

AGENDA OF ORDINARY COUNCIL MEETING

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 19 June 2018 at 6.00 p.m.

PRESENT Cr Hanna Persello (Deputy Mayor)
Cr Christian Greco
Cr Mark Lovett
Cr Josh Lynagh
Cr Frank Morello
Cr Steven Perryman
Cr Penny Richardson
Cr Ian Von Stanke

COUNCIL OFFICERS	Chief Executive Officer	-	Mr M McShane
	General Manager City Growth	-	Dr J Nagy
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Infrastructure	-	Mr N Serle
	Manager Governance and Property	-	Mr M McCarthy
	Manager Business and Strategic Planning	-	Mrs T Tzioutziouklaris
	Media and Communications Coordinator	-	Ms S McLean
	Customer Service Officer	-	Ms S Moretti
	Administrative Officer Executive Support	-	Mrs M Telford

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

1. APOLOGY(IES)

Apology(ies) received from Mayor Andrew Lee, Cr Des Mutton

That the apology from Mayor A Lee, Cr D Mutton be received.

Moved:

Seconded:

2. LEAVE OF ABSENCE

Cr Sonya Mezinec

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 15 May 2018

Special Council Meeting held on 22 May 2018

Special Council Meeting held on 13 June 2018

That the minutes of the Ordinary Council meeting held on 15 May 2018, the Special Council meeting held on 22 May 2018 and the Special Council meeting held on 13 June 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:



17.10. Consideration for Exclusion of the Public

Item 17.11

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of (with the exception of Council Members Councillors - C Greco, M Lovett, J Lynagh, F Morello, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean, M Telford and S Moretti now present) be excluded from the meeting in order for the Agenda Item Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre AR18/23408 to be considered in confidence.

The Council is satisfied that, 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 proposing to conduct business; or
- would prejudice the commercial position of the Council.

At this stage of the Regional Sport and Recreation Centre Project the Council has undertaken an Expression of Interest process only for potential architectural services and is yet to receive and consider any formal tender submissions from proponents. The consideration and shortlisting of proponents in a public environment could be detrimental to securing the best outcomes for the community as each shortlisted proponent would be aware of their competitive status conferring an advantage on each of them whilst prejudicing Council's own Commercial position.

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. The 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 until a final determination on a selected tenderer has been made the Council reserves the right, on behalf of the community, to revisit alternative means of securing outcomes for the project. Further, as the project remains unfunded Council may seek to review any decisions made in this matter.

Item No.	Subject Matter	S90(3) Grounds
17.11	Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/23408	(b)

Moved:

Seconded:



IN-CONFIDENCE

17.11. Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/23408

COMMITTEE	Council
MEETING DATE:	19 June 2018
REPORT NO.	AR18/23408
RM8 REFERENCE	AF18/77
AUTHOR	Dr Judy Nagy
SUMMARY	This report provides a list of the short listed candidates from Stage 1 of the Expression of Interest for Architectural services for the Mount Gambier Regional Sport and Recreation Centre.
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION
<p>(a) That Council Report No. AR18/23408 titled '<i>Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre</i>' as presented to the Council on 19 June 2018 be noted.</p> <p>(b) That Council endorse the shortlisted candidates to progress to the next stage of the tender process.</p>

Moved:

Seconded:



Background

Council has sought initial Expressions of Interest from architectural companies to undertake the intermediate architectural designs and plans for the Mount Gambier Regional Sport and Recreation Centre using a two stage process.

There were 21 complying Expressions of Interest received by the due date of 1st June 2018 and in accordance with Council's *P420 Procurement, & Disposal of Land and Assets Policy* each submission was assessed individually by a panel comprising three Council Officers and the Elected Members of the Sport and Recreation Committee.

Discussion

All documents were kept in confidence and assessed against a pre-determined and documented set of criteria. The assessments have been aggregated and the architectural firms assessed as being the top three candidates are as follows listed in alphabetical order;

Architectural Firm Name	Address
Design Inc Adelaide	151 Pirie Street, Adelaide SA
Grieve Gillett Anderson	243 Pirie Street, Adelaide SA
Turner & Townsend Thinc	333 King William Street, Adelaide SA

Stage 2 of the appointment process will require those noted above to tender for the works to be undertaken and make a presentation to Council. All Elected Members will be advised of the presentation date and times and are encouraged to attend.

The Sport and Recreation Centre Committee will complete an assessment matrix collating information from the submitted tender documents and the presentations to make a recommendation for Council endorsement.

Conclusion

It was pleasing to note the high number of quality submissions received for the proposed Mount Gambier Regional Sport and Recreation Centre. As a major infrastructure project interest has come from across Australia.

Attachments

Nil



Dr Judy NAGY
GENERAL MANAGER CITY GROWTH



Mark McSHANE
CHIEF EXECUTIVE OFFICER

14 June 2018
JN



17.12. Consideration for keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.11 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.11	Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/23408	(b)	All details	Until: Council has considered and endorsed a contract for architectural services for the Mount Gambier Regional Sport and Recreation Centre Project.

Meeting closed at p.m.

AR18/21250



MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 19 June 2018 at 6.00 p.m.

PRESENT

Cr Hanna Persello (Deputy Mayor)
Cr Christian Greco
Cr Mark Lovett
Cr Josh Lynagh
Cr Frank Morello
Cr Steven Perryman (arrived at 6.03 p.m.)
Cr Penny Richardson
Cr Ian Von Stanke (arrived at 6.08 p.m.)

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
General Manager City Growth	-	Dr J Nagy
General Manager Council Business Services	-	Mrs P Lee
General Manager City Infrastructure	-	Mr N Serle
Manager Governance and Property	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Customer Service Officer	-	Ms S Moretti
Administrative Officer Executive Support	-	Mrs M Telford

17. Consideration for Exclusion of the Public

Item 17.11

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of (with the exception of Council Members Councillors - C Greco, M Lovett, J Lynagh, F Morello, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean, M Telford and S Moretti now present) be excluded from the meeting in order for the Agenda Item Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre AR18/23408 to be considered in confidence.

The Council is satisfied that, 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 proposing to conduct business; or
- would prejudice the commercial position of the Council.

At this stage of the Regional Sport and Recreation Centre Project the Council has undertaken an Expression of Interest process only for potential architectural services and is yet to receive and consider any formal tender submissions from proponents. The consideration and shortlisting of proponents in a public environment could be detrimental to securing the best outcomes for the community as each shortlisted proponent would be aware of their competitive status conferring an advantage on each of them whilst prejudicing Council's own Commercial position.

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. The 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 until a final determination on a selected tenderer has been made the Council reserves the right, on behalf of the community, to revisit alternative means of securing outcomes for the project. Further, as the project remains unfunded Council may seek to review any decisions made in this matter.

Item No.	Subject Matter	S90(3) Grounds
17.11	Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/23408	(b)

Moved: Cr Lovett

Seconded: Cr Greco

Carried

IN-CONFIDENCE

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a perceived conflict of interest in Item 17.11:

"I am a Board member of Committee of Management of Basketball Mount Gambier Inc. That organisation is a stakeholder group in the process to apply for the grant and is participating in the Council community consultation and design process".

Cr Perryman informed the meeting of the manner in which they intend to deal with the perceived conflict of interest as follows:

"I intend to remain in the Chamber, debate and vote."

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

17.11 Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/23408

- | |
|---|
| <p>(a) That Council Report No. AR18/23408 titled '<i>Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre</i>' as presented to the Council on 19 June 2018 be noted.</p> <p>(b) That Council endorse the shortlisted candidates to progress to the next stage of the tender process.</p> |
|---|

Moved: Cr Von Stanke

Seconded: Cr Lovett

Carried

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of the motion.

17.12 Consideration for keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.11 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.11	Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/23408	(b)	All details	Until: Council has considered and endorsed a contract for architectural services for the Mount Gambier Regional Sport and Recreation Centre Project.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

Meeting closed at 7:05 p.m.

AR18/24311