

12.3 Spinnaker Circuit Reserve East – Revocation of Community Land Classification

Report Reference GC220823F12.3

Moved Councillor Telfer

Seconded Councillor Duncan

That pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager City Development, General Manager Corporate Services, Chief Financial Officer, Manager City Property, Manager Office of the Chief Executive, Chief Financial Officer, Unit Manager Land & Property, Senior Property Officer, Unit Manager Sport & Recreation, Unit Manager Media & Engagement, Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers item 12.3 Spinnaker Circuit Reserve East – Revocation of Community Land Classification upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to matters that may impact commercial contract negotiations.

Carried

8.06pm the meeting went into confidence.

Moved Councillor Duncan

Seconded Councillor Shilling

Part 1

That Council:

1. Notes the decision made by the Minister for Planning and Local Government on 18 February 2022 to approve Council's proposal to revoke the classification as community land of Allotment (Reserve) 88 in Deposited Plan 17901 contained in Certificate of Title Volume 5546 Folio 484.
2. Resolves to approve the revocation of the subject land from its community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999* and to publish a Notice in the Government Gazette to this effect.
3. Notes the Registrar General will be notified of the revocation of the classification of community land in accordance with Section 195 of the Local Government Act 1999.
4. Authorises the Mayor and Chief Executive Officer to affix the Common Seal of the Corporation of the City of Marion and to sign, as may be required, any documentation required to finalise the revocation of community land classification of Allotment (Reserve) 88 in Deposited Plan 17901 contained in Certificate of Title Volume 5546 Folio 484 (Pieces A & B).

Carried Unanimously

Moved Councillor Shilling

Seconded Councillor Duncan

Part 2

That in accordance with Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013, Council rescinds the following resolution from 27 July 2021 (GC210727R11.3):

'That Council

1. *Confirms its intention is to sell the portion of the reserve indicated as 'Piece A' in Attachment 3 to St Martins De Porres School by negotiation, at or close to market value*

(based on assumed residential zoning value), subject to the outcome of the revocation process;

2. *Confirms its intention is to sell the portion of the reserve indicated as 'Piece B' in Attachment 3 on the open market in a manner to achieve maximum net financial return to Council, subject to the outcome of the revocation process';*

Carried

Moved Councillor Duncan

Seconded Councillor Shilling

Part 3

That Council:

1. Notwithstanding the Disposal of Land and Assets Management Policy to obtain two independent valuations in the event of a direct sale, is satisfied with the one independent valuation by Council and one by the School which have been obtained to establish the market value of the property prior to disposal.
2. —Having considered the criteria outlined in its Unsolicited Proposals Policy, authorises Administration to negotiate terms for the sale of the whole of the land being Allotment (Reserve) 88 in Deposited Plan 17901 contained in Certificate of Title Volume 5546 Folio 484 (Pieces A & B) to the Catholic Church Endowment Society (CCES) for a sum of \$1,695,000 which achieves market value for Council.
3. Authorises the Mayor and Chief Executive Officer to affix the Common Seal of the Corporation of the City of Marion and to sign, as may be required, any documentation to finalise the sale of the whole of the land at Allotment (Reserve) 88 in Deposited Plan 17901 contained in Certificate of Title Volume 5546 Folio 484 (Pieces A & B), to the Catholic Church Endowment Society (CCES) or nominee for a sum of \$1,695,000 which achieves market value for Council.

Carried

Moved Councillor Shilling

Seconded Councillor Duncan

Part 4

That in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that attachment 12.3.3 (CBRE Valuation Report) and all financial information identified within this report, and the minutes (with the exception of the amount paid by the school) arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until the review of this confidentiality order at the General Council Meeting in December 2022.

8.24pm Councillor Prior left the meeting

8.24pm Councillor Hutchinson left the meeting

Carried Unanimously

8.26pm the meeting came out of confidence