

Confidential Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Mosely Square, Glenelg on Tuesday 9 June 2020.

18. ITEMS IN CONFIDENCE

18.1 New Management Agreement – Brighton Caravan Park (Report No: 146/20)

Motion – Exclusion of the Public – Section 90(3)(a)&(d)

C090620/1927

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 146/20 New Management Agreement – Brighton Caravan Park in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 146/20 New Management Agreement – Brighton Caravan Park on the following grounds:
 - a. pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 146/20 New Management Agreement – Brighton Caravan Park is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - d. Pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to Report No: 146/20 New Management Agreement – Brighton Caravan Park is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or to confer a commercial advantage on a third party.

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 been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential

Moved Councillor Clancy, Seconded Councillor Lindop

Carried Unanimously



On 1 July 2013 Council entered into a new Management Agreement ("*Agreement*") with FreeSpirit Resorts Pty Ltd ("*FreeSpirit*") to manage the Brighton Caravan Park. The term of the Agreement was originally five years and was then renewed for two years, from July 2018. It is now scheduled to expire on 30 June 2020.

Despite running successful operations at the Brighton Caravan Park for the past seven years, personal circumstances of FreeSpirit's owner have changed dramatically over the past year and they have recently indicated their intention to retire by the end of October 2020. Accordingly Council will need to return to the open market and seek an alternate manager for the park.

Additional factors that need to be considered in the process are the effects of the COVID19 crisis, the plans for stage 2 of the park's redevelopment and the situation with the existing staff.

With these in mind, it is proposed to extend the existing contract with FreeSpirit for 4 months under the same conditions and start an expression of interest as soon as possible with the aim of transitioning to a new management agreement from 1 November 2020.

Motion

C090620/1928

That Council:

1. approve to extend the current Management Agreement with FreeSpirit Resorts Pty Ltd for a 4 month period commencing 1 July 2020 and expiring on 31 October 2020, under the same conditions as the current agreement;
2. approve the Mayor and Chief Executive Officer to sign and execute any documentation necessary to put effect to the proposed extension of the Management Agreement;
3. note that Administration will seek Expressions of Interest for suitable businesses to enter a new management agreement for the Brighton Caravan Park with the expectation that the new agreement commence on 1 November 2020;
4. ask Administration to include in the Expression of Interest, provision for information relating to the Stage 2 Redevelopment of the park and its possible future impact on operations, as well as the potential excising of land from the leased area for the provision of a permanent kiosk/cafe; and
5. note that the outcomes of the Expression of Interest process and the preferred tenderer be subject to a further report to Council.

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RETAIN IN CONFIDENCE - Section 91(7) Order

6. That having considered Agenda Item 18.1, New Management Agreement – Brighton Caravan Park in confidence under section 90(2) and (3)(a) and (d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 24 months and this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Bradshaw

Carried Unanimously

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