



City of  
Mount Gambier

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**I hereby give notice that a Confidential People and Place Committee  
Meeting will be held on:**

**Date:** Tuesday, 8 October 2019  
**Time:** 5:30 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Confidential People and Place Committee Meeting 8 October 2019**

**Andrew Meddle**  
**Chief Executive Officer**  
**4 October 2019**

## 7 CONFIDENTIAL ITEMS

### 7.1 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET – REPORT NO. AR19/48305

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Councillors L Martin, F Morello, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Meziniec and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street.

The People and Place Committee is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

The People and Place Committee 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 information to be considered includes independent market valuations of property that the Council is considering for potential rental or sale, the public disclosure of which to potential market participants could reasonably be considered to prejudice the Council (and therefore communities) interest in obtaining the highest rental or sale result in the event that the Council determines to proceed with such activities for the subject properties, being land excluded from classification as community land.



**7.1 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET - REPORT NO. AR19/48305**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>8 October 2019</b>
<b>Report No.:</b>	<b>AR19/48305</b>
<b>CM9 Reference:</b>	<b>AF19/328</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Executive Administration</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report presents valuations obtained for the building located at 9 Penola Road and vacant allotments at 1-3 Lawrence Street.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

The Committee is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council.

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/48305 titled 'Property - 9 Penola Road, 1-3 Lawrence Street' as presented on 08 October 2019 be noted.
2. That a commercial property manager be engaged to let the building at 9 Penola Road as commercial office accommodation for a five year lease period.



## BACKGROUND

Following the consideration of a building vacancy at 9 Penola Road at the Council meeting held on 15 January 2019 Council resolved:

- “(b) that Council seek expression of interest from Not for Profit Community Groups for the vacant property at 9 Penola Road.”*

At the February 2019 Council meeting a Motion With Notice called for a report listing all non-community land and buildings not currently utilised by the City of Mount Gambier, as follows:

- “(a) That a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.*
- “(b) That the report detail the following information on each property:*
- Address*
  - Current/past use*
  - Zoning*
  - Current lease / licence / occupation arrangements to external parties (if applicable)*
  - Current Valuer-General Capital Value*
  - any other information the Administration considers relevant*
  - any public facing walls*
- “(c) the report be presented to the March meeting of the Strategic Standing Committee to identify properties that may be surplus to Council's operational requirements and potentially suitable for sale or alternate use.”*

Several Members attended a site inspection of the 9 Penola Road building on 14 February 2019.

Reports presenting Expressions of Interest received for 9 Penola Road and a listing of non-community land and buildings were considered at the March 2019 Strategic Standing Committee and Council meetings, resulting in the following resolutions associated with the respective reports:

### **13.6 Expressions of Interest for 9 Penola Road – Report No. AR19/9028**

- “(a) That Strategic Standing Committee Report No. AR19/9028 titled ‘Expressions of Interest for 9 Penola Road’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.*
- “(b) A further report be presented to the Strategic Standing Committee informed by the outcomes of Council deliberations on the Strategic Standing Committee Report No. AR19/9385.*

### **13.11 Non-Community Land and Buildings - Report No. AR19/9385**

- “(a) That Strategic Standing Committee Report No. AR19/9385 titled ‘List of Operational Properties’ as attached be noted.*
- “(b) A Report be prepared on the disposal of 17 Elizabeth Street.*
- “(c) Hold an Informal Gathering to consider the long term strategic options for the Commerce Place car park precinct including 9 Penola Road and adjoining vacant allotments.*



Respondents to the Expression of Interest for 9 Penola Road were advised in writing in May 2019 that Council was yet to resolve the future tenure of the property.

The consideration of the Commerce Place car park precinct including 9 Penola Road and the adjoining vacant allotments was included in a strategic property overview Member briefing on 8 July 2019, at which Members sought a combined valuation of the building and allotments.

## DISCUSSION

To further inform Members in deliberations on the future of the building at 9 Penola Road and adjacent vacant allotments at 1-3 Lawrence Street, quotes for valuation services were obtained in July 2019.

Preston Rowe Paterson Mount Gambier were engaged on 25 July 2019 to provide a market rental valuation for the building at 9 Penola Road and market valuation for the three properties in varying combinations.

The Market Valuations were received on 28 August 2019 and were circulated to Members on 4 September 2019, as follows:

### ***“Market Rental Value***

- 9 Penola Road - Building and car park)  
**\$31,150 (Thirty One Thousand, One Hundred and Fifty Dollar) PA plus GST**

### ***Assessment One – Three Parcels Combined including;***

- 9 Penola Road, Mount Gambier (Lot 329 FP194131)
- 1 Lawrence Street, Mount Gambier (Lot 399 FP 194201)
- 2 Lawrence Street, Mount Gambier (Lot 331 FP194133)  
**\$680,000,000 (Six Hundred and Eighty Thousand Dollars),**

### ***Assessment Two – Two Vacant Parcels Combined including;***

- 1 Lawrence Street, Mount Gambier (Lot 399 FP 194201)
- 2 Lawrence Street, Mount Gambier (Lot 331 FP194133)  
**\$375,000,000 (Three Hundred and Seventy-Five Thousand Dollars),**

### ***Assessment Three– Three Separate Parcels;***

- 1 Lawrence Street, Mount Gambier (Lot 399 FP 194201)  
**\$240,000 (Two Hundred and Forty Thousand Dollars),**
- 2 Lawrence Street, Mount Gambier (Lot 331 FP194133)  
**\$260,000 (Two Hundred and Sixty Thousand Dollars),**
- 9 Penola Road, Mount Gambier (Lot 329 FP194131)  
**\$310,000 (Three Hundred and Ten Thousand Dollars)”**

The rental valuation reflects the suitability of 9 Penola Road for city centre office accommodation.

Having received these valuations, Council may now give further consideration to its proposed course of action with regard to these properties, noting the historical purpose (car parking) of acquiring the Lawrence Street land parcels and the outstanding matter of the community Expression of Interest for the occupation of the building at 9 Penola Road.



The strategic property overview Member briefing on 8 July 2019 noted several broad options for the vacant Lawrence Street allotments, dependent upon Council's future strategic purpose and objectives for this location (including proposed use/other for 9 Penola Road) and more broadly, of:

- Hold
- Sell / Dispose
- Develop (community / commercial purpose)
- Combination of above to target strategic objectives

Considering the imminent commencement of the Council's strategic planning process to set the strategy and objectives for the Council over the next four years, in the context of directions in the Futures Paper over a 20 year horizon, Council may consider deferring any decision to dispose or otherwise constrain any unrealised long term strategic opportunities.

In this regard, it may be an opportune time to let the building at 9 Penola Road on a five year commercial basis to obtain a return on these properties whilst the Council further considers whether these properties and location have a place in its broader and longer term strategies.

Alternatively, Council may elect to pursue a disposal, development or any combination of differing options.

In this regard, the following matters are brought to Council attention:

- the subject properties are excluded from classification as community land, and are not constrained by the community land provisions of the Local Government Act 1999;
- Council's prudential management and disposal of land policies P415 and P420 necessitate appropriate levels of due diligence to be applied to decision making before embarking on a project, that can include the sale or disposal of land;
- Independent valuations contribute to the fulfilment of due diligence obligations for the disposal or leasing/licensing of land; and
- Additional due diligence may be warranted for consideration of risks associated with any proposed development or other options for these properties.

Importantly, it is worth noting that Council has endeavoured over a period of some 20+ years to accumulate the Lawrence Street properties in conjunction with the adjoining Commerce Place car park (and 9 Penola Road) as part of a long-standing city centre car parking strategy.

Whilst it may not be necessary from a technical application of the community land provisions of the Local Government Act, Council may wish to consider the communities interest in the future use (or otherwise) of these landholdings from a business and city centre development perspective, including whether the community would see or expect benefit from holding, developing or disposing of these properties.

In this regard Council may wish to engage with city centre businesses and the wider community on its views on such matters, including the current and future needs for car parking and other facilities at this location, before committing to a particular course of action.

## CONCLUSION

Having considered the properties at 9 Penola Road and 1-3 Lawrence Street in the form of an earlier committee report, workshop, site inspection and market valuations, Council may now consider its objectives and preferred course of action with regard to these properties.

This report recommends that the building at 9 Penola Road be offered as a commercial office tenancy for a five year period, during which time Council will conduct a strategic planning process



to determine objectives for the next four years, which may include deliberations on the longer term strategic purpose and use of property holdings at this location.

**ATTACHMENTS**

Nil

CONFIDENTIAL



**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has entered into a rental arrangement, or settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL



**MINUTES OF CONFIDENTIAL PEOPLE AND PLACE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER ON TUESDAY, 8 OCTOBER 2019 AT 5:30 P.M.**

<b>PRESENT:</b>	Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner and Cr Sonya Meziniec	
<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Growth	- Dr J Nagy
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs M Telford

**7 CONFIDENTIAL ITEMS**

**7.1 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET - REPORT NO. AR19/48305**

**COMMITTEE RESOLUTION**

Moved: Cr Max Bruins  
Seconded: Cr Christian Greco

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Mayor Martin, Councillors F Morello, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and S Meziniec and Council Officers Mr A Meddle, Dr J Nagy, Ms B Cernovskis, Mr M McCarthy and Mrs M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street.

The People and Place Committee is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

The People and Place Committee 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 information to be considered includes independent market valuations of property that the Council is considering for potential rental or sale, the public disclosure of which to potential market participants could reasonably be considered to prejudice the Council (and therefore communities) interest in obtaining the highest rental or sale result in the event that the Council determines to proceed with such activities for the subject properties, being land excluded from classification as community land.

**CARRIED**



Pursuant to Section 75A of the Local Government Act 1999, Cr Hood disclosed an actual conflict of interest in Item 7.1:

*"I am Director of Stand Like Stone, an applicant for renting 9 Penola Road. "*

Cr Hood informed the meeting of the manner in which they intend to deal with the actual conflict of interest in Item 7.1 as follows:

I intend to leave the chamber.

In accordance with Section 75A of the Local Government Act 1999 Cr Hood left the Chamber for Item 7.1.

Cr Hood vacated the chamber at 6.20 p.m.

#### **COMMITTEE RESOLUTION**

Moved: Cr Max Bruins

Seconded: Mayor Lynette Martin

1. That the People & Place Committee Report No AR19/48305 titled "Property - 9 Penola Road, 1-3 Lawrence Street" as presented on October 8 be noted.

**CARRIED**

#### **COMMITTEE RESOLUTION**

Moved: Cr Sonya Mezinac

Seconded: Cr Max Bruins

#### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**

Cr Hood resumed the meeting at 6.33 p.m.





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**I hereby give notice that a Confidential Council Meeting will be held on:**

**Date: Tuesday, 15 October 2019**

**Time: 6.00 p.m.**

**Location: Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier**

# **AGENDA**

## **Confidential Council Meeting 15 October 2019**

**Andrew Meddle  
Chief Executive Officer**

**11 October 2019**

**25.2 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET - REPORT NO. AR19/48305**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>8 October 2019</b>
<b>Report No.:</b>	<b>AR19/48305</b>
<b>CM9 Reference:</b>	<b>AF19/328</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Executive Administration</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report presents valuations obtained for the building located at 9 Penola Road and vacant allotments at 1-3 Lawrence Street.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

The Committee is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council.

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/48305 titled 'Property - 9 Penola Road, 1-3 Lawrence Street' as presented on 08 October 2019 be noted.



## BACKGROUND

Following the consideration of a building vacancy at 9 Penola Road at the Council meeting held on 15 January 2019 Council resolved:

- “(b) that Council seek expression of interest from Not for Profit Community Groups for the vacant property at 9 Penola Road.”*

At the February 2019 Council meeting a Motion With Notice called for a report listing all non-community land and buildings not currently utilised by the City of Mount Gambier, as follows:

- “(a) That a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.*
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  - any other information the Administration considers relevant*
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- (c) the report be presented to the March meeting of the Strategic Standing Committee to identify properties that may be surplus to Council's operational requirements and potentially suitable for sale or alternate use.”*

Several Members attended a site inspection of the 9 Penola Road building on 14 February 2019.

Reports presenting Expressions of Interest received for 9 Penola Road and a listing of non-community land and buildings were considered at the March 2019 Strategic Standing Committee and Council meetings, resulting in the following resolutions associated with the respective reports:

### **13.6 Expressions of Interest for 9 Penola Road – Report No. AR19/9028**

- (a) That Strategic Standing Committee Report No. AR19/9028 titled ‘Expressions of Interest for 9 Penola Road’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.*
- (b) A further report be presented to the Strategic Standing Committee informed by the outcomes of Council deliberations on the Strategic Standing Committee Report No. AR19/9385.*

### **13.11 Non-Community Land and Buildings - Report No. AR19/9385**

- (a) That Strategic Standing Committee Report No. AR19/9385 titled ‘List of Operational Properties’ as attached be noted.*
- (b) A Report be prepared on the disposal of 17 Elizabeth Street.*
- (c) Hold an Informal Gathering to consider the long term strategic options for the Commerce Place car park precinct including 9 Penola Road and adjoining vacant allotments.*



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## DISCUSSION

To further inform Members in deliberations on the future of the building at 9 Penola Road and adjacent vacant allotments at 1-3 Lawrence Street, quotes for valuation services were obtained in July 2019.

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The Market Valuations were received on 28 August 2019 and were circulated to Members on 4 September 2019, as follows:

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- 9 Penola Road - Building and car park)  
**\$31,150 (Thirty One Thousand, One Hundred and Fifty Dollar) PA plus GST**

### ***Assessment One – Three Parcels Combined including;***

- 9 Penola Road, Mount Gambier (Lot 329 FP194131)
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- 2 Lawrence Street, Mount Gambier (Lot 331 FP194133)  
**\$680,000,000 (Six Hundred and Eighty Thousand Dollars),**

### ***Assessment Two – Two Vacant Parcels Combined including;***

- 1 Lawrence Street, Mount Gambier (Lot 399 FP 194201)
- 2 Lawrence Street, Mount Gambier (Lot 331 FP194133)  
**\$375,000,000 (Three Hundred and Seventy-Five Thousand Dollars),**

### ***Assessment Three– Three Separate Parcels;***

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**\$260,000 (Two Hundred and Sixty Thousand Dollars),**
- 9 Penola Road, Mount Gambier (Lot 329 FP194131)  
**\$310,000 (Three Hundred and Ten Thousand Dollars)”**

The rental valuation reflects the suitability of 9 Penola Road for city centre office accommodation.

Having received these valuations, Council may now give further consideration to its proposed course of action with regard to these properties, noting the historical purpose (car parking) of acquiring the Lawrence Street land parcels and the outstanding matter of the community Expression of Interest for the occupation of the building at 9 Penola Road.



The strategic property overview Member briefing on 8 July 2019 noted several broad options for the vacant Lawrence Street allotments, dependent upon Council's future strategic purpose and objectives for this location (including proposed use/other for 9 Penola Road) and more broadly, of:

- Hold
- Sell / Dispose
- Develop (community / commercial purpose)
- Combination of above to target strategic objectives

Considering the imminent commencement of the Council's strategic planning process to set the strategy and objectives for the Council over the next four years, in the context of directions in the Futures Paper over a 20 year horizon, Council may consider deferring any decision to dispose or otherwise constrain any unrealised long term strategic opportunities.

In this regard, it may be an opportune time to let the building at 9 Penola Road on a five year commercial basis to obtain a return on these properties whilst the Council further considers whether these properties and location have a place in its broader and longer term strategies.

Alternatively, Council may elect to pursue a disposal, development or any combination of differing options.

In this regard, the following matters are brought to Council attention:

- the subject properties are excluded from classification as community land, and are not constrained by the community land provisions of the Local Government Act 1999;
- Council's prudential management and disposal of land policies P415 and P420 necessitate appropriate levels of due diligence to be applied to decision making before embarking on a project, that can include the sale or disposal of land;
- Independent valuations contribute to the fulfilment of due diligence obligations for the disposal or leasing/licensing of land; and
- Additional due diligence may be warranted for consideration of risks associated with any proposed development or other options for these properties.

Importantly, it is worth noting that Council has endeavoured over a period of some 20+ years to accumulate the Lawrence Street properties in conjunction with the adjoining Commerce Place car park (and 9 Penola Road) as part of a long-standing city centre car parking strategy.

Whilst it may not be necessary from a technical application of the community land provisions of the Local Government Act, Council may wish to consider the communities interest in the future use (or otherwise) of these landholdings from a business and city centre development perspective, including whether the community would see or expect benefit from holding, developing or disposing of these properties.

In this regard Council may wish to engage with city centre businesses and the wider community on its views on such matters, including the current and future needs for car parking and other facilities at this location, before committing to a particular course of action.

## CONCLUSION

Having considered the properties at 9 Penola Road and 1-3 Lawrence Street in the form of an earlier committee report, workshop, site inspection and market valuations, Council may now consider its objectives and preferred course of action with regard to these properties.

This report recommends that the building at 9 Penola Road be offered as a commercial office tenancy for a five year period, during which time Council will conduct a strategic planning process



to determine objectives for the next four years, which may include deliberations on the longer term strategic purpose and use of property holdings at this location.

**ATTACHMENTS**

Nil

CONFIDENTIAL





**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL



**MINUTES OF CONFIDENTIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 15 OCTOBER 2019 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager City Growth	- Dr J Nagy
	General Manager City Infrastructure	- Mr N Serle
	Library Manager	- Mrs G Davison
	Media and Communications Officer	- Mrs A Watson
	Executive Administration Officer	- Mrs F McGregor

**25 CONFIDENTIAL ITEMS OF COMMITTEES**

**25.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 8 OCTOBER 2019**

**25.2 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET – REPORT NO. AR19/48305**

**RESOLUTION 2019/291**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin OAM, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, J Nagy, G Davison, N Serle, A Watson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street.

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 the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - 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 the continued non-disclosure of the 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 information to be considered includes independent market valuations of property that the Council is considering for potential rental or sale, the public disclosure of which to potential market participants could reasonably be considered to prejudice the Council (and therefore communities) interest in obtaining the highest rental or sale result in the event that the Council determines to proceed with such activities for the subject properties, being land excluded from classification as community land.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Ben Hood disclosed a material conflict of interest in Item 25.2:

In accordance with Section 74 of the Local Government Act 1999 Cr Ben Hood did not participate in the meeting for Item 25.2.

Cr Hood left meeting at 7.45 p.m. and did not return

#### **RESOLUTION 2019/292**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That the People & Place Committee Report No AR19/48305 titled "Property - 9 Penola Road, 1-3 Lawrence Street" as presented on October 8 be noted.

**CARRIED**

#### **RESOLUTION 2019/293**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

#### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**

