

Extract from Minutes

8.1 Asset Disposal - expression of Interest to buy vacant Council owned land – offer received from Beach Drilling Pty Ltd

6.45pm Cr Heaslip vacated his seat and left the meeting in accordance with his general conflict of interest declaration in relation to agenda item 8.1 - *Asset Disposal - expression of Interest to buy vacant Council owned land – offer received from Beach Drilling Pty Ltd.*

Moved Cr Keller
Seconded Cr the Hon van Holst Pellekaan

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 Sam Johnson (Chief Executive Officer), Brenton Daw (Director Infrastructure & Regulatory) and Jacqui Kelleher (Director Community & Corporate) be excluded from the meeting as Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider a report containing 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 (namely, information regarding an expression of interest received *from Beach Drilling in relation to 5-13 South Terrace Wirrabara*, which if made public could negatively impact the expression of interest process) and would, on balance be contrary to the public interest.

Carried Unanimously
[077-2023]

Moved Cr Keller
Seconded Cr Nottle

That Council receives and notes the report.

Carried Unanimously
[078-2023]

Moved Cr Keller
Seconded Cr Nottle

That Council:

1. authorises the Chief Executive Officer to approve and proceed with the sale and disposal of Allotments 162, 163, 164, 165 & 166, 5-13 South Terrace Wirrabara South Australia 5481, to Beach Drilling Pty Ltd on the following conditions;
 - 1.1 the sale price is to reflect no less than the independent valuation as received by Inval Property Valuations dated 23 March 2023, for consideration of \$100,000 plus GST (all five allotments noting \$20,000 plus GST per allotment).
 - 1.2 Beach Drilling Pty Ltd are to provide the Chief Executive Officer with an independent environmental assessment confirming that no contamination exists on the allotments proposed for sale, prior to the signing of any sale agreements.
 - 1.3 Beach Drilling Pty Ltd are to meet all associated sale costs, including conveyancing costs.

2. approves the Chief Executive Officer and the Mayor to sign and apply Council's Common Seal to sale agreements consistent with the conditions as listed within recommendation 2 above, and delegates authority to the Chief Executive Officer to propose and apply any required amendments to the sale agreements consistent with intent of Council's decision; and
3. approves the sale process in accordance with Section 6.5.5 of Council's Asset Disposal Policy.

Carried Unanimously
[079-2023]

Moved Cr the Hon van Holst Pellekaan
Seconded Cr Tate

That Council:

1. in accordance with Section 91(7) and (9) of the *Local Government Act 1999*, Council orders that this report item 8.1 – Asset disposal - expression of Interest to buy vacant Council owned land – offer received from Beach Drilling, the attachments to this report, discussion at the meeting and resolution pertaining to this item having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis that it contains 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 (namely an unsolicited expression of interest from Beach Drilling offering to purchase 5-13 South Terrace Wirrabara, which if made public could negatively impact on the consideration of the expression of interest received and would, on balance, be contrary to the public interest. This order is to remain in force until further order of the Council, noting that it will be reviewed at least annually in accordance with the *Local Government Act 1999*.
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order and any other orders made by the Council under Section 91(7) in relation to the expression of interest received from Beach Drilling offering to buy 5-13 South Terrace Wirrabara, South Australia 5481. This delegation may be exercised by the Chief Executive Officer for any purpose including, but not limited to, the publishing of information as part of the public consultation processes approved by Council at this meeting.

Carried Unanimously
[080-2023]

7.03pm Cr Heaslip returned to the meeting and resumed his seat.