



the bushland shire

creating a living environment

SUPPLEMENTARY BUSINESS PAPER

PLANNING MEETING

**Wednesday, 3 August, 2011
at 6.30pm**

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SUPPLEMENTARY ITEMS

Item 8 MM8/11 Proposed Sale of Council Property at Hornsby..... 1

8 PROPOSED SALE OF COUNCIL PROPERTY AT HORNSBY

The purpose of this Mayoral Minute is to review Council's resolution in respect of Confidential Executive Manager's Report No. WK46/10 dated 30 June 2010 to specifically comply with the Local Government (General) Regulation 2005 regarding the use of Council's Seal.

Council considered Confidential Executive Manager's Report No. WK46/10 on 30 June 2010 in relation to the proposed sale and acquisition of Council property at Hornsby and resolved, *inter alia*, to proceed with negotiations.

Negotiations with the potential purchaser have been recently concluded and general agreement reached in accordance with the intentions of that report and the authority delegated to the General Manager by the resolution (copy of resolution attached – refer Attachment 1).

A draft contract and attached Deed of Release has this afternoon been provided by Council's solicitors for submission to the purchasers' solicitors by 5pm Wednesday 4 August 2011. The terms of the agreement provide that an exchange of executed contracts for the sale of land is to be effected by Thursday 18 August 2011. The Deed of Release provides Council with an indemnity in relation to this matter and is considered appropriate in the circumstances.

In the absence of the General Manager the Contract for the Sale of Land and attached Deed of Release will require execution under Council Seal, in order to meet the exchange deadline.

Whilst point number 6 of the abovementioned resolution of Council provides for the use of Council's Seal in the absence of the General Manager, it did not specify the actual documents in accordance with the *Local Government (General) Regulation 2005 – Reg 400* (Attachment 2). In accordance with subsequent advice, the resolution must specify the documents to which Council's Seal is to be applied.

Having regard to the specific and unusual circumstances of this vastly protracted and complicated matter, it is considered prudent that Council ensure that the Contract for the Sale of Land and the Deed of Release are executed in strict compliance with the Local Government Regulations.

RECOMMENDATION

THAT Council authorise the use of Council's Seal on the Contract for the Sale of Land and the Deed of Release in relation to this matter as deemed appropriate by Council's legal advisers.

NICK BERMAN
Mayor

Attachments:

1. Copy of Resolution WK46/10 dated 30 June 2010.
2. Local Government (General) Regulation 2005 – REG 400.

File Reference: F2006/00711-02
Document Number: D01729486

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