

## 18.1 City Services Surplus Land

Report Reference GC220628F18.1

### **Moved Councillor Crossland    Seconded Councillor Prior**

That pursuant to Section 90(2) and (3) (d)(i) and (ii) 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 Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager City Property, Unit Manager Land & Property, Unit Manager Communications, Capital Project Officer, Media and Engagement Advisor, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to City Services Surplus Land, 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 pertaining to commercial information of a confidential nature from the market in relation to proposals received for the City Services surplus land, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

**Carried Unanimously**

8.09pm the meeting went into confidence.

### **Moved Councillor Crossland**

### **Seconded Councillor Prior**

That Council:

1. Endorses the proposed key terms of the draft ground lease to Buildtec Group Pty Ltd (or related wholly owned entity) included in Attachment 1 (subject to amending schedule 1 to reflect the term of the lease being 45-50years [as negotiated]), being over the portion of land contained in Certificate of Title Volume 5494 Folio 674 as delineated in the plan marked Piece A included in Attachment 3 for a term of 45-50 years, at a commencing rental of [REDACTED] per square metre, estimated at [REDACTED] per annum exclusive of GST and:

- a. Authorises Administration to negotiate and agree final terms and make further amendments to the draft lease agreement as reasonably required, but in line with the key terms included in the draft lease agreement included in Attachment 1
- b. Notes that Council will not be giving consent in its capacity as landowner for any development design which either requires the removal of or has a high-risk potential for damage to any of the Significant or Regulated Trees within the proposed leased area.
- c. Authorises the Mayor and Chief Executive Officer to attest to the affixation of the Common Seal of the Corporation of the City of Marion to a grounds lease agreement with Buildtec or their related entity nominee for a term 45-50 (forty five to fifty [as negotiated]) years for a bulky good facility on the vacant land north of City Services broadly in accordance with the terms outlined in the draft lease agreement in Attachment 1.
- d. Authorises Administration to negotiate and agree terms for Buildtec (or related entity in accordance with the lease agreement) to use their leasehold

interest in the City Services surplus land as security against debt funding for the project and authorises the Mayor and Chief Executive Officer to attest to the affixation of the Commons Seal of the Corporation of the City of Marion to any Deed required to give effect to this consent.

e. Authorises Administration to serve the required notice to Altus Traffic to terminate their occupancy agreement of the site which is currently operating in holding over.

2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 orders that this report, City Services Surplus Land, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) 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 execution of the Lease Agreement. At this time the report and minutes for this item will be released, with the exception of the financial information which is to be redacted and kept confidential. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried Unanimously**

8.21pm the meeting came out of confidence.