

CITY OF WEST TORRENS



Confidential Minutes
of
Report Item 21.1 of the Council Meeting

of the
CITY OF WEST TORRENS

held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on
TUESDAY, 3 SEPTEMBER 2019
at 7.00pm

A handwritten signature in black ink that reads "Terry Buss".

Terry Buss PSM
Chief Executive Officer

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21 Confidential **1**
21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park 1

Released

21 CONFIDENTIAL**21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park****Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) information the disclosure of which - 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.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

Council resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i) and (b)(ii) because it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, 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 secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

7.56pm the meeting moved into Confidence and the Confidential session commenced.

PRESENT:**Council Members:**

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, C O'Rielly, A McKay, J Wood, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)
Ms H Bateman	(Manager City Development)

This report provided an update to the marketing campaign undertaken by commercial agents CBRE acting for Council for the divestment of Council's Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park and presents a purchase proposal for Council's consideration.

RECOMMENDATION(S)

It is recommended that:

1. The Chief Executive Officer be authorised to do all things necessary to negotiate a contract with Accord Property for the sale of Council's former Depot site located 108-120 Marion Road, Brooklyn Park (the Land) for a price of not less than \$3.6 million + GST (if applicable) and subject to conditions as set out in the purchase proposal by Accord Property dated 21 August 2019 or such revised offer as may subsequently be received or with less onerous conditions as the Chief Executive Officer may negotiate.
2. Further to and consistent with the provisions of recommendation (1) above, Council authorises the Mayor and Chief Executive Officer to execute a contract for the sale of the Land to Accord Property and any other agreement, instrument or other documents contemplated by the contract or otherwise required for settlement.
3. Council notes the Voluntary Site Contamination Assessment Proposal (VSCAP) prepared for the Environment Protection Authority of South Australia (EPA) and commits to undertake and fund the schedule of works listed in the VSCAP (as finally approved by the EPA) in order to finalise, or give effect to the sale contract with Accord Property referred to in recommendations (1) and (2) above.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Kym McKay

That the recommendation be adopted.

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(b)(i) and (b)(ii), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, 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 secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Simon Tsiaparis

That the recommendations be adopted.

CARRIED

8.04pm the Confidential session closed and the meeting reopened to the public.

Released