

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
118	7 August 2017	Confidential Item – Strategic Land Parcel	<p>Section 90 (3) (b) Order</p> <p>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, Deputy Chief Executive Officer/General Manager Infrastructure and Projects, General Manager Planning and Development, General Manager Corporate Services, General Manager Council Services, the Minute Secretary and Risk and Governance Officer, be excluded from attendance at the meeting for Agenda Item 18.2 Strategic Land Parcel.</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/entity with whom the Council is:</p> <ul style="list-style-type: none"> - Conducting business; or - Proposing to conduct business; and - Would prejudice the commercial position of the Council. <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</p>	<p>The council report, related documents and all minutes be retained in confidence until the Council and Burke Urban have concluded all commercial negotiations and either settled the purchase of portion of the subject land or Council has resolved and Burke Urban has advised Council of no longer having a direct interest in the subject land or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months.</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/entity with whom the Council is:</p> <ul style="list-style-type: none"> - Conducting business; or - Proposing to conduct business; and - Would prejudice the commercial position of the Council. <p>In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in</p>	<p>Until the Council and Burke Urban have concluded all commercial negotiations and either settled the purchase of portion of the subject land or Council has resolved and Burke Urban has advised Council of no longer having a direct interest in the subject land or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months.</p>	4 Sep 17	3 Sep 18	<i>Report, attachments and Minutes released on website 9 May 2018</i>

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			<p>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.</p> <p>5. Pursuant to Section 90 (3) (b) That having considered Agenda Item 18.2 Strategic Land Parcel in confidence under 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 the Council and Burke Urban have concluded all commercial negotiations and either settled the purchase of portion of the subject land or Council has resolved and Burke Urban has advised Council of no longer having a direct interest in the subject land or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months.</p>		<p>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.</p>				

18.2	REPORT TITLE:	CONFIDENTIAL ITEM: STRATEGIC LAND PARCEL
	DATE OF MEETING:	7 AUGUST 2017
	FILE NUMBER:	17/74891
	ATTACHMENTS:	1. Draft Burke Urban Proposal DOC/17/75493 2. Attachment 2 from 5 June 2017 Confidential Agenda Item being Points for Consideration in the Purchase Negotiations doc/17/76466

Mount Barker 2035 – District Strategic Plan:

- The Urban Environment
- Development of the Mount Barker Regional Town Centre.

Purpose:

To seek authority for the Chief Executive Officer (in liaison with the Mayor) to further pursue purchase of portion of the Woolworths site.

Summary – Key Issues:

- The Woolworths site is back on the open market and is listed for sale “as a whole or piecemeal basis.”
- Burke Urban has forwarded (on a commercial in confidence basis) a draft proposal to purchase the Woolworths site with Council involvement.
- Considerable community benefit can be gained by Council in pro-actively pursuing purchase of portion of the Woolworths site.

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, Deputy Chief Executive Officer / General Manager Infrastructure and Projects, General Manager Planning and Development, General Manager Corporate Services, General Manager Council Services and Acting Executive Assistant to the Mayor and CEO, be excluded from attendance at the meeting for Agenda Item 18.2 Strategic Land Parcel.

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/entity with whom the Council is:

- Conducting business; or
- Proposing to conduct business; and
- Would prejudice the commercial position of the Council.

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.

Please note:

If adopted, the recommendations below will vary previous resolutions from Council meetings since the elections that were held in November 2014. This reflects the changing circumstances in respect of the Woolworths site. In turn, procedurally this requires a formal Notice of Motion which is immediately below.

2. Pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations, the Chief Executive Officer recommends that Council amend by exception (i.e. unless amended by the recommendations below) the previous resolutions relating to this matter of 7 September 2015, 19 October 2015, 21 December 2015, 17 October 2016 and 5 June 2017 remain and in addition:
3. Authorise (as Option 2) the Chief Executive Officer in liaison with the Mayor to negotiate a conditional contract to purchase up to approximately 5,650m² (50%) of the Woolworths site at up to \$800m² (upper total of approximately \$4,520,000) subject to:
 - Council formally secure a developer to whom Council would assign not less than 2,650m² of the Council contract to purchase 5,650m² at the same or similar rate per m² as contracted by Council, with settlement to occur by the developer at the same time as Council's settlement;
 - A satisfactory outcome of the due diligence process of Council in particular, the site contamination implications; and

- Settlement occurring no later than 6 months from execution by Council of the conditional contract to purchase.
4. Note that Option 2 (above) would from a probity perspective require Council to conduct an Expressions of Interest or similar process once a conditional contract has been executed by Council with the expectation that this process would require approximately 3 – 4 months to complete.

Section 91(7) Order

5. Pursuant to Section 90 (3) (b)
That having considered Agenda Item 18.2 Strategic Land Parcel in confidence under 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 the Council and Burke Urban have concluded all commercial negotiations and either settled the purchase of portion of the subject land or Council has resolved and Burke Urban has advised Council of no longer having a direct interest in the subject land or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months.
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Background:

1. The land owned by Woolworths and bounded by Druids Avenue, Morphett Street, Hutchinson Street and Stephen Street (the subject land) has been the subject of several previous council meeting agenda items, the most recent being a confidential item on 5 June 2017.
2. The three key resolutions of that meeting remain confidential and are reproduced immediately below in italics:
 5. *Reaffirm that a strategic objective is to secure land somewhere in the order of 600 – 1,000m² for the purposes of achieving community open space in the form of a Mount Barker Town Square, at an actual location that is yet to be determined;*
 6. *Acknowledging that based on previous communications, the likelihood of purchasing 600 – 1,000m² of the Woolworths site is considered remote, authorise the Chief Executive Officer to undertake commercial negotiations to purchase up to 3,000m² of land that is currently owned by Woolworths and bounded by Druids Avenue, Morphett Street, Hutchinson Street and Stephen Street, Mount Barker at a purchase*

price that would not exceed the rate of \$800m2 (excluding GST) and having regard to the points contained in attachment 2 (attached).

7. *Note that should these commercial negotiations be fruitful, a further agenda item would be prepared to clearly set out what Council can proceed with and to seek authority for the Mayor and Chief Executive Officer to formalise and execute the necessary documentation.*
3. The subject land is now back on the open market and is listed by the selling agent CBRE as being available for sale as: “*Site offered as a whole or piecemeal basis.*”
4. Recently Council has received a commercial in confidence draft proposal from Burke Urban regarding the purchase of the subject land with Council involvement (attachment 1).

Discussion:

Strategic Objective

5. The Council’s strategic objective (as resolved above) remains. Currently Council does not own any land that is potentially suitable for a Mount Barker Town Square.
6. Purchasing portion of the Woolworths site would at least provide Council with a site to either subsequently trade for a better site for a Town Square or to develop as a Town Square and possibly for other civic uses.

Draft Burke Urban Proposal

7. Burke Urban and Council have successfully partnered previously being in relation to the land on Bollen Road acquired by Council (for future open space) from the Herbig Family via Burke Urban. As land nearby is developed by Burke Urban, the cost to Council to acquire the land for open space is progressively recovered from Burke Urban.
8. The major attraction of the Burke Urban draft proposal (attached) is the consolidated approach to the development of the site as opposed to a piece meal approach which is less likely to achieve the best community outcome. The approach to car parking is but one example.
9. *Health Partners* would also be a very welcome new presence in Mount Barker providing employment and the community with access to further optical and dental services.

10. Subsequent to receiving the attached draft proposal from Burke Urban, Mr Kym Burke has verbally advised Council that he needs to amend it as follows:

Currently it reads:

Part B.

Burke Urban or its SPV Investor entity would be happy to enter into an unconditional contract for the remaining 50% of the land also for a consideration of \$4m but with settlement to be on or before the 15th June 2018.

To be amended by 50% becoming 25% and the financial consideration reducing similarly as well.

11. The Burke Urban draft proposal is not entirely clear or specific on some points and would place further risk on Council via a considerably increased area of land holding than was previously the case. It also presents some probity issues for Council in that Council would be providing cash flow for Burke Urban.
12. This is different from the Bollen Road arrangement where Burke Urban had a contract to purchase the land. In the case of the Woolworths site Burke Urban does not have a contract to purchase the land or portion of it.
13. Mr Burke has received interim feedback (verbally) on his draft proposal at officer level and further feedback can be provided following the Council meeting.

Council Purchasing Options

14. Option 1

As per the previous resolution (above) from the Council meeting on 5 June 2017, which is quite straightforward process wise but is subject to such an offer being acceptable to Woolworths, the likelihood of which is not yet known.

Option 1 could occur in tandem with (but independent to) another purchaser timing wise (such as Burke Urban).

If Option 1 is not successful, Option 2 can be actioned being as follows.

15. Option 2

Council offers to enter into a conditional contract with Woolworths to purchase up to 50% of the site being approximately 5,650m² consistent with attachment 2 (including the importance of frontage to Morphet Street) for an amount not exceeding approximately \$4,520,000.

The contract is conditional upon Council within 6 months of executing the contract formally securing a developer to whom Council would assign not less than 2,650m² of the Council contract to purchase 5,650m² at the same or similar rate per m² as contracted by Council, with settlement to occur by the developer at the same time as Council's settlement being no later than 6 months from execution of the conditional contract by Council.

Option 2 - Probity Needs

16. From a probity perspective Option 2 will require Council to conduct an Expressions of Interest or similar process (once a conditional contract has been executed by Council) with the expectation that such a process would require approximately 3 – 4 months to complete.

Community Benefit

17. Community benefit can be achieved through Council owning portion of the Woolworths site. For example, the establishment of a Town Square on portion of the subject land or at another location possibly via a land swap.

Community Engagement:

Informing only	Not applicable
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Policy:

Not applicable.

Budget:

Under either Option 1 or Option 2, the cost to Council would be approximately \$2.4 million (purchase price) plus stamp duty of \$125,830. Total cost of approximately \$2.526 million which would likely be funded from loan funds.

Purchase of portion of the Woolworths land was not considered in the current Long Term Financial Plan, however inclusion of this purchase in line with the terms listed above would not result in Council falling outside Council's Treasury policy.

Statutory/Legal:

Specialist legal advice would be required to input to and review the required documentation.

If Council was to execute a conditional purchase for 50% of the Woolworths site (Option 2) legal input would be required in relation to the conduct of a suitable process (i.e. expression of interest or similar) to enable the opportunity for

developer interest to be submitted to Council in purchasing portion of the 50% with Council owning the balance.

This would be structured in a manner that enables assignment of portion of the Council contract to a third party to avoid the obligation for payment of stamp duty twice on the land to be purchased by a developer.

As per previous Council meeting resolutions, land purchased by Council would be excluded from classification as community land.

Current zoning of the site is Regional Town Centre which in summary allows for a broad range of commercial, retail, residential, educational, office and civic type uses.

Purchase of 50% of the site plus stamp duty would not trigger the requirement for a prudential report, the current threshold for this being \$6,347,697.

Staff Resource Requirements:

The recommendations can be implemented using existing staff resources.

Environmental:

Portion of the site is known to be contaminated and is within the portion of the site of interest to Council. A due diligence period for Council to gain access to information and understand the implications of this is required.

Social:

The community is seeking that a Town Square be established somewhere in the Mount Barker city centre.

Risk Assessment:

If Council is not pro-active in seeking to secure portion of the Woolworths site the risk is that a suitable Town Square site may not be achieved elsewhere and the community will feel let down.

Due diligence process to be undertaken by Council, in particular in relation to the site contamination.

Option 1

Total financial risk exposure to Council would be approximately \$2.53 million.

Option 2

The total financial risk exposure to Council would be approximately \$2.53 million – it may be a little less if Council can purchase for less than \$800m² and it may be slightly more if the portion purchased by a developer (assigned by Council) is at a slightly lower rate per m² than what Council has contracted to pay.

Asset Management:

Council would assume responsibility for the management of land that is purchased by Council.

Conclusion:

Community benefit can be gained by Council in pro-actively pursuing purchase of portion of the Woolworths site.

Key Contact

Brian Clancey, Deputy Chief Executive Officer General Manager, Infrastructure & Projects

Sponsor of Project

Andrew Stuart, Chief Executive Officer

RELEASED

Attachment 1 to Item 18.2

From: Kym Burke [<mailto:kymb@burkeurban.com.au>]
Sent: Friday, 21 July 2017 11:25 AM
To: Andrew Stuart <astuart@mountbarker.sa.gov.au>
Cc: Brian Clancey <bclancey@mountbarker.sa.gov.au>; con tragakis <conmel721@bigpond.com>
Subject: Woolworth's land

Gentlemen,

I have been discussing the potential purchase of the Woolworth's site in Hutchinson street Mount Barker and have now prepared a draft which subject to your agreement I propose to forward to Woolworths via CBRE,.

It is non-binding at this juncture, but importantly the offer relies on a 2 staged split of the site with a condition that the first 50% or Part A of the land at the southern end (5650m2 approximately) being assigned to the Mount Barker Council for a consideration of \$4m. The offer would oblige Burke Urban to purchase the balance of the land Part B for \$4m but with settlement by the 15th June 2018.

The advantage of this offer is that the land is purchased at a rate of \$710/m2 over the whole site. We believe is realistic and crucially a figure which would enable allied health and office buildings to work.

I have suggested that Council might agree to the purchase of Part A, but Burke Urban (or related investment group entity) would seek an option to purchase back from Council an area of up to 3650m2 at the same \$710/m2 rate plus and holding costs attributable to the land.

I understand this increase in land area is greater than what Council previously indicated it may be prepared to purchase, and clearly this would require your support to recommend this proposal.

Having said that I firmly believe this approach will give us the best chance of controlling the site to achieve the stated objectives and to enable a coordinated plan for development.

My expectation is that Woolworth's will accept this arrangement.

If the 50% Part A purchase arrangement is unacceptable to you then we may be able to still secure 50% of the land and with Council perhaps agreeing to take up to say 3600m2 of the site and Burke Urban 2000m2 for Health Partners. CBRE have indicated to increase their unit price would be looking for a square metre increase in the purchase price and of course crucially this leaves the balance 50 % beyond our control.

Woolworth's may agree to that arrangement, but my expectation is they will elect to go to the market on the whole or part of the land and break it up if we don't have a clean total package.

Kind regards,
Kym

Kym Burke
Managing Director
Mobile 0418 845 907

Phone 08 8212 0003
Fax 08 8212 0007

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RELEASED

DRAFT

Dear Ben,

Re: - Hutchinson Street Mount Barker

I write in relation to your Client's property at Hutchinson Street, Mount Barker.

Background.

As you are aware I have been working behind the scenes, since I was advised that Nick Emmett had withdrawn his interest in the Woolworth's site. My intention has been to bring together (as the head party) some genuine interests to underpin the purchase of the subject land and to make a sensible and hopefully attractive offer to Woolworths.

This site is clearly a prime parcel within Mount Barker deserving of an outcome which will complement the existing Town facilities and businesses including the existing Woolworth's retail centre.

As you are aware Burke Urban has a significant stake in the Mount Barker Growth area with our Newenham project at Flaxley Road and so we are keen to see the Hutchinson Street site developed with a great urban design and activation focus.

Vision and land uses.

Our vision for this site and the integrated nature of our plan will add significantly to the town fabric, with a focus on Civic uses, health and well-being, offices, some specialty retail and perhaps medium density housing for a component of the site at the northern end abutting Grove Street. Burke Urban is not interested in developing bulky goods retail or alternate supermarket facilities on this site.

We have confirmed with Council and the Health Partners group that they are prepared to support our largely unconditional purchase of the site, by way of a long term covenant in the case of Health Partners and by an assignment to Council for land suitable for a civic square and other community uses.

Health Partners is a long established Health Fund group here in SA, servicing a broad range of Clients. Historically they have offered services to largely public service clients. Incorporated within their 1000m² of lettable space is an optical and dental offering, but they also provide other preventative and well-being programs and of course their Health Fund retail shop front. They offer a strong covenant for us, but most importantly Council is very keen to see this integrated health facility located adjacent their civic space.

They also attract other allied health professionals and so if we are successful in securing the Woolworth' site our plan is to immediately offer additional space to these partners to effectively double the size of the health facility. These allied health facilities will require approximately 800m² of net lettable space and associated car parking and a 2000 m² site area.

The Council and Health Partners site requirements would therefore total 5,670m², but coupled with the allied health groups, the total land requirement for solid take up would be approximately 7,700m².

To be very up front, the balance of the land circa 3650m² is work in progress. Given that I have only moved positively on this within the last few couple of weeks my focus has been setting the Council and Health Partners' requirements. Having said that, the development of the Health Partners and Council civic areas, will be a significant attractor for other complementary uses.

Offer.

Our offer is presented in two parts.

Part A.

We propose to enter into a contract to purchase 50% of the site (refer attached plan Part A) for a consideration of \$4m, conditional on us having this portion A assigned unconditionally to the Mount Barker District Council for that consideration.

Council's senior officers advise that they would be in a position to present such a proposal to Council and subject to Council approval, to enter into an unconditional assigned contract within 45 days of Burke Urban agreeing terms with Woolworth's. Council have requested that they have an opportunity to undertake due diligence in relation to the environmental plume over their proposed site area during this period. They understand the background and they do not perceive any particular issue given the plume would be located under a paved piazza.

We would propose a 30 day settlement date from the date of approval by Council of the assignment contract for Part A and a 5 % deposit payable upon execution.

In the interests of transparency we advise that is intended that Burke Urban would take an option over portion of Part A from Council to enable an allied health and potential office complex to be accommodated as part of the Civic/Health precinct. This back to back option would not impact the contractual arrangement with Woolworths. I provide that information only in the interests of transparency.

Part B.

Burke Urban or its SPV Investor entity would be happy to enter into an unconditional contract for the remaining 50% of the land also for a consideration of \$4m but with settlement to be on or before the 15th June 2018.

Summary.

Ben, you will see that this is a transparent proposal. It achieves an \$8m outcome for Woolworth's subject to the terms outlined. I have found \$705 per m² to be at the top end of per square metre rates payable to enable commercial uses such as Health Partners to commit. Bulky goods doesn't appear to work financially nor does extensive residential at this juncture and of course large scale retailing is not viable given the adjacent Woolworths, Coles and Aldi outlets.

The securing of the Council and Health Partners will enable us to make the site work, but we believe it requires a vendor /purchaser working arrangement on Part B of the site going forward.

We are prepared to work with you and your Client to achieve that outcome.

Kind regards,
Kym

RELEASED

Attachment 2**Points for Consideration in the Purchase Negotiations**

(These are not in any particular order)

Facilitation of Employment Generation

A role of Council is to facilitate economic development and employment generation. An objective would be to see some productive use occur on the site, or at least portion of the site rather than have it continue to be under-utilised. In a similar vein to the role played by Council in enabling the construction of the Bald Hills Road freeway interchange to proceed, Council could facilitate the breaking of the impasse that has seen this key site lay idle for such a long time.

Partnering Opportunities

Opportunities may exist for Council to strategically partner with a developer. This may include the possibility of a co-ordinated approach to infrastructure provision like shared car parking for example.

Site Contamination

Portion of the site is known to contain contamination – refer location plan (attachment 1). Council has access to limited information regarding this contamination and as part of a due diligence process would require access to more current information on the contamination. That in turn would inform anticipated implications (e.g. required remediation or other site works and preliminary estimate of cost) of the contamination for likely land uses.

Due Diligence

A suitable period of time would be required to enable Council to undertake due diligence in respect of the specific land that is being considered for purchase.

Actual Location

The actual location of the land considered for purchase has implications for market value, access and use. Previously Council's interest has been in respect of the Southern portion of the site with Morphet Street frontage seen as being important for the purposes of linkages to Gawler Street and amenity.

Adjacent Land Uses

Immediately adjacent land uses proposed by a developer are of further consideration. This could range from highly desired such as employment generation and providing additional services for the benefit of the community e.g. such as health and well-being related, to less desired such as another fast food outlet.

Purchase Mechanism

Such a land purchase by Council could occur by direct means i.e. a contract for sale and purchase between Council and the land owner or by other means such as Council settling a contract that is 'signed over' by a third party similar to what occurred with the purchase by Council of land on Bollen Road from the Herbig Family via developer Burke Urban. The important consideration will be the outcome for Council and any implications arising from the purchase mechanism.

CONFIDENTIAL
RELEASED

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	ATTACHMENTS:	1. Draft Burke Urban Proposal DOC/17/75493 2. Attachment 2 from 5 June 2017 Confidential Agenda Item being Points for Consideration in the Purchase Negotiations doc/17/76466

Moved Councillor Bailey 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, Deputy Chief Executive Officer/General Manager Infrastructure and Projects, General Manager Planning and Development, General Manager Corporate Services, General Manager Council Services, the Minute Secretary and Risk and Governance Officer, be excluded from attendance at the meeting for Agenda Item 18.2 Strategic Land Parcel.

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/entity with whom the Council is:

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Seconded Councillor Seager

CARRIED
OM20170807.17

Moved Councillor Morrison that:

2. Pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations, the Chief Executive Officer recommends that Council amend by exception (i.e. unless amended by the recommendations below) the previous resolutions relating to this matter of 7 September 2015, 19 October 2015, 21 December 2015, 17 October 2016 and 5 June 2017 remain and in addition:
3. Authorise (as Option 2) the Chief Executive Officer in liaison with the Mayor to negotiate a conditional contract to purchase up to approximately 5,650m² (50%) of the Woolworths site at up to \$800m² (upper total of approximately \$4,520,000) subject to:
 - Council formally secure a developer to whom Council would assign not less than 2,650m² of the Council contract to purchase 5,650m² at the same or similar rate per m² as contracted by Council, with settlement to occur by the developer at the same time as Council's settlement;
 - A satisfactory outcome of the due diligence process of Council in particular, the site contamination implications; and
 - Settlement occurring no later than 6 months from execution by Council of the conditional contract to purchase.
4. Note that Option 2 (above) would from a probity perspective require Council to conduct an Expressions of Interest or similar process once a conditional contract has been executed by Council with the expectation that this process would require approximately 3 – 4 months to complete.

Seconded Councillor Bailey

CARRIED
OM20170807.18

Moved Councillor Bailey:

Section 91(7) Order

5. Pursuant to Section 90 (3) (b)

That having considered Agenda Item 18.2 Strategic Land Parcel in confidence under 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 the Council and Burke Urban have concluded all commercial negotiations and either settled the purchase of portion of the subject land or Council has resolved and Burke Urban has advised Council of no longer having a direct interest in the subject land or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months.

Seconded Councillor Morrison

CARRIED
OM20170807.19

RELEASED