

**Date:** 26 May 2017

**Location:** Alexandrina Council Office – 11 Cadell St Goolwa

Meeting opened at 10:03am

## 1. ATTENDANCE

**Present:**

David Cooke (Chairperson)  
John Coombe OAM (Deputy Chairperson) (via telephone)  
Alison Kimber (via telephone)  
Councillor Pat Chigwidden  
Councillor Grant Gartrell  
Mayor Graham Philp (Deputy Elected Member Representative)

**In attendance:**

Leonie Boothby, Executive Officer  
Kate Jessep, Director Corporate & Community Services – City of Victor Harbor

## 2. APOLOGIES

Councillor Madeleine Walker

The Board noted the resignation of Cr Walker from the Board, received by the Executive Officer on 21 May 2017. The Chairperson formally thanked Cr Walker on behalf of the Constituent Councils and the community for her contribution as an inaugural member of the Authority Board and noted that her enthusiasm for the development of the centre and local knowledge and leadership have been invaluable in the success of the project and the Authority to date.

The Board further noted that Alexandrina Council will appoint a replacement Board member in due course.

## 3. MINUTES OF THE PREVIOUS MEETING

**Moved:** Cr Pat Chigwidden

**Seconded:** John Coombe

FRACA000072 That the minutes of the previous Fleurieu Regional Aquatic Centre Authority meeting held on Tuesday 18 April 2017 as circulated be confirmed as a true and accurate record.

**CARRIED**

## 4. BUSINESS ARISING

### 4.1 Resolutions Report and Work Program

**Moved:** John Coombe

**Seconded:** Alison Kimber

FRACA000073 That the Fleurieu Regional Aquatic Centre Authority note the Work Program and Resolutions Report as at 26 May 2017.

**CARRIED**

#### 4.2 Donations Policy

**Action:** Additional wording to be added to clause 4.1.1.2 of the policy to reflect that donations accepted must align with the objectives of the Authority as set out in its Charter.

**Moved:** Cr Grant Gartrell

**Seconded:** Cr Pat Chigwidden

FRACA00074 That the Board endorse the Donations Policy, incorporating the change noted above.

**CARRIED**

### 5 PRESENTATIONS

5.1 Nil

### 6 REPORTS

#### 6.1 2016/17 Third quarter budget review

**Moved:** John Coombe

**Seconded:** Cr Pat Chigwidden

FRACA000075 That the Authority receive the Third Quarter Budget Review for 2016/17 (as at 31 March 2017) and that the budget variations contained therein be adopted.

**CARRIED**

**Actions:**

- ***Electricity costs – request for compensation:***

Executive Officer to work with Fleurieu Aquatic Centre (FAC) Project Manager Alexandrina Council and Director Corporate & Community Services City of Victor Harbor to determine to which party a letter should be sent requesting compensation for additional electricity costs incurred during the period that the solar electricity generation systems were not functional. Additional costs to be estimated based on savings predicted to be achieved via the systems as set out in advice and reports sourced during design and construction of the centre.

Draft letter to be provided to the Board for consideration prior to distribution.

Executive Officer to raise an insurance claim with Local Government Risk Services in relation to the above request for compensation.

- ***Salaries and wages:***

Executive Officer to work with YMCA to review current rostering and allocation of staff to determine where savings can be made in salaries and wages.

**Moved:** Cr Pat Chigwidden

**Seconded:** Cr Grant Gartrell

FRACA000076 That the Authority recommend the Third Quarter Budget Review for 2016/17 (as at 31 March 2017) and the budget variations contained therein to the constituent Councils for endorsement; noting that a further Council funding contribution for 2016/17 is required.

**CARRIED**

**Action:** Executive Officer to provide a report to Constituent Councils to accompany the Third Quarter Budget Review that provides a summary of the key variances to revised forecast income and expenditure and actions being taken to address; particularly in relation to:

- Higher than original forecast FAC membership and swimming lesson performance;
- Higher than original forecast FAC electricity costs and salaries and wages;
- Increased Authority costs in relation to management of concerns raised by local health and fitness centre operators (including development of competitive neutrality report); and
- Inclusion of estimated depreciation expense.

## **6.2 Draft Authority Annual Business Plan & Budget 2017/18**

**Action:** Executive Officer to action revisions to the Annual Business Plan 2017/18 and supporting documents as outlined by the Board.

**Moved:** John Coombe

**Seconded:** Cr Pat Chigwidden

FRACA000077 That the Fleurieu Regional Aquatic Centre Authority:

1. Endorse the Fleurieu Regional Aquatic Centre Authority Annual Business Plan 2017/18 (incorporating the Fleurieu Aquatic Centre Business & Marketing Plan 2017/18 and Marketing & Communications Strategy 2017/18) incorporating requested changes.
2. Adopt the Fleurieu Regional Aquatic Centre Authority Revised 2017/18 Budget (incorporating the Fleurieu Aquatic Centre revised 2017/18 budget) and recommend the Revised 2017/18 Authority Budget (as detailed in the report for Agenda Item 6.2 Authority Business Plan & Budget 2017/18) to the Constituent Councils.

### **CARRIED**

**Action:** Executive Officer to provide a report to Constituent Councils to accompany the Authority Annual Business Plan & Budget 2017/18 that provides a summary of the key variances to revised forecast income and expenditure and actions being taken to address.

## **7. MATTERS FOR DISCUSSION**

**7.1** City of Victor Harbor – meeting 24 April 2017 - Motion without notice - Fleurieu Aquatic Centre Admission Charges

**Action:** Executive Officer to provide a response to City of Victor Harbor in line with research information verbally provided to the Board at the meeting.

**7.2** Consideration of cash donation from community group (specific purpose)

**Action:** Executive Officer to work with the community group, YMCA and the Constituent Councils to develop a concept (physical display at FAC) for acknowledgement of the community's long-term advocacy towards development of an aquatic centre. Acknowledgement to reflect the community advocacy in general. Concept to be brought back to the Board for consideration.

## **8 URGENT BUSINESS WITHOUT NOTICE**

Nil

## 9 CONFIDENTIAL REPORTS

### 9.1 Competitive Neutrality Review – draft report

**Moved:** David Cooke

**Seconded:** Cr Pat Chigwidden

FRACA000078 That the Authority:

- 1) Under the provisions of Section 90(2) of the Local Government Act 1999 make an order that the public be excluded from the meeting, except for the Executive Officer, Ms Leonie Boothby; and Director, Corporate & Community Services – City of Victor Harbor, Ms Kate Jessep; in order to consider in confidence a report relating to Section 90(3)(d) and (h) of the Local Government Act 1999:  
  
*(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—*  
*(i) 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; and*  
*(ii) would, on balance, be contrary to the public interest;*  
*(h) legal advice;*  
relating to the consideration of a draft Competitive Neutrality Review in relation to the Fleurieu Aquatic Centre, being information that must be considered in confidence in order to ensure that the Authority does not disclose commercial information of a confidential nature (not being a trade secret) or that relates to legal advice; and
  
- 2) Accordingly, on this basis, the Authority is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of commercial information of a confidential nature (not being a trade secret) or that relates to legal advice.

Substantiation:

The matter of the agenda item being consideration of a draft Competitive Neutrality Review in relation to the Fleurieu Aquatic Centre pursuant to Section 90(3)(d) and (h) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence to ensure that commercial information of a confidential nature (not being a trade secret) or that relates to legal advice; is not divulged.

There is strong public interest in enabling members of the public to observe the Authority’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a meeting of the Authority is one means of satisfying this interest. The public will only be excluded from a meeting of the Authority when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that discussion will include discussion pertaining to legal advice; and, the disclosure of commercial information of a confidential nature (not being a trade secret) may prejudice the commercial position of the person who supplied the information, or confer a commercial advantage on a third party.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision making.

**Moved:** David Cooke

**Seconded:** Cr Grant Gartrell

FRACA000079 That the Authority:

Having considered this matter in confidence under Section 90(2) and 90(3)(d) and (h) of the Local Government Act 1999, makes an order pursuant to Section 91(7) and (9), that the agenda report, associated documents and minutes in relation to the 26 May 2017 confidential item 9.1, *Competitive Neutrality Review – draft report*, be kept confidential and not available for public inspection other than information required to be released in accordance with any relevant requirements of Section 91(8) of the Local Government Act 1999; and

In accordance with (3) above and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.

**CARRIED**

## 9.2 Draft Operational Management Key Performance Indicators 2017/18

**Moved:** Cr Pat Chigwidden

**Seconded:** David Cooke

FRACA000080 That the Authority:

- 1) Under the provisions of Section 90(2) of the Local Government Act 1999 make an order that the public be excluded from the meeting, except for the Executive Officer, Ms Leonie Boothby; Director, Corporate & Community Services – City of Victor Harbor, Ms Kate Jessep; and Acting General Manager Organisation & Culture Alexandrina Council, Ms Elizabeth Williams; in order to consider in confidence a report relating to Section 90(3)(d) of the Local Government Act 1999:

*(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—  
(i) 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; and  
(ii) would, on balance, be contrary to the public interest;*

relating to the consideration of draft Key Performance Indicators for YMCA South Australia for management and operations of the Fleurieu Aquatic Centre for 2017/18, being information that must be considered in confidence in order to ensure that the Authority does not disclose commercial information of a confidential nature (not being a trade secret); and

- 2) Accordingly, on this basis, the Authority is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of commercial information of a confidential nature (not being a trade secret).

Substantiation:

The matter of the agenda item being consideration of draft Key Performance Indicators for YMCA South Australia for management and operations of the Fleurieu Aquatic Centre for 2017/18 pursuant to Section 90(3)(d) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence to ensure that commercial information of a confidential nature (not being a trade secret); is not divulged.

There is strong public interest in enabling members of the public to observe the Authority’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a meeting of the Authority is one means of satisfying this interest. The public will only be excluded from a meeting of the Authority when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that discussion will include discussion pertaining to the disclosure of commercial information of a confidential nature (not being a trade secret) that may prejudice the commercial position of the person who supplied the information, or confer a commercial advantage on a third party.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision making.

**Moved:** David Cooke

**Seconded:** Cr Grant Gartrell

FRACA000081 That the Authority:

Having considered this matter in confidence under Section 90(2) and 90(3)(d) of the Local Government Act 1999, makes an order pursuant to Section 91(7) and (9), that the agenda report, associated documents and minutes in relation to the 26 May 2017 confidential item 9.2, *Draft Operational Management Key Performance Indicators 2017/18*, be kept confidential and not available for public inspection other than information required to be released in accordance with any relevant requirements of Section 91(8) of the Local Government Act 1999; and

In accordance with (3) above and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.

**CARRIED**

## **10 NEXT MEETING**

Ordinary meeting: Friday 28 July 2017 10am, City of Victor Harbor – Council Chambers, Civic Centre, 1 Bay Road, Victor Harbor

## **11 CLOSURE**

Meeting closed at 12:15pm.