

70. CONFIDENTIAL REPORTS

70.1 **REPORT TITLE:** **CONFIDENTIAL REPORT - STRATEGIC
LAND PARCELS**
DATE OF MEETING: **3 MARCH 2008**
AUTHOR: **DAVID NINIO**
 SPECIAL PROJECTS OFFICER
DEPARTMENT: **INFRASTRUCTURE AND PROJECTS**
DEPARTMENT
MANAGER: **BRIAN CLANCEY**
FILE NUMBER: **64/050/008**

Moved Cr Irvine that Council:

1. orders pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 that the public be excluded from attendance at the meeting to consider in confidence matters regarding:
 - (b) information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest
2. permits the Chief Executive Officer, General Manager Infrastructure & Projects, General Manager Strategy Development and Communities, General Manager Corporate and Community Services, and the Minute Secretary to remain in the room.

Seconded Cr Zanker and CARRIED

Moved Cr Gamble that Council

3. authorise officers to continue negotiations with the owners of the 'Stephenson land' (the Stephenson Family) on the corner of Bald Hills Road and Springs Road and with representatives of St Francis De Sales College (The College) on the possible purchase and sale of land parcels and a further report shall be presented to a Council meeting by no later than 16 June 2008.
4. note that the further report referred to in recommendation 3:
 - a) would include an update on the negotiations; and

- b) may include seeking council authority to undertake community consultation for the proposed exclusion of land from Community Land classification on the Big Green in accordance with the disclosure requirements of the Local Government Act 1999 including the proposed sale of portion of the land and use of the land.
- 5. note that in the event that Council does determine to undertake Community Consultation on the Community Land classification on the Big Green at some future time it will need to consider the outcome of this consultation before determining whether it will continue negotiations with the College.
- 6. authorise officers to brief the owner (Ms S A Flett) of the land located on Springs Road about the possible establishment of treated wastewater storage on the Stephenson land.
- 7. orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until ~~30 June 2008~~ 9 September 2009

Seconded Cr Zanker and CARRIED.

Moved Cr Irvine that Council

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

Seconded Cr Wilksch and CARRIED.

MEETING DECLARED CLOSED AT 9. 02 PM

MAYOR

DATE

17. CONFIDENTIAL REPORTS

17.1 REPORT TITLE: CONFIDENTIAL REPORT - STRATEGIC LAND PARCELS

DATE OF MEETING: 3 MARCH 2008

**AUTHOR: DAVID NINIO
SPECIAL PROJECTS OFFICER**

DEPARTMENT: INFRASTRUCTURE AND PROJECTS

**DEPARTMENT
MANAGER: BRIAN CLANCEY**

REPRESENTORS: N/A

FILE NUMBER: 64/050/008

**ATTACHMENTS: 1 PROPERTY PLAN.
2 WALLBRIDGE & GILBERT PLAN
3 PRELIMINARY CONCEPT PLAN OPTION
1 STEPHENSON LAND -
4. PRELIMINARY CONCEPT PLAN OPTION
2 STEPHENSON LAND
5 LETTER FROM ST FRANCIS DE SALES
6. CONCEPT MASTER PLAN ST FRANCIS
DE SALES
7, 8 AND 9. PRELIMINARY CONCEPT PLAN
OPTIONS THE BIG GREEN.
10. CONCEPT SITE PLAN OPTION
SHOWING LINKAGE OF BIG GREEN WITH
STEPHENSON LAND**

PURPOSE

1. To update Council on the current status of negotiations between Council Officers and:
 - The Owners of the Stephenson Land (refer to attachment 1).
 - Representatives of the St Francis De Sales College.
2. To gain authority for officers to undertake further actions.

RECOMMENDATION

That Council:

1. orders pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 that the public be excluded from attendance at the meeting to consider in confidence matters regarding:
 - (b) information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest
2. permits the Chief Executive Officer, General Manager Infrastructure & Projects, General Manager Strategy Development and Communities, General Manager Corporate and Community Services, and the Minute Secretary to remain in the room.
3. authorise officers to continue negotiations with the owners of the 'Stephenson land' (the Stephenson Family) on the corner of Bald Hills Road and Springs Road and with representatives of St Francis De Sales College (The College) on the possible purchase and sale of land parcels and a further report shall be presented to a Council meeting by no later than 16 June 2008.
4. note that the further report referred to in recommendation 3:
 - a) would include an update on the negotiations; and
 - b) may include seeking council authority to undertake community consultation for the proposed exclusion of land from Community Land classification on the Big Green in accordance with the disclosure requirements of the Local Government Act 1999 including the proposed sale of portion of the land and use of the land.
5. note that in the event that Council does determine to undertake Community Consultation on the Community Land classification on the Big Green at some future time it will need to consider the outcome of this consultation before determining whether it will continue negotiations with the College.
6. authorise officers to brief the owner (Ms S A Flett) of the land located on Springs Road about the possible establishment of treated wastewater storage on the Stephenson land.

7. orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 30 June 2008.
8. subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

Background:

Council resolved at its meeting held on 3 December 2007:

1. *That Council authorise officers to enter into negotiations with the owners of the 'Stephenson land' on the corner of Bald Hills Road and Springs Road and with St Francis De Sales College on the possible purchase and sale of land parcels with a further report to subsequently be prepared for Council consideration.*
2. *That the further report for Council consideration referred to in recommendation 3 shall be presented to a Council meeting by no later than 3 March 2008.*
3. *That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 30 June 2008 or until all land transactions arising from this item have been undertaken with a contract executed by all parties whichever is the sooner.*

DISCUSSION**Land on the Corner of Bald Hills Road and Springs Road, Mount Barker – the Stephenson land**

As mentioned in the previous report, The Mayor, Chief Executive Officer and General Manager, Projects and Infrastructure have held a series of discussions with members of the Stephenson family. This is in accordance with the Council resolution of 3 December 2007.

Following a request by QED the consultants who prepared the preliminary concept plans (attached) and Flightpath Architects, the Heritage advisors to Council, a site visit took place accompanied by the Consultants and Council Officers. The Mayor, Chief Executive Officer and the General Manager Projects and Infrastructure also visited the site following the visit by the Consultants and Council Officers.

The Stephenson Family would be happy to host a site visit of all Council Members should that be desired at a future time, assuming that negotiations continue to progress.

The Stephenson Family are receptive to negotiate for the sale to Council of some of their land on the corner of Bald Hills Road and Springs Road. The residence located on proposed part allotment 40 will need to be excluded from sale and probably the residence marked with a * as shown on attachment 1 (currently occupied by their son and his family).

No decision or commitments have as yet been made by the Stephenson Family or Council Officers.

Environmental Protection Authority

A recent study by Walbridge and Gilbert identified a preferred site for additional treated waste water storage being on the Stephenson land (refer attachment 2.) A preliminary meeting with the EPA indicates that the proposed location of the treated waste water lagoons on the Stephenson Land is not ideal and that an alternative location should be investigated. This feed back takes into consideration the proximity of the Stephenson Residence marked * and the Fleet Residence shown on attachment 1. If Council is of the view that there is no alternative location, a risk-assessment will need to be carried out to determine the risk of contamination to the watercourse and odours impacting on neighbouring residences.

It is therefore proposed to brief the owners of the property (Ms S A Flett) located on Springs Road and to seek to further determine from the Stephenson Family if the residence marked * on attachment 1 can be included as part of any proposed sale to Council. At present this is unclear but appears somewhat unlikely.

Council officers will need to further engage with the EPA regarding the preferred site on the Stephenson Land. This is likely to require significant further work by Council with associated resource implications.

Mount Barker Football Club

Representatives of the Mount Barker Football Club have provided feed back to accommodate what they consider to be their needs on the proposed Stephenson Land location. Attachment 3, Option 1 prepared by QED shows an indicative layout that accommodates the Football Club's needs as provided by them. Attachment 4, Option 2 accommodates the Football Ovals and Clubrooms but is more generic about the use of other Sporting Activities.

Council officers have maintained communication with representatives of the Mount Barker Football Club to keep them informed of progress.

Heritage significance

The Council's Development Plan lists 3 barns, the former Farmhouse and the Farmhouse located on the property, to be of local Heritage significance. Flightpath Architects have identified for historical, economic, aesthetic and architectural merit. The appropriate uses considered compatible for these buildings are of an interpretive nature with the Farmhouse being used for accommodation purposes (Refer to attachments 3 and 4). The Farmhouse and former Farmhouse are located on the portion of the land that the Stephenson family may wish to retain as described above.

The preliminary advice from Flightpath Architects notes that all buildings are in fair condition for their age. It mentions that attention should be given:

- that there are no gutters on the barn buildings.
- to repairing structural cracking.
- to repairing roof sheets and guttering.

Planning & Restrictions/Constraints

The land in question is located in the Rural (Mount Barker) Zone. The Objectives and Principles of development control as detailed in the Development Plan are such that the likely intended uses of the site as presented in this report, should Council purchase the land, are not envisaged in the existing zoning regime.

It should be further noted that the current land use zoning controls are such that all forms of development, except those uses specifically listed, are identified as non-complying. The types of uses identified as possibly being established on the site should Council own the land would constitute non-complying forms of development.

Investigations will need to be undertaken to change the zoning of the land to ensure the most appropriate 'fit' between the sites intended mixture of public purpose uses and the zoning provisions articulated in the Development Plan. A Development Plan Amendment (DPA) would need to be commenced and the rezoning authorised by the Minister for Planning and Urban Development before Council could be assured that the site could be used for its intended purpose.

The relationship between the rezoning process and the negotiations to purchase the land and any conditions attached in this regard will need to be carefully considered. This will be given further consideration and coverage in the report to be presented to a Council meeting of 16 June 2008

Other Potential Public Uses

As shown on attachments 3 and 4 (preliminary concept plans) the Stephenson land provides opportunities for open space, sporting and extensions of linear trails. Please note that these plans are at this stage only indicative of use and require further development with Council input.

Council officers have not yet held any discussions with other possible users of the land given the current status of negotiations. This will also be revisited in the further report to be presented to Council by 16 June 2008.

The Big Green

The College representatives are keen to progress negotiations with Council to meet its expansion needs. In Council officer's discussions with the College representatives it has been made very clear that our work to date is to formulate an eventual package in the first instance for Council's consideration to determine its willingness or otherwise to undertake Community Consultation to propose to exclude the subject land from Community Land Classification. If Council's decision is to do so (not recommended at this time) its final determination to initiate the process for exclusion will depend on Council's consideration of the community comments received.

The subject land is zoned "Public Purpose". Principle 1 of this zone states "This zone should accommodate passive and active recreation areas and public institutions facilities including **school**, library, indoor recreation, public service depot and meeting hall development in appropriate locations. Development consent use approval for a school (category 3 developments) would be subject to advertising and consideration by Council of the community comments received.

As shown in the Confidential Letter from the College (Attachment 5) and Concept Master Plan (Attachment 6) community access would be provided by the College to the ovals, sporting facilities and the music drama area. All infrastructure costs would be borne by the College.

The preliminary concept plans prepared by QED as shown on attachments 7,8 and 9 are purely indicative and as mentioned above would require Council input if further developed.

Increase in Open Space

Attachment 10 shows a potential linkage between the Big Green and the Stephenson land. As shown on this plan the area of open space available to Council would be substantially increased if the

Stephenson land is purchased. Under this scenario, consideration would therefore need to be given to the overall open space needs of the community and the ongoing resource implications to Council.

Field Services

As mentioned in the previous Council report further work would be required in preparing a formal design and costing for the proposed relocation of Field Services to the Big Green. This work is not intended to be initiated until such time that a resolution is taken by Council regarding the proposed exclusion of the subject land from Community Land Classification and will be the subject of a future report to Council.

Transport Master Plan

The Brief for the Development of a Transport Plan as it directly impacts on the Big Green and Stephenson Land in the context of traffic, safety and connectivity is covered by the issues to be addressed namely:

- Possible new access to the " Big Green"
- Reviewing the role of McFarlane Terrace. This has direct implications to St Francis de Sales having regard to its continuing growth in student population and the current traffic on Dutton Road.
- Connectivity and linkages to key public purposes facilities.

The Brief also requires consultation with all Schools.

Next Steps

1. Continue negotiations with the Stephenson family including seeking to further clarify their position regarding the residence currently occupied by their son and his family;
2. Continue negotiations with representatives of the College;
3. Follow up investigations and work with the EPA;
4. Discussions with the adjacent property owner, Ms S A Flett;
5. Gauge relationship between the Stephenson Land and the Big Green to the Transport Master Plan.

6. Further consider the implications of the current zoning of the Stephenson land.
7. Further report to council by 16 June 2008.

POLICY IMPLICATIONS

1. Financial/budget

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

Potential sources include:

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

These options would need to be considered in the context of Council's long term financial planning and other priorities e.g. in the case of the indirect infrastructure contribution funds there are other priorities such as car parking i.e. possible deck car park construction.

2. Legal

The Stephenson land is zoned Rural Mount Barker.

The Big Green is zoned Public Purpose.

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

being classified as community land and being available to be sold.

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

3. Staffing/Work Plans

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

The required further work will also require input from numerous Council officers.

4. Environmental

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

5. Social

Considerations include various community objectives including:

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

6. Strategic Plans

Community Strategic Plan 2004 – 2007

Leisure, Recreation, Arts and Sport

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

Transport Master Plan

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

COMMUNITY CONSULTATION

1. Customer Needs Analysis

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

An undertaking has been given that an update will be provided to each of these parties post the Council meeting on 3 March 2008.

2. Promotion/Communications

Not applicable at this time.

