

CONFIDENTIAL

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REPORT FOR:	Council		
MEETING DATE:	19 January 2021		
REPORT FROM:	Director City Services		
REPORT TITLE:	Unsolicited Proposal – Library Relocation		
FILE NAME:	F11/4872	RECORD NO:	AR20/53079

STRATEGIC DIRECTIONS

1 Community

- 1.3 People of all ages, cultures, abilities and interests have access to services, facilities and experiences that support their wellbeing.

4 Infrastructure

- 4.1 Our physical infrastructure meets our community needs.
4.2 We have safe, accessible and well-utilised CBD, public spaces and built environments that reflect the priorities of our community.
4.3 Our City develops and evolves in a planned way, improving the appearance of our City and making efficient use of infrastructure.

5 Governance and Financial Sustainability

- 5.3 We are in a surplus financial operating position

SUMMARY/ABSTRACT

This report formally presents to Council an Unsolicited Proposal that has been received for the relocation of the public library from the Civic Centre to the Former Town Hall. Council has also received presentations from the proponent to allow for the proposal to be explained in detail.

Following consideration of the presentations and written proposals, the purpose of this report is to enable Council to make a decision about how to proceed with the proposal.

RECOMMENDATION

There are two options available to Council to progress or decline the Unsolicited Proposal. The relevant resolutions are included within the report.

Council:

Insert resolutions to progress the Unsolicited Proposal

OR

Insert resolutions to decline the Unsolicited Proposal

BACKGROUND

Mr Deut first wrote to Council in 2016 with the concept of relocating the public library from the Civic Centre to the proposed development at the Former Town Hall Site. This proposal was presented to a Council meeting on 24 October 2016, and Council resolved to decline the offer.

On 12 February 2019, Mr Deut made a presentation to Council, presenting his revised plans for the redevelopment of the Former Town Hall site, including the potential inclusion of the public library. The development of the site has continued to progress since this presentation.

In September 2020, Mr Deut requested an opportunity to make a presentation to Council with a revised proposal in relation to the relocation of the public library from the Civic Centre to the Former Town Hall Site. This presentation was made on 6 October 2020.

A further presentation was made to Council at an informal gathering on 1 December 2020. Following this presentation Mr Deut provided further written details in relation to his proposal, which are included as confidential attachments to this report.

DISCUSSION

Unsolicited Proposal Policy 2.3.14

This proposal meets the requirements for Council's Unsolicited Proposal Guidelines, 3.4.3 *the provision of infrastructure for the community*.

This proposal meets the requirements for consideration as an unsolicited proposal under *clause 3.8.1.4*

- a) no competing proposals
- c) uniqueness
- e) capacity and capability of proponent

Under this Policy, the Councils Management Group is nominated as the Unsolicited Proposal Steering Committee. The Steering determined that it was appropriate for the proposal to be provided to Council, and presentations were made on 6 October 2020 and 1 December 2020.

Options for Council

The proposal is now being formally presented to Council for determination:

- **Progress unsolicited proposal**

Council:

1. Agrees to progress the unsolicited proposal to relocate the public library from the Civic Centre to the Former Town Hall site, to a stage 2 consideration.
2. Writes to Mr Deut advising of the Council decision, and seeking further information and details to allow for further consideration of the proposal.
3. That having considered the attachment to the report AR20/53079 in confidence under Section 90(2) and (3)(d) of the Act, the Council, pursuant to Section 91(7) of the Act orders that the attachment relating to this agenda item, be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

OR/

- **Decline unsolicited proposal – no further action**

Council

1. Declines the proposal submitted by Mr Deut and takes no further action in relation to the unsolicited proposal, as the Council is not in a financial position to consider the relocation of the Library.
2. That having considered the attachment to the report AR20/53079 in confidence under Section 90(2) and (3)(d) of the Act, the Council, pursuant to Section 91(7) of the Act orders that the attachment relating to this agenda item, be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

CONFIDENTIALITY PROVISIONS

The Unsolicited Proposal has not been attached to this report, as it contains personal information in relation to the Proponent. The details of the proposal were provided to Council at the Informal Gathering on 6 October 2020. The most recent written proposal details are included as confidential attachments to this report.

The Council is satisfied that, pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge commercial information of a confidential nature. It is considered that the publication of the attachments would breach the Council's obligation to maintain confidentiality, and should be received under confidential provisions.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has maintained by only placing having the attachments subject to confidential provisions.

Having considered the attachments to this item in confidence under Section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the attachments for this report (AR20/53079) be retained in confidence for a period of 12 months, and that this order be reviewed every 12 months.

RISK MANAGEMENT

1: Financial/Budget/Asset Management

If this proposal proceeds for further consideration, and it ultimately accepted, it will require significant financial investment in the form of lease fees for the use of the new facility as a public library.

2: Legal/Policy

This report outlines the relevant processes and considerations under the Unsolicited Proposals Policy 2.3.14.

3: Environment/Planning

Any development on the site will be subject to the necessary development approvals.

4: Community

This proposal is being considered by Council outside of confidential provisions to ensure transparency in relation to this potential transaction.

Melissa Kretschmer
08/12/2020