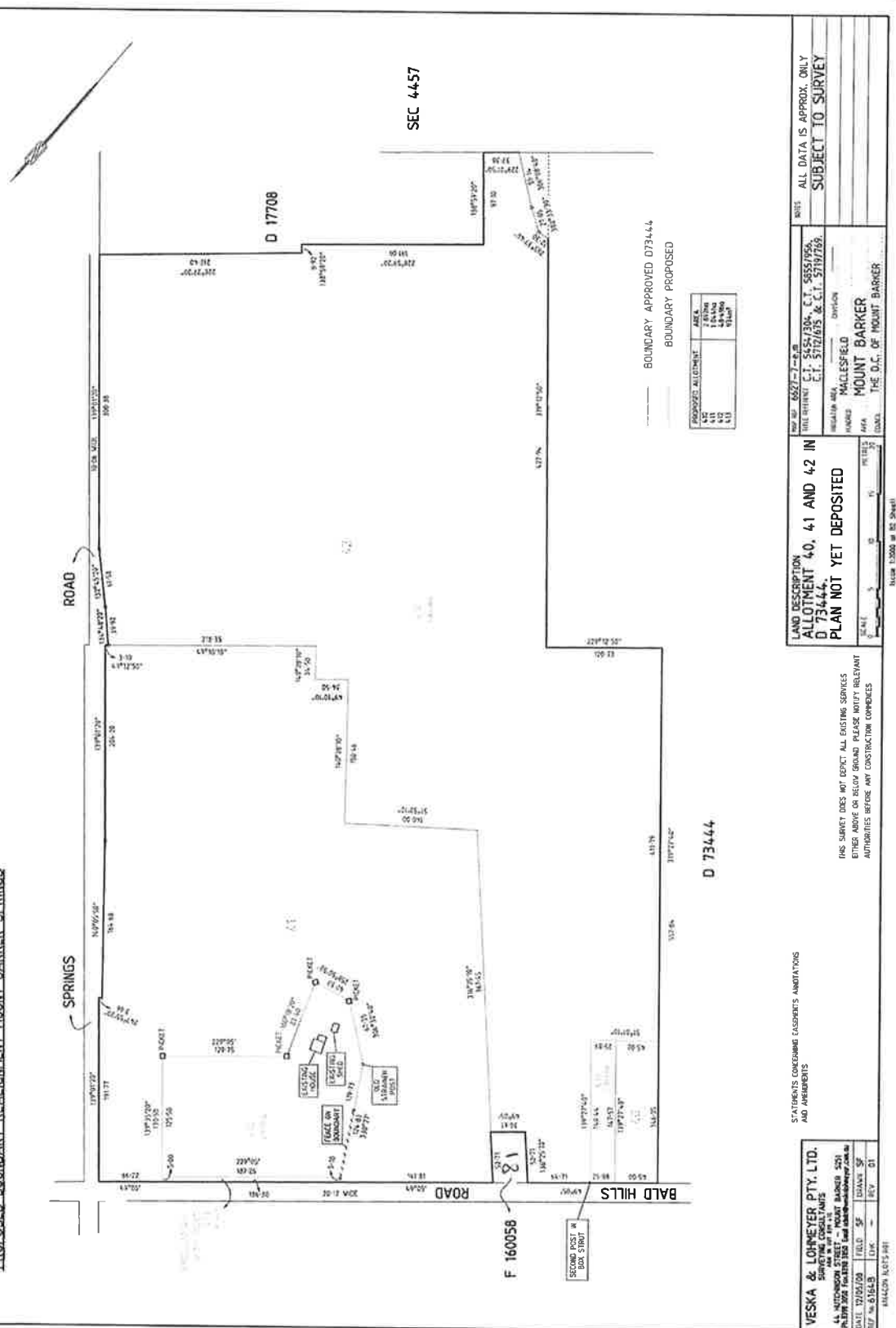
**2. Promotion/Communications**

Not applicable at this time.





# PROPOSED BOUNDARY REALIGNMENT MOUNT BARKER SPRINGS



## ATTACHMENT 3 OF ITEM 17.1

