

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
125	6 November 2017	City Centre Strategic Partnering Opportunity	<p>Section 90 (3) (b) Order</p> <p>1. <u>Pursuant to Section 90(3)(b)</u> 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, Strategic Projects Manager and Minute Secretary, be excluded from attendance at the meeting for Agenda Item 18.2 City Centre Strategic Partnering Opportunity.</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 be conducted in a place open to the public has been outweighed in the circumstances</p>	The council report, related documents and all minutes	<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> <p>Conducting business or proposing to conduct business; and</p> <p>Would prejudice the commercial position of the Council.</p> <p>In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in</p>	Until the Council and Burke Urban have concluded all commercial negotiations and either settled the purchase 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.		3 Sep 18	<i>Report, attachments and Minutes released on website 9 May 2018</i>

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#	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>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><u>Section 91(7) Order</u></p> <p>8. Pursuant to Section 90 (3) (b) That having considered Agenda Item 18.2 City Centre Strategic Partnering Opportunity 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 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: CITY CENTRE STRATEGIC PARTNERING OPPORTUNITY**

DATE OF MEETING: 6 NOVEMBER 2017

FILE NUMBER: DOC/17/109171

ATTACHMENTS:

- 1. LETTER FROM MR KYM BURKE DOC/17/110227**
- 2. SITE PLAN DOC/17/109696**
- 3. SITE CONTAMINATION AREA DOC/17/109906**

Mount Barker 2035 – District Strategic Plan:

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

Purpose:

To provide the attached strategic partnering opportunity from Burke Urban and seek authority for the Chief Executive Officer to accept the proposal subject to consideration of a Prudential audit report, and progress required actions.

Summary – Key Issues:

- Strategic partnering opportunity via the attached proposal from Mr Kym Burke of Burke Urban
- Council to facilitate getting development underway via the purchase of portion of the Woolworths site, subject to the consideration of a Prudential audit report
- Integrated approach to the staged development of the site to achieve community benefits.

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, Strategic Projects Manager and Minute Secretary, be excluded from attendance at the meeting for Agenda Item 18.2 City Centre Strategic Partnering Opportunity.

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, 5 June 2017, 7 August 2017 and 3 October 2017 remain) with resolution number 6 from the Council meeting on 19 October 2015 proposed to be amended as shown immediately below in italics (with proposed additional text shown in blue); 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 objectives of securing a Town Square in the Mount Barker CBD and achieving an integrated approach to the development of the entire Woolworths land through the strategic partnering opportunity with Burke Urban to reduce the indebtedness attributable to this land purchase but excluding all of the land shown in red in attachment 2 which is to be purchased by Council and sold by Council to Burke Urban within no longer than 5 years.*

3. Authorise the Chief Executive Officer to accept the attached proposal from Mr Kym Burke of Burke Urban (attachment 1) subject to the consideration of a prudential report at a future Council meeting.
4. Note that Council will procure a Prudential audit report in accordance with the requirements of the Local Government Act and that this report will be presented for consideration at a Council meeting at which time the Council will need to assess if there is any matter impacting on and requiring action prior to proceeding with the proposed land purchase.
5. Authorise the Chief Executive Officer or nominee in the interim to negotiate and progress the preparation of all of the required documentation to be consistent with the attached proposal from Burke Urban including a Deed and a Memorandum of Understanding or similar with Burke Urban or nominee to progress the preparation of a Master Plan for the entire parcel of land shown in yellow on attachment 2 which is all of the Woolworths land plus the land on the corner of Morphet and Hutchinson Streets.
6. Note that the proposed Master Plan (referenced in the above recommendation) will be presented to a future Council meeting in draft form for consideration.
7. Exclude from community land classification all of the land proposed to be purchased by Council as shown in red and blue in attachment 2.

Section 91(7) Order

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

That having considered Agenda Item 18.2 City Centre Strategic Partnering Opportunity 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 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.

Background:

1. The parcel of land owned by Woolworths/Fabcot Pty Ltd and bounded by Morphett Street, Druids Avenue, Hutchinson Street and Stephens Street (subject land – as shown in green in attachment 2) has been considered at several Council meetings, most recently on 3 October 2017.
2. Confidentiality orders remain in place for these agenda items including the resolutions.
3. Burke Urban has a current Heads of Agreement with Fabcot Pty Ltd the owner of the subject land and part of the Woolworths 'stable' of legal entities.
4. Mr Kym Burke has recently written to Council to present a strategic partnering proposal for the subject land (see attachment 1) with the intent of funding development on, and taking ownership of, the majority of the subject land in the future with Health Partners (optical and dental) as a first tenant.
5. Due to the timing implications of the Heads of Agreement, Mr Burke is seeking a prompt response from Council.
6. Burke Urban already has a very significant presence in Mount Barker as the developer of the Newenham Estate on Flaxley Road.
7. Burke Urban already has a strong relationship with Council through:
 - Signing of wastewater commitment deeds for the Newenham Estate land parcels committing Burke Urban to use the Council sewer service; and
 - Strategically partnering with Council in relation to the acquisition by Council of land from the Herbig Family on Bollen Road and Burke Urban executing the Western Sector Recreation Deed with Council and committing to pay Council (over time) the full cost of the land acquisition.

Discussion:**Council Objectives/Community Benefits**

8. The primary objectives of Council are to:
 - facilitate the staged development for a mixed range of uses of the land bounded by Morphett Street, Druids Avenue, Hutchinson Street and Stephens Street and achieve an integrated approach to this;

- acquire land that could be developed by Council as a Town Square (anticipated to require between 600 – 1,000m² excluding associated perimeter development) and potentially other uses such as car parking to contribute to achieving the integrated development of this land; and
- facilitate employment generation and local access to optical and dental services to be provided by Health Partners.

Contract, Assignment of Settlement and Deed

9. As Burke Urban has a Heads of Agreement with the land owner, Burke Urban is able to proceed to a contract or contracts with Fabcot Pty Ltd for the purchase of the subject land (shown in green in attachment 2).
10. This places Burke Urban in a unique position. This is similar to the approach taken by Council with Burke Urban in 2015 to acquire land from the Herbig Family on Bollen Road, Mount Barker where Council settled the contract that had been executed by Burke Urban.
11. Settlement of the contract for the land marked red and blue in attachment 2 would be assigned by Burke Urban to Council. Burke Urban would have a separate contract or separable portion of a contract to settle the balance of the subject land being the Northern end i.e. the portion within the green line that is not hatched in attachment 2.
12. Concurrently there would need to be a Deed (legally binding) in place between Burke Urban/nominee and Council. This would be in relation to the purchase by Burke Urban/nominee from Council of the land shown in red in attachment 2 to occur no later than five years from when Council settles the purchase of this land. The Deed would set out the terms, conditions and obligations including that when sale from Council to Burke Urban occurs the amount payable to Council would be the purchase price paid by Council (to acquire the land from Woolworths/Fabcot Pty Ltd) plus the Council's cost of finance (cumulative) plus administration.

Memorandum of Understanding (MOU)

13. Preparation of an MOU between Burke Urban and Council is proposed.
14. This is not legally binding but would record the intent of the parties, in this case being to commit to the joint preparation of a Master Plan for the Woolworths site plus the inclusion of the Minuzzo owned land (on the corner of Morphet and Hutchinson Streets).
15. A draft of the Master Plan will be presented for consideration at a future Council meeting. The likely timing of that is not yet known.

Community Engagement:

Informing only	Not applicable
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Policy:

The Burke Urban proposal is consistent with Council's Strategic Partnering Policy as endorsed at the Council held on 4 October 2016.

An extract from the Policy being:

Strategic Partnering differs from normal external service provider arrangements in that both Council and the Strategic Partners are formally agreeing to work together and both contribute to achieve a defined outcome to deliver significant mutual benefits (often over an extended period of time).

Budget:

The cost of the Prudential audit report and valuation advice will also need to be met. The actual amounts are yet to be confirmed.

Settlement for the land purchase would be required from Council in 2017/18.

Total cost would be around \$5.03 million comprising:

- Purchase \$4,750,000
- Stamp Duty \$ 255,080
- Conveyancing, registration and legal – actual amounts to be confirmed

This will necessitate an adjustment to the 2017/18 budget and in turn the Council's Long Term Financial Plan.

This is capital expenditure that would be funded using Council's cash advance debenture facilities with the Local Government Finance Authority and in accordance with Council's Treasury and Funding policies.

Statutory/Legal:

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

As per previous Council meeting resolutions, all of the land proposed to be purchased by Council would be excluded from classification as community land pursuant to the Local Government Act.

A Prudential audit report is required pursuant to the Local Government Act as the total Council expenditure proposed exceeds the prescribed threshold amount of \$4,712,914.

This includes obtaining valuation advice.

Once the Prudential report has been completed it will be provided for consideration at a Council meeting.

Subject to the Prudential report content being satisfactory, at that same Council meeting a delegation of authority to the Mayor and Chief Executive Officer could be sought to execute the required documentation as this is excluded from recommendation 5 above.

Staff Resource Requirements:

With the exception of valuation advice, the Prudential audit report, legal and conveyancing needs, the recommendations can be implemented by Council staff.

Environmental:

A portion of the site proposed for purchase by Council is known to be contaminated (see attachment 3). Woolworths via CBRE (selling agent) has provided information and reports about the contamination. The EPA has advised that while the site has been remediated there is still some residual contamination and some further work may be needed depending on the intended ultimate use of the site. Council is awaiting further information on this matter.

Social:

The community is seeking that a Town Square be established somewhere in the Mount Barker city centre and would like to finally see development of the Woolworths site commence.

Health Partners (as a tenant) would make professional optical and dental services available locally to the community together with generating employment.

Risk Assessment:

Risks that come into play for this matter are in summary:

- If Council does not pursue the strategic partnering opportunity presented by Burke Urban, it is likely that the subject land will be sold in a number of portions making an integrated approach to development difficult and unlikely, resulting in a missed opportunity to achieve desired community outcomes like shared on site car parking.
- If Council does pursue the strategic partnering opportunity presented by Burke Urban as recommended, a risk is a change in circumstances with Burke Urban given the period of time involved. For example, Burke Urban may not proceed to implement physical development or only do so on portion of the site and then seek to sell the remaining land in its ownership potentially resulting in fragmentation and the Council objective of an integrated development not being achieved. The Burke Urban proposal acknowledges this matter and includes some possible mechanisms.

These will be the subject of further consideration and the subsequent inclusion of a preferred mechanism in the proposed Deed between Council and Burke Urban.

- Site contamination is known to exist on portion of the site (see attachment 3) arising from the long term use of dry cleaning products. The implications of this relative to possible future use of this portion of the site is being considered as part of the due diligence process being undertaken by Council.

Asset Management:

Upon settlement of the land, Council would become responsible for site management.

Conclusion:

Council and Burke Urban have an existing relationship which has successfully delivered community benefits and subject to consideration of a prudential report, can be expanded to include an integrated approach to the staged development of the Woolworths site.

Key Contact

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

Sponsor of Project

Andrew Stuart
Chief Executive Officer

From: Kym Burke [<mailto:kymb@burkeurban.com.au>]
Sent: Tuesday, 31 October 2017 5:58 PM
To: Andrew Stuart <astuart@mountbarker.sa.gov.au>; Brian Clancey <bclancey@mountbarker.sa.gov.au>
Cc: con tragakis <conmel721@bigpond.com>
Subject: Woolworths land Hutchinson Street Mount Barker

Attachment 1 to Item 18.2

**Mr Andrew Stuart,
Chief Executive Officer
D.C of Mount Barker.
6 Dutton Road,
Mount Barker
5251**

Dear Andrew,

Re. Woolworths' property in Hutchison Street Mount Barker – Commercial in Confidence.

Further to our meeting with Brian Clancey and you last Monday 23rd October to discuss the Woolworths land in central Mount Barker, I present a summary of those discussions and a Burke Urban proposal for Council's consideration.

I mark this as a “commercial in confidence” document.

Background.

As you are aware Burke Urban has entered into a purchaser Heads of Agreement with Woolworths through its property ownership entity to enable Burke Urban or agreed assignees to secure part or all of the 11,335m2 property bounded by Hutchinson Street, Morphett Street, Druids Avenue and Stephens Street, Mount Barker.

Under that Heads of Agreement, Burke Urban sought and gained approval from Woolworths to undertake a 60 day due diligence period to determine whether we wanted to proceed with the whole site (11,335m2) or just the southern section of the site of approximately 6,306m2.

Woolworths were advised by Burke Urban that the decision to purchase the land would be dependent on the assignment of portions of the purchase parcels to Council and a Burke Urban related entity. We are negotiating with Health Partners and other allied preventative health and well-being professionals for a substantial long term lease on part of the land.

In our discussions with you and Council's Senior Planning executives it is apparent you and they share our contention that to secure the whole site to enable an integrated civic, health, car parking and mixed use for this site is opportune and perhaps our only chance to consolidate this prime site in the heart of Mount Barker.

Our initial thinking in relation to this offer was to focus the development of Health Partners and related allied health targets on approximately 3,128m2 of land (highlighted red on the attached plan) and for Council to purchase the area highlighted in blue on the attached plan (approximately 3,178m2 of land) facing Morphett Street.

This strategy works for Burke Urban and Health Partners and we understood from Council's previous discussions that Council was prepared to purchase that southern area.

Burke Urban had allocated land purchase values for those respective southern parcels as follows.

The blue area of 3,178m² to be purchased by Council for a consideration of \$2,540,000 and at a rate of \$800/ m².

The red area of 3,128m² to be purchased by Burke Urban (related entity) for a consideration of \$2,210,000 or \$708/m². This portion would be to accommodate Health Partners and allied health groups.

Note: - The whole site area purchase price is \$8m but our valuation advice is that the site value per square metre reduces as one moves from Morphett Street towards Druids Avenue. The retail interface and proximity to existing concentrations of activity at the southern boundary support this advice.

We presented to Woolworths (under the Heads of Agreement) that the balance land would be purchased for \$3,250,000 if we elect to proceed with that remaining parcel.

Prior to our meetings with Council staff last week, Burke Urban was inclined not to proceed with the northern parcel unless and until we had a suitable end tenant for all or part of that land to de-risk the purchase. There is a significant risk (if we do not commit to that portion at the completion of due diligence) that Woolworths will re-present that land to the market and the opportunity to our joint strategy for integration may be lost.

Proposal

As Burke Urban currently retains a beneficial interest in the subject land owned by Woolworths at Mount Barker, we have the opportunity to present an exclusive partnering arrangement to Council in an innovative and highly transparent way that will allow Burke Urban and Council to master plan an 11,335 m² site in a prime area of the Town Centre of Mount Barker.

We have great confidence in this proposal, because of the commitment of our allied health tenancies underwritten by Health Partners (subject to Board approval on 31st October) and Council's focus on its civic space requirements. We have already entered into mutually advantageous undertakings with Mount Barker District Council under similar terms as those outlined for the integrated neighbourhood recreation area and stormwater management plan within our Newenham project at Bollen Road.

Burke Urban presents to Council the following:--

- 1. Burke Urban will enter into a contract with Woolworths and assign to Council the combined southern portions of the red and blue areas (6,306m²) for the Heads of Agreement consideration of \$4,750,000, subject to item 4 below.**
- 2. Burke Urban will (subject to Council approval of 1 above), enter into a contractual arrangement with Woolworths to secure the northern land for the benefit of the integrated project and provide adequate protection for Council to ensure that any on sale of the whole or part of that northern portion if not developed by Burke Urban or related entity will be done so in accordance with a joint party MOU, an agreed master plan and project objectives. Burke Urban will enter into a an arrangement for a first right of refusal under market conditions, a put and call option with Council similar to the southern portion red area or other mutually agreeable term to ensure that protection.**
- 3. Burke Urban and Council will enter into an MOU to set out a master planning and economic driver strategy for the site to attract and develop complementary uses and concentrated built form adjacent a civic square.**

4. **Under the assignment of the southern land to Council, Burke Urban and Council will enter into an unconditional put and call option to provide for Burke Urban or related to entity to purchase the red area from Council for a consideration of \$ 2,210,000 plus the cost of Council funds and a fair administration charge. We propose the term of the put and call to be 5 years from the Council purchase date of the southern land. To be clear, if at the end of 5 years Burke Urban has not "called " under the option, Council can "put" the unconditional contract to us and settlement must proceed forthwith.**

We recommend this proposal and opportunity to Council in good faith and consistent with Burke Urban's approach to act fairly and transparently we have provided you with the commercially in confidence Heads of Agreement entered into between Burke Urban and Woolworths.

Thank you for your consideration of this offer and the opportunity to plan and develop this exciting strategic site,

Yours sincerely,

Kym Burke

Managing Director
Mobile 0418 845 907

Phone 08 8212 0003
Fax 08 8212 0007

Faraway House
21 Franklin Street
Adelaide SA 5000

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burkeurban

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Brian Clancey

Deputy CEO/General Manager Infrastructure & Projects

D 08 8391 7218

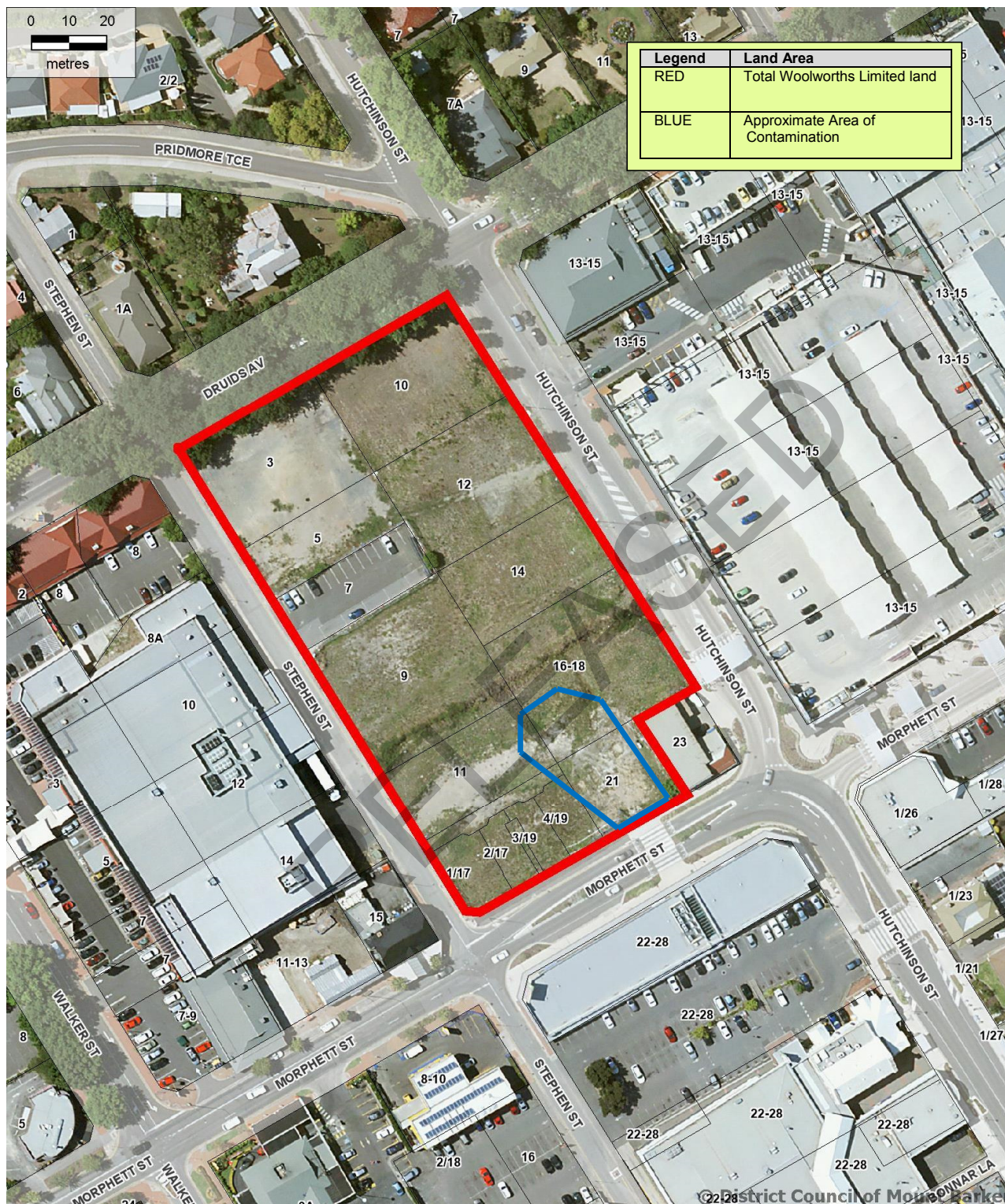
7.

■ ■ = land owned by Woolworths/Fabcot



Mount Barker District Council **Location Plan : Woolworths Land**

Attachment 3 to Item 18.2



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

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Map Zoom: 0.2627 km

Map Scale: 1:1,330

Created on: Tuesday, 1 September 2015 By: advanced

18.2	REPORT TITLE:	CONFIDENTIAL ITEM: CITY CENTRE STRATEGIC PARTNERING OPPORTUNITY
	DATE OF MEETING:	6 NOVEMBER 2017
	FILE NUMBER:	DOC/17/109171
	ATTACHMENTS:	1. LETTER FROM MR KYM BURKE DOC/17/110227
		2. SITE PLAN DOC/17/109696
		3. SITE CONTAMINATION AREA DOC/17/109906

Moved Councillor Irvine 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 Minute Secretary, be excluded from attendance at the meeting for Agenda Item 18.2 City Centre Strategic Partnering Opportunity.

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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- 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.

Seconded Councillor Seager

CARRIED
OM20171106.28

9.37pm Councillor Buchmann left the chamber

9.39pm Councillor Buchmann entered the chamber and took her chair

9.48pm Councillor Buchmann left the chamber

9.50pm Councillor Buchmann entered the chamber and took her chair

Moved Councillor Seager 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, 5 June 2017, 7 August 2017 and 3 October 2017 remain) with resolution number 6 from the Council meeting on 19 October 2015 proposed to be amended as shown immediately below:

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 objectives of securing a Town Square in the Mount Barker CBD and achieving an integrated approach to the development of the entire Woolworths land through the strategic partnering opportunity with Burke Urban to reduce the indebtedness attributable to this land purchase but excluding all of the land shown in red in attachment 2 which is to be purchased by Council and sold by Council to Burke Urban within no longer than 5 years.
3. Authorise the Chief Executive Officer to accept the attached proposal from Mr Kym Burke of Burke Urban (attachment 1) subject to the consideration of a prudential report at a future Council meeting.
4. Note that Council will procure a Prudential audit report in accordance with the requirements of the Local Government Act and that this report will be presented for consideration at a Council meeting at which time the Council will need to assess if there is any matter impacting on and requiring action prior to proceeding with the proposed land purchase.
5. Authorise the Chief Executive Officer or nominee in the interim to negotiate and progress the preparation of all of the required documentation to be consistent with the attached proposal from Burke Urban including a Deed and a Memorandum of Understanding or similar with Burke Urban or nominee to progress the preparation of a Master Plan for the entire parcel of land shown in yellow on attachment 2 which is all of the Woolworths land plus the land on the corner of Morphett and Hutchinson Streets.

6. Note that the proposed Master Plan (referenced in the above recommendation) will be presented to a future Council meeting in draft form for consideration.
7. Exclude from community land classification all of the land proposed to be purchased by Council as shown in red and blue in attachment 2.

Seconded Councillor Bailey

CARRIED
OM20171106.29

RELEASED

Moved Councillor Keen that:

Section 91(7) Order

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

That having considered Agenda Item 18.2 City Centre Strategic Partnering Opportunity 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 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 Buchmann

CARRIED
OM20171106.30

MEETING DECLARED CLOSED AT 10.28PM

MAYOR

DATE