CONFIDENTIAL ITEMS 2003 – JULY 2026

#	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
310	7 April 2026	Strategic Land Purchase Delegations	<u>Pursuant to Section 90(3)(b)</u> 1. 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, General Manager Infrastructure and Environment, General Manager Corporate Services, General Manager Strategy, General Manager Community and Planning and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.1 Strategic Land Purchase Delegations. 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 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 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. <u>Section 91(7) Order</u> 2. That having considered the Agenda Item Confidential Item: 18.1 titled Strategic Land Purchase Delegations in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of	Council report, attached documents and all minutes	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 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	Council report, attached documents and all minutes be retained in confidence until settlement of the purchase of the subject land parcel by council has occurred or such lesser period as may be determined by the Chief Executive Officer.		Within 12 months	*Report, Attachment 1 and Minutes released on website 6 November 2026*

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CONFIDENTIAL ITEMS 2003 – JULY 2026

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			the Act orders that the council report, attached documents and all minutes be retained in confidence until settlement of the purchase of the subject land parcel by council has occurred or such lesser period as may be determined by the Chief Executive Officer.		disclosure of Council's commercial position may 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.				

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18. CONFIDENTIAL REPORTS

18.1 REPORT TITLE: CONFIDENTIAL ITEM: STRATEGIC LAND PURCHASE DELEGATIONS

DATE OF MEETING: 7 APRIL 2026

FILE NUMBER: DOC/26/35018

ATTACHMENTS: 1: DOC/26/16216 – LOCATION PLAN AND SUBJECT LAND
2: DOC/26/21521- SUMMIT PRECINCT MASTER PLAN - STRATEGIC LAND LOCATION

Key Contact Nathan Franklin, Strategic Projects Officer

Manager/Sponsor Nathan Farnell, Acting Manager, Economy and Activation

Executive Alison Hancock, General Manager Strategy

Community Plan 2044:
The following objective/s from the Community Plan 2044 are relevant to this report:

Objective 20. Growth and Productivity: Increase the scale and efficiency of local circular economic productivity, capturing new and expanding investment that creates a dynamic, resilient, sustainable and diverse local economy.

Objective 22. Tourism: Enhance the local economy and community vibrancy by activating tourism through strategic investments in infrastructure, events and partnerships that showcase the region's unique attractions and cultural experiences.

Annual Business Plan:
Councils 2025/2026 Annual Business Plan has allocated a budget of $5.75m in reference to this strategic land purchase and associated project costs associated with the Summit Precinct and is referenced within the Annual Business Plan as 'Summit Precinct Land Purchase'.

Purpose:
Following on from Council's resolution at its 2 March 2026 (OM20260302.15) meeting to exercise the option agreement to purchase the land comprised in Allotment 101 in DP 125249, Certificate of Title Volume 6262 Folio 216, located at 361 Bald Hills Road, Mount Barker, this report seeks the required delegation from

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Council to the Chief Executive Officer and Mayor to execute all required documentation to give effect the purchase of the said land.

The purchase of the land parcel will consolidate land holdings across the Summit Precinct into Council ownership and facilitate the future development of the Summit Precinct.

Summary – Key Issues:

1. In July 2022, Council in confidence, endorsed securing an Option Agreement to purchase a strategic land parcel located adjacent the Summit Precinct land.

2. This Option Agreement period expires 19th October 2026. In March 2026 Council further endorsed the execution of the Option Agreement.

3. This report relates to the delegations required to ensure that Council can execute the Option Agreement and a Contract for Sale for the strategic land purchase.

4. This parcel of land forms a strategically important holding of the broader tourism and leisure focussed Summit Precinct, as identified in the Summit Precinct Master Plan.

5. In preparation to execute this land purchase within the current 2025/26 Annual Business Plan, Council has allocated sufficient budget for the purchase of this land.

Recommendation:

That Council:

Pursuant to Section 90(3)(b)

1. **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, General Manager Infrastructure and Environment, General Manager Corporate Services, General Manager Strategy, General Manager Community and Planning, Manager Economy and Activation and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.1 Strategic Land Purchase (Amended).**

   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 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

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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 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.

Delegates to the Chief Executive Officer and Mayor the power to do all things necessary, including the delegation to execute the Option Agreement, Contract for Sale and Purchase of Land and any other related or associated land transfer documentation to give effect to the resolution of Council from 2 March 2026 (OM20260302.15) for the purchase of land described as Allotment 101 in DP 125249, being the whole of the land comprised in Certificate of Title Volume 6262 Folio 216 (outlined in Attachment 1 in yellow).

Section 91(7) Order

2. **That having considered the Agenda Item Confidential Item: 18.1 titled Strategic Land Purchase (Amended) 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, attached documents and all minutes be retained in confidence until settlement of the purchase of the subject land parcel by council has occurred or such lesser period as may be determined by the Chief Executive Officer.**

Background:

1. Council currently owns approximately 49 Hectares of land, courtesy of three tranches of land acquisition dating back to 2008, with this land constituting the Summit Tourism and Leisure Precinct.

2. The subject allotment maintains a road frontage to Springs Road while being largely surrounded by land owned or controlled by Council. The land comprises just over 5.9 hectares (59,321 square metres) and is currently used for general farming and stock grazing (Attachment 1)
3. The ability to realise the optimal design and functionality of the Summit Precinct necessitated securing the Option Agreement, to purchase the subject land, as identified in the Summit Precinct Master Plan.

4. An Option Agreement is an agreement between two parties to facilitate a potential transaction on an underlying security (in this case land) at a present price, prior to the expiration date of the agreement.

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5. A confidential briefing on the 28th of February 2021 was held with Council Members, which introduced and discussed the merits of this proposed acquisition.

6. Council more formally considered securing a land purchase option at a Council meeting on the 4 July 2022 and then more recently supported the execution of the Option Agreement at the Council meeting on the 2 March 2026. This report is the administrative process for Council to delegate authority to the Chief Executive Officer to finalise and execute the Option Agreement and contracts for the purchase of the subject land.



9. At the 2 March 2026 Council meeting Council endorsed the execution of the Option Agreement and resolved the following:

    2. *Authorise the Mayor and Chief Executive Officer to execute the Option Agreement for the "Purchase Price: $4,900,000 or such lesser amount as the parties agree in writing." for the land described as Allotment 101 in DP 125249, being the whole of the land comprised in Certificate of Title Volume 6262 Folio 216 (outlined in Attachment 1 in yellow).*

    3. *Resolves to exclude the purchased land (Allotment 101 / CT6262/216) from the community land status pursuant Section 193 of the Local Government Act 1999.*

    4. *Notes that this land purchase is not subject to a Prudential report as per Section 48 of the Local Government Act.*

10. This report does not seek to amend the resolutions of Council from its 2 March 2026 council meeting, but rather provide the required delegations to enact the resolution.

Discussion:

From the 2 March 2026 Council meeting, Council considered the following:

11. The executed Option Agreement reserved and protected the Council's position to acquire the subject land at any time during the Option Period. To note, the executed option period is due to end 19 October 2026.

12. The Option Agreement has served to ensure the asking price does not escalate due to changing owner expectations or market demand. This is

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particularly relevant given the Council's role in adding value to the land via its active pursuit of a State significant sports, tourism and leisure precinct, which already includes the lodgement of a 100+ room hotel development.

13. Council has progressively assembled the adjoining land parcels over more than a decade. Current market value of this property has increased considerably during this timeframe.

14. It is considered that the average acquisition cost across Council's land holdings is appropriate relative to current market value, providing an opportunity for Council to strategically leverage some of this uplift.

15. While not all land owned by Council can be monetised (e.g. community facilities, trails, playgrounds etc), the subject land represents a considerable land holding that is able to be leveraged (through development and partnering with private sector) by Council for improved economic, commercial and community outcomes.

[redacted]

16. The acquisition of the land, which intended to be held long term by Council, should be considered on the basis of a 'dollar cost average' across all land holdings. This will provide context to the total implications for the site – and any premium payable being relatively minor relative to total land purchase price and current indicative market value across the precinct.

17. The expected land acquisition purchase price inclusive of stamp duty, transfer fees and associated costs are summarises below:

Purchase Price (as per Option Agreement)	$4,900,000
Stamp Duty (as calculated on the contract sum)	$268,830
Lodgement and Transaction Fees (as calculated on the contract sum)	$50,832
Total	**$5,219,662**

NOTE: *the above table does not include the initial non-refundable Option Agreement deposit of $100,000 which was historically paid at the time of securing the option.*

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18. Council has previously considered and endorsed the merits of this land purchase proposal and accordingly executed an option to secure its potential future purchase.

19. At the 2 March 2026 Council meeting Council confidentially considered and endorsed the execution of the Option Agreement. There was an oversight within the recommendations of the 2 March 2026 report as it did not reference the ability to execute the Contract for Sale and the documents necessary to effect the transfer of land to Council.

20. In order to ensure the transaction occurs in a timely manner an additional recommendation is now presented to Council within this report to reference the Option Agreement, Contract for Sale and the Land Titles Office transfer documentation with the Chief Executive Officer having the delegated authority to carry out the execution.

21. Fundamentally, no further amendments are proposed to what has previously been considered and resolved by Council. The merits of the strategic land purchase remain as has previously been considered and resolved by Council and the amendments to the recommendations will enable the Chief Executive Officer to execute the purchase in a timely manner.

22. Within the current 2025/26 Annual Business Plan, Council has allocated up to $5.75m for the purchase this land specifically and it is recommend that Council to secure this highly strategic land holding and execute the Option Agreement.

Community Engagement:

Informing only	Website

Policy:
Prudential Management Policy.

Long Term Financial Plan:
The adopted 2025-2035 Long Term Financial Plan includes a provision for the purchase option.

Budget:
Councils 2025/2026 Annual Business Plan has allocated a budget of $5.75m in reference to this strategic land purchase and is referenced within the Annual Business Plan as ‘Summit Precinct Land Purchase’.

Statutory/Legal:
Contracts for sale and purchase to be prepared by Council’s external legal team.

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The subject land parcel is to be excluded from classification as community land pursuant to Section 196 the Local Government Act, consistent with adjoining Council-owned allotments that make up the greater Summit Precinct.

In reference to Councils Prudential Management Policy as per Section 48 6(d) of the Local Government Act, the total cost of this proposed land purchase is below the indexed amount of $5,814,301 for the 2024/25 financial year and as such no Prudential Report is required.

To note, the broader Summit Precinct project will be subject to a Prudential Report and this will be presented to Council by June 2026.

Staff Resource Requirements:
Historically at the time of entering into the Option Agreement specialist external service provision was sought including property valuation and legal advice.
It is also anticipated that legal and conveyancing would also be sourced externally to complete the purchase.

Environmental:
An environmental site assessment on this land has been previously undertaken and has not revealed any contamination or native vegetations that would restrict the potential use of the land.

Further consideration of site-based environmental matters related to the development of the site, will occur as part of the development assessment process.

Social:
The acquisition will assist Council achieve a significant community, environmental, employment, and tourism outcome by consolidating land ownership across the broader Summit precinct.

Risk Assessment:
The risk associated with not purchasing the land will present as a significant constraint to develop the Summit Precinct. Budget has been allocated specifically for this land purchase within the current financial year. There is a risk that should Council not execute the Option Agreement in a timely manner the opportunity to purchase may not eventuate and the purchase price be significantly greater than stated in the Option Agreement.

Given this land parcel is directly abutting the Summit Sports and Recreation Park, there is a risk that if this land is not within Council ownership that non-complementary uses may restrict the reasonable utilisation of lit playing surfaces and event spaces.

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Asset Management:
The land forms part of the Summit Precinct which
There is no immediate asset management burden to Council as a result of the land purchase.

Conclusion:
Securing ownership of the subject land should be considered a very high priority of the Council as it holds significant strategic merit to complete the development of the Summit Precinct and achieve broader long term economic and community outcomes for the district.

Recommendations within this report will enable the Chief Executive Officer (and/or delegate) to execute the Option Agreement and the associated Contract for Sale and any other documentation for the purchase of this strategic land holding.

Previous Decisions By/Information Reports to Council

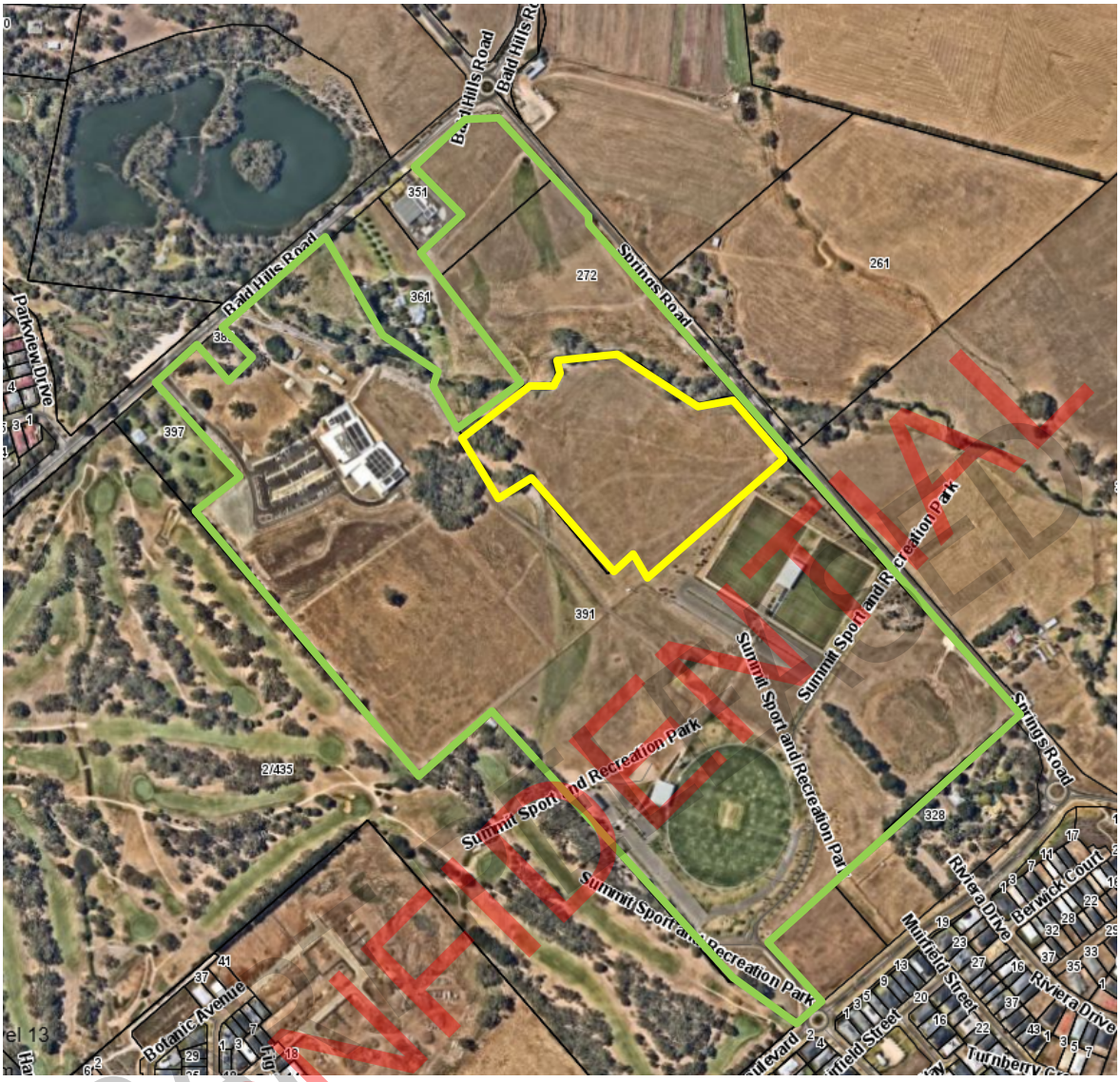
Meeting Date	2 March 2026	CM Reference	DOC/26/15299
Title	CONFIDENTIAL: STRATEGIC LAND PURCHASE		
Purpose	To execute the Council option to purchase the entire land comprised in Allotment 101 in DP 125249, Certificate of Title Volume 6262 Folio 216, located at 361 Bald Hills Road, Mount Barker.		

Meeting Date	22 July 2022	CM Reference	DOC/22/79564
Title	CONFIDENTIAL: STRATEGIC LAND PURCHASE OPTION		
Purpose	To provide reasoning and seek authority for Council to authorise an Option Agreement for the subject land adjoining Springs Road (see attachment 1 shown in orange and marked number 5).		

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ATTACHMENT 1 to Item 18.1

Attachment 1: Subject Land and Location Land



Summit Precinct

Subject Land

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18. CONFIDENTIAL REPORTS

18.1

REPORT TITLE:	**CONFIDENTIAL ITEM: STRATEGIC LAND PURCHASE DELEGATIONS**
DATE OF MEETING:	**7 APRIL 2026**
FILE NUMBER:	**DOC/26/35018**
ATTACHMENTS:	**1: DOC/26/16216 – LOCATION PLAN AND SUBJECT LAND** **2: DOC/26/21521- SUMMIT PRECINCT MASTER PLAN - STRATEGIC LAND LOCATION**

Moved Councillor Seager that Council:

Pursuant to Section 90(3)(b)

1. 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, General Manager Infrastructure and Environment, General Manager Corporate Services, General Manager Strategy, General Manager Community and Planning and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.1 Strategic Land Purchase Delegations.

   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 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 prejudice Council's ability to

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be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.

Seconded Councillor Westwood CARRIED
OM20260407.27

Moved Councillor Seager that Council:

2. Delegates to the Chief Executive Officer and Mayor the power to do all things necessary, including the delegation to execute the Option Agreement, Contract for Sale and Purchase of Land and any other related or associated land transfer documentation to give effect to the resolution of Council from 2 March 2026 (OM20260407.15) for the purchase of land described as Allotment 101 in DP 125249, being the whole of the land comprised in Certificate of Title Volume 6262 Folio 216 (outlined in Attachment 1 in yellow).

Seconded Councillor Fordham CARRIED
OM20260407.28

Moved Councillor Westwood that Council:

Section 91(7) Order

3. That having considered the Agenda Item Confidential Item: 18.1 titled Strategic Land Purchase Delegations 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, attached documents and all minutes be retained in confidence until settlement of the purchase of the subject land parcel by council has occurred or such lesser period as may be determined by the Chief Executive Officer.

Seconded Councillor Voogt CARRIED
OM20260407.29

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