

**Date:** 21 October 2016

**Location:** Large Meeting Room – Alexandrina Council – 11 Cadell Street, Goolwa South  
Meeting opened at 10:08am

## 1. ATTENDANCE

### Present:

David Cooke (Chairperson)  
John Coombe OAM  
Alison Kimber (via phone)  
Councillor Pat Chigwidden  
Councillor Grant Gartrell (Deputy Elected Member Representative, Acting for Cr Walker)

### In attendance:

Leonie Boothby, Executive Officer  
David Moyle, Fleurieu Regional Aquatic Centre, Project Manager  
Elizabeth Williams, Acting General Manager – Organisation & Culture Alexandrina Council

## 2. APOLOGIES

Mayor Graham Philp (Deputy Elected Member Representative)  
Councillor Madeleine Walker

## 3. MINUTES OF THE PREVIOUS MEETING

**Moved:** Cr Pat Chigwidden

**Seconded:** Cr Grant Gartrell

FRACA000030 That the minutes of the previous Fleurieu Regional Aquatic Centre Authority meetings held on Friday 29 July 2016 and Friday 30 September 2016 as circulated be confirmed as a true and accurate record.

**CARRIED**

## 4. BUSINESS ARISING

### 4.1 Resolutions Report and Work Program

**Moved:** Mr John Coombe

**Seconded:** Cr Pat Chigwidden

FRACA00031 That the Fleurieu Regional Aquatic Centre Authority note the Work Program and Resolutions Report as at 21 October 2016.

**CARRIED**

## 5 PRESENTATIONS

5.1 Nil

## 6 REPORTS

### 6.1 Swim Club for Fleurieu Aquatic Centre

**Moved:** Mr John Coombe

**Seconded:** Cr Grant Gartrell

FRACA00032 That the Authority supports the concept of the Strathalbyn Swimming Club transitioning into a Swimming Club that manages participation at both the Strathalbyn Swimming Pool and the Fleurieu Aquatic Centre.

and

Supports the Fleurieu Regional Aquatic Centre Authority Executive Officer to continue discussions with the Strathalbyn Swimming Club to develop an implementation plan for transition of the club in line with the considerations contained in this report – 6.1 Swim Club for Fleurieu Aquatic Centre 21 October 2016; with a further report to come back to the Authority for consideration.

**CARRIED**

### 6.2 First quarter budget review

**Moved:** Mr John Coombe

**Seconded:** Cr Pat Chigwidden

FRACA000033 That the Fleurieu Regional Aquatic Centre Authority receive the First Quarter Budget Review for 2016/17 (as at 30 September 2016) and that the budget variations contained therein be adopted.

And

That the Fleurieu Regional Aquatic Centre Authority recommend the First Quarter Budget Review for 2016/17 (as at 30 September 2016) and the budget variations contained therein to the constituent Councils for endorsement; noting that further assessment of required Council funding contributions will be undertaken following the Third Quarter Budget Review and before the end of financial year; and further noting that the revised operational budget estimates remain based on indexed 2013 Business Case figures and assumptions.

**CARRIED**

### 6.3 Authority Policies

**Moved:** Cr Pat Chigwidden

**Seconded:** Cr Grant Gartrell

FRACA000034 That the Board noted the initial drafting of the following policies:-

1. Work Health Safety & Return to Work Policy
2. WHS Contractor Management Policy
3. Disposal of Land & Assets Policy
4. Sustainability Policy

and requested the Fleurieu Regional Aquatic Centre Authority Executive Officer to undertake a final edit of content and provide the policies to the constituent Councils for comment; with the policies to be re-presented to the Board for endorsement at the 16 December 2016 meeting

**CARRIED**

## **7 URGENT BUSINESS WITHOUT NOTICE**

### **Community Garden - Health and Wellbeing Precinct**

**Moved:** Mr John Coombe

**Seconded:** Cr Pat Chigwidden

FRACA000035 That the Authority commends the South Coast Environment Centre for its endeavour to establish a community garden and encourages it to continue to look at alternative sites; given that the Authority has as its core priority the establishment of the Fleurieu Aquatic Centre operations and is not in a position to enter into any agreement in relation to a community garden at this time.

## **8 CONFIDENTIAL REPORTS**

### **8.1 Verbal update - Facility Management & Operation Request for Tender**

**Moved:** Cr Pat Chigwidden

**Seconded:** Mr John Coombe

FRACA000036 That the Authority:

Under the provisions of Section 90(2) of the Local Government Act 1999 make an order that the public be excluded from the meeting, with the exception of the Executive Officer, Leonie Boothby; Acting General Manager - Organisation & Culture Alexandrina Council, Elizabeth Williams; and Fleurieu Aquatic Centre Project Manager, David Moyle; in order to consider in confidence a verbal report relating to Section 90(3)(k) of the Local Government Act 1999 relating to the procurement of Facility Management and Operation services for the Fleurieu Aquatic Centre, being information that must be considered in confidence in order to ensure that the Authority does not disclose information relating to tenders for the supply of goods, the provision of services or the carrying out of works; and

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 unreasonable exposure of commercial in confidence information provided by tenderers through the tender process and the Authority report, attachments and associated documents and to prevent an unfair advantage to a person with whom the Authority proposes to do business.

#### **Substantiation:**

The matter of the agenda item being a verbal update relating to the procurement of Facility Management and Operation services for the Fleurieu Aquatic Centre pursuant to Section 90(3)(k) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure that commercial in confidence information is not divulged and the Authority does not disclose information which may prejudice the outcome of current negotiations or future contracts.

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:

- the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process and the Authority report; and
- the disclosure would give an unfair advantage to a person with whom the Authority proposes to do business.

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.

**CARRIED**

**Moved:** Cr Grant Gartrell

**Seconded:** Cr Pat Chigwidden

FRACA000037 That the Authority:

Having considered this matter in confidence under Section 90(3)(k) of the Local Government Act 1999 makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the verbal report and discussion in relation to Confidential Item 8.1 of the Authority Meeting held 21 October 2016 and titled Facility Management & Operation Request for Tender - Verbal update, be kept confidential, until the Management Agreement is executed by both parties and that the Executive Officer be delegated the power to review and revoke this order; and

Makes an order that the discussion relating to the above confidentiality order and other information required to be released in accordance with the requirements of Section 91(8)(b) and (ba) of the Local Government Act 1999, be kept confidential until the Management Agreement is executed by both parties.

**CARRIED**

## **9 NEXT MEETING**

Ordinary meeting: 16 December 2016 – Civic Centre, 1 Bay Road, Victor Harbor

## **10 CLOSURE**

Meeting closed.