

CONFIDENTIAL ITEMS 2003 – AUGUST 2024

#	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
196	6 February 2023	Sale of Council Land, Mount Barker	<u>Section 90(3)(b) Order</u> 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 Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Executive Manager to the CEO, General Manager Planning and Community, General Manager Corporate Services, Strategic Property and Projects Manager, Head of Wastewater and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land, Mt Barker. 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 report, attached documents and all minutes be retained in confidence	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	That the council report, attached documents and all minutes be retained in confidence until settlement of the sale of the subject land by council has occurred.	3 Oct 23	Within 12 months	<i>Report, attachments and Minutes released on website 26 August 2024</i>

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			Council's ability to be able to negotiate a competitive sale price for the benefit of the Council and the community in this matter. Section 91(7) Order 5. That having considered the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land 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 sale of the subject land by council has occurred.		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 competitive sale price for the benefit of the Council and the community in this matter.				
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18.2	REPORT TITLE:	CONFIDENTIAL - SALE OF COUNCIL LAND, MT BARKER
	DATE OF MEETING:	6 FEBRUARY 2023
	FILE NUMBER:	DOC/22/159904
	ATTACHMENTS:	1. DOC/22/159682 Location Plan 2. DOC/22/164840 Adjoining Land Uses 3. DOC/22/163478 Current and Planned Open Space
	<u>Key Contact</u>	David Morton, Strategic Property and Projects Manager
	<u>Manager/Sponsor</u>	Alex Oulianoff, General Manager Corporate Services

Community Plan 2020-2035:

Community Priority 3: Growth Infrastructure

Providing the infrastructure and services needed to enable Mount Barker's evolution into a small, modern and progressive city, servicing its residents and businesses, smaller towns and villages and the wider region.

Annual Business Plan:

If approved by Council, the estimated cost of marketing and legal fees will be included in the next Budget Review.

Purpose:

To seek approval to commence a sale process for the Council Ex-Quarry Land.

Summary – Key Issues:

1. Council approved a sale in principle in November 2016.
2. A sale was put on hold until public road access was provided by the adjoining developer of the Bluestone Estate.
3. The parcel of land is excluded from the Community Land Register.
4. Road access is now under construction allowing a sale of the land to proceed.

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 Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Executive Manager to the CEO, General Manager Planning and Community, General Manager Corporate Services, Strategic Property and Projects Manager, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land, Mt Barker.

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 competitive sale price for the benefit of the Council and the community in this matter.

2. Approves the sale of the council land known as the Former Quarry Reserve being Allotment 53 in Deposited Plan 86227, in the area of Mount Barker, Hundred of Macclesfield Certificate of Title Volume 6119 Folio 971.
3. Approves the delegation to the Chief Executive Officer to negotiate a sale for no less than \$1,000,040 excluding GST and execute the contract and all required documentation to complete the transaction.
4. Endorses the funding of a shared path on the land adjoining the Former Quarry reserve to the west from part of the sale proceeds subject to formal approval of a budget following completion of a detailed design for the path.

Section 91(7) Order

5. That having considered the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land 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 sale of the subject land by council has occurred.

Background:

1. The subject land is known as the Former Quarry Reserve being Allotment 53 in Deposited Plan 86227, in the area of Mount Barker, Hundred of Macclesfield Certificate of Title Volume 6119 Folio 971.
2. The subject land (see location plan attachment 1) was originally used as a quarry for road material but ceased to be used for that purpose in approximately 1982 and comprises approximately 8309m². It had been heavily grazed for a long period of time and while one remnant tree remains, the understory is highly degraded.
3. The subject land, previously under Council's care and control, was transferred to Council in 2013 and automatically became Classified as Community Land pursuant to the Local Government Act i.e. this occurred by default, there was no Council consideration or resolution.
4. At its meeting on 7 November 2016 Council resolved to revoke its classification as Community Land and noted that the adjacent former road reserve will be retained by Council as Open Space with construction of a pathway through the reserve (timing and funding to be determined.)
5. The adjoining land (on 3 sides being North, South and East) is owned by the developer of Bluestone (Peet Mt Barker) which is developing its land as part of its residential subdivision. A public road is currently being constructed on the adjoining land to the east and north of the subject site.
6. To the south of the site a sizable open space reserve (coloured purple in attachment 2) has been designed which includes some mature native trees. Adjoining to the west of the subject land is a separate parcel owned by Council, this land was previously a road reserve which has now been closed. It is intended that part of the sale proceeds be used to provide a path through this land to link other pathways to the north and south (see attachment 2).

Discussion:

7. The subject land is not needed as open space because of the amount of open space being provided in the Bluestone development. The reserve network in the surrounding location will provide significant areas of land and enable both usable open space, active and passive play opportunities and support the retention of significant landscape trees.
8. Attachment 3 shows current and planned open space in the vicinity (green and purple), the subject land is shown in blue.

9. If the subject land was retained, Council would be liable for the cost of developing and maintaining the land as open space taking resources away from higher priority community needs.
10. Detailed design for the shared path on the land adjoining to the west will be included in the draft 23/24 Annual Business Plan with construction subject to sale of the land. The approximate cost of construction of the shared path is estimated to be \$400,000 to \$600,000 which will be refined when a design has been completed. A funding application can also be made when design has been completed.
11. Competition to buy the subject land is likely to deliver a better sale price and is also in accordance with Council's Disposal Of Council Land and Other Assets Policy which says that "The Council will, where practicable use a competitive method to dispose of the land."
12. While input will be sought from the appointed real estate agent if the recommendation to sell the land is endorsed, it is expected that an Expressions of Interest sale process will be used to maximise competition for the site.
13. An updated valuation has recently been received for the property and can be provided to Elected Members on request on a confidential basis.
14. The market valuation by McGees Property dated 28 November 2022 provides a value range of \$1,040,000 to \$1,450,000 excluding GST. This range reflects the variation in development land sale values depending on the bidders in the market for a specific site. The higher interest rate environment has impacted on the residential development market but successful marketing may result in a price at the higher end of the range. If for any reason offers are less than \$1,040,000 and can't be improved, a further report will be provided to Council.

Community Engagement:

Informing only	Details of Council's decision will be available on its website.
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Policy:

Council's Disposal of Council Land and Other Assets Policy

Long Term Financial Plan:

The sale of the land as referred to in this report is included in the draft LTFP with net proceeds, after sales and the contribution made for the share path, is \$600,000 excluding GST.

Budget:

The estimated cost of marketing and legal fees is \$10,000, the agents commission will be paid out of the proceeds when the sale is settled. The estimated proceeds from the sale of the quarry land and funding of the shared path will be included in the 2023/24 budget.

Statutory/Legal:

NA.

Staff Resource Requirements:

The sale of land, if approved, will be coordinated by existing staff.

Environmental:

A Stage 1 Environmental Report has been completed along with some test bores of the filled ex-quarry area and did not find any issues of concern. The subject land has been heavily grazed for a long period of time and while one remnant tree remains, the understory is highly degraded.

Social:

Significant benefit will be available to the community with the net proceeds from the sale of the land available to fund development of higher priority facilities both in this part of Mount Barker and other locations.

The former unmade road reserve (adjoining) will be retained by Council as Open Space with construction of a pathway through the reserve (funding to be from the sale proceeds of the subject land).

Risk Assessment:

If a sale does not proceed Council will be liable for the cost of development and maintenance of an unneeded area of open space. In addition an opportunity will be lost to derive revenue to contribute to priority community needs.

Asset Management:

Disposal of the land would provide a recurrent saving in maintenance for the site. Construction of a pathway through the reserve will create a useable community asset.

Conclusion:

Council approved a sale in principle in November 2016, the sale was put on hold until public road access was provided by the adjoining developer. Road access is now under construction allowing a sale of the land to proceed.

Previous Decisions By/Information Reports to Council

Meeting Date	2 May 2016	CM Reference	DOC/16/36678
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Title	Future Use Of Former Quarry Reserve & Adjacent Former Unmade Road Reserve
Purpose	To Seek Approval to Commence a Community Land Classification Revocation Process for the land at Lot 53 Silhouette St Mt Barker.

Meeting Date	4 July 2016	CM Reference	DOC/16/058376
Title	Future Use Of Former Quarry Reserve & Adjacent Former Unmade Road Reserve		
Purpose	To advise Council of the results of Community Consultation regarding a Community Land Classification Revocation Process for the land at Lot 53 Silhouette St Mt Barker.		

Meeting Date	7 November 2016	CM Reference	DOC/16/92945
Title	Revocation Of Classification As Community Land And Sale Of Former Quarry Reserve & Retention Of Adjacent Former Unmade Road Reserve		
Purpose	To seek Council's approval to revoke the Community Land Classification for the Former Quarry Reserve located off Silhouette Street, Mount Barker and advise of considerations for a future sale of the land.		

CONFIDENTIAL

Attachment 1 to Item 18.2

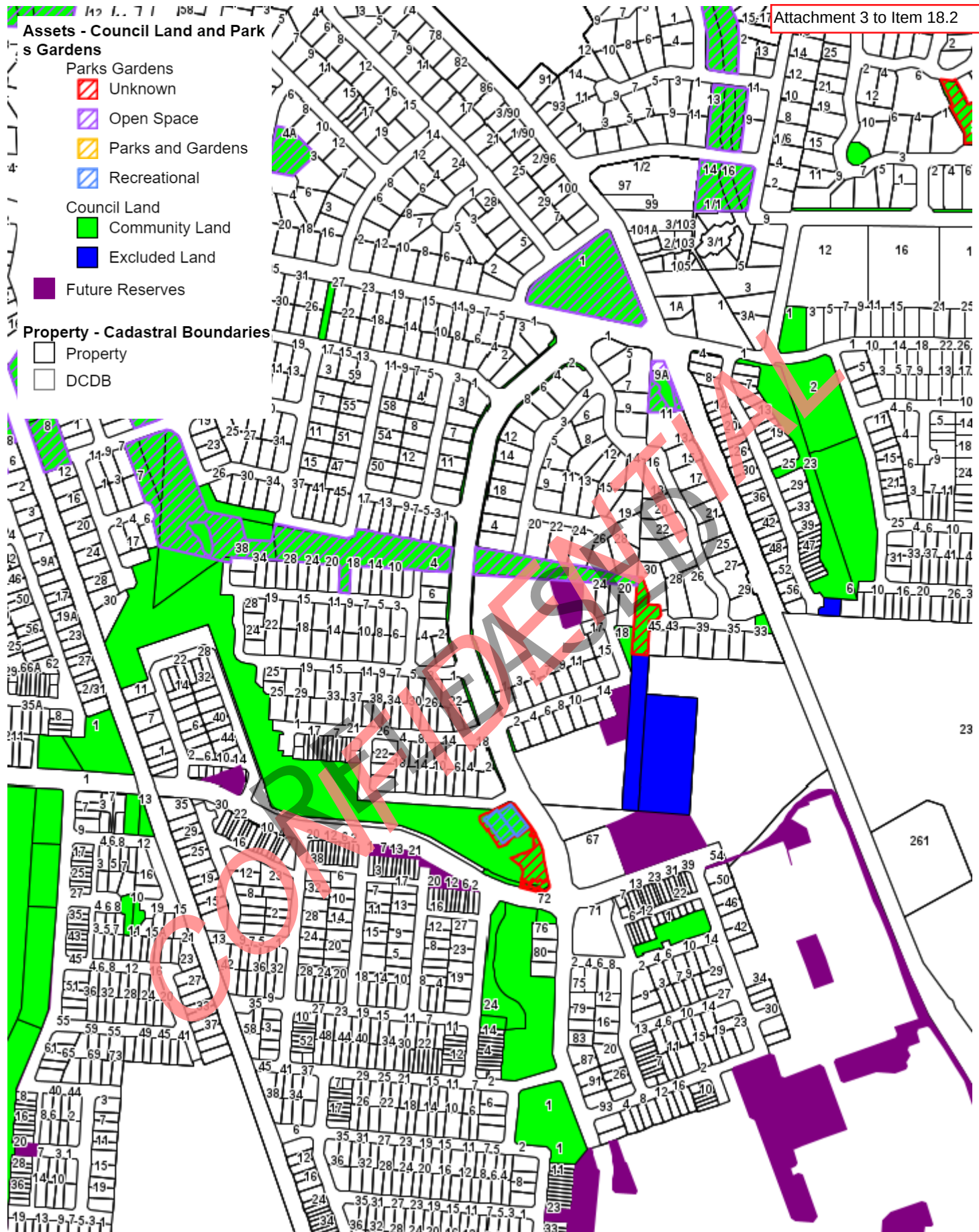


Attachment 2 to Item 18.2



Current and Future Reserves

Attachment 3 to Item 18.2



6 Dutton Road
Mount Barker SA 5251
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MOUNT BARKER
DISTRICT COUNCIL

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18.2.	REPORT TITLE:	CONFIDENTIAL - SALE OF COUNCIL LAND, MT BARKER
	DATE OF MEETING:	6 FEBRUARY 2023
	FILE NUMBER:	DOC/22/159904
	ATTACHMENTS:	1. DOC/22/159682 Location Plan 2. DOC/22/164840 Adjoining Land Uses 3. DOC/22/163478 Current and Planned Open Space

Moved Councillor Szilassy 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 Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Executive Manager to the CEO, General Manager Planning and Community, General Manager Corporate Services, Strategic Property and Projects Manager, Head of Wastewater and the Minute Secretary be excluded from attendance at the

meeting for the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land, Mt Barker.

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Seconded Councillor Orr

CARRIED
OM20230206.22

Moved Councillor Seager that Council:

2. Approves the sale of the council land known as the Former Quarry Reserve being Allotment 53 in Deposited Plan 86227, in the area of Mount Barker, Hundred of Macclesfield Certificate of Title Volume 6119 Folio 971.
3. Approves the delegation to the Chief Executive Officer to negotiate a sale for no less than \$1,000,040 excluding GST and execute the contract and all required documentation to complete the transaction.
4. Endorses the funding of a shared path on the land adjoining the Former Quarry reserve to the west from part of the sale proceeds subject to formal approval of a budget following completion of a detailed design for the path.

Seconded Councillor Orr

CARRIED
OM20230206.23

Moved Councillor Coombe that Council:

Section 91(7) Order

5. That having considered the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land 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 sale of the subject land by council has occurred.

Seconded Councillor Szilassy

CARRIED
OM20230206.24

MEETING DECLARED CLOSED AT 8.29PM

MAYOR

DATE

RELEASED