

15.2 Confidential Futurtec Project - Update

Cr Parslow MOVED:

1. *That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.*
- b. *the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*

Section 90(3)(b) 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 it is reasonably foreseeable that the public disclosure or discussion of information concerning the Futurtec project would provide a commercial advantage to another party.

The Council is also satisfied in considering the 'public interest' that whilst disclosure would enhance:

- *the accountability of council or council staff in the performance of their official powers, duties and responsibilities;*
 - *the community's ability to inform their own decisions; and*
 - *informed debate about issues and public participation in democracy*
 - *the public interest is outweighed by the following factors, that:*
 - *disclosure may unduly inhibit the achievement of the objectives of the Act at Section 8, ie. obtaining value for money for the community;*
 - *disclosure would provide a commercial advantage to another party; and*
 - *disclosure may have a detrimental effect on the efficient and effective conduct of government functions.*
- c. *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Webster.

CARRIED

Cr Nash MOVED:

2. *That the results of investigations of the revised Southern Adelaide Renewable Consortium proposal and various alternative options be noted.*
3. *That the Chief Executive Officer be delegated authority to formally discontinue the procurement process number 10070 without accepting a tender or proposal and advise the Southern Adelaide Renewable Consortium of Council's decision.*
4. *That the strategic objectives for the project, including the relationship with the Council's climate change, energy and economic development policy commitments be reviewed and prioritised to determine future project options. That the review include the following considerations:*
 - *A new icon and brand for the south – a vibrant and attractive location*
 - *Attract future growth sector – cleantech targeted as a growth opportunity*
 - *Point of difference from northern industrial area*
 - *Address industrial land supply – lack of employment land recognised as a key constraint to economic growth.*
5. *That Council delegate authority to the Chief Executive Officer to determine the appropriate leasing arrangements for the continued occupation of the Renewable Energy Precinct land (former Lonsdale landfill) to ResourceCo (and or its assignors) until such time as the land is required to facilitate the Futurtec project.*
6. *That Council delegate authority to the Mayor and Chief Executive Officer to sign and seal the required documentation for the continuation of the leasing arrangements on the land to ResourceCo (and or its assignors).*

Seconded by Cr Merritt.

CARRIED

Cr Greaves MOVED:

7. *That the matter of the Confidential Futurtec Project - Update having been considered in confidence under Section 90(3)(b) of the Local Government Act 1999 an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the Confidential Futurtec Project – Update and the minutes and the reports of the Council listed below;*
 - a. *Items 10.1 - Expression of Interest Outcomes dated 7 September 2010*
 - b. *Item 3.1 – Confidential – Futurtec Project dated 19 May 2011*
 - c. *Item 11.3 – Futurtec Project Update dated 5 July 2011*
 - d. *Item 11.1 – Confidential Futurtec Project – Negotiation Update dated 6 September 2011*
 - e. *Item 2.1 – Notice of Rescission Motion (Cr M Bray) dated 13 September 2011*

relating to discussion of the subject matter remain confidential until a final position is reached on the project.

Seconded by Cr Kilby.

CARRIED