

- identify consultation that as undertaken by the caravan park committee
- if the traffic study will be available to the community
- if any part of the \$1m will be used if the bridge requires improvement to its structural integrity
- Has Steamranger been consulted?
- Will carpark be bitumenised right up to the station? Will the area be beautified and will heritage integrity be maintained?
- traffic impacts.

Andrew Stuart, CEO, replied that these questions will be addressed as part of any future report.

Darryl Block

Is there a load limit on the bridge (near Steamranger)?

Brian took this question on notice.

Nathan Rogers

Will Council develop a policy regarding open space sales?

Andrew Stuart, CEO, replied that open space may include community land and other land owned by Council for strategic purposes. Land which is not community land is assessed by Council according to particular circumstances. Community land is subject to a statutory process requiring a number of steps including community consultation.

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CONFIDENTIAL REPORTS

56.1

**REPORT TITLE: CONFIDENTIAL REPORT - PROPOSED
LAND ACQUISITION**
DATE OF MEETING: 18 DECEMBER 2006
AUTHOR: BRIAN CLANCEY
**AUTHOR'S TITLE: GENERAL MANAGER, ASSETS &
INFRASTRUCTURE**
REPRESENTORS: N/A
FILE NUMBER: 32/070/002 PART 2
DEPARTMENT: ASSETS & INFRASTRUCTURE
**DEPARTMENT
MANAGER: BRIAN CLANCEY**

Moved Councillor Zanker that Council:

1. Pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders 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. That the Chief Executive Officer, General Manager Assets & Infrastructure, General Manager Strategy and Development, General Manager Corporate and Community Services, and the Minute Secretary be permitted to remain in the room.

Seconded Cr Irvine and CARRIED

Moved Cr Kuchel that Council:

- 3. Authorise the acquisition of the property at 1 Woodside Road, Nairne subject to the purchase price being the lowest amount that can be negotiated and is not to exceed \$270,000;
- 4. Resolve that this land be excluded from classification as community land;
- 5. Resolve to borrow the purchase amount from the Local Government Finance Association by way of a normal credit foncier debenture (number 197) interest rate fixed for a term of five years;
- 6. Authorise the Council Seal to be affixed to the purchase and debenture documents; and
- 7. Authorise the Mayor and Chief Executive Officer to execute the necessary documentation to effect the purchase of the property, including the debenture.

Seconded Cr Zanker and CARRIED.

Moved Cr Kuchel:

- 8. Orders pursuant to section 81(7), (8) and (9) of the Local Government Act 1999 that the discussion, report, attachments and minutes relating to this item remain confidential until settlement of the property occurs ~~on 18 December 2007~~, extended until 6 September 2008 at 3 September 2007 meeting.

17. CONFIDENTIAL REPORT

17.1 REPORT TITLE: CONFIDENTIAL REPORT - PROPOSED LAND ACQUISITION

DATE OF MEETING: 18 DECEMBER 2006

AUTHOR: BRIAN CLANCEY

AUTHOR'S TITLE: GENERAL MANAGER, ASSETS & INFRASTRUCTURE

REPRESENTORS: N/A

FILE NUMBER: 32/070/002 PART 2

**ATTACHMENTS: 1 LOCATION PLAN
2 SALES LEAFLET**

DEPARTMENT: ASSETS & INFRASTRUCTURE

**DEPARTMENT
MANAGER: BRIAN CLANCEY**

PURPOSE

To advise Council of the opportunity to pursue the acquisition of a strategic parcel of land on the corner of Woodside Road and the Princes Highway, Nairne and to seek authority to enter into a contract to purchase this property.

RECOMMENDATION

{Please note: As negotiations are currently in progress (with a clear instruction to the Agent acting on Council's behalf that the position of Council is subject to determination at the Council meeting), it is intended to provide further information on the status of the negotiations prior to or at the meeting. This may impact on the recommendations below.}

That Council:

1. Pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders 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. That the Chief Executive Officer, General Manager Assets & Infrastructure, General Manager Strategy and Development, General Manager Corporate and Community Services, and the Minute Secretary be permitted to remain in the room.
- 3. Authorise the acquisition of the property at 1 Woodside Road, Nairne subject to the purchase price being the lowest amount that can be negotiated and is not to exceed \$.....000;
- 4. Resolve that this land be excluded from classification as community land;
- 5. Resolve to borrow the purchase amount from the Local Government Finance Association by way of a normal credit foncier debenture (number 197) interest rate fixed for a term of five years;
- 6. Authorise the Council Seal to be affixed to the purchase and debenture documents; and
- 7. Authorise the Mayor and Chief Executive Officer to execute the necessary documentation to effect the purchase of the property, including the debenture.
- 8. Orders pursuant to section 81(7), (8) and (9) of the Local Government Act 1999 that the discussion, report, attachments and minutes relating to this item remain confidential until 18 December 2007
extended until 6 September 2008 at 3 September 2007 meeting
- 9. That 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

A separate report is included in this agenda to provide an update on the status of the issue of traffic congestion in the vicinity of the Nairne Primary School.

The property on the corner of Woodside Road and the Princes Highway has recently come on to the market. The property is

described as 1 Woodside Road, Nairne and comprises an allotment of 957m² and improvements including a timber frame, three bedroom house.

This presents an opportunity to secure control over a parcel of land that is of strategic importance to the options to address traffic congestion in this location.

DISCUSSION

Communication has occurred with officers of the Department of Transport, Energy and Infrastructure (DTEI). Whilst there is no official DTEI position in respect to this property, the long established normal practice is that land acquisitions are not undertaken until a project is confirmed. In this instance a project (on the ground infrastructure works) is not expected to be confirmed for a considerable time, if at all (see below regarding possible scenarios).

There are pros and cons associated with Council seeking to acquire the property. These include:

Pros

1. Would ensure that a strategic parcel of land is in public ownership;
2. Keeps open some of the possible options to resolving the traffic congestion issues in this vicinity; and
3. Provides evidence of Council being proactive and demonstrates that Council is committed to contributing to resolving the traffic congestion issues.

Cons

1. It may raise expectations in the community that infrastructure works are going to be undertaken in the short term;
2. It may lead to the State Government seeking that Council fund the upgrading of the intersection; and
3. It may be perceived that Council is accepting responsibility for resolving the traffic congestion issues.

No preliminary designs have been prepared at this point. It is likely that DTEI would undertake design work once an option or options are determined for assessment.

Possible Scenarios

Possible scenarios for the property are:

1. The house is demolished and Woodside Road is realigned to Saleyard Road to make a conventional four way intersection with the assumption that traffic lights may also be installed;

2. The house is possibly retained and the junction of Woodside Road and the Princes Highway is expanded which may involve a corner cut off and/or the introduction of dedicated left turn and right turn lanes on Woodside Road for traffic exiting to the Princes Highway; and
3. Solutions to the traffic congestion issues do not require any use of the property in which case Council could retain the property and continue to rent it for residential use or sell the property.

If the property is able to be acquired by Council the intention would be that for the time being Council would seek to rent the property out for residential use.

The asking price is \$296,000. The land is zoned residential. We are currently awaiting information from a local agent in respect to the reasonable market value of the property. From limited research undertaken by staff it appears that the asking price is well above market value.

We are also waiting on advice in relation to a realistic rental figure for residential use.

Council has engaged a local agent to undertake negotiations on our behalf. The agent has been instructed to:

1. Not disclose the identity of his client;
2. Seek to secure a contract over the property that must be subject to confirmation (without disclosing that the "subject to" is the approval of Council); and
3. The amount of the first offer is to be \$245,000.

An update on the status of negotiations will be provided. The agent has been engaged on a success fee basis i.e. no purchase, no cost to Council.

On balance it was determined by staff to be desirable under the circumstances that we take advantage of the current window of opportunity and seek to secure the ability to acquire the property rather than risk it being purchased by a third party and potentially becoming far more difficult to gain access to in the future. This action is subject to determination by Council.

POLICY IMPLICATIONS

1. Financial/budget

The purchase price would be met through loan funding. Advice is awaited as to the rental that could reasonably be expected assuming that residential use was to continue for the time being.

2. Legal

The proposed acquisition would be undertaken in accordance with the Local Government Act 1999 including that the land be excluded from classification as community land.

3. Staffing/Work Plans

Acquisition can occur within existing staff resources supplemented by the use of the local agent.

4. Environmental

Not applicable.

5. Social

There a range of social issues associated with the current traffic congestion with the associated implications for the school community, local residents and other road users.

6. Strategic Plans

1 Lifestyle

Objective 6 Ensure that public safety is optimised at all times.

6 Governance

Strategy 6.11 Develop co-operative arrangements and partnerships with State Government.

COMMUNITY CONSULTATION**1. Customer Needs Analysis**

There are a range of potential customers as outlined in the report.

2. Promotion/Communications

It is proposed that the matter remain confidential until settlement of the property occurs or 28 February 2007 whichever is the sooner. This approach would provide Council with the opportunity to advise key stakeholders as a courtesy in advance of the acquisition becoming common knowledge. It would also allow the opportunity to manage the release of advice of the acquisition of the property with explanatory information to seek to ensure that there are not unrealistic community expectations.





FOR SALE

Surprise Package on Large Allotment

1Woodside Road NAIRNE

This three bedroom timber frame home is a real surprise! Set on a 957m² allotment with lovely shady trees having a lock up garage with power and lights as well as a carport giving access to the home - no running around in the rain. Mains water and rainwater service the home. There are three spacious bedrooms (master having a full wall of built-in robes), gas heated formal lounge, dining room, roomy eat in kitchen with split system reverse cycle air conditioning and ceiling fan. Plus a huge rumpus room or sunroom with garden views.

ID #	479905
Price	\$296,000
Inspect	Please Contact Office
Land	957 m ²
Contact	Alan Vickers 0438602079 mail@popenitschke.com.au



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