



12.5. (Confidential) Proposed Commercial Ground Lease – Recycled Water Reuse - Middleton

C384/10/26

Moved Cr Milli Livingston seconded Cr Craig Maidment

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Community, General Manager Corporate, General Manager Growth, Chief Governance Officer, Manager Property and Procurement Services, Manager Alexandrina Wastewater, Water Strategic Infrastructure Planner, Team Leader Communications and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 12.5 *(Confidential) Proposed Commercial Ground Lease – Recycled Water Reuse - Middleton*.

The Council is satisfied, pursuant to section 90(3)(b) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which -

- (i) 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; and
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it includes a commercial in confidence lease negotiation for strategic operational services on Council land.

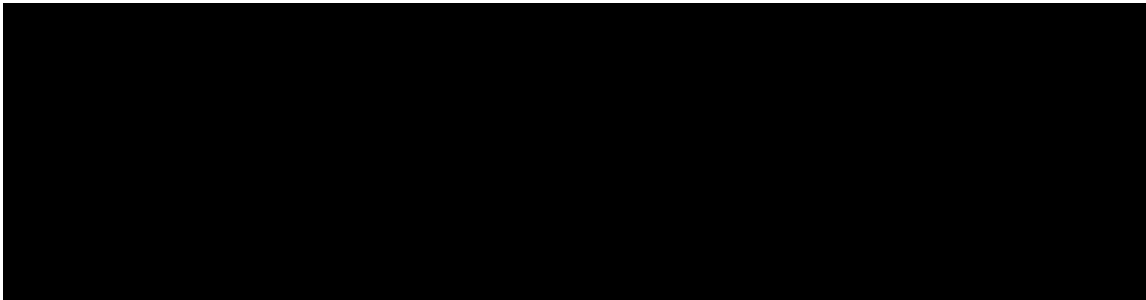
CARRIED UNANIMOUSLY

C385/10/26

Moved Cr Michael Scott seconded Cr Bill Coomans

That Council:

1. Receive and note the contents of the report titled *(Confidential) Proposed Commercial Ground Lease – Recycled Water Reuse - Middleton*.
2. Receive the proposal from Brook Turf Pty Ltd for a new commercial ground lease, as provided at *Attachment 1* contained in the meeting agenda.



5. Approve proceeding to community engagement in accordance with the *Community Engagement Plan* provided at *Attachment 2* contained in the meeting agenda, for a ground lease with Brook Turf Pty Ltd in accordance with the below proposed essential terms and conditions:



- Commercial Ground Lease
 - Location of 249 Boettcher Road Middleton, Certificate of Title Volume 5413 Folio 625 and Certificate of Title Volume 5413 Folio 824
 - Lease term of 20 years, with 2-year notice to vacate by either party
 - Commencement date of 1 January 2027
 - Expiry date of 31 December 2046
- [REDACTED]
- Lease purpose of 'compliant reuse of recycled water'
 - Lease area as identified in red as contained within this Report
 - Lessee responsible for all outgoing (rates, taxes and services and insurances, as applied); and
 - Lessee responsible for all maintenance and renewal.
6. Authorise the Chief Executive Officer to make any minor amendments to the community engagement arrangements.
7. Note that a further report will be presented at the conclusion of the public consultation process.

CARRIED UNANIMOUSLY

C386/10/26

Moved Cr Milli Livingston seconded Cr Craig Maidment

1. That subject to the Chief Executive Officer, or their delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Council's decision(s) in this matter in the performance of the duties and responsibilities of office, the Council having considered Agenda Item 12.5 (*Confidential*) *Proposed Commercial Ground Lease – Recycled Water Reuse - Middleton* in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report, attachments and audio recording relative to the Agenda Item 12.5 (*Confidential*) *Proposed Commercial Ground Lease – Recycled Water Reuse - Middleton* be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

CARRIED UNANIMOUSLY