17.4 ELIZABETH CBD - LOT 8 DEVELOPMENT
Responsible Executive Manager : Dale Welsh

Administration in attendance for this item:

Chief Executive Officer	Mr Sam Green
General Manager, City Services	Ms Tina Hudson
General Manager, City Assets	Mr Dale Welsh
General Manager, Corporate Services	Mr Luke Culhane
Senior Manager Financial Services	Ms Trisca Price

Senior Manager Community Engagement & Experience	Ms Bree Goodchild
Senior Manager City Property	Mr Paul Alberton
Property Specialist, Repurposing Assets	Ms Michelle Parker
Program Manager, Repurposing Assets	Mr Edi Bergamin
Manager Marketing & Communications	Ms Shannon Siegele
Manager Governance	Ms Zoey Squires
Governance Support	Mrs Skye Nitschke
ICT Support	Mr Braden Hanberger
Minute Taker	Ms Joanne Cross
Representative – Alinea Group	Mr Ben Koop
Representative – Norman Waterhouse	Mr Sean Keenihan

B. THE BUSINESS MATTER

Cr Kerrison left the meeting room at 8.39 pm.

Cr Kerrison returned to the meeting room at 8.40 pm.

Cr Smiljanic left the meeting room at 8.42 pm.

Cr Smiljanic returned to the meeting room at 8.44 pm.

Cr Smallwood-Smith left the meeting room at 8.55 pm.

Cr Smallwood-Smith returned to the meeting room at 8.57 pm.

COUNCIL RESOLUTION 6196

Moved: Cr Halls Seconded: Cr Marsh

That the Council:

1. **Notes that this report:**

   a. **Outlines the key terms (Attachment 5) of the proposed lease agreement between the Council and Playford Towers Pty. Ltd. (the Developer) and/or nominee over a portion of the office building to be constructed on the land contained in Certificate of Title Volume 6296 Folio 321 (the Land);**

   b. **Addresses matters to be considered by the Council under the Council's Rate Rebate Policy (Attachment 1) and Rate Rebate Procedure (Attachment 2) (the Policy) in assessing eligibility for rates rebates;**

2. **Notes that the Council has received the Prudential Report prepared by UHY Haines (Attachment 3) (the Prudential Report), which addresses the prudential issues set out in Section 48(2) of the *Local Government Act 1999,* and notes the recommendation from Council's Corporate Governance Committee;**

3. [redacted]

4. **Having considered the Prudential Report (Attachment 3) and the Council's Prudential Management Policy (Attachment 4), resolves to enter into the following contractual documentation with the Developer in accordance with the**

key terms and conditions set out in Attachment 5:

a. Heads of Agreement / Agreement for Lease;
b. Lease Agreement;
c. Side Deed;
d. Sublicence Agreement;
(together, the Contractual Documentation)

which will be finalised in a form that is fuller and more precise but not materially different in effect from the key terms contained in this report;

5. Delegates the CEO the power to finalise and execute such contracts, secure authorisations and approvals and do such other things required to carry out the Council's decision to enter into the Contractual Documentation as set out above, and exercise the Councils rights and obligations under any such contract, the terms of any relevant authorisations and approvals and otherwise furtherance of Councils decision to enter into the lease arrangements as set out above.

FORMAL MOTION

Moved: Cr Stroet **Seconded:** Cr Bayani

That the motion be put. **CARRIED**

Cr Smiljanic called for a DIVISION.

The motion was set aside.

A division was taken with:
- Crs M Baker, J Onuzans, A Arifi, S Halls, G Smallwood-Smith, K Stroet and Z Bayani voting FOR the motion.
- Crs C Marsh, D Kerrison, R Vandepeear, P Rentoulis, M Norris and T Smiljanic voting AGAINST the motion.

CARRIED

The MOTION was put and **CARRIED**

Cr Halls called for a DIVISION.

The motion was set aside.

A division was taken with:
- Crs C Marsh, D Kerrison, M Baker, J Onuzans, R Vandepeear, S Halls, P Rentoulis, G Smallwood-Smith, K Stroet and T Smiljanic voting FOR the motion.
- Crs A Arifi, M Norris and Z Bayani voting AGAINST the motion.

CARRIED

C. PROCEDURAL DECISION - COUNCIL TO DECIDE HOW LONG ITEM 17.4 IS TO BE KEPT IN CONFIDENCE

COUNCIL RESOLUTION **6197**

Moved: **Cr Onuzans** **Seconded:** **Cr Stroet**

Pursuant to Section 91(7) of the *Local Government Act 1999*, the Council orders that the following aspects of Item 17.4 be kept confidential in accordance with Council's reasons to deal with this item in confidence pursuant to Section 90(3)(b) of the *Local Government Act 1999*:

- **Report for Item 17.4**
- **Attachments 3, 5, 6, 7, 8, 9, and 10 for Item 17.4**
- **Minutes for Item 17.4**

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the *Local Government Act 1999*.

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 or parts thereof at any time and the Chief Executive Officer must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Halls called for a DIVISION.

The motion was set aside.

A division was taken with:

- **Crs C Marsh, D Kerrison, M Baker, J Onuzans, R Vandepeear, S Halls, M Norris, G Smallwood-Smith, K Stroet and T Smiljanic voting FOR the motion.**
- **Crs A Arifi and P Rentoulis voting AGAINST the motion.**

CARRIED