

CONFIDENTIAL ITEMS 2003 – MAY 2018

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
98	19 Oct 2015	Mount Barker Town Centre Land Strategy	<p>Section 90 (3) (b) Order</p> <p>1.Pursuant to Section 90(3)(b)</p> <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, four General Managers and the Executive Assistant to the Mayor and Chief Executive Officer be excluded from attendance at the meeting for the Agenda Item 17.1 Mount Barker Town Centre Land Strategy.</p> <p>The Council is satisfied that 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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council in that the information to be considered includes financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.</p> <p>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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the</p>	Council report, related documents and all minutes	<p>Disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council in that the information to be considered includes financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.</p> <p>In addition the disclosure of this information would, on balance, be contrary to the public interest.</p>	<p>Until a contract for the sale and purchase of land has been executed and all of the pre conditions to settlement have been satisfied or on 7 September 2016, whichever is the sooner.</p> <p>Extended Refer #116</p>	4 Sep 17	3 Sep 18	<i>Report, attachments and Minutes released on website 9 May 2018</i>

CONFIDENTIAL ITEMS 2003 – MAY 2018

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
			<p>Council and the community in this matter and in relation to other contract negotiations.</p> <p>Section 91(7) Order</p> <p>Pursuant to Section 90 (3) (b) & (d)</p> <p>That having considered the Agenda Item 17.1 Mount Barker Town Centre Land Strategy in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until a contract for the sale and purchase of land has been executed and all of the pre conditions to settlement have been satisfied or on 7 September 2016, whichever is the sooner.</p>						

17. CONFIDENTIAL REPORTS**17.1 REPORT TITLE: CONFIDENTIAL ITEM – MOUNT BARKER
 TOWN CENTRE LAND STRATEGY****DATE OF MEETING: 19 OCTOBER 2015****FILE NUMBER: DOC/15/101856****Strategic Plan 2012-2017 Ref:**

Commence the implementation of the Mount Barker Town Centre Strategy.

Purpose:

To seek authority to enable the Chief Executive Officer to make an alternative offer to, and undertake commercial negotiations with, Woolworths Limited for the purchase of approximately 3,000m² of land being portion of the land bounded by Morphett Street, Hutchinson Street, Druids Avenue and Stephen Street, Mount Barker.

Summary – Key Issues:

- Council's recent offer to purchase 1,000m² from Woolworths Limited was not entertained.
- It is recommended that Council pursue acquisition of portion of the Woolworths Limited land for strategic purposes with the area of land now proposed to be approximately 3,000m².
- Authority is required to make an alternative offer and undertake commercial negotiations with Woolworths Limited.

Recommendation:

That Council:

Section 90 (3) (b) Order**1. Pursuant to Section 90(3)(b)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, four General Managers and the Executive Assistant to the Mayor and Chief Executive Officer be excluded from attendance at the meeting for the Agenda Item 17.1 Mount Barker Town Centre Land Strategy.

The Council is satisfied that 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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council in that the information to be considered includes financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.

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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Have a short term suspension of normal meeting proceedings pursuant to regulation 20 of the Local Government (Proceedings at Meetings) regulations to enable free flowing initial discussion of the matter by Council Members during which time no motion may be moved other than to conclude this period.
3. Conclude the period of the short term suspension of normal meeting procedures.
4. Note the response from Woolworths Limited to the previous Council offer (attachment 3).
5. Confirm that Council's strategic objective is to secure a suitable sized parcel of land (somewhere in the order of 600 – 1,000m²) in the Mount Barker CBD to subsequently be developed as community space, e.g. a Mount Barker Town Square;
6. Authorise the Chief Executive Officer to make an alternative offer of \$2 million (excluding GST) to, and undertake commercial negotiations with, Woolworths Limited for the purchase of approximately 3,000m² of land being portion of the land bounded by Morphett Street, Hutchinson Street, Druids Avenue and Stephen Street, Mount Barker (as shown in attachment 5).

7. Authorise the Chief Executive Officer to increase the offer up to but not exceeding \$2.4 million (excluding GST) in the event that Woolworths Limited does not accept the offer of \$2 million (excluding GST).
8. Delegate authority to the Mayor and Chief Executive Officer to execute all of the required documentation and apply the Council Common Seal to enable the purchase to proceed to settlement should Woolworths Limited accept an offer from Council for an amount up to \$2.4 million (excluding GST).
9. Confirm that post land acquisition a priority action for Council is to seek to progress the finalisation of the site for a Mount Barker Town Square and to progress the sale of land purchased from Woolworths that is surplus to meeting the objective of securing a Town Square in the Mt Barker CBD to reduce the indebtedness attributable to this land purchase.

Section 91(7) Order

Pursuant to Section 90 (3) (b) & (d)

10. That having considered the Agenda Item 17.1 Mount Barker Town Centre Land Strategy in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until a contract for the sale and purchase of land has been executed and all of the pre conditions to settlement have been satisfied or on 7 September 2016, whichever is the sooner.

Background:

1. This matter was considered in confidence at the Council meeting held on 7 September 2015. The confidential resolutions from that meeting are included as attachment 1.
2. All of those resolutions stand, the recommendations contained in this agenda item are additional.
3. There is considerable community demand for a Mount Barker Town Centre. This was evident from the Council community consultation process on the Mount Barker Town Centre Strategy and was the subject of a deputation from the Mount Barker and Districts Residents Association to the Council meeting held on 6 October 2015.

4. As per the resolution of the Council meeting held on 7 September 2015 an offer was conveyed to Woolworths Limited for the purchase of portion of the site of approximately 1,000m² as shown in attachment 2 (the total site area is 11,337m²).
5. A telephone hook up took place with representatives of Woolworths Limited on 14 September 2015. Participants for Council were Mayor Ann Ferguson, Deputy Mayor Roger Irvine, Chief Executive Officer Andrew Stuart and General Manager Infrastructure and Projects Brian Clancey.
6. Subsequent to the telephone hook up an email response was received from Woolworths Limited to confirm that an offer for only 1,000m² would not be entertained (attachment 3).
7. During the telephone hook up the adjacent land owned by the Minuzzo Group (on the corner of Morphett Street and Hutchinson Street) was briefly discussed.
8. Subsequently the Chief Executive Officer spoke to the selling agent for the Minuzzo Group land and an email response was received (attachment 4). It is not proposed to pursue the acquisition of that land.

Discussion:

9. Given the response from Woolworths Ltd that it was not prepared to entertain an offer for an area less than 3,000m² a further location plan has been prepared showing this area and the known area of contamination (see attachment 5).
10. It is recommended that Council make a further offer to Woolworths Ltd being for 3,000m² as shown in attachment 5.
11. If Council is successful in securing this area then at least some of this land (around two thirds) will be surplus possibly more subject to ultimate decision making by Council regarding the location of a Mount Barker Town Square.
12. Such a purchase by Council would be strategic, it would not necessarily see a Town Square developed on portion of the land purchased. An initial identification of some site constraints (over and above the contaminated area) is shown in attachment 6.
13. Two other possible sites for a Town Square remain under consideration and have been the subject of recent discussion with land owners/developers. A verbal update can be provided at the Council meeting.
14. It is recommended that the next Council offer to Woolworths Limited be for the amount of \$2 million (excluding GST) on normal commercial terms. This equates to \$667m².

15. If Woolworths Limited does not accept that offer it is recommended that the Chief Executive Officer have authority to increase the amount of the offer up to a maximum of \$2,400,000 (excluding GST). This equates to \$800m².
16. These amounts are considered reasonable given the known contamination over portion of the subject land and the circumstances regarding the ultimate Council objective of a Town Square. In addition if Council was successful in purchasing this land it would open the door for the Minuzzo Group land to potentially be 'unlocked' through a developer for that site being able to secure additional land required to make development viable (given the car parking requirements) and it would most likely mean that a *Masters* store would not proceed on the balance of the Woolworths land, a proposal that prompted very mixed reactions from the local community as to the suitability of this location for that land use.

Community Engagement:

Informing only	The community has clearly demonstrated a desire for a Town Square in Mount Barker through previous consultation processes.
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Policy:

Not applicable.

Budget:

1. There is no provision in the 2015/16 budget for such a land purchase. An adjustment would need to be made when the first review of the 2015/16 budget is considered at a Council meeting.
2. A land purchase would need to be loan funded (refer previous resolution). The interest rate via the Local Government Finance Authority is expected to be approximately 4.75%. The total cost of finance will be subject to the purchase price and associated costs, how long Council holds this site for and the repayments made.
3. This strategy will be updated in the revised Long Term Financial Plan which will be updated shortly.
4. For the development (not purchase) of a Town Square once a site is selected and obtained by Council, an option would be to seek a commitment from Business Mount Barker to contribute i.e. \$x over y years.

Statutory/Legal:

A contract for sale and purchase would need to be prepared with external expertise.

If a purchase proceeds then pursuant to a previous Council resolution all of the land purchased would be excluded from classification as community land pursuant to the Local Government Act.

Staff Resource Requirements:

A land purchase can be managed within existing staff resources but will require some specialist external input such as legal and conveyancing.

Environmental:

1. Council has previously received a summary report on contamination of the part of the site formally occupied by a Dry Cleaning business. The report (previously provided) advises that the “bulk of the source (impacted soils) has been removed.” However two groundwater plumes still exist. The area known to be affected is shown in attachment 5.
2. A vapour barrier would be needed above the groundwater plumes to protect users of the land in that part of the site. Council has requested further due diligence information from Woolworths but has not yet received that information.

Social:

The community desire is to see a Town Square established.

Risk Assessment:

A risk matrix has been prepared and provided previously.

Asset Management:

If Council was successful and purchased portion of the Woolworths Limited land, the resources to manage the site and keep it in a tidy state until subsequent decision making occurred would not be substantial.

Conclusion:

It is recommended that Council pursue acquisition of portion of the Woolworths Limited land as it would provide Council with a possible Mount Barker Town Square site and a ‘bargaining chip’ in relation to other possible Town Square sites.

Key Contact

Brian Clancey, General Manager, Infrastructure & Projects

Sponsor of Project

Andrew Stuart, Chief Executive Officer

Attachments

1. Confidential resolutions from the council meeting held on 7 September 2015
DOC/15/102243
2. Location plan showing the area of land of 1,000m² that was subject of the council
offer DOC/15/89564
3. Woolworths Limited response to council's offer DOC/15/95248
4. Response from the agent acting for the Minuzzo Group land sale DOC/15/95247
5. Location plan showing the area of land of 3,000m² DOC/15102446
6. Location plan showing some site constraints DOC/15/98781

MOUNT BARKER DISTRICT COUNCIL

CONFIDENTIAL MINUTES OF THE COUNCIL MEETING HELD ON MONDAY 7 SEPTEMBER 2015.

7

Attachment 1 to Item 17.1**17. CONFIDENTIAL REPORTS**

**17.1. REPORT TITLE: CONFIDENTIAL ITEM – MOUNT BARKER
TOWN CENTRE COMMERCIAL
STRATEGIES UPDATE**
DATE OF MEETING: 7 SEPTEMBER 2015
FILE NUMBER: DOC/15/89804

Moved Councillor Keen that Council:

Section 90 (3) (b) Order**Pursuant to Section 90(3)(b)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, four General Managers and the Executive Assistant to the Mayor and Chief Executive Officer be excluded from attendance at the meeting for the Agenda Item Mount Barker Town Centre Commercial Strategies Update.

The Council is satisfied that 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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council in that the information to be considered includes financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.

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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

Seconded Councillor Bailey

CARRIED
OM20150907.10

7.49pm Councillor Campbell declared a conflict of interest as he owns commercial property in the town centre rose and left the Chamber.

- 7.49pm Moved Councillor Keen that Council have a short term suspension of normal meeting proceedings pursuant to regulation 20 of the Local Government (Proceedings at Meetings) regulations to enable free flowing initial discussion of the matter by Council Members during which time no motion may be moved other than to conclude this period.

Seconded Councillor Morrison

CARRIED
OM20150907.11

- 8.44pm Moved Keen Councillor conclude the period of the short term suspension of normal meeting procedures.

Seconded Councillor Bailey

CARRIED
OM20150907.12

Moved Councillor Keen that Council note the report and all of the attachments, being:

- a. Attachment 1: Location Plan Woolworths Land and Preferred Area;
- b. Attachment 2: Commercial Negotiations Framework with Woolworths Limited;
- c. Attachment 3: Risk Matrix;
- d. Attachment 4: Extract from the Valuation Report;
- e. Attachment 5: Area of land subject to valuation advice;
- f. Attachment 6: Council letter to Woolworths Limited;
- g. Attachment 7: Email response from Woolworths Limited;
- h. Attachment 8: Summary report on contamination of the part of the site formally occupied by a Dry Cleaning business.

Seconded Councillor Bettcher

CARRIED
OM20150907.13

Moved Councillor Morrison that Council confirms that:

- a. Council's strategic objective is to secure a suitable sized parcel of land (in the order of 600 – 1,000m²) in the Mount Barker CBD subsequently being developed as community space, e.g. a Mount Barker Town Square;
- b. That in the event it is necessary to formulate an offer on a parcel that is significantly larger than Council's objective of securing 1000m² (that is a 20 percent or greater variation) then post acquisition Council will prioritise the sale of the surplus land purchased to reduce any indebtedness attributable to the purchase process; and

- c. That any land acquired by Council that meets the objective of securing a suitable public space within the Mount Barker CBD of between 600-1000m² would be kept in a tidy state until such time as Council is in a position to proceed with the development of the community open space or swap/dispose of the land to achieve a Mount Barker Town Square at an alternative location.

Seconded Councillor Bailey

LOST
OM20150907.14

Moved Councillor Bailey that Council supports/endorse the Chief Executive Officer to submit a formal offer to Woolworths Limited for the purchase of portion of the land on Morphet Street, Mount Barker as shown approximately in green outline in attachment 1;

Seconded Councillor Seager

CARRIED
OM20150907.15

Councillor Hamilton called for a DIVISION

The Mayor declared vote set aside.

Councillors voting in the affirmative: Councillors Morrison, Keen, Seager and Bailey.

Councillors voting in the negative: Councillors Hamilton, Bettcher and Irvine.

The Mayor declared Motion OM20150907.15 CARRIED

Moved Councillor Keen that Council, in the event that following negotiation Woolworths Limited accepts an offer (within the framework set out in attachment 2), the Chief Executive Officer and Mayor will attend to the preparation of a conditional contract for the sale and purchase of the land and all of the required documentation associated with the land purchase which will require a separate Council meeting decision by way of a future report to delegate authority to the Chief Executive Officer and Mayor to execute the contract;

Seconded Councillor Bailey

CARRIED
OM20150907.16

Moved Councillor Morrison that Council note that the funding for the land purchase inclusive of associated costs would require a loan from the Local Government Finance Authority;

Seconded Councillor Keen

CARRIED
OM20150907.17

MOUNT BARKER DISTRICT COUNCIL
CONFIDENTIAL MINUTES OF THE COUNCIL MEETING HELD ON MONDAY 7 SEPTEMBER 2015. 10

Moved Councillor Seager that Council determine that all of the land to be purchased by Council be excluded from classification of community land pursuant to the Local Government Act;

Seconded Councillor Morrison

CARRIED
OM20150907.18

Moved Councillor Bailey that Council:

Section 91(7) Order

Pursuant to Section 90 (3) (b) & (d)

That having considered the Agenda Item Mount Barker Town Centre Commercial Strategies Update in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until a contract for the sale and purchase of land has been executed and all of the preconditions to settlement have been satisfied or in 12 months' time, whichever is the sooner.

Seconded Councillor Keen

CARRIED
OM20150907.19

MEETING DECLARED CLOSED AT 9.39PM

MAYOR

DATE



Mount Barker District Council
Location Plan : Woolworths Land and Preferred Area

Attachment 2 to Item 17.1



Mount Barker District Council
Building 3, 6 Dutton Road
Mount Barker SA 5251

Telephone (08) 8391 7200
Facsimile (08) 8391 7299

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Map Zoom: 0.2627 km

Map Scale: 1:1,330

Created on: Tuesday, 1 September 2015 By: advanced

Attachment 3 to Item 17.1

Sue Miller

From: Andrew Stuart
Sent: Thursday, 17 September 2015 11:37 AM
To: Councillors
Cc: David Morton; CGG
Subject: FW: FW: Woolworths Meeting Follow Up

Importance: High
Sensitivity: Confidential

Dear Councillors

Another email received a little while ago – as you can see there is a lot of activity being generated .

In the interest of promoting timely updates I have determined that on this occasion it is practical for me to provide some emails received in the last few minutes to provide an update . This Woolworths item is confidential so please respect confidences for the meantime .

From: Thomas Stock [<mailto:tstock@woolworths.com.au>]
Sent: Thursday, 17 September 2015 11:02 AM
To: Andrew Stuart
Subject: Re: FW: Woolworths Meeting Follow Up

Andrew,

Many thanks for your email.

We have Councils proposal to purchase 1,000SQM on the basis of the format submitted and do not consider that this is an option that we can reasonably entertain.

To provide some guidance we consider that a 3,000 SQM site would be the minimum allotment that would be considered by the Woolworths Board, taking the whole of the Morphett Street Frontage.

Concurrently in making this offer we would need to resolve a strategy for the management of: Storm-water, Emergency Vehicle Access, and Pedestrian Egress Arrangements, so as to collectively maximise the development out-come for the two landowners.

Should you need further clarification please do not hesitate to give me a call.

Regards

Thomas Stock
Senior Project Manager - Woolworths Limited
Mobile: 0404 077 930 email: tstock@woolworths.com.au
www.woolworthsshoppingcentres.com.au

On 15 September 2015 at 13:23, Andrew Stuart <astuart@dcmtbarker.sa.gov.au> wrote:

Hello Thomas

Thankyou (and Nick) for your input into negotiations yesterday .

At our end our Mayor Ann Ferguson , Deputy Mayor Roger Irvine and Brian Clancey GM Infrastructure and Projects appreciated the opportunity to hear Woolworths thinking and position.

Please find forwarded to you for consideration a representation of Councils preferred area of interest . As said yesterday Councils preference is to focus on acquisition of a portion of up to 1000 square metres – however it has not shut the door on a larger land holding .

Cheers

Andrew

From: Brian Clancey
Sent: Monday, 14 September 2015 5:38 PM
To: Andrew Stuart
Cc: Sue Miller
Subject: Woolworths Meeting Follow Up

The plan spoken of today in the phone hook up showing the area of land of interest to council of approximately 1,000m2 is as shown in the attached overlay of an aerial.

Brian Clancey
General Manager Infrastructure & Projects
D [08 8391 7218](tel:0883917218)

Andrew Stuart
Chief Executive Officer



D [08 8391 7236](tel:0883917236) | T [08 8391 7200](tel:0883917200) | F [08 8391 7299](tel:0883917299)
6 Dutton Road, Mount Barker South Australia 5251
PO Box 54, Mount Barker South Australia 5251
E astuart@dcmtbarker.sa.gov.au | W www.dcmtbarker.sa.gov.au

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Andrew Stuart

Chief Executive Officer

D 08 8391 7236

Attachment 4 to Item 17.1

Sue Miller

From: Andrew Stuart
Sent: Thursday, 17 September 2015 11:36 AM
To: Councillors
Cc: David Morton; CGG
Subject: FW: 23 Morphett Street Mount Barker
Attachments: EOI Round 2 Morphett St.pdf

Importance: High
Sensitivity: Confidential

Dear Councillors

In the interest of promoting timely updates I have determined that on this occasion it is practical for me to provide some emails received in the last few minutes to provide an update . This Woolworths item is confidential so please respect confidences for the meantime .

From: Guerra, Jamie [<mailto:Jamie.Guerra@ap.jll.com>]
Sent: Thursday, 17 September 2015 10:37 AM
To: Andrew Stuart
Cc: Weeks, Lukas
Subject: 23 Morphett Street Mount Barker

Andrew

As discussed, JLL has received a number of recent enquiries on the Mount Barker site and expect the recent planning announcements may have activated purchaser's interest in key corner sites such as 23 Morphett Street, Mount Barker. With the existing low interest rates a few of these purchasers are prepared to buy on a longer term land bank with the existing holding return covering costs. A result which would not represent the best outcome for Council as the site could be undeveloped for a number of years.

I've reported back the recent level of enquiry to our Vendor and I can confirm that Garry is prepared to be reasonable in considering offers.

To that end I revisited the EOI Council submitted as part of our last campaign at \$890,000, refer attached. While I don't have commitment from Garry at this level I believe an unconditional offer in this order would be considered by the current owners.

I will leave it with you however if you have any queries or would like to discuss further please contact me directly.

Regards

Jamie Guerra
Managing Director, South Australia
t: +61 8 8233 8866 | m: 0418 849 780 | f: +61 8 8233 8855
jamie.guerra@ap.jll.com
www.jll.com.au



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Andrew Stuart

Chief Executive Officer

D 08 8391 7236

EXPRESSION OF INTEREST FORM – 2nd ROUND

23 Morphett Street, Mount Barker, South Australia

Please complete this form and forward it before 5pm (CDST) Tuesday 20 August 2013.

The purchase price and the results of the vendor's enquiries will form the basis of the selection process. The vendor is not bound to negotiate with any party which lodges an Expression of Interest. The lodging of an Expression of Interest does not create any legally binding obligations on either party.

1. DETAILS OF POTENTIAL PURCHASER (state ABN, if a Company)

Name: District Council of Mount Barker
Address: PO Box 54, Mount Barker SA 5251
Telephone: 8391 7272 Facsimile: 8391 7299
Mobile: 0439 999 518
Email: dmorton@dcmtbarker.sa.gov.au
ABN: 54 250 395 713

2. FINANCIER

Company/Contact: N/A
Branch Office: _____

3. LEGAL ADVISOR

Company and Contact: N/A
Address: _____
Telephone: _____ Facsimile: _____

4. PURCHASE DETAILS

PRICE \$ \$890,000 (excluding GST)
DEPOSIT \$ 5%
SETTLEMENT DATE/PERIOD See below
CONDITIONS (IF ANY) Subject to due diligence, Council approval, vacant possession

(continued next page)

**5. AUTHORITY**

A company or person, by signing this document, hereby authorises the Vendor to make whatever enquiries it deems appropriate to satisfy itself as to the ability of such company or person to complete the purchase of the property for the Purchase Price.

Name (Please Print): Andrew Stuart

A handwritten signature in black ink, appearing to read 'A Stuart', written over a horizontal line.

Signature: _____

Authority/Position: Chief Executive OfficerDate: 20 / 08 / 2013

Additional copies of this Expression of Interest form are available upon request from Jones Lang LaSalle. To assist prospective investors prepare Expressions of Interest, further information including all Due Diligence documentation can be made available by contacting the selling agents, Jones Lang LaSalle.

Please lodge by 5pm 20th August 2013:

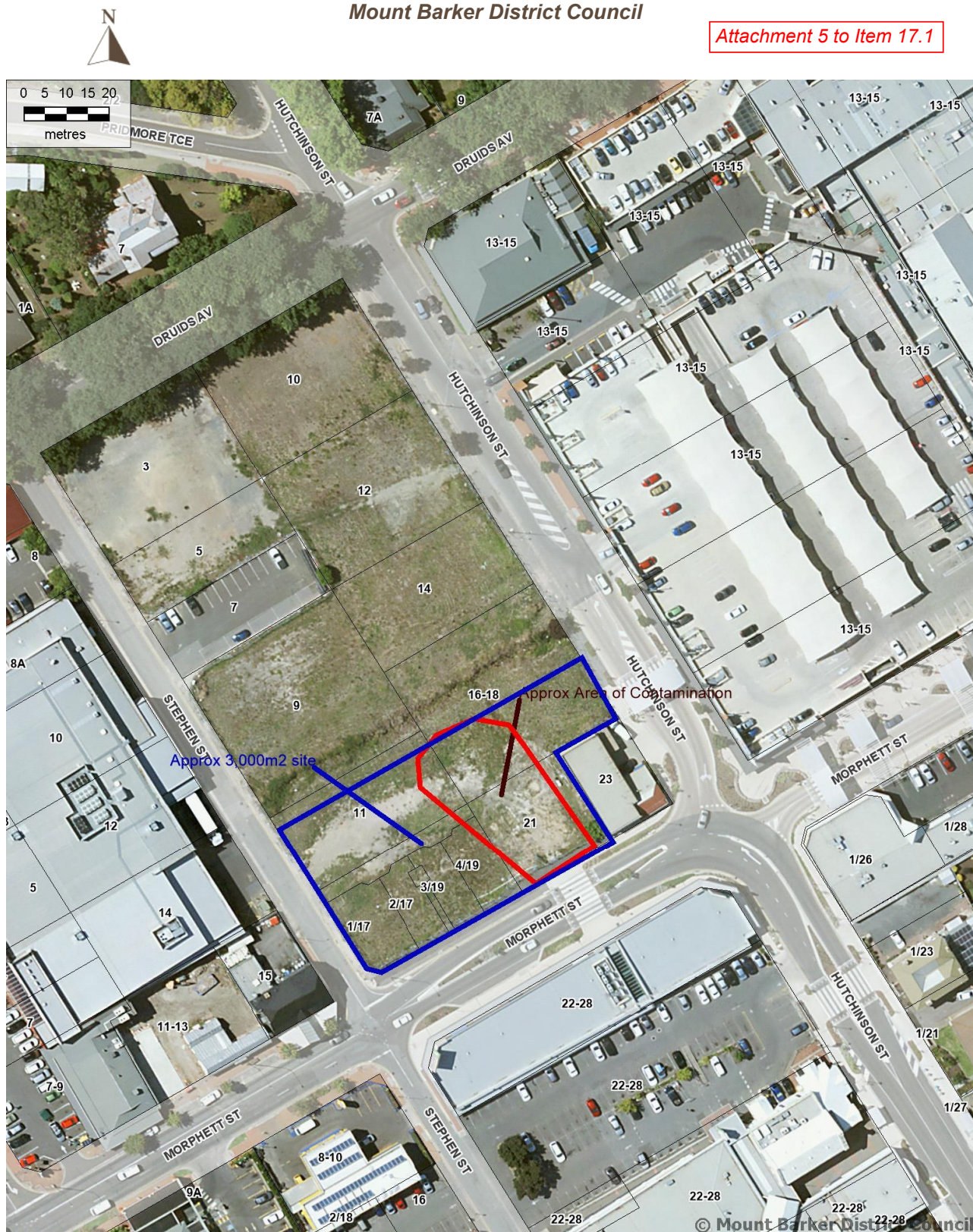
Jones Lang LaSalle (SA) Pty Ltd
GPO Box 1535
Level 22, 25 Grenfell Street
ADELAIDE SA 5000
P: 08 8233 8888
F: 08 8233 8855

Lukas Weeks
P 08 8233 8822
M 0434 957 537
E lukas.weeks@ap.jll.com

Jamie Guerra
P 08 8233 8866
M 0418 849 780
E jamie.guerra@ap.jll.com

Mount Barker District Council

Attachment 5 to Item 17.1



MOUNT BARKER
DISTRICT COUNCIL

Mount Barker District Council
Building 3, 6 Dutton Road
Mount Barker SA 5251
advanced

Telephone (08) 8391 7200
Facsimile (08) 8391 7299

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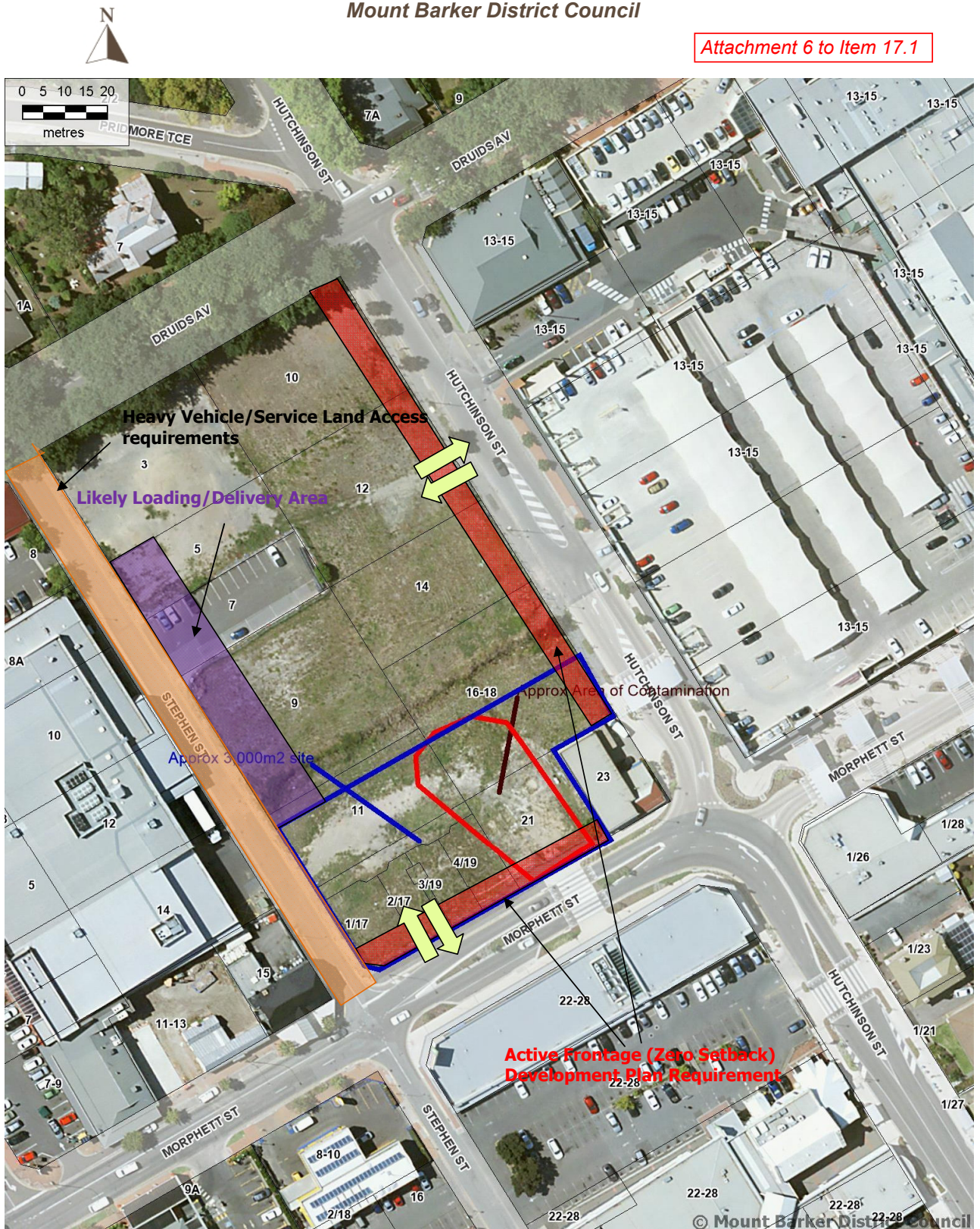
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Map Zoom: 0.2257 km
Map Scale: 1:1,143

Created on: Thursday, 24 September 2015 By:

Mount Barker District Council

Attachment 6 to Item 17.1



17. CONFIDENTIAL REPORTS

**17.1 REPORT TITLE: CONFIDENTIAL ITEM – MOUNT BARKER
 TOWN CENTRE LAND STRATEGY
 DATE OF MEETING: 19 OCTOBER 2015
 FILE NUMBER: DOC/15/101856**

Moved Councillor Keen that Council:

Section 90 (3) (b) Order

Pursuant to Section 90(3)(b)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, four General Managers and the Executive Assistant to the Mayor and Chief Executive Officer be excluded from attendance at the meeting for the Agenda Item 17.1 Mount Barker Town Centre Land Strategy.

The Council is satisfied that 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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council in that the information to be considered includes financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.

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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

Seconded Councillor Morrison

CARRIED
OM20151019.12

- 7.48pm Moved Councillor Morrison that Council have a short term suspension of normal meeting proceedings pursuant to regulation 20 of the Local Government (Proceedings at Meetings) regulations to enable free flowing initial discussion of the matter by Council Members during which time no motion may be moved other than to conclude this period.

Seconded Councillor Bailey

CARRIED
OM20151019.13

- 8.31pm Moved Councillor Bailey conclude the period of the short term suspension of normal meeting procedures.

Seconded Councillor Morrison

CARRIED
OM20151019.14

Moved Councillor Campbell that Council:

1. note the response from Woolworths Limited to the previous Council offer (attachment 3);
2. confirm that Council's strategic objective is to secure a suitable sized parcel of land (somewhere in the order of 600 – 1,000m²) in the Mount Barker CBD to subsequently be developed as community space, e.g. a Mount Barker Town Square;

3. authorise the Chief Executive Officer to make an alternative offer of \$2 million (excluding GST) to, and undertake commercial negotiations with, Woolworths Limited for the purchase of approximately 3,000m² of land being portion of the land bounded by Morphett Street, Hutchinson Street, Druids Avenue and Stephen Street, Mount Barker (as shown in attachment 5);
4. authorise the Chief Executive Officer to increase the offer up to but not exceeding \$2.4 million (excluding GST) in the event that Woolworths Limited does not accept the offer of \$2 million (excluding GST);
5. delegate authority to the Mayor and Chief Executive Officer to execute all of the required documentation and apply the Council Common Seal to enable the purchase to proceed to settlement should Woolworths Limited accept an offer from Council for an amount up to \$2.4 million (excluding GST); and
6. confirm that post land acquisition a priority action for Council is to seek to progress the finalisation of the site for a Mount Barker Town Square and to progress the sale of land purchased from Woolworths that is surplus to meeting the objective of securing a Town Square in the Mt Barker CBD to reduce the indebtedness attributable to this land purchase.

Seconded Councillor Seager

CARRIED
OM20151019.15

Moved Councillor Keen that:

Section 91(7) Order

Pursuant to Section 90 (3) (b) & (d)

That having considered the Agenda Item 17.1 Mount Barker Town Centre Land Strategy in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until a contract for the sale and purchase of land has been executed and all of the pre conditions to settlement have been satisfied or on 7 September 2016, whichever is the sooner.

Seconded Councillor Irvine

CARRIED
OM20151019.16

MEETING DECLARED CLOSED AT 8.35PM

MAYOR

DATE