

CITY OF WEST TORRENS



Confidential Minutes

of

Report Item 21.1 of the Council Meeting

of the

CITY OF WEST TORRENS

held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 19 FEBRUARY 2019
at 7.00pm**

**Terry Buss PSM
Chief Executive Officer**

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Released

21 CONFIDENTIAL

21.1 Divestment of Council Property

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) 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.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

Council resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Divestment of Council Property, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i) and (b)(ii) because it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, 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 disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

9.18pm the meeting moved into Confidence and session commenced.

PRESENT:

Council Members:

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, E Papanikolaou, D Mugavin, G Nitschke, S Pal, S Tsiaparis, G Vlahos, C O'Rielly, D Wilton, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Ms S Curran	(General Manager Business and Community Services - Acting)
Mr N Biggs	(Manager Financial Services)

This report sought Council endorsement of the final Expression of Interest (EOI) documentation to be used by commercial agents CBRE acting for Council for the divestment of Council's Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park.

RECOMMENDATION

It is recommended that Council:

1. Notes the work undertaken by the Administration in preparing the Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park for sale in the 2018/19 financial year.
2. Provides its endorsement of the Expression of Interest documentation to be used by commercial agents CBRE acting for Council for divestment of the property.
3. Delegates authority to the Chief Executive Officer to make amendments of an editorial nature to the Expression of Interest documentation that assist in giving effect to Council's decision to finalise sale of the property.
4. Appoints Mayor Coxon, the Chief Executive Officer and Councillors.....to a Panel to discuss and consider and recommend to Council an appropriate outcome resulting from the Expression of Interest call for divestment of the Marion Road Depot site.

RESOLUTION

Moved: Cr George Vlahos
Seconded: Cr Simon Tsiaparis

That Council:

1. Notes the work undertaken by the Administration in preparing the Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park for sale in the 2018/19 financial year.
2. Provides its endorsement of the Expression of Interest documentation to be used by commercial agents CBRE acting for Council for divestment of the property.
3. Delegates authority to the Chief Executive Officer to make amendments of an editorial nature to the Expression of Interest documentation that assist in giving effect to Council's decision to finalise sale of the property.
4. Appoints Mayor Coxon, the Chief Executive Officer and Councillors Vlahos, Pal, Reynolds and Woodward to a Panel to discuss and consider and recommend to Council an appropriate outcome resulting from the Expression of Interest call for divestment of the Marion Road Depot site.

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Divestment of Council Property the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(b)(i) and (b)(ii), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, 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 disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

RESOLUTION

Moved: Cr George Vlahos
Seconded: Cr Simon Tsiaparis

That the recommendations be adopted.

CARRIED

9.22pm the Confidential session closed and the meeting reopened to the public.