

**Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 10 July 2017 at 7:00pm.**

**MEMBERS PRESENT**

Councillor R Aust  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor S Charlick  
Councillor R Clancy  
Councillor K Donaldson  
Councillor S Lonie  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin  
Councillor L Yates

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
General Manager City Assets & Services – H Lacy  
Acting General Manager Community Services – M Rechner  
General Manager Business Services – R Bria  
General Manager Alwyndor – R Kluge

**1. OPENING**

The Deputy Mayor, Councillor Bradshaw declared the meeting open at 7.00pm.

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting the Deputy Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

**3. PRAYER**

The Deputy Mayor, Councillor Bradshaw requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

**4. APOLOGIES**

4.1 Apologies Received - Acting Mayor A Wilson

4.2 Absent Nil

**5. ITEMS PRESENTED TO COUNCIL - Nil**

**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES**

**Motion**

**C100718/1202**

**That the minutes of the Ordinary Meeting of Council held on 26 June 2018 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Yates

**Carried**

**8. PUBLIC PRESENTATIONS**

8.1 **Petitions - Nil**

8.2 **Presentation - Nil**

8.3 **Deputations - Nil**

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

**9.1.1 Presentation by Rotary to a Community Centre of a Defibrillator - Councillor Bouchee**

Councillor Bouchee asked whether significant gifts like the presentation of a defibrillator to a community centre by Rotary would usually be presented to Council.

The Chief Executive Officer, Mr J Lynch provided a response.

**9.1.2 Funding for Brighton Oval Redevelopment from the Sale of the Former Brighton Town Hall – Councillor Snewin**

Councillor Snewin asked a question regarding the proceeds from the sale of the former Brighton Town Hall would be used for the redevelopment of the Brighton Oval Complex.

The Chief Executive Officer, Mr J Lynch provided a response.

9.1.3 **Memorial Seats – Councillor Patton**

Councillor Patton asked for an update on financial situation regarding memorial seats.

The Chief Executive Officer advised a report will be forthcoming.

9.2 **With Notice - Nil**

10. **MEMBER'S ACTIVITY REPORTS - Nil**

11. **MOTIONS ON NOTICE - Nil**

12. **ADJOURNED MATTER - Nil**

13. **REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

13.1 **Minutes – Alwyndor Management Committee – 19 June 2018** (Report No: 233/18)

The minutes of the Alwyndor Management Committee meeting held on 19 June 2018 are provided for information.

**Motion**

**C100718/1203**

1. **That the minutes of the Alwyndor Management Committee meeting on 19 June 2018 be noted.**
2. **That having considered Attachment 2 to Report No: 233/18 Minutes – Alwyndor Management Committee – 19 June 2018 in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Councillor Bouchee left chamber at 7.06pm

Councillor Bouchee rejoined the chamber at 7.06pm

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**

13.2 **Minutes – Jetty Road Mainstreet Committee – 6 June 2018** (Report No: 227/18)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 6 June 2018 are attached and presented for Council's information.

**Motion**

**That Council notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 6 June 2018, and endorses the following:**

1. **That the Jetty Road Mainstreet Committee's Terms of Reference are endorsed by Council, subject to the removal of item 7.2 within the Terms of Reference.**
2. **That the term of appointment for the current Jetty Road Mainstreet Committee members is extended to 31 March 2019, to allow the Committee to continue to operate during the 2018/19 summer period and allow for recruitment of new Committee members in 2019.**

Moved Councillor Clancy, Seconded Councillor Yates

**Adjournment**

**C100718/1204**

**That clarification be sought from the Jetty Road Mainstreet Committee as to why Item 7.2 within the Terms of Reference was being removed.**

Moved Councillor Bouchee, Seconded Councillor Shewin

**Carried**

13.3 **Minutes – Jetty Road Mainstreet Committee Special Meeting – 20 June 2018**  
(Report No: 243/18)

The minutes of the special meeting of the Jetty Road Mainstreet Committee meeting held on 20 June 2018 are attached and presented for Council's information.

Jetty Road Mainstreet Committee Agendas, Reports, and Minutes are all available on Council's website and the meetings are open to the public.

**Motion**

**C100718/1205**

**That Council notes the minutes of the special meeting of the Jetty Road Mainstreet Committee of 20 June 2018.**

Moved Councillor Lonie, Seconded Councillor Charlick

**Carried**

**14. REPORTS BY OFFICERS**

**Leave of the Meeting**

Deputy Mayor Bradshaw sought leave of the meeting to consider Item 14.6 Brighton Oval Complex – Redevelopment (Report No: 240/18) at this point.

Leave of the meeting was granted.

Deputy Mayor Bradshaw sought leave of the meeting to consider Item 14.7 Prudential Report – Brighton Oval Complex Upgrade (Report No: 237/18) at this point.

Leave of the meeting was granted.

**14.1 Items in Brief (Report No: 234/18)**

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

**Motion****C100718/1206**

**That the following items be noted and items of interest discussed:**

- 1. Small Business Development Grants**
- 2. Holdfast Bay Parkrun**
- 3. Adelaide Airport Public Safety Zone.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

**14.2 Open Space Strategy Review – Community Engagement (Report No: 236/18)**

The existing 2012 Open Space and Public Realm Strategy is currently under review. The first phase of engagement on the review was completed on 17 April 2018 and an engagement summary report has been prepared. Following analysis of the results, a draft Open Space and Public Realm Strategy 2018-2030 has been prepared. The Strategy updates and simplifies the existing 2012 strategy and is aimed at getting better alignment on the planning, implementation, maintenance and future planning of open space projects. The draft Open Space and Public Realm Strategy 2018-2030 requires further community consultation before being finalised.

**Motion****C100718/1207**

**That Council:**

- 1. notes the “Engagement Summary Report, Open Space and Public Realm Strategy – 2018 Review” provided in Attachment 1 of report 236/18;**
- 2. endorse the release of the “Draft Open Space and Public Realm Strategy 2018-2030’ provided in Attachment 2 of report 236/18 for community engagement.**

Moved Councillor Yates, Seconded Councillor Clancy

**Carried**

**14.3 Minda Coast Park – Detailed Designs (Report No: 235/18)**

The Minda Coast Park detailed designs have been completed and resolve several key items noted at concept design stage. Once endorsed, these designs will proceed to construction tender in July 2018 and construction is envisaged to commence before the end of 2018.

The Local Government Act 1999 requires that councils undertake a prudential review for projects with a value over \$4.713 million, for expenditure in the

proceeding five years. BRM Holdich was engaged to provide a prudential report for the Minda Coast Park project. The attached report summarises the key findings in the prudential review. No specific issue was raised with the Minda Coast Park project, and the report concludes that there has been a level of 'due diligence' followed and should achieve the identified public benefits or needs. The project management framework will be incorporated into the implementation phase of this project.

**Motion**

**C100718/1208**

1. **That Council endorses the Minda Coast Park detailed designs and supporting documentation to proceed to construction tender and provided as Attachments 1-5 to report 235/18.**
2. **That Council receives and notes the prudential report for the Minda Coast Park provided as Attachment 6 to report 235/18.**
3. **That the Acting Mayor and Chief Executive Officer be authorised to execute and seal any infrastructure management agreement(s) relevant to the Minda Coast Park project.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

14.4 **Financial Contribution Request – The Burnside Historical Society – Colonial Treasurer Osmond Gilles Grave Site** (Report No: 242/18)

The Burnside Historical Society in collaboration with the National Trust of South Australia is seeking financial support for the repair and conservation of Colonial Treasurer Osmond Gilles grave at West Terrace Cemetery. This report recommends a financial contribution of \$1,000 to this appeal.

**Motion**

**C100718/1209**

**That Council contribute funds of \$1,000 to the Burnside Historical Society in support of restoration works to Colonial Treasurer Osmond Gilles' grave site.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

14.5 **Seacliff Surf Lifesaving Club Observation Tower** (Report No: 239/18)

Parts of the Surf Life patrol tower in front of the Seacliff Hotel has been unusable since 2015 especially the ground floor. The Seacliff Surf Life Saving Club (SSLSC) has been using a shipping container at the beach for first aid facilities and storage since 2015.

The SSLSC is proposing to demolish the existing building and install four shipping containers with associated architectural screens to create a new 2 storey patrol tower, first aid room and storage area with further access decking.

This paper aims to provide an opportunity for the elected members to discuss the proposal prior to Administration making a recommendation.

The estimated cost of the works, including demolition, new structure and decking is around \$230,000 with SSLSC contributing \$150,000 and council contributing \$80,000.

**Motion**

**C100718/1210**

- 1. That Council consider the proposal by the Seacliff Surf Life Saving Club to install an observation tower at Seacliff including appropriateness of location, scale and built form.**
- 2. That Council request an equal funding contribution by the SSLSC, limiting Council's contribution to \$40,000.**
- 3. That a further report be brought back to Council at a later date.**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried**

**14.6 Brighton Oval Complex - Redevelopment (Report No: 240/18)**

The master plan for the Brighton Oval was endorsed by Council in 2017 following considerable community and stakeholder consultation. Among a range of improvements to the precinct, the master plan recommended the construction of three (3) new club buildings to replace existing facilities (including the old grandstand) at the Oval.

A business case, developed by KPMG, identified key social and economic benefits of investing in and redeveloping the precinct. The business case was formally endorsed by Council in 2017. In January 2018, Council allocated \$6,000,000 towards the construction of the three (3) new clubroom buildings over two financial years subject to support through grant funding. The State Government's Office for Recreation Sport and Racing subsequently allocated \$2,000,000 grant funding to the project.

Following confirmation of State grant funding, planning and design work commenced using local architects, Folland and Panozzo, to prepare conceptual designs for the three (3) new clubrooms based on sports association recommended floor space allocations and detailed discussions with each of the clubs. This work has now progressed to a point where the conceptual designs are complete and ready to proceed to tender and construction.

In parallel with design development, Administration engaged consultant engineers Tonkin to recommend a project delivery and contract methodology, to develop technical specifications for the buildings and associated civil works, and to prepare draft contract documentation.

An Expression of Interest was also called to gauge industry interest in the project, identify suitable building contractors to construct the project, and to obtain feedback on the proposed contracting methodology and likely building costs based on the contractor's previous experience.

The EOI process highlighted that the conceptual design were likely to be more expensive than allowed for in council's original planning and this could result in

the constructed costs of conceptual designs being considerably over the total \$8.0m budget.

A complicating factor has been the timing of the 2018 Local Government Election Caretaker Period which is scheduled to commence on 4 September 2018 and run until the declaration of the polls on 26 November 2018. During this period, Council is prohibited from making any “designated decisions” which would include any decisions related to procurement or award of contracts greater than around \$336,000 – which of course would capture any decisions or contract award related to the Brighton Oval project.

This report therefore recommends that Council approve adoption of an innovative project delivery methodology based on a hybrid Early Contractor Involvement (ECI) contracting model with a target price incentive mechanism.

Under this methodology, Administration would seek tenders from suitably qualified building contractors to join the Project Delivery Team early in the design development phase. The Project Delivery Team would comprise Council’s project manager, consultant architects, consulting engineer, quantity surveyor and the managing contractor who would work with the clubs to develop final construction drawings for each of the three (3) clubrooms but sized and designed to keep the forecast construction costs within the target price. The managing contractor would then engage qualified sub-contractors to execute the build within the target price. In this way the designs are optimised around what the builder believes is feasible to construct with the budget available – rather than the more conventional approach of completing detail design first and then tendering the completed design.

The contract methodology would include an incentive arrangement so that the contractor would benefit from any project cost savings, but also share some commercial risk if the overall project exceeded the target price.

One key aspect of the contracting methodology is that Council would approve the calling and awarding of tenders for the building contract partner and then sign off the project to proceed to detailed design and construction (within the target price) via a second report to Council expected at the 24 August meeting. No further decisions would be taken by Council until the work was complete. All subsequent project decisions would be made by either the Project Delivery Team or in the case of sign-off of the final building designs, in conjunction with the individual clubs. Council would however receive regular project updates and briefings.

### **Motion**

#### **That Council:**

- 1. notes the progress made towards the Brighton Oval Upgrade Project;**
- 2. (a) approves the inclusion of a Community Pavilion (150m<sup>2</sup>) in the overall design of the Brighton Oval redevelopment at an estimated cost of \$397,500 in order to consolidate community space allocated within the individual clubrooms**



into one Council managed facility and proportionally reducing floor plan size of clubrooms;

Or

- (b) approves the floor plan designs of the clubrooms with integrated ground floor community space and first floor function space, with the removal of the proposed Community Pavilion from plans. Funds previously allocated to the Community Pavilion be allocated to contingency and civil works;
- 3. approves the upgrade of oval lighting to competition standard for one Lacrosse pitch (main pitch) as part of the Brighton Oval redevelopment at an estimated cost of \$90,000.
  - 4. (a) endorse the use of the hybrid Early Contractor Involvement (ECI) contract model with a target price incentive mechanism, in order to deliver the project within the target price (\$8.0m) and by June 2020.
    - (b) approve the calling of a Request for Proposal to engage a construction contractor to join the Project Delivery Team as the Managing Contractor to assist with design and manage construction of the three (3) new clubrooms under the contract model.
    - (c) notes that a further report (expected at meeting of 24 August 2018) will be provided detailing recommendations from the Tender Process and seeking approval to proceed with site investigations, statutory approvals, final detailed design and construction.

Moved Councillor Aust, Seconded Councillor Lonie

**Amendment**

**C100718/1211**

**That Council:**

- 1. notes the progress made towards the Brighton Oval Upgrade Project;
- 2. approves the floor plan designs of the clubrooms with integrated ground floor community space and first floor function space, with the removal of the proposed Community Pavilion from plans. Funds previously allocated to the Community Pavilion be allocated to contingency and civil works;
- 3. approves the upgrade of oval lighting to competition standard for one Lacrosse pitch (main pitch) as part of the Brighton Oval redevelopment at an estimated cost of \$90,000.

4.
  - (a) endorse the use of the hybrid Early Contractor Involvement (ECI) contract model with a target price incentive mechanism, in order to deliver the project within the target price (\$8.0m) and by June 2020.
  - (b) approve the calling of a Request for Proposal to engage a construction contractor to join the Project Delivery Team as the Managing Contractor to assist with design and manage construction of the three (3) new clubrooms under the contract model.
  - (c) notes that a further report (expected at meeting of 24 August 2018) will be provided detailing recommendations from the Tender Process and seeking approval to proceed with site investigations, statutory approvals, final detailed design and construction.
5. Clubs will be required to lease to community groups and make spaces available and that a clause be included within new Club leases that they have an obligation to make space available.

Moved Councillor Clancy, Seconded Councillor Yates

The amendment on being put was

**Carried**

The motion, as amended, was

**Carried**

**Division called:**

A division was called and the previous decision was set aside:

Those voting for: Councillors Aust, Lonie, Patton, Yates, Clancy and Donaldson (6)

Those voting against: Councillors Bouchee, Charlick, Smedley and Snewin (4).

Deputy Mayor Bradshaw declared the motion

**Carried**

**14.7 Prudential Report – Brighton Oval Complex Upgrade (Report No: 237/18)**

The Local Government Act 1999 requires that councils undertake a prudential review for projects with a value over \$4.713 million, for expenditure in the proceeding five years. BRM Holdich was engaged to provide a prudential report on the Brighton Oval Complex implementation project.

The attached report summarises the key findings in the prudential review and concludes that there has been a level of 'due diligence' followed for the project and should achieve the identified public benefits or needs.

Whilst the report was undertaken in January 2018, it provides findings that are still relevant with some of the key risks identified having already been mitigated, including securing \$2.075m of grant funding, staging the development (Stage 1 Buildings, Stage 2 Infrastructure works) to provide the opportunity to attract further grant funds to offset the remaining infrastructure works. Also the Long

Term Financial Plan (LTFP) has been updated in June 2018 as part of the 2018/19 budget adoption to include proposed projects such as this one. The updated LTFP demonstrates that from 2018/19 Holdfast Bay is financially sustainable and has the capacity to borrow additional funds for new strategic projects and remain under the Council agreed Net Financial Liabilities Ratio (NFLR) threshold of 75%. Accordingly, progressing this Project is not expected to adversely impact on Holdfast Bay's financial viability.

**Motion****C100718/1212**

**That Council receives and notes the prudential report for the Brighton Oval Complex Upgrade.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

17. **ITEMS IN CONFIDENCE**

17.1 **Sale of Land Proposal (Report No: 238/18)**

**Motion – Exclusion of the Public – Section 90(3)(b) Order**

**C100718/1213**

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: 238/18 – Sale of Land Proposal 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: 238/18 – Sale of Land Proposal on the following grounds:**

b. **pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, or to prejudice the commercial position of the Council**

**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.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

Councillor Lonie left the meeting at 8.04pm

Councillor Donaldson left the meeting at 8.04pm

**Motion**

**C100718/1213**

1. **That the report be received.**
2. **That the Chief Executive Officer advise CESA that the Council is not prepared to sell any part of the HBCC land at this time and thank them for their proposal.**
3. **That the proposed development of Holdfast Bay Community Centre Masterplan allocated in the 2018/19 budget be deferred until an appropriate time in the future when the infrastructure planning is required.**

Councillor Lonie rejoined the Chamber at 8.07pm

Councillor Donaldson rejoined the Chamber at 8.07pm

Moved Councillor Bouchee, Seconded Councillor Yates

**Carried**

**Division called:**

A division was called and the previous decision was set aside.

Those voting for: Councillors Aust, Lonie, Patton, Yates, Clancy, Donaldson, Bouchee, Charlick, Smedley and Snewin (10)

Those voting against: (0).

Deputy Mayor Bradshaw declared the motion

**Carried**

Councillor Patton left the chamber at 8.11pm

**RETAIN IN CONFIDENCE - Section 91(7) Order**

**C100718/1214**

1. **That having considered Agenda Item 17.1 Report No: 238/18 Sale of Land Proposal in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.**
2. **That the Chief Executive Officer is authorised to release the resolution immediately.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

Councillor Patton rejoined the Chamber at 8.12pm

**17.2 Application to Renew Lease – Rimhart Nominees Pty Ltd (Report No: 232/18)****Recommendation – Exclusion of the Public – Section 90(3)(b & d)  
Order C100718/1215**

**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: 232/18 Application to Renew Lease – Rimhart Nominees Pty Ltd 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: 232/18 Application to Renew Lease – Rimhart Nominees Pty Ltd on the following grounds:**

**b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is**

**conducting business; or  
would prejudice the commercial position of the Council**

**d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item 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.**

**h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice which has been provided by Mellor Olsson on instructions from the Council.**

- 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 Aust, Seconded Councillor Donaldson

**Carried**

**Division called:**

A division was called and the previous decision was set aside.

Those voting for: Councillors Aust, Lonie, Patton, Yates, Clancy, Donaldson, Bouchee, Charlick, Smedley and Snewin (10)

Those voting against: (0).

Deputy Mayor Bradshaw declared the motion

**Carried**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

**C100718/1217**

**That having considered Agenda Item: 17.2 232/18 Application to Renew Lease – Rimhart Nominees Pty Ltd in confidence under section 90(2) and (3)(b, d & h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the : 232/18 Application to Renew Lease – Rimhart Nominees Pty Ltd be retained in confidence for a period of 12 months.**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried**

**CLOSURE**

The Meeting closed at 8.20 pm.

**CONFIRMED      Tuesday 24 July 2018**

**DEPUTY MAYOR**