



City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

**I hereby give notice that a Confidential Regional Sport and Recreation
Centre Committee Meeting will be held on:**

Date: Tuesday, 10 December 2019
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Confidential Regional Sport and Recreation Centre Committee Meeting 10 December 2019

**Andrew Meddle
Chief Executive Officer**

6 December 2019

7 CONFIDENTIAL ITEMS

7.1 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Regional Sport and Recreation Centre Committee orders that all members of the public, except Mayor L Martin and Councillors B Hood, K Amoroso, M Bruins, C Greco, P Jenner, S Meziniec, F Morello and S Perryman and Council Officers B Cernovskis, H Gagic, M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

The Regional Sport and Recreation Centre Committee is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the 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
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

The Regional Sport and Recreation Centre Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Council's negotiating position to obtain best value and best outcomes for the community.



7.1 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240

Committee:	Regional Sport and Recreation Centre Committee
Meeting Date:	10 December 2019
Report No.:	AR19/66240
CM9 Reference:	AF18/175
Author:	Heidi Gajic, Community Development and Engagement Officer
Authoriser:	Barbara Cernovskis, General Manager Community Wellbeing
Summary:	This report presents matters associated with proposed upgrades to the Senior Citizens building at 42 James Street to accommodate an interim co-location of the Open Door Baptist Church at the site.
Community Plan Reference:	Goal 1: Our People

The Committee is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) 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 proposing to conduct business; or to prejudice the commercial position of the Council.

REPORT RECOMMENDATION

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66240 titled 'Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier' as presented on 10 December 2019 be noted.
2. That, subject to agreement for an interim relocation arrangement of the Open Door Baptist Church, Council endorse for the Senior Citizens Building at 42 James Street:
 - (a) Staged works for internal refit, building fire safety requirements and DDA compliance up to the value of \$ T.B.D. +gst to be undertaken in the 2019/20 financial year, subject to appropriate development approvals being obtained.
 - (b) A budget variation for the costs associated with the works endorsed in resolution (2)(a) be included in the next available budget review.
 - (c) The procurement of works endorsed in resolution (2)(a) be, to the extent necessary, at variance to Council's Procurement Policy P420, for the reasons as set out in Report No. AR19/66240.
 - (d) The current lease for 42 James Street to the Senior Citizens be determined, with effect from the commencement date of a new lease in accordance with resolution (2)(e).
 - (e) A new lease be granted to the Senior Citizens for 42 James Street for a period of 5 years on standard community terms and conditions including rental in accordance with Council Policy R200 and an asset rationalisation and re-development clause.
 - (f) The Chief Executive Officer and Mayor be authorised to execute and affix the Council Seal to any documentation necessary to give effect to the lease determination and new lease envisaged by resolution (2)(d) and (2)(e).



BACKGROUND

At the Council meeting held on 17 September 2019 Council considered Report No. AR19/49074 titled 'Community and Recreation Hub – Tenancy Matters' and resolved as follows:

1. *That Council Report No. AR19/49074 titled 'Community and Recreation Hub - Tenancy Matters' as presented on 17 September 2019 be noted.*
2. *That the Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to any tenancy arrangements arising from determinations in accordance with resolution (2) of Resolution 2019/160 associated with Report No. AR19/36022 titled 'Community and Recreation Hub – Tenancy Matters' as considered at the July 2019 Council meeting.*
3. *That regular updates be provided to Elected Members.*
4. *That any financial implications be presented to Council for inclusion in the final consideration to progress with the Community and Recreation Hub.*

Members have been provided with regular updates on tenancy discussions following the September Council meeting. This report presents financial implications associated with proposed internal upgrade works for the Senior Citizens building at 42 James Street to accommodate the interim co-location of the Open Door Baptist Church as well as identified improvements to building fire safety and DDA standards for the ongoing use of the building.

DISCUSSION

The interim co-location of the Open Door Baptist Church at the 42 James Street (Senior Citizens) building will necessitate a development application for a Category 1 Change of Use to include a Place of Worship.

The change in use and proposed internal office refit (refer below) will also trigger a requirement for an upgrade of building standards associated with DDA compliance (upgrade of existing DDA toilet and building access) as well as building fire safety upgrades including a new emergency exit door and reconfiguration of emergency lighting, signage and extinguishers.

It is proposed that the identified works would be undertaken in stages, with works required to accommodate the interim co-location to be completed as a priority, followed by other regulatory compliance works.

The proposed staged works comprise:

Stage 1 – Internal refit

- Reconfiguration of internal partition between an office and storage area to create a larger separate community space.
- Construction of an improved office/reception space serving the hall.

Stage 2 – Building Fire Safety requirements

- Relocating the exit point to a more suitable location at the side of the facility within the mandatory distances of exit door to fire hose reel.
- Installation of illuminated exit signs, tactile indicators and external safety bollards.



Stage 3 – DDA compliance

- Widen airlock entry door opening and install compliant doors.
- Installation of disabled WC and compliant hand rails.
- Installation of compliant Braille signage to all toilet facilities.

The internal reconfiguration and works at 42 James Street will assist to bring the facility up to contemporary standards and provide ongoing benefits for the use of the facility by the Mount Gambier Senior Citizens and other users.

The Administration has sought preliminary quotations for the conduct of the 3 stages of work from several pre-qualified building contractors to assist Council in budgeting and decision making in regard to this matter.

Due to the compressed timeframes between discussions with stakeholders, identification of necessary upgrades (operational and regulatory) and obtaining preliminary design plans necessary to obtain quotations from building contractors, the quoted amounts were not available at the time of preparation of this report and have been requested by no later than close of business Friday 13 December 2019. Summary figures will be tabled at the Council meeting to be held on 17 December 2019 when this report is re-presented for consideration.

It can however be estimated that the (staged) works could be in the value range of \$35,000 - \$100,000, depending upon the final specification of finishes and the urgency and availability of contractors and products to complete the works within timeframes to accommodate the commencement of co-location arrangements. Non-urgent works would be scheduled at a later date, but noting the development requirements for the regulatory components to be undertaken.

In anticipation of Council approval a development application has been lodged for planning and building approvals for the proposed works to enable them to be commenced as soon as practicable following approval.

It should also be noted that due to the compressed timeframes (and time of year for proposed works – January) particularly for the stage 1 work to accommodate the co-location arrangements, and the potential value of works it is probable that if approved, the proposed works may necessitate procurement decisions to be made at variance to ordinary practices in accordance with Council's Procurement Policy P420.

Policy P420 does provide for the Chief Executive Officer to waive application of the policy to pursue a method which will bring the best outcome for Council in circumstances such as, but not limited to:

- emergency situations threatening life and property; or
- where the supply market is known; or
- timing constraints

The reasons for waiving application of Policy P420 must be recorded in writing.



Senior Citizens Lease – 42 James Street

Discussion with the Senior Citizens regarding interim co-location arrangements for the Open Door Baptist Church at the 42 James Street premises have noted that the current lease for this site, which commenced on 1 October 2012 was for a period expiring 'as determined by the lessor'.

The Council resolution relating to the granting of the Senior Citizens lease, dated 18 December 2012, provided that the lease include the following special condition:

Term: At Council pleasure
(Council will ensure that in the event the premises is not available, it will endeavour to relocate the Mount Gambier Senior Citizens Club to another like premises).

This provision was included to provide Council with the ability to resume the premises during the term of the lease, if required, for example if the land parcel was required for development/relocation of the Club. This reasoning is contained in Corporate and Community Services Report No. 33/2012 as considered by Council 21 August 2012.

Council has since sold the adjoining allotments for the development of the adjacent dental facility, whilst retaining the land parcels comprising the Senior Citizens Hall, adjoining car park and building at 46 James Street occupied by the Western Border Soccer Association.

In consideration of the proposed co-location arrangements and associated upgrade works it is proposed that a new lease be granted to the Senior Citizens for the 42 James Street facility. Whilst a period of 3 years has been proposed by the Senior Citizens, this report includes a recommendation that a lease be granted for 5 years consistent with other sporting and community leases and licences, with a commencement date of 1 January 2020, and conditional upon the accommodation of the interim co-location arrangements for the Open Door Baptist Church.

The lease would utilise Council's ordinary community leasing terms and conditions including rental in accordance with Council Policy R200 and an asset rationalisation and redevelopment clause to retain similar ability for Council to resume the premises in the future, but providing certainty of tenure in the absence of any proposal requiring such resumption.

CONCLUSION

The reaching of a mutually agreeable solution to the interim co-location of the Open Door Baptist Church to 42 James Street Mount Gambier will assist Council with meeting the timeframes for securing and handing over a vacant development site for the Community and Recreation Hub Project.

It should be noted that non-endorsement of the matters contained in this report will jeopardise the site relocation solution for the Open Door Baptist Church from their current premises at O'Halloran terrace, and in the absence of an alternative solution may delay the vacating of the site required to be handed over for the commencement of construction associated with the Community and Recreation Hub Project.

ATTACHMENTS

Nil



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier. Resolutions 1 and 2(d), (e) and (f) to be released immediately upon determination of the matter by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF CONFIDENTIAL REGIONAL SPORT AND RECREATION CENTRE
COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 10 DECEMBER 2019 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Sonya Meziniec, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer General Manager Community Wellbeing General Manager City Infrastructure General Manager City Growth Community Engagement Officer Manager Executive Administration	<ul style="list-style-type: none">- Mr A Meddle- Ms B Cernovskis- Mr N Serle- Dr J Nagy- Mrs H Gajic- Mr M McCarthy
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7 CONFIDENTIAL ITEMS

**7.1 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT
GAMBIER – REPORT NO. AR19/66240**

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Regional Sport and Recreation Centre Committee orders that all members of the public, except Mayor L Martin, Councillors M Bruins, C Greco, P Jenner, S Meziniec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, H Gajic and M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

The Regional Sport and Recreation Centre Committee is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the 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
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

The Regional Sport and Recreation Centre Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation



period could influence and jeopardise the Councils negotiating position to obtain best value and best outcomes for the community.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Steven Perryman

Seconded: Cr Frank Morello

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66240 titled 'Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier' as presented on 10 December 2019 be noted.
2. That, subject to agreement for an interim relocation arrangement of the Open Door Baptist Church, Council endorse for the Senior Citizens Building at 42 James Street:
 - (a) Staged works for internal refit, building fire safety requirements and DDA compliance up to the value of \$ T.B.D. +gst to be undertaken in the 2019/20 financial year, subject to appropriate development approvals being obtained.
 - (b) A budget variation for the costs associated with the works endorsed in resolution (2)(a) be included in the next available budget review.
 - (c) The procurement of works endorsed in resolution (2)(a) be, to the extent necessary, at variance to Council's Procurement Policy P420, for the reasons as set out in Report No. AR19/66240.
 - (d) The current lease for 42 James Street to the Senior Citizens be determined, with effect from the commencement date of a new lease in accordance with resolution (2)(e).
 - (e) A new lease be granted to the Senior Citizens for 42 James Street for a period of 5 years on standard community terms and conditions including rental in accordance with Council Policy R200 and an asset rationalisation and re-development clause.
 - (f) The Chief Executive Officer and Mayor be authorised to execute and affix the Council Seal to any documentation necessary to give effect to the lease determination and new lease envisaged by resolution (2)(d) and (2)(e).

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier. Resolutions 1 and 2((d), (e) and (f) to be released immediately upon determination of the



matter by Council.

2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

CONFIDENTIAL





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**I hereby give notice that a Confidential Council Meeting will be held
on:**

Date: Tuesday, 17 December 2019

Time: 6.00 p.m.

**Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier**

AGENDA

Confidential Council Meeting 17 December 2019

**Andrew Meddle
Chief Executive Officer**

13 December 2019

25.3 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 DECEMBER 2019

25.4 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

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 the 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
 - proposing to conduct 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.

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 the matter to be discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Council's negotiating position to obtain best value and best outcomes for the community.



25.4 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240

Committee:	Regional Sport and Recreation Centre Committee
Meeting Date:	10 December 2019
Report No.:	AR19/66240
CM9 Reference:	AF18/175
Author:	Heidi Gajic, Community Development and Engagement Officer
Authoriser:	Barbara Cernovskis, General Manager Community Wellbeing
Summary:	This report presents matters associated with proposed upgrades to the Senior Citizens building at 42 James Street to accommodate an interim co-location of the Open Door Baptist Church at the site.
Community Plan Reference:	Goal 1: Our People

The Committee is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) 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 proposing to conduct business; or to prejudice the commercial position of the Council.

REPORT RECOMMENDATION

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66240 titled 'Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier' as presented on 10 December 2019 be noted.
2. That, subject to agreement for an interim relocation arrangement of the Open Door Baptist Church, Council endorse for the Senior Citizens Building at 42 James Street:
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BACKGROUND

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1. *That Council Report No. AR19/49074 titled 'Community and Recreation Hub - Tenancy Matters' as presented on 17 September 2019 be noted.*
2. *That the Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to any tenancy arrangements arising from determinations in accordance with resolution (2) of Resolution 2019/160 associated with Report No. AR19/36022 titled 'Community and Recreation Hub – Tenancy Matters' as considered at the July 2019 Council meeting.*
3. *That regular updates be provided to Elected Members.*
4. *That any financial implications be presented to Council for inclusion in the final consideration to progress with the Community and Recreation Hub.*

Members have been provided with regular updates on tenancy discussions following the September Council meeting. This report presents financial implications associated with proposed internal upgrade works for the Senior Citizens building at 42 James Street to accommodate the interim co-location of the Open Door Baptist Church as well as identified improvements to building fire safety and DDA standards for the ongoing use of the building.

DISCUSSION

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The change in use and proposed internal office refit (refer below) will also trigger a requirement for an upgrade of building standards associated with DDA compliance (upgrade of existing DDA toilet and building access) as well as building fire safety upgrades including a new emergency exit door and reconfiguration of emergency lighting, signage and extinguishers.

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The proposed staged works comprise:

Stage 1 – Internal refit

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Stage 2 – Building Fire Safety requirements

- Relocating the exit point to a more suitable location at the side of the facility within the mandatory distances of exit door to fire hose reel.
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The Administration has sought preliminary quotations for the conduct of the 3 stages of work from several pre-qualified building contractors to assist Council in budgeting and decision making in regard to this matter.

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It should also be noted that due to the compressed timeframes (and time of year for proposed works – January) particularly for the stage 1 work to accommodate the co-location arrangements, and the potential value of works it is probable that if approved, the proposed works may necessitate procurement decisions to be made at variance to ordinary practices in accordance with Council's Procurement Policy P420.

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Senior Citizens Lease – 42 James Street

Discussion with the Senior Citizens regarding interim co-location arrangements for the Open Door Baptist Church at the 42 James Street premises have noted that the current lease for this site, which commenced on 1 October 2012 was for a period expiring 'as determined by the lessor'.

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(Council will ensure that in the event the premises is not available, it will endeavour to relocate the Mount Gambier Senior Citizens Club to another like premises).

This provision was included to provide Council with the ability to resume the premises during the term of the lease, if required, for example if the land parcel was required for development/relocation of the Club. This reasoning is contained in Corporate and Community Services Report No. 33/2012 as considered by Council 21 August 2012.

Council has since sold the adjoining allotments for the development of the adjacent dental facility, whilst retaining the land parcels comprising the Senior Citizens Hall, adjoining car park and building at 46 James Street occupied by the Western Border Soccer Association.

In consideration of the proposed co-location arrangements and associated upgrade works it is proposed that a new lease be granted to the Senior Citizens for the 42 James Street facility. Whilst a period of 3 years has been proposed by the Senior Citizens, this report includes a recommendation that a lease be granted for 5 years consistent with other sporting and community leases and licences, with a commencement date of 1 January 2020, and conditional upon the accommodation of the interim co-location arrangements for the Open Door Baptist Church.

The lease would utilise Council's ordinary community leasing terms and conditions including rental in accordance with Council Policy R200 and an asset rationalisation and redevelopment clause to retain similar ability for Council to resume the premises in the future, but providing certainty of tenure in the absence of any proposal requiring such resumption.

CONCLUSION

The reaching of a mutually agreeable solution to the interim co-location of the Open Door Baptist Church to 42 James Street Mount Gambier will assist Council with meeting the timeframes for securing and handing over a vacant development site for the Community and Recreation Hub Project.

It should be noted that non-endorsement of the matters contained in this report will jeopardise the site relocation solution for the Open Door Baptist Church from their current premises at O'Halloran terrace, and in the absence of an alternative solution may delay the vacating of the site required to be handed over for the commencement of construction associated with the Community and Recreation Hub Project.

ATTACHMENTS

Nil



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier.
Resolutions 1 and 2((d), (e) and (f) to be released immediately upon determination of the matter by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.



**MINUTES OF CONFIDENTIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 17 DECEMBER 2019 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN	Chief Executive Officer	- Mr A Meddle
ATTENDANCE:	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Mrs A Watson
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs M Telford
	Executive Administration Officer	- Mrs E Solly

25.3 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 DECEMBER 2019

25.4 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240

RESOLUTION 2019/402

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

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 the 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
 - proposing to conduct 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.

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 the matter to be discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Councils negotiating position to obtain best value and best outcomes for the community.

CARRIED



RESOLUTION 2019/403

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66240 titled 'Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier' as presented on 10 December 2019 be noted.
2. That, subject to agreement for an interim relocation arrangement of the Open Door Baptist Church, Council endorse for the Senior Citizens Building at 42 James Street:
 - (a) Staged works for internal refit, building fire safety requirements and DDA compliance of up to or no more than \$66,000+gst to be undertaken in the 2019/20 financial year, subject to appropriate development approvals being obtained.
 - (b) A budget variation for the costs associated with the works endorsed in resolution (2)(a) be included in the next available budget review.
 - (c) The procurement of works endorsed in resolution (2)(a) be, to the extent necessary, at variance to Council's Procurement Policy P420, for the reasons as set out in Report No. AR19/66240.
 - (d) The current lease for 42 James Street to the Senior Citizens be determined, with effect from the commencement date of a new lease in accordance with resolution (2)(e).
 - (e) A new lease be granted to the Senior Citizens for 42 James Street for a period of 5 years on standard community terms and conditions including rental in accordance with Council Policy R200 and an asset rationalisation and re-development clause.
 - (f) The Chief Executive Officer and Mayor be authorised to execute and affix the Council Seal to any documentation necessary to give effect to the lease determination and new lease envisaged by resolution (2)(d) and (2)(e).

CARRIED

RESOLUTION 2019/404

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier.
Resolutions 1 and 2((d), (e) and (f) to be released immediately upon determination of the matter by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED