

14.3 REVIEW OF 2018-2019 CONFIDENTIAL ITEMS

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/05701
ATTACHMENTS: A - L

PURPOSE OF REPORT

The purpose of the report is to present the 2018-2019 Confidential Items Register to the Council for review and consideration.

BACKGROUND

In accordance with the *Local Government Act 1999* (the Act), Council (and Committee) meetings are open to the public and attendance is encouraged and welcomed.

There are, however, times where the Council (or the Committee), believes it is necessary in the broader community interest to exclude the public from the discussion of a particular matter in accordance with Section 90(3) of the Act.

The public will only be excluded when the need for confidentiality outweighs the principle of open decision making.

In addition to the above, the Act requires the Council to specify the duration of the order (ie determine a suitable period for which the item will remain confidential), and either impose a "release" date or event which will trigger the release of the item or a period after which the Council will review the order and determine if in fact the item should remain confidential.

In accordance with the Act, a review of the Council's 2018-2019 Confidential Items has been undertaken and a Register of Confidential Items has been prepared, setting out the date of the order, the grounds upon which the order was made and whether or not the document has become public by virtue of the resolution.

The Register also highlights those items which need to be determined in terms of whether the Council wishes to release the item or determine that the time should remain confidential, in accordance with the Act.

A copy of the 2018-2019 Register of Confidential Items is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

It is important to note that only the Council can determine to retain an item as a Confidential Item by virtue of a resolution to extend the period of the order.

As stated previously, a review of the Confidential Items for the period 1 July 2018 to 30 June 2019 has been undertaken. The Council considered a total of 22 items in camera during this period. A number of items (ie 11 items), are no longer confidential by virtue of the Council's original resolution which specified a time and/or an event to trigger the release of the item. The details of these items are contained in Attachment A.

For example, a report was presented to the Council advising the Council that the Council's Expression of Interest to participate in the 2019 Tour Down Under was successful. This item was considered by the Council as a confidential item and the Council resolved to retain the item in confidence until the official announcements had been made by the State Government. In accordance with Council's resolution, following the State Government's official announcement in terms of the participating Councils in the 2019 Tour Down Under, the report was made publicly available.

Of the 11 items which are currently deemed confidential, five (5) items relate to tenders and these items are recommended to be retained in confidence. From a governance perspective, it is not considered good practise to retain these items as confidential items for an indefinite period, therefore, a proposed process for the management of tenders in the future is set out below.

1. New Tenders

All tender documentation will include the following statement:

It is important to note that the Council will take all reasonable steps to maintain confidentiality of tender documents for a period of five (5) years. After this time it is intended that the tender documents will be released as public information, unless before that time the Tenderer requests the Council to retain the tender documents as confidential on the basis only of commercial reasons and /or a risk of detriment or prejudice to the Tenderer.

In the event a Tenderer does make such a request of the Council (that the tender documents should be retained as confidential), the Council will review the matter and consider the request, in accordance with the Local Government Act 1999. The Tenderer will be advised of the Council's decision to either release or to remake the confidentiality order(s) in respect to the tender documents, following consideration of the request and the circumstances of the particular tender.

2. Current Tender Documents

It is proposed that all matters currently considered confidential on the basis that they are tender documents be retained as confidential for a further five (5) year period.

In the lead up to the expiration of the five (5) year period, a letter will be sent to the Tenderer advising that the confidential order will expire and that it is the Council's intention to remove the confidential order and release the documents as public documents.

The Tenderer will be given the opportunity at that time, to request that the Council consider maintaining the confidential provisions on the basis of commercial reasons only.

In accordance with the arrangements for new tenders, the Council will then consider the request and determine whether or not to retain the confidentiality provisions pertaining to the tender documents.

In the event that the Tenderer is no longer operating, the confidential orders will be lifted and the tender documents will be released.

In the event that the Tenderer does not respond to the letter (in other words, advise the Council that they wish the confidential orders to be retained), within a designated period (ie four (4) weeks), the documentation will be released.

In addition to the five (5) items which relate to tenders, there are six (6) items which relate to various matters. A summary of the current Confidential Items which require the Council's consideration is set out below.

- Tender Selection Report – Annual Pruning and Removal of Council Trees (**Attachment B**)

This report is recommended to be retained in confidence due to the commercial nature of the information relating to the tenderers who submitted tenders for this matter. The recommendation is for the item to be retained in confidence for a five (5) year period in accordance with the process set out within this report.

- Tender Selection Report – Capital Works Brick Paved Footpath Reconstruction 2018-2019 (**Attachment C**)

This report is recommended to be retained in confidence due to the commercial nature of the information relating to the tenderers who submitted tenders for this matter. The recommendation is for the item to be retained in confidence for a five (5) year period in accordance with the process set out within this report.

- Adoption of the Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor) (**Attachment D**)

This report is recommended to be retained in confidence due to the commercial nature of the information relating to the tenderers who submitted tenders for this matter. The recommendation is for the item to be retained in confidence for a five (5) year period in accordance with the process set out within this report.

- Extinguishment of Easement & Re-alignment of Stormwater Pipe – Joslin (**Attachment E**)

This report is recommended to be retained in confidence due to the commercial nature of the information relating to the tenderers who submitted tenders for this matter. The recommendation is for the item to be retained in confidence for a five (5) year period in accordance with the process set out within this report.

- Vehicle Arrangements – Chief Executive Officer (**Attachment F**)

This matter was presented to the Council to the Council of the proposed vehicle arrangements for the Chief Executive Officer. The procurement of the vehicle assigned to the Chief Executive Officer has been completed and therefore there is no basis to retain this item as confidential.

- Chief Executive Officer's Strategic Performance Objectives (**Attachment G**)

The purpose of this report was to present the Chief Executive Officer's Strategic Performance Objectives for the next twelve (12) month period to the Council, in accordance with the Chief Executive Officer's Contract of Employment.

On the basis that the Strategic Performance Objectives relate to the role of the Chief Executive Officer, there is no reason for this matter to be retained as confidential.

- LED Street Lighting Transition – Carbon Abatement (**Attachment H**)

The purpose of this report was to seek the Council's endorsement to participate in a carbon abatement project, which has been developed to enable the Council to earn and sell carbon credits created from the transition of its Street lighting to LED Technologies.

The Council has now entered into the Licence Agreement with Australian Integrated Carbon Financial Services Pty Ltd to register the LED Transition project and therefore, there is no basis to retain this item and a confidential item.

- Tender Selection Report – New Clubrooms & Members Facilities at Norwood Oval – Demolition Package (**Attachment I**)

This report is recommended to be retained in confidence due to the commercial nature of the information relating to the tenderers who submitted tenders for this matter. The recommendation is for the item to be retained in confidence for a five (5) year period in accordance with the process set out within this report.

- Purchase of Land – 86-88 Sixth Avenue, St Peters (**Attachment J**)

This matter related to the potential purchase of land located at 86 Sixth Avenue, St Peters which is next to a Council Reserve on the corner of Winchester Street and Sixth Avenue by the Council.

In December 2018, the Council purchased the land at 86 Sixth Avenue St Peters and therefore, there is no basis to retain this item as a confidential item.

- Purchase of Land – 86-88 Sixth Avenue, St Peters (**Attachment K**)

This item set out the results of the investigations into the potential purchase of the properties located at 86 and 88 Sixth Avenue, St Peters.

In December 2018, the Council purchased the land at 86 Sixth Avenue St Peters and therefore, there is no basis to retain this item as a confidential item.

- Purchase of Land – Lot 26 College Road, Kent Town (**Attachment L**)

This matter involved seeking the Bureau of Meteorology's position in respect to the future of the land located at Lot 26 College Road, Kent Town. The Council resolved to write to the Minister to seek clarification on the status of the former Bureau of Meteorology land.

Whilst the Minister has responded to the Council's correspondence, further information will be made available in the future following the Minister's consideration of the various options regarding the future use of the site.

As this matter is ongoing, it is recommended that the item be retained as confidential until the matter is completed.

OPTIONS

The Council can determine to release all confidential items as set out in Attachment A, however as the items relate to matters involving commercial information, it is recommended that the Council retain the confidential provisions relating to these items on the basis of the process as set out in this report.

CONCLUSION

The review of the Council's confidentiality orders ensures compliance with the legislative requirements as set out in Sections 90 and 91 of the *Local Government Act 1999*.

COMMENTS

Nil.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act, 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any duty of confidence;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Tender Selection Report – Annual Pruning and Removal of Council Trees

- 1.1 That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

- 1.2 In accordance with Section 91(7) of the *Local Government Act 1999*, the report, *Tender Selection Report – Annual Pruning and Removal of Council Trees* dated 2 July 2018 (**Attachment B**), be kept confidential until July 2023, after which time the order will be reviewed.

RECOMMENDATION 3

Tender Selection Report – Capital Works Brick Paved Footpath Reconstruction 2018-2019

2.1 That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

2.1 In accordance with Section 91(7) of the *Local Government Act 1999*, the report, *Tender Selection Report – Capital Works Brick Paved Footpath Reconstruction 2018-2019* dated 2 July 2018 (**Attachment C**), be kept confidential until July 2023, after which time the order will be reviewed.

RECOMMENDATION 4

Adoption of the Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor)

3.1 That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

3.2 In accordance with Section 91(7) of the *Local Government Act 1999*, the *Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor)* (**Attachment D**), be kept confidential until July 2023, after which time the order will be reviewed.

RECOMMENDATION 5

Extinguishment of Easement & Re-Alignment of Stormwater Pipe – Joslin

4.1 That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

4.2 In accordance with Section 91(7) of the *Local Government Act 1999*, the report, *Extinguishment of Easement & Re-alignment of Stormwater Pipe – Joslin* dated 22 August 2018 (**Attachment E**), be kept confidential until July 2023, after which time the order will be reviewed.

RECOMMENDATION 6

Tender Selection Report – New Clubrooms & Members Facilities at Norwood Oval – Demolition Package

5.1 That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

5.2 In accordance with Section 91(7) of the *Local Government Act 1999*, the report, *Tender Selection Report – New Clubrooms & Members Facilities at Norwood Oval – Demolition Package* dated 12 September 2018 (**Attachment I**), be kept confidential until July 2023, after which time the order will be reviewed.

RECOMMENDATION 7

Purchase of Land – Lot 26 College Road, Kent Town

6.1 That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

6.2 In accordance with Section 91(7) of the *Local Government Act 1999*, the report and minutes regarding the *Purchase of Land – Lot 26 College Road, Kent Town* dated 3 December 2018 (**Attachment L**), be kept confidential until July 2020, after which time the order will be reviewed.

RECOMMENDATION 8

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Cr Sims moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Financial Services Manager and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(g) matters that must be considered in confidence in order to ensure that the council does not breach any duty of confidence;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Dottore and carried unanimously.

Cr Duke moved:

1. Tender Selection Report – Annual Pruning and Removal of Council Trees

1.1 That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

*1.2 In accordance with Section 91(7) of the Local Government Act 1999, the report, Tender Selection Report – Annual Pruning and Removal of Council Trees dated 2 July 2018 (**Attachment B**), be kept confidential until July 2023, after which time the order will be reviewed.*

Seconded by Cr Minney and carried.

Cr Moore moved:

2. Tender Selection Report – Capital Works Brick Paved Footpath Reconstruction 2018-2019

2.1 That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

*2.1 In accordance with Section 91(7) of the Local Government Act 1999, the report, Tender Selection Report – Capital Works Brick Paved Footpath Reconstruction 2018-2019 dated 2 July 2018 (**Attachment C**), be kept confidential until July 2023, after which time the order will be reviewed.*

Seconded by Cr Moorhouse and carried.

Cr Mex moved:

3. Adoption of the Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor)

3.1 That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

3.2 In accordance with Section 91(7) of the Local Government Act 1999, the Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor) (**Attachment D**), be kept confidential until July 2023, after which time the order will be reviewed.

Seconded by Cr Stock and carried unanimously.

Cr Dottore moved:

4. Extinguishment of Easement & Re-Alignment of Stormwater Pipe – Joslin

4.1 That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

4.2 In accordance with Section 91(7) of the Local Government Act 1999, the report, Extinguishment of Easement & Re-alignment of Stormwater Pipe – Joslin dated 22 August 2018 (**Attachment E**), be kept confidential until July 2023, after which time the order will be reviewed.

Seconded by Cr Moore and carried unanimously.

Cr Duke moved:

5. Tender Selection Report – New Clubrooms & Members Facilities at Norwood Oval – Demolition Package

5.1 That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

5.2 In accordance with Section 91(7) of the Local Government Act 1999, the report, Tender Selection Report – New Clubrooms & Members Facilities at Norwood Oval – Demolition Package dated 12 September 2018 (**Attachment I**), be kept confidential until July 2023, after which time the order will be reviewed.

Seconded by Cr Sims and carried unanimously.

Cr Granozio moved:

6. Purchase of Land – Lot 26 College Road, Kent Town

6.1 That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

6.2 In accordance with Section 91(7) of the Local Government Act 1999, the report and minutes regarding the Purchase of Land – Lot 26 College Road, Kent Town dated 3 December 2018 (**Attachment L**), be kept confidential until July 2020, after which time the order will be reviewed.

Seconded by Cr Knoblauch and carried unanimously.

Cr Moore moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Seconded by Cr Sims and carried unanimously.

Attachment A

Review of Confidential Items

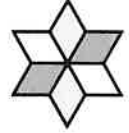
Released

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City of
**Norwood
Payneham
& St Peters**



Confidential Items Register

1 July 2018 – 30 June 2019

Released

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	Date of Next Review
2018							
1 Council 2/7/18	14.1	Tender Selection – Annual Pruning And Removal Of Council Trees	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
2 Council 2/7/18	14.2	Tender Selection Report - Capital Works Brick Paved Footpath Reconstruction 2018-2019	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
3 Council 2/7/18	14.3	Appointment of Independent Chairperson of Eastern Region Alliance (ERA) Water & Appointment of Members to ERA Water Audit Committee	Section 90(2) and (3)(a)	Released	N/A	Released by virtue of the original motion.	N/A
4 Council 2/7/18	14.4	2019 Tour Down Under	Section 90(2) and (3)(d)	Released	N/A	Released by virtue of the original motion.	N/A
5 Council 6/8/18	14.1	Adoption of Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor)	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
6 Council 22/8/18	3.1	Extinguishment of Easement & Re-Alignment of Stormwater Pipe – Joslin	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
7 Council 3/9/18	14.1	Vehicle Arrangements - Chief Executive Officer	Section 90(2) and (3)(a)	Release			
8 Council 3/9/18	14.2	Chief Executive Officer's Strategic Performance Objectives	Section 90(2) and (3)(a)	Release			

Confidential Items Register 1 July 2018 - 30 June 2019

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	Date of Next Review
9 Council 12/9/18	4.1	LED Street light transition – Carbon Abatement	Section 90(2) and (3)(d)	Release			
10 Council 12/9/18	4.2	Tender Selection Report - New Clubrooms & Members Facilities at Norwood Oval - Demolition Package	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
11 Council 5/11/18	14.1	Written Notice Of Motion – Purchase of Land – 86 Sixth Avenue, St Peters	Section 90(2) and (3)(b)	Release		Land has been purchased	
12 Council 21/11/18	2.1	Purchase Of Land – 86-88 Sixth Avenue, St Peters	Section 90(2) and (3)(b)	Release		Land has been purchased	
13 Council 3/12/18	14.1	Written Notice Of Motion – Purchase of Land – Lot 26 College Road, Kent Town	Section 90(2) and (3)(b)	Retain in confidence	12 months		July 2020
14 Council 3/12/18	14.2	2019 Australia Day Award Nominations	Section 90(2) and (3)(a)	Released	N/A	Released by virtue of the original motion.	N/A
15 Council 3/12/18	14.3	2020 Tour Down Under – Expression Of Interest	Section 90(2) and (3)(g)			Will be released by virtue of the resolution	N/A
2019							
16 Council 4/2/19	14.1	Appointments to the Norwood Parade Precinct Committee	Section 90(2) and (3)(a)	Released	N/A	Released by virtue of the original motion.	N/A
17 Council 4/2/19	14.2	Membership of the Business & Economic Development Committee	Section 90(2) and (3)(a)	Released	N/A	Released by virtue of the original motion.	N/A

Confidential Items Register 1 July 2018 - 30 June 2019

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	Date of Next Review
18 Council 4/3/19	14.1	Tender – Supply and Implementation of an Electronic Document and Records Management Solution	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report confidential.	June 2024
19 Council 1/4/19	14.1	Appointment of an Independent Member to the Audit Committee	Section 90(2) and (3)(a)	Released	N/A	Released by virtue of the original motion.	N/A
20 Council 17/4/19	3.1	Tender – Norwood Oval Main Works Package for the new Clubrooms & Members Facilities	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report confidential.	July 2024
21 Council 6/5/19	14.1	East Waste Recycling Contract	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2024
22 Council 6/5/19	14.2	2019 ARA Annual Report Awards	Section 90(2) and (3)(g)	Retain in confidence	To be released on 20 June 2019		N/A

Attachment B

Review of Confidential Items

Released

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City of
**Norwood
Payneham
& St Peters**

14.1 TENDER SELECTION REPORT – ANNUAL PRUNING AND REMOVAL OF COUNCIL TREES

REPORT AUTHOR: Manager, City Services
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 9007
FILE REFERENCE: S/05129
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to appoint the preferred tenderer, following an open tender process for the delivery of tree removal and pruning services for a five (5) year period.

BACKGROUND

The Council undertakes a tree removal and pruning program annually, primarily based on the request for trees to be removed or pruned. The requirement to engage contractors to undertake these works is due to the size and height of the trees exceeding the requirements that can be undertaken by the Council staff.

The Council area currently has and maintains some 30,000 trees which are planted on road reserves and parks and gardens.

To date, each time a tree is removed or pruned, quotes are sought and different contractors are engaged resulting in loss of time by staff in having to obtain three (3) written quotations every time a tree needs to be pruned or removed.

As the value of the contract exceeds \$100,000 (undertaken by contractors) in any given year for the delivery of this operation, an open tender process in accordance with the requirements of the Council's Procurement Policy, was undertaken.

Tenders were received from the following contractors:

- Mark Lawson Professional Tree Services;
- Taking Care of Trees,
- Active Tree Services;
- Mechanical Veg Solutions;
- Urban Virons;
- Arbotech Tree Services; and
- Austral Tree Services.

Given the nature of the Contract (that is, the number of trees which are required to be removed or pruned will vary from year to year). Tenderers were required to submit a Schedule of Rates for the various components of the works for both the removal and pruning of trees.

As the quantity of each component of the work varies depending on the number of trees to be pruned or removed each year, it is impractical to request a lump sum contract price.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Given that the total aggregate value of the Contract exceeds \$250,000, the Council's Schedule of Delegations, requires that this Contract be considered and awarded by Council (i.e. it is not a delegated authority).

An open tender process was conducted as required by the Council's Procurement Policy.

The relevant Strategic Outcomes and Objectives related to this project, as set out in the Council's *City Plan 2030 – Shaping Our Future* are summarised as follows:

Outcome 1: Social Equity**A connected, accessible and pedestrian-friendly community.****Objectives:**

2. A people-friendly, integrated and sustainable transport and pedestrian network.

Appropriate pruning of trees on a regular basis is required to provide the adequate understorey clearance, both on the footpaths and roads to allow both pedestrians and vehicles safe access.

Outcome 4: Environmental Sustainability**A leader in environmental sustainability.****Objectives:**

3. Sustainable quality streetscapes and open spaces.

One of the Council's key objectives is to provide, enhance and maintain healthy trees, both on the verges and in the Council's reserves and landscape areas. This can be achieved by appropriate pruning of the trees when required.

FINANCIAL AND BUDGET IMPLICATIONS

An allocation of \$120,000 has been made in the 2017–2018 Budget for the removal and pruning of trees by contractors. As at 21 June 2018, the total expenditure is \$130,400 for both the removal and pruning of street trees. This expenditure is 10% above the Budget amount.

In order to obtain a fair comparison of cost for the tenders which have been received, the total amount shown in the Valuation Matrix as contained in **Attachment A**, has been based on 200 hours for the pruning of trees and the removal of 200 trees. These quantum will vary from year to year as it is not possible to obtain an exact figure of trees that will need to be pruned or removed in any financial year. This expenditure will be affected by the health of the trees, storm damage and requests which are received and approved from the pruning or removal of trees.

Table 1 below sets out the combined expenditure for the removal and pruning of trees for the last five (5) financial years by contractors.

TABLE 1: TOTAL TREE MAINTENANCE COSTS CONTRACTED SERVICES

YEAR	ACTUAL	BUDGET	VARIANCE
2013 - 2014	\$111,111	\$80,624	-\$30,487
2014 - 2015	\$135,944	\$108,505	-\$27,439
2015 - 2016	\$197,476	\$105,000	-\$92,476
2016 - 2017	\$234,984	\$127,000	-\$107,984
2017 - 2018	\$130,401	\$120,000	-\$10,401

It should be noted that in the 2015–2016 and 2016–2017 financial years, two (2) major storms occurred. These events occurred on 16 September 2015, 22 January 2016 and between 8 September 2016 and 1 October 2016. A report on the damage and severity of these storms was presented to the Council in December 2016. This has resulted in the higher costs in those financial years due to the severity of the storms resulting in considerable damage to the Council's tree stock.

The actual costs for the 2018–2019 financial year can only be realised as the delivery of the works progresses throughout the year. The budget will be reported during the Quarterly Budget Reviews throughout the year as required.

It should be noted that the works to be undertaken by the successful contractor are above and beyond the works which are undertaken by Council staff for the pruning and removal of trees. This occurs because Council resources (both plant and staff) are limited in terms of pruning branches at a high level and the removal of large trees.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council's Environmental Sustainability Policy (ESP) provides appropriate conditions of contract and standard operating procedures which are incorporated into the Contract to reduce the likelihood and consequences of any of those hazards occurring during the undertaking of the works.

Contractors are inducted into the Council's ESP and are contractually obliged to comply with its requirements. Council staff undertake regular inspections and act on any issues of non-compliance which are identified during the undertaking of the works.

RESOURCE ISSUES

The delivery of the works will be managed by Council staff. The on-ground works will be delivered by the Contractor.

RISK MANAGEMENT

The pertinent risk issue associated with the awarding of this Contract is the inability of the Contractor to deliver the requirements of the Contract. To ensure that the level of risk is identified, the tender evaluation process included consideration of each tenderer's prior experience, reliability and ability to complete the work on time.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Services;
Manager, Financial Services;
Acting Manager, City Assets;
Works Coordinator, City Services; and
City Arborist.
- **Other Agencies**
Not Applicable.

DISCUSSION

As with all tender assessments, there are a number of factors and criteria which are considered in determining the preferred tenderer. These factors include proposed methodology, WHS and risk systems, organisational structure, equipment and resources, value add, improvements, innovations, expenditure and references.

To determine the preferred tenderer, the Schedule of Rates submitted by each tenderer was applied to the number of trees by size (diameter) to be removed and the number of hours required to prune the trees. The number of hours estimated to prune the trees was based on the average hours taken over the last four (4) financial years. This calculation was placed in a price based tender evaluation matrix as shown in **Attachment A**. This method allows for an equitable comparison between each tenderer's submission in respect to price.

A weighted analysis of price and non-price criteria was also undertaken as part of the assessment of tenders received, in order to determine which tenderer would provide Council with the best value. Point scores have been allocated to each criterion.

In assessing the criterion as shown in Attachment A, a Value Index has been calculated, which is the price submitted divided by quality of the submission. The valuation of the quality is based on the weighted score for the individual evaluation criteria. This calculation is shown in the matrix attached (**Attachment A**).

The selection of the preferred tenderer is based on the lowest Value Index. The Value Index for each tenderer resulting from the assessment undertaken is shown in Table 2.

TABLE 2: RESULTS OF TENDER EVALUATION MATRIX

TENDERER	*VALUATION INDEX
Mark Lawson Professional Tree Services	539.39
Taking Care of Trees	582.69
Active Tree Services	462.75
Mechanical Veg Solutions	953.08
Urban Virons	368.64
Arbortech Tree Services	515.28
Austral Tree Services	755.54

**A lower score is better.*

It is important to note that whilst Arbortech Tree Services was the most competitive tenderer based on price, they did not receive the lowest Valuation Index, based on weighting of non-price criteria.

Based on the assessment which has been undertaken, Urban Virons has achieved the lowest Valuation Index of 368.64, as shown in **Attachment A**, as compared with other tenders received which includes price and non-price criteria.

It is therefore recommended that Urban Virons be awarded the Contract.

OPTIONS

The Council can choose to award the contract to Urban Virons, as recommended.

Alternatively, the Council may choose to award the Contract to any of the other tenderers, or not award the Contract at all.

To enable for the works to commence and based on the procurement process which has been undertaken, there is no logical reason why Council would not award the Contract as recommended.

Given that Urban Virons has achieved the best result that is lowest overall in comparison to the other tenders received, which includes price and non-price criteria, it is recommended that Urban Virons be awarded this Contract.

CONCLUSION

Urban Virons is a proven tree management Contractor with significant experience with this Council and other councils. This experience, together with a competitive price makes it the preferred tenderer.

COMMENTS

Nil.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the Contract for the City of Norwood Payneham & St Peters' Pruning and Removal of Council Trees be awarded to Urban Virons as per the specified Schedule of Rates, to be managed within existing and ongoing operational budgets for a term of five (5) years.
2. That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with awarding of this Contract.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Duke moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, City Services, Project Officer, Civil and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Minney and carried.

Cr Minney moved:

- 1. That the Contract for the City of Norwood Payneham & St Peters' Pruning and Removal of Council Trees be awarded to Urban Virons as per the specified Schedule of Rates, to be managed within existing and ongoing operational budgets for a term of five (5) years.*
- 2. That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with awarding of this Contract.*

Seconded by Cr Knoblauch and carried unanimously.

Cr Minney moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Dottore and carried unanimously.

Released

Attachment C

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
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**City of
Norwood
Payneham
& St Peters**

14.2 TENDER SELECTION REPORT - CAPITAL WORKS BRICK PAVED FOOTPATH RECONSTRUCTION 2018-2019

REPORT AUTHOR: Project Officer - Civil
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4571
FILE REFERENCE: S/05214
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to appoint the recommended Contractor, following an open tender process undertaken for the Council's Annual Footpath Reconstruction Program ("the Program").

BACKGROUND

The Council undertakes the Program, based on its "Whole of Life" Infrastructure Asset Replacement Model and the Council's Civil Infrastructure Asset Management Plan. The Program enables the current level of standard of footpaths throughout the City to be maintained.

The current three-year Contract for the delivery of the Program expires on 30 June 2018. As such, a procurement process has been undertaken in order to appoint a Contractor to deliver the Program for the next three (3) years, commencing with the 2018-2019 Program.

The value of the contract exceeds \$100,000 and as such, an open tender in accordance with the requirements of the Council's Tenders and Purchasing Policy, was undertaken for the 2018-2019 Program.

Tenders were received from the following contractors:

- BEST Bricks & Pavers;
- Falzon Paving & Concrete;
- Boral Hollostone Masonry;
- Nova Group Services;
- Icon Paving;
- Basetec; and
- Aberfoyle Brick Paving.

Tenderers were required to submit a Schedule of Rates for the various components of the work, which not only includes laying of the pavers, but also includes associated work such as excavation and disposal of existing material, reconstructing driveway crossovers, replacing stormwater pipes, altering utility service pits, mortaring around signs and fences, replacing verge material and replacing unsuitable sub-base material.

As the quantity of each component of the work varies depending on site conditions which may be encountered, it is impractical to request a Lump Sum contract price.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Given that the value of the works is above \$250,000, the Council's Schedule of Expenditure Authorities, requires that this Contract be considered and awarded by the Council (i.e. it is not a delegated authority). As stated above, an open tender process was conducted as required by the Council's Tenders and Purchasing Policy.

The relevant Strategic Outcomes and Objectives related to the Program, as set out in the Council's *City Plan 2030 – Shaping Our Future* are summarised as follows;

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

1. Sustainable and efficient management of water, energy and other resources. One of the Council's key objectives is to provide and maintain its civil infrastructure at a high quality and standard. The undertaking of the works as part of this Program will enable the Council to meet its objectives, as adopted within its Asset Management Plan and its Strategic Plan and provide for safer footpaths throughout the City.

FINANCIAL AND BUDGET IMPLICATIONS

A total of \$811,352 has been allocated within the Draft 2018-2019 Budget for the works associated with the Program. The Council's Civil Infrastructure Asset Management Plan identifies the need for similar amounts to be spent on an annual basis to ensure that the Council's footpaths are replaced in line with the expected useful lives of the existing footpaths.

The actual expenditure will depend on the specific quantities of the various components of the work which are ultimately required to be completed. At this stage, this is difficult to quantify, however, a first order estimate shows that the total cost for the Program is in line with the 2018-2019 Budget allocation. As the Program is carried out and the actual cost becomes more certain, Budget revisions will be undertaken accordingly. However, the actual expenditure is expected to be within Budget.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Although, the Council does not currently have a certified Environmental Management System (EMS) the Council's Environmental Sustainability Policy provides appropriate conditions of contract and standard operating procedures which are incorporated into the Contract to reduce the likelihood and consequence of any of those hazards occurring during the undertaking of the works associated with the Program.

Contractors are inducted into the Council's Environmental Sustainability Policy and are contractually obliged to comply with its requirements. Council staff undertake regular inspections and act on any issues of non-compliance which are identified during the undertaking of the works associated with the Program.

RESOURCE ISSUES

The delivery of the Program will be project managed by Council staff. The on-ground works associated with the Program will be delivered by the Contractor.

RISK MANAGEMENT

The pertinent risk issue associated with the awarding of this Contract is the recommended Contractor's ability to deliver the requirements of the Contract. To ensure that the level of risk is identified, the tender evaluation process included consideration of each tenderer's prior experience, reliability and ability to complete the works on time.

The results of the tender evaluation are outlined in the Discussion section of this report.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Services; and
Acting Manager, City Assets.
- **Other Agencies**
Not Applicable.

DISCUSSION

As with all tender assessments, there are a number of factors or criteria which are considered in determining the preferred tenderer. These factors include relevant experience, technical competence, business capability, financial stability, methodology, WHS, price, etc. However, in respect to the Program, price is rated higher than the other assessment criteria.

To determine the most competitive tender, the Schedule of Rates tendered by each contractor, was applied to a hypothetical one hundred metre (100m) section of footpath, which contained typical quantities of the various components of the work (e.g. stormwater pipe replacements, verge filling, replacement of unsuitable sub-base, driveway crossover reconstructions, mortaring around utility pits, excavation and disposal of existing footpath materials, etc.). This method allowed for a fair comparison between each tenderers' submission and is in line with the methodology for assessments undertaken with previous tenders for the delivery of the Program, this information is contained in **Attachment A**.

The nominal "per square metre" rate for each tenderer, based on the nominal quantities, is summarised in Table 1 below.

TABLE 1: NOMINAL FOOTPATH RECONSTRUCTION RATES

Tenderer	Nominal Footpath Reconstruction Rate (per m2)
BEST Bricks & Pavers	\$89.31
Falzon Paving & Concrete	\$130.62
Boral Hollostone Masonry	\$94.33
Nova Group Services Nova Group Services	\$107.12
Icon Paving	\$154.72
Basetec	\$409.73
Aberfoyle Brick Paving	\$84.16

In terms of price, Aberfoyle Brick Paving is the most competitive.

A Tender Evaluation Matrix was also used to undertake a weighted analysis of price and non-price factors for each tenderer, in order to determine which tenderer would provide the Council with the best value. Non-price factors include the tenderer's prior experience and reputation, technical skills of personnel and the ability of the tenderer to perform the work within the required timeframe.

Based on each tender, Council Staff's knowledge of each contractor and reference checks, point scores have been allocated to each criteria. A copy of the completed Tender Evaluation Matrix, which indicates the outcome of the assessment of each criteria for each tenderer, is contained in **Attachment B**.

The overall score for each tenderer, based on the Tender Evaluation Matrix, is summarised in Table 2 below, whereby the higher the score the better.

TABLE 2: SUMMARY OF TENDER SCORES

Tenderer	Tender Evaluation Score
BEST Bricks & Pavers	416.44
Falzon Paving & Concrete	321.37
Boral Hollostone Masonry	414.05
Nova Group Services Nova Group Services	361.47
Icon Paving	330.28
Basetec	-135.12
Aberfoyle Brick Paving	417.35

As indicated in Table 2, Aberfoyle Brick Paving received the highest score and is therefore the preferred tenderer. Whilst, Aberfoyle Brick Paving was the most competitive based on price; they also performed well in other criteria.

Aberfoyle Brick Paving have been the Council's footpath brick paving contractor for the past nine (9) years and have performed to a high standard. During the term of the current Contract, Aberfoyle Brick Paving have not only produced quality work, but their attention to detail and willingness to co-operate with both property owners and Council Staff has been excellent. Their commitment to the Council has been invaluable providing reassurance that the Council's expectations will continually be met each year at the level of quality Council staff and the community deserve.

On the basis of Aberfoyle Brick Paving achieving the overall best tender evaluation score, including having the most competitive price, they are considered the preferred tenderer.

The Contract has been tendered on a basis of an initial one (1) year term, with an option for up to two (2) single year extensions subject to successful performance. The Contract contains provision for annual price increases on the Schedule of Rates, based on Consumer Price Index (CPI) increases, should the option to extend be taken up.

OPTIONS

The Council can resolve to award the Contract to Aberfoyle Brick Paving, as recommended. Alternatively, the Council may choose to award the Contract to any of the other tenderers, or not to award the Contract at all.

Given that the required tender process has been undertaken and the Program is required to be implemented, there is no logical reason why the Council would not award the Contract as recommended. Also, given that Aberfoyle Brick Paving has achieved the best result in comparison with the other tenderers through the tender evaluation process which included price and non-price factors, there is no logical reason for the Council not to award the Contract to Aberfoyle Brick Paving.

CONCLUSION

Aberfoyle Brick Paving is a proven paving contractor, with significant experience in the delivery of the Council's Footpath Reconstruction Program. This experience, along with a very competitive price, makes them the preferred tenderer.

Should the Council award the Contract, it is expected that the works will commence in August 2018 and be completed by June 2019.

COMMENTS

The detailed information contained in this report is commercially sensitive and while the Local Government Act 1999 and Freedom of Information Act provide for certain information to be made publicly available in certain circumstances, the report should still be considered in confidence.

RECOMMENDATION 1

That pursuant to Section 90 (2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council Staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the Contract for the Construction of Brick Paving to Footpaths within the City of Norwood Payneham & St Peters for 2018-2019, be awarded to Aberfoyle Brick Paving, for a one (1) year term, with the Council having the right of renewal for up to two (2) single year extensions.
2. That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with awarding of this the Contract.
3. That the General Manager, Urban Services, be authorised to approve the two (2) single year contract extensions in 2019-2020 and 2020-2021 respectively, subject to satisfactory performance of the Contractor and sufficient budget allocation being made by the Council in the 2019-2020 and 2020-2021 financial years for the delivery of the Program.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Granozio moved:

That pursuant to Section 90 (2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council Staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, City Services, Project Officer, Civil and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Minney and carried.

Cr Whittington moved:

- 1. That the Contract for the Construction of Brick Paving to Footpaths within the City of Norwood Payneham & St Peters for 2018-2019, be awarded to Aberfoyle Brick Paving, for a one (1) year term, with the Council having the right of renewal for up to two (2) single year extensions.*
- 2. That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with awarding of this the Contract.*
- 3. That the General Manager, Urban Services, be authorised to approve the two (2) single year contract extensions in 2019-2020 and 2020-2021 respectively, subject to satisfactory performance of the Contractor and sufficient budget allocation being made by the Council in the 2019-2020 and 2020-2021 financial years for the delivery of the Program.*

Seconded by Cr Dottore and carried unanimously.

Cr Shepherdson moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Duke and carried.

Released

Attachment D

Review of Confidential Items

Released

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City of
Norwood
Payneham
& St Peters

14.1 ADOPTION OF CONFIDENTIAL MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 26 FEBRUARY 2018 (APPOINTMENT OF AUDITOR)

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/03793
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of a technical issue associated with the Minutes of the Audit Committee Meeting held on 26 February 2018 and to present the Confidential Minutes of the Audit Committee Meeting held on 26 February 2018, for the Council's adoption.

BACKGROUND

Section 41 of the *Local Government Act 1999* (the Act), provides the decision making framework for councils and sets out the requirements in terms of the conduct of Council meetings as part of the decision making process.

The Act makes provision for the establishment of committees to assist the Council in the performance of its functions. The Act places an obligation and mandatory requirements for councils to establish certain Committees. Specifically, Section 126 of the Act stipulates that councils are required to establish an Audit Committee.

At its meeting held on 4 October 2016, the Council established the Audit Committee (the Committee), together with the Committee's Terms of Reference.

In establishing the Committee, the Council determined that the Committee does not have any delegated powers, functions or duties of the Council and therefore the Committee is not a decision making body. All decisions of the Committee constitute recommendations to the Council.

This provision is set out in Clause 4.1 of the Terms of Reference which reads as follows:

- 4.1 Pursuant to Section 44 of the Local Government Act 1999, the Audit Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.*

In practise, this means that all decisions of the Audit Committee must be referred to the Council for adoption.

To facilitate this requirement, Minutes of the Audit Committee meetings are presented to the Council for adoption and endorsement.

At its meeting held on 5 March 2018, the Minutes of the Audit Committee Meeting which was held on 26 February 2018, were presented to the Council. Following consideration of the Minutes of the Audit Committee meeting, the Council resolved the following:

- that the minutes of the meeting of the Audit Committee held on 26 February 2018, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.*

Notwithstanding this, it has been determined that the Minutes of the Audit Committee meeting held on 26 February 2018, contained a Confidential Recommendation to the Council, however the Confidential Report and Attachments to the Report (ie Item 8.1 Tender Evaluation – External Financial Audit Services), were not provided to Elected Members (other than those Elected Members on the Audit Committee), at that time.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

At its meeting held on 26 February 2018, the Audit Committee considered a Confidential report regarding the appointment of External Auditors for a period of five (5) years, commencing on 1 July 2017 for the 2017-2018 Financial Statements through to the conclusion of the 2022-2023 Financial Statements.

The item was presented to the Committee as a Confidential Item in accordance with Section 90(2) and (3) (k) of the *Local Government Act 1999*, on the basis that the Committee would receive, discuss and consider the tenders which had been received for the provision of External Financial Audit Services.

Following consideration of the matter, the Audit Committee resolved the following:

That pursuant to Section 128(2) of the Local Government Act 1999, the Audit Committee recommends to the Council that BDO Advisory (SA) Pty Ltd, be appointed as the Council's Auditors with the term of audit appointment being for a maximum of five (5) years commencing on 1 July 2017 for the 2017-2018 Financial Statements through to the conclusion of the 2022-2023 Financial Statements.

A copy of the Confidential Minutes of the Audit Committee meeting which was held on 26 February 2018, is contained in **Attachment A**.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

That the resolution of the Audit Committee meeting held on 26 February 2018, as set out below as a recommendation to the Council, be adopted as a decision of the Council:

Pursuant to Section 128(2) of the Local Government Act 1999, the Audit Committee recommends to the Council that BDO Advisory (SA) Pty Ltd, be appointed as the Council's Auditors with the term of audit appointment being for a maximum of five (5) years commencing on 1 July 2017 for the 2017-2018 Financial Statements through to the conclusion of the 2022-2023 Financial Statements.

RECOMMENDATION 3

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Dottore moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Shepherdson and carried.

Cr Minney moved:

That the resolution of the Audit Committee meeting held on 26 February 2018, as set out below as a recommendation to the Council, be adopted as a decision of the Council:

Pursuant to Section 128(2) of the Local Government Act 1999, the Audit Committee recommends to the Council that BDO Advisory (SA) Pty Ltd, be appointed as the Council's Auditors with the term of audit appointment being for a maximum of five (5) years commencing on 1 July 2017 for the 2017-2018 Financial Statements through to the conclusion of the 2022-2023 Financial Statements.

Seconded by Cr Shepherdson and carried unanimously.

Cr Minney moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Wormald and carried unanimously.

Attachment E

Review of Confidential Items

Released

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**City of
Norwood
Payneham
& St Peters**

3.1 EXTINGUISHMENT OF EASEMENT & RE-ALIGNMENT OF STORMWATER PIPE – JOSLIN

REPORT AUTHOR: Project Manager - Assets
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4538
FILE REFERENCE: S.04573 & S.04863
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of the report is to present to the Council, an update on the progress of the extinguishment of a stormwater easement which exists on privately owned property at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin and to seek the Council's approval to appoint the preferred tenderer to undertake the re-alignment of the stormwater pipe to the adjacent Council owned land (walkway).

BACKGROUND

As Elected Members will recall at its meeting held on 5 December 2016, the Council considered a report to extinguish a stormwater easement is located on privately owned property at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin and to relocate the stormwater pipe (i.e. lay a new stormwater pipe) on adjacent Council owned land (walkway). This proposal was initiated at the request of the Government of the People's Republic of China (through the Chinese Consulate-General) following its purchase of the land for the purpose of establishing the Consulate-General of the People's Republic of China in Adelaide.

The costs associated with the relocation of the stormwater pipe and extinguishment of the easement will be met by the Government of the People's Republic of China.

Following consideration of the matter at its meeting held on 5 December 2016, the Council resolved the following:

1. *That the Council agrees to the extinguishment of an existing easement located at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin (Certificates of Title Volume 5261 Folio 363, being allotments 4 and 5 in Filed Plan 138009) and to re-align the path of the stormwater drain (and lay a new stormwater pipe) to adjacent Council owned land, on terms described in the Deed of Agreement document, contained in Attachment C to this report, including the gifting of a 600mm strip of land from the Chinese Consulate-General to the Council, to permit the walkway to be widened to three (3) metres.*
2. *That the walkway and the 600mm strip of land be converted to a public thoroughfare, as distinct from community land, if required.*
3. *That the Council acquire an Easement in Gross over the whole of the widened walkway.*
4. *That the Council extinguish the easement over the common property in Strata Plan No. 1361 at 75 Fifth Avenue, Joslin.*
5. *That the Mayor and the Chief Executive Officer be authorised to sign and seal the Deed of Agreement document described in Point 1 above.*
6. *That pursuant to the Electronic Conveyancing National Law (South Australia) Act 2013, the Chief Executive Officer be authorised to execute a Client Authorisation Form on behalf of the Council, to authorise a Subscriber to:*
 - (a) *act for the Council in consenting to the extinguishment of easements and creation of an easement in gross and merging of the 600mm strip of land with the existing walkway contained in Certificate of Title Volume 6159, Folio 921 and registering the new allotment as a Public thoroughfare (if appropriate); and*
 - (b) *to execute and submit the requisite documents with the relevant Land Registry.*

7. That the Chief Executive Officer be authorised to take such other actions as necessary to give effect to the undertakings contained in the documentation being executed in Point 5 above.

The Deed of Agreement was subsequently executed by the Council and the Chinese Consulate-General and a copy of the Deed of Agreement is contained in **Attachment A**.

The detailed design associated with the Project has now been completed and in accordance with the requirements of the Council's Procurement Policy, an Open Tender process has been undertaken in order to select and appoint a Contractor to deliver the Project.

Tenderers were required to submit a Lump Sum Cost, together with a Schedule of Rates for the various components of the works.

Tenders have been received from the following contractors:

1. McMahon Services;
2. Cavco;
3. Team Civil;
4. Metro and Country Civil;
5. CME Civil; and
6. Bitu-mill.

The tender from Bitu-mill was received after the closing date of the lodgement of tenders and was not assessed as part of the tender assessment process.

Awarding of this tender would normally be dealt with administratively as provided for in the Council's delegations, however, in respect to this Project, the Chief Executive Officer has determined that the matter be referred to the Council for the following reasons:

1. Notwithstanding the fact that the contract sum from the recommended tenderer is \$244,826.27 and below the Chief Executive Officer's delegation threshold of \$250,000, with the inclusion of the contingency of 12.5% (\$37,668.73) the total cost of the project is \$300,000
2. When this matter was first referred to the Council for approval in December 2016, the Council was advised that the estimated cost of the Project was in the order of \$175,000.
3. Notwithstanding the fact that the Chinese Consulate-General will reimburse the Council for all of the costs, the extent of variance in cost from what the Council was originally advised in December 2016 and the high profile nature of this project, is significant.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

When the matter was first presented to the Council in 2016, a cost estimate of \$175,000 was provided to the Chinese Consulate-General. The project estimate of \$175,000 was established using the available construction cost data for similar works which have been previously undertaken by the Council and was based on pre-design assumptions regarding the diameter of the drainage pipe, alignment and unhindered access to the construction site.

Following the preparation of this initial estimate, Southfront (Design Consultants) were engaged to prepare a detailed design, including a variation to the initial design for an internal drainage design. Following completion of the final design and following confirmation of the scope of works, an Open Tender on the Tenders SA website was released to the market to price.

The Project has been tendered and the total cost of the Project which includes design, tendering, construction and contingency costs, have been presented to the Chinese Consulate-General for approval. A copy of the letter dated 4 July 2018 which has been sent to the Chinese Consulate-General is contained in **Attachment B**.

Table 1 below sets out a summary of the Project Budget which has been approved by the Chinese Consulate-General.

TABLE 1: PROJECT BUDGET

<i>Project Phase</i>	<i>Cost (GST Exclusive)</i>
Design (Southfront)	\$17,450.00
Tender Fee (Tenders SA)	\$55.00
Construction (Metro & Country Civil)	\$244,826.27
Contingency (12.5% allowance)	\$37,668.73
Total	\$300,000.00

As per Clause 6.4.1 of the Deed, the Chinese Consulate-General is required to reimburse to the Council, all reasonable costs associated with the design and construction of the Project.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council's Environmental Sustainability Policy provides appropriate conditions of contract and standard operating procedures which have been incorporated into the Contract in order to reduce the likelihood and consequence of any of those hazards occurring during the undertaking of the works associated with the Program.

The Contractor appointed to undertake this Project will be inducted on the Council's Environmental Sustainability Policy and will be contractually obliged to comply with its requirements. Council staff undertake regular inspections and act on any issues of non-compliance which are identified during the undertaking of the works associated with the Program.

RESOURCE ISSUES

Overall management of the project will be undertaken by Council staff. The nature of the works proposed are relatively straightforward and the project can be managed within existing resources.

RISK MANAGEMENT

The pertinent risk issue associated with the awarding of this Contract, is the ability of the contractor to deliver the requirements of the Contract. To ensure that the level of risk is identified, the tender evaluation process included consideration of each tenderer's prior experience, reliability and ability to complete works on time.

CONSULTATION

- **Elected Members**

At its meeting held on 5 December 2016, the Council considered a report outlining the extinguishment of the existing easement and the re-alignment of the Council's stormwater drainage pipe.

- **Community**

Not Applicable.

- **Staff**
General Manager, Urban Services
General Manager, Urban Planning & Environment
Financial Services, Manager
- **Other Agencies**
Chinese Consulate-General

DISCUSSION

Tender Evaluation Criteria

As with all tender assessments which are undertaken by the Council, there are a number of factors or criteria which are considered in determining the preferred tenderer. The Evaluation Criteria and Weightings which are generally used to assess Tenders is summarised below:

1. Methodology and Program	15%
2. Business Capability of Tenderer	15%
3. Quality of Service	15%
4. Compliance	5%
5. Price	50%

Tender Assessment Criteria and Weightings

A summary of the Evaluation Criteria and weightings allocated is outlined below:

- **Methodology and Program (Weighting 15%)**

Given the nature of the Project (it is being undertaken with a restricted and suburban environment) the methodology and program provided by each of the tenderers was considered to be one of the most important Evaluation Criteria aside from price. As such, this Evaluation Criteria was given a weighting of 15%.

- **Business Capability of Tenderer (Weighting 15%)**

Consideration must be given to the ability of a Contractor to deliver the Project in a timely manner and of a high standard. Given the nature of the Project the business capability of the tenderers is considered to be a very important Evaluation Criteria and was therefore also given a weighting of 15%.

- **Quality of Service (Weighting 15%)**

It was considered important for tenderers to demonstrate the sound quality of their service (i.e. quality assurance and customer satisfaction) to ensure that the Chinese Consult-General, the Council and local residents, are kept up to date regarding progress in a professionally and timely manner. As such, this Evaluation Criteria was given a weighting of 15%.

- **Compliance (Weighting 5%)**

Given the nature of the works associated with the Project, Work Health & Safety, environmental systems and insurances, play a significant role in the delivery of the Project. The location of the works in close proximity to established residences highlights the importance of appropriate systems being put in place. As such, this Evaluation Criteria was given a weighting of 5%.

- **Price (Weighting 50%)**

Delivery of the scope and the associated lump sum price indicate the 'value for money' for the delivery of the Project. As such this Evaluation Criteria was given the highest weighting of 50%.

Tender Assessment

The assessment of the tenders which have been received was undertaken by a Tender Assessment Panel, in accordance with the requirements of the Council's Procurement Policy. In this instance, the Panel comprised of the Council's General Manager, Urban Planning & Environment, Financial Services Manager and Project Manager – Assets ("the Panel").

Each Member of the Panel was provided with a copy of the Tender and independently reviewed the submission against the above Evaluation Criteria and weighting.

Each Member of the Panel independently provided an unweighted point score for the tenderer for each Evaluation Criteria and provided commentary on the reasons for each score. The scores ranged from 0 to 5 as provided for in the Tender Assessment Matrix. An average of the individual scores for the tenderer for each Evaluation Criteria was then determined. The average unweighted point score is then multiplied by the applicable weighting for the associated Evaluation Criteria. The weighted point score for each Evaluation Criteria are added together for each tenderer to provide the overall weighted score, with the maximum point score of 500 possible.

The Tender Evaluation Matrix (which indicates the results of the tender assessment for each criterion for each tenderer) and the tenders which have been received, is contained in **Attachment C**.

A summary of the weighted scores achieved for each non-price criteria by each tenderer is shown in Table 2 below.

TABLE 2: MATRIX OF NON PRICE CRITERIA WEIGHTED SCORES

<i>Tenderer</i>	<i>Criteria (Weighted Score)</i>			
	<i>Methodology and Program</i>	<i>Business Capability of Tenderer</i>	<i>Quality of Service</i>	<i>Compliance</i>
McMahon Services	40	55	55	50
Cavco	40	40	20	20
Team Civil	60	55	45	50
Metro and Country Civil	60	55	45	45
CME Civil	50	55	50	50

The formula used to calculate the point score for the tender price is shown below:

Point Score (P) = $2.5 + 5 (\$M - \$T) / \$M$ where \$T = tendered price and \$M = mean price.

The Lump Sum price submitted by each of the tenderers and the associated point score for each tenderer is set out in Table 3 below.

TABLE 3: LUMP SUM PRICES SUBMITTED

<i>Tenderer</i>	<i>Lump Sum Price (GST Exclusive)</i>	<i>Weighted Score</i>
McMahon Services	\$464,910.95	-18.0
Cavco	\$255,187.00	159.3
Team Civil	\$253,490.00	160.7
Metro and Country Civil	\$245,499.54	167.5
CME Civil	\$259,652.00	155.5

The overall score for each tenderer, resulting from the assessment which has been undertaken is set out in Table 4 below.

TABLE 4: RESULTS OF TENDER EVALUATION MATRIX

<i>Tenderer</i>	<i>Tender Evaluation Score*</i>
McMahon Services	182.0
Cavco	279.3
Team Civil	370.7
Metro and Country Civil	372.5
CME Civil	360.5

**A higher score is better.*

The Open Tender call was competitive and the variance between the four lowest price tenderers is approximately \$15,000, or six percent. Team Civil and Metro and Country Civil scored the highest weighted points in the Methodology and Program criteria, with each tenderer providing details specifically designed to meet the challenges of the construction site. The Business Capability of Tenderer, Quality of Service and Compliance criteria, are very even between McMahon Services, Team Civil, Metro and Country Civil and CME Civil, with all four tenderers providing evidence that they are capable of delivering the construction works. The submission from Cavco did not meet the standards of the other tenderers and scored poorly in comparison.

The three tenderers with the highest Tender Evaluation Score, namely Metro and Country Civil, Team Civil and CME Civil, have been assessed as being capable of undertaking the construction works to the required standard and at an economical price (best value).

Based on the assessment of the tenders which have been received, Metro and Country Civil is recommended for selection and appointment. As set out above, by letter dated 4 July 2018, the Chinese Consulate-General was advised of this proposed recommendation.

By email dated 13 August 2018, the Chinese Consulate-General advised of its endorsement of the recommendation. A copy of the email dated 13 August 2018, from the Chinese Consulate-General is contained in **Attachment D**.

Notwithstanding this, legal advice is currently being sought as to whether endorsement and acceptance of the costs by email correspondence, is sufficient from a legal perspective.

The outcome of this advice will be provided at the Council meeting.

OPTIONS

The Council can resolve to award the Contract to Metro & Country, as recommended by Council Staff and endorsed by the Chinese Consulate-General. Alternatively, the Council can choose to award the Contract to any of the other tenderers, or not to award the Contract at all. Should the Council resolve to award the Contract to any of the other tenderers, it may be subject to the additional costs above Metro & Country tendered price. Should the Council resolve not to award the Contract, it may be in breach of the Deed of Agreement.

To enable the Project to commence and based on the procurement process which has been undertaken, there is no logical reason why the Council would not award the Contract, as recommended.

Given that Metro & Country has achieved the best result that is the highest overall tender assessment score, in comparison with the other tenders received, which includes price and non-price criteria, it is recommended that Metro & Country be awarded this contract.

CONCLUSION

Metro & Country Civil is a proven civil contractor, with significant experience in working with the Council. This experience, together with a competitive price, makes them the preferred tenderer.

Should the Council resolve to award the Contract, it is expected that the works will commence in September 2018 and be completed in December 2018.

COMMENTS

Nil.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the Contract for the Joslin Stormwater Drainage Project involving the re-alignment the stormwater drain from 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin, to Council owned land, be awarded to Metro & Country Civil for the tendered price of \$244,826.27 (GST Exclusive).
2. That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with the Contract.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Duke moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Corporate Services, Project Manager, Assets and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Stock and carried.

Cr Minney moved:

- 1. That the Contract for the Joslin Stormwater Drainage Project involving the re-alignment the stormwater drain from 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin, to Council owned land, be awarded to Metro & Country Civil for the tendered price of \$244,826.27 (GST Exclusive).*
- 2. That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with the Contract.*
- 3. That the Council's decision regarding this Tender (refer to Part 1 above) and the total cost of the Project and acceptance of the decision to award the contract to Metro & Country Civil, be confirmed with the Government of the People's Republic of China (through the Chinese Consulate-General), through an exchange of letters, including the requirement for the Government of the People's Republic of China (through the Chinese Consulate-General) to provide the Council with a Bank Guarantee before commencement of works.*

Seconded by Cr Moore and carried unanimously.

Cr Stock moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Shepherdson and carried unanimously.

Attachment F

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
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City of
Norwood
Payneham
& St Peters

14.1 VEHICLE ARRANGEMENTS - CHIEF EXECUTIVE OFFICER

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 83664549
FILE REFERENCE: S/1632 H/10
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the proposed vehicle arrangements for the Chief Executive Officer.

BACKGROUND

Pursuant to the Chief Executive Officer's Contract of Employment, the Chief Executive Officer will be provided with unrestricted and full private use of a motor vehicle.

The vehicle is provided in lieu of over-time and whilst the vehicle is provided for full private use, the vehicle forms part of the Council's vehicle fleet.

As part of the Contract of Employment, the vehicle which is provided by the Council is replaced as necessary (and at a maximum every two (2) years).

In this respect, as part of the new Contract of Employment, the vehicle which is to be provided is equivalent to a Holden Calais standard (six cylinder) and the Council has approved that the type of vehicle which is selected can either be a sedan or an SUV and either a 4 or 6 cylinder petrol or diesel.

The Chief Executive Officer wishes to advise the Council of the vehicle which has been selected.

DISCUSSION

In terms of the vehicle component of the various salary packages for Local Government Chief Executive Officers, arrangements are similar. However, the types of vehicles which are provided vary and range from large 4WD vehicles to sedans with some councils allowing top of the range luxury vehicles.

Following a review of the range of vehicles which are available in terms of using a Holden Calais as the benchmark, the Chief Executive Officer has advised that he will select a Mazda CX8 Asaki. The Mazda CX8 Asaki is a medium sized 4 cylinder diesel SUV.

In respect to the monthly lease fee, based on current quotations, the Mazda CX8 is \$942.

In comparison, based on the current quotations, the monthly lease fee for the Chief Executive Officer's current vehicle, the Subaru Outback (6 cylinder) is \$957.

Based on quotations obtained earlier this year, the monthly lease fee for a new series Holden Calais is \$814.

Both the Holden Calais and the Subaru Outback are six (6) cylinder vehicles. The Mazda CX8 Asaki is a four (4) cylinder vehicle.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the General Manager, Governance & Community Affairs, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

That the report be received and noted and the Council notes and approves the Chief Executive Officer selecting an equivalent vehicle to a Holden Calais (6 cylinder) and notes and approves the selection of a Mazda CX8 Asaki (4 cylinder diesel).

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Mex left the meeting at 10.34pm.
Cr Granozio left the meeting at 10.34pm.

Cr Stock moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the General Manager, Governance & Community Affairs, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried.

Cr Mex returned to the meeting at 10.36pm.
Cr Granozio returned to the meeting at 10.36pm.

Cr Duke moved:

That the report be received and noted and the Council notes and approves the Chief Executive Officer selecting an equivalent vehicle to a Holden Calais (6 cylinder) and notes and approves the selection of a Mazda CX8 Asaki (4 cylinder diesel).

Seconded by Cr Dottore and carried.

Cr Stock moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Dottore and carried unanimously.

Attachment G

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

14.2 CHIEF EXECUTIVE OFFICER'S STRATEGIC PERFORMANCE OBJECTIVES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00672
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present Chief Executive Officer's Strategic Performance Objectives for the next twelve (12) month period to the Council for consideration and adoption, in accordance with the Chief Executive Officer's Contract of Employment.

BACKGROUND

At its meeting held on 3 April 2018, the Council endorsed the Chief Executive Officer's Contract of Employment 1 November 2017 – 31 October 2021.

Following the completion of the Chief Executive Officer's Contract of Employment 1 November 2017-31 October 2021, the Council is now required to determine the Chief Executive Officer's Strategic Performance Objectives and Personal Development Objectives for the next twelve months.

Clause 10.3 of the Contract of Employment sets out the following in respect to the Performance Criteria associated with the Chief Executive Officer's position:

*10.3 Initial Performance Criteria pursuant to **Schedule 3** to this Agreement will be set and agreed between the Parties within three (3) months of commencement of this Agreement, and will otherwise be reviewed and agreed in accordance with the process and timing set out in **Schedule 3** to this Agreement.*

Schedule 3 to the Contract of Employment states that *the Performance Review will be based on agreed Key Result Areas (KRA's) and Key Performance Indicators (KPI's), Strategic Performance Objectives (SPO's) and Personal Development Objectives (PDO's) that incorporate the requirements of the Position Description attached as Schedule 1.*

The Key Result Areas, Key Performance Indicators, Strategic Performance Objectives and Personal Development Objectives therefore will be considered as part of the Chief Executive Officer's Performance Review which will be undertaken in 2019, in accordance with the Contract of Employment (Clause 11).

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.

- **Community**
Not Applicable.

- **Staff**
The Chief Executive Officer has been consulted throughout the process, in accordance with the Chief Executive Officer's Contract of Employment.

- **Other Agencies**
Not Applicable.

DISCUSSION

The Key Result Areas as set out within the Chief Executive Officer's Position & Person Description, are as follows:

- Customer Service;
- Management;
- Financial Management;
- Statutory Obligations;
- Strategic Planning;
- Marketing and Promotion;
- Council; and
- Human Resource Management.

These Key Result Areas are assessed as part of the Chief Executive Officer's Performance Review, with comments received from both Elected Members and staff via a survey and one-on-one meetings (if requested), with the appointed Consultant.

In addition to the survey, an audit of the Chief Executive Officer's Strategic Performance Objectives, as agreed between the Chief Executive Officer and the Council is also undertaken.

As the Council has entered into a new Contract of Employment with the Chief Executive Officer, Strategic Performance Objectives and Key Performance Indicators need to be agreed upon for the next twelve months.

The Strategic Performance Objectives and Key Performance Indicators will form the basis of the Chief Executive Officer's Performance Review.

The draft Strategic Performance Objectives have been determined on the basis of the Key Result Areas as set out in the Chief Executive Officer's Position & Person Description and the delivery of a number of projects which have been identified within the Council's Annual Business Plan.

Key Performance Indicators have been determined for each of the Key Result Areas.

A copy of the draft Chief Executive Officer's Strategic Performance Objectives for the next twelve (12) months is contained within **Attachment A**.

For the purpose of monitoring the progress of the Strategic Performance Objectives, Key Result Areas and Key Performance Indicators, the Chief Executive Officer has proposed to update the Council on a quarterly basis. This will ensure that Elected Members are appraised of progress, including updates on the various projects.

Chief Executive Officer's Contract of Employment Reporting Requirements

At its meeting held on 3 April 2018, the Council endorsed the Chief Executive Officer's Contract of Employment 1 November 2017 – 31 October 2021. In addition, the Council resolved the following:

That an annual update be presented to Elected Members on a confidential basis in respect to the obligations of the Chief Executive Officer, as set out in the Chief Executive Officer's Contract of Employment.

The obligations of the Chief Executive Officer as set out in the Contract of Employment 1 November 2017 – 31 October 2021, are set out as follows:

OUTSIDE INTERESTS

- 9.1 *The Chief Executive Officer may accept Board positions where the Board is part of a statutory or not for profit authority provided that there is no conflict of interest apparent to the Chief Executive Officer in accepting the appointment, with the approval of the Council.*
- 9.2 *The Chief Executive Officer must not be directly or indirectly engaged, concerned or interested in any employment, trade, business, profession or occupation requiring the provision of services or advice by the Chief Executive Officer (other than the employment provided by this Agreement) except with the prior consent in writing of the Council.*

LEAVE

17.1 Annual Leave

- 17.1.1 *The Chief Executive Officer is entitled to twenty (20) days paid annual leave each completed year of service, to be taken during agreed periods as approved by the Council.*
- 17.1.2 *The Chief Executive Officer is not entitled to any leave loading payment.*
- 17.1.3 *There should not be more than forty (40) days annual leave outstanding to the credit of the Chief Executive Officer at the end of any one (1) year of service. Where there is, the Council may direct the Chief Executive Officer to take leave to reduce the balance of outstanding annual leave to achieve the requirements of this clause.*
- 17.1.4 *Any entitlement to annual leave standing to the credit of the Chief Executive Officer at the time of cessation of employment will be discharged by the payment based on the TEC Package.*

Outside Interests

The Chief Executive Officer is a Member of the following Boards:

1. Local Government Association Mutual Liability Scheme Board; and
2. Thalassa Parks & Gardens Trust.

The Mutual Liability Scheme (the Scheme), is a self-managed fund which provides civil liability to Local Government Members. The Scheme meets bi-monthly.

The Scheme is owned by the Local Government Association of South Australia and is operated as a business unit of the LGA.

The Scheme will be wound up by the LGA in the near future, (and a new entity will be formed), therefore the Chief Executive Officer's term of membership of the Mutual Liability Scheme Board will conclude at the winding up of the Mutual Liability Scheme Board.

The City of Onkaparinga established the Thalassa Parks & Gardens Trust (the Trust), for the purpose of managing the Margaret Cutten Trust Fund. The funds are used for enhancements to the park which is located within the City of Onkaparinga.

The Chief Executive Officer has maintained his membership of the Trust following his employment with the former City of Happy Valley, which was amalgamated with the District of Willunga and the City of Noarlunga to form the City of Onkaparinga.

The Trust meets on a quarterly basis, or as required, with meetings commencing at 4.00pm.

Annual Leave

The Annual Leave which has been taken by Chief Executive Officer for the period 1 July 2017- 30 June 2018, is as follows:

- 126.5 hours (16.63 days).

For the period 1 July 2018 - 30 June 2019, the Chief Executive Officer has scheduled Annual Leave for the following periods:

- 21 September 2018 - 26 September 2018;
- 7 November 2018 - 9 November 2018;
- 17 December 2018 - 1 February 2019; and
- 18 March 2019 - 29 March 2019.

The scheduled Annual Leave, as set out above, equates to a total of 52 days.

OPTIONS

In accordance with the Chief Executive Officer's Contract of Employment, the Council must determine the Chief Executive Officer's Strategic Performance Objectives and Personal Development Objectives for the next 12 months.

CONCLUSION

Nil.

COMMENTS

A number of the Chief Executive Officer's Key Performance Indicators are ambitious and will require considerable planning to ensure the implementation of new initiatives is managed effectively. In some cases, the impact in terms of resources, both from a financial perspective and staff requirements, may be significant and may require consideration by the Council as part of its annual budget process.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the General Manager, Governance & Community Affairs, be excluded from the meeting on the basis that the Council will receive, discuss and consider

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the Council endorses the Chief Executive Officer's Strategic Performance Objectives and Personal Development Objectives for the next twelve (12) months, as agreed at the meeting.
2. That the Council notes the update in respect to the reporting obligations of the Chief Executive Officer, in accordance with the Chief Executive Officer's Contract of Employment.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Whittington moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the General Manager, Governance & Community Affairs, be excluded from the meeting on the basis that the Council will receive, discuss and consider

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried.

Extension of Council Meeting

At 10.50pm Cr Stock moved:

That the Council meeting be extended to 11.15pm.

Seconded by Cr Minney and carried.

Cr Moore moved:

- 1. That the Council endorses the Chief Executive Officer's Strategic Performance Objectives and Personal Development Objectives for the next twelve (12) months, as agreed at the meeting.*
- 2. That the Council notes the update in respect to the reporting obligations of the Chief Executive Officer, in accordance with the Chief Executive Officer's Contract of Employment.*

Seconded by Cr Minney and carried unanimously.

Cr Minney moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Moore and carried.

Released

Attachment H

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

4.1 LED STREET LIGHT TRANSITION – CARBON ABATEMENT

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/02749
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the Council to participate in a carbon abatement project, which has been developed to enable the Council to earn and sell carbon credits created from the transition of its Street lighting to LED Technologies.

BACKGROUND

As Elected Members may recall, at its meeting held on 6 August 2018, the Council resolved to transition the City's Pedestrian category Street Lights to LED technologies.

Discussions have commenced with SAPN and the project is due to commence in September 2018 and will be progressively rolled-out across the City, with transition of the Pedestrian category lights to be concluded by the end of December 2018.

The transition of the Council's Pedestrian category street lights to LED is estimated to reduce the Council's CO² emissions by approximately 4%.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The provision of public lighting across the Council contributes to the delivery of the following outcomes and objectives from *City Plan 2030: Shaping Our Future*.

Outcome 1: Social Equity

Objective 2 – A people-friendly, integrated, sustainable and active transport and pedestrian network

2.1 *Promote sustainable and active modes of transport.*

2.2 *Provide safe and accessible movement for people of all abilities.*

2.3 *Work with other agencies to influence or provide improved and integrated public transport networks*

Objective 4 – A strong, healthy and resilient community

4.1 *Encourage physical activity and support mental health to achieve healthier lifestyles and well-being*

Outcome 4: Environmental Sustainability

Objective 1 - Sustainable and efficient management of water, waste, energy and other resources

1.2 *Identify and implement new waste reduction approaches for Council operations and the community.*

1.3 *Employ and promote energy efficiency initiatives and renewable energy resources.*

Objective 5 - Mitigating and adapting to the impacts of a changing climate.

5.1 *Undertake climate change adaptation initiatives for our assets, public spaces, services and operations.*

5.1 *Lead initiatives to substantially reduce our City's 'Ecological Footprint', including reducing carbon emissions.*

Procurement Policy

The Councils' Procurement Policy provides the framework for procurement activities which are undertaken by the Council.

The objectives of the policy include:

- defining the method by which the Councils acquires goods and services;
- demonstrating accountability and responsibilities of the Council to its community;
- ensuring procurement is fair and equitable to all parties involved;
- defining processes to be monitored and recorded; and
- ensuring the best possible outcome is achieved for the Council and in turn the community.

FINANCIAL AND BUDGET IMPLICATIONS

Should the Council resolve to participate in the Emissions Reduction Fund Project, the Council will be required to enter into a licence agreement with Australian Integrated Carbon Financial Services Pty Ltd (AIC), who will register the Councils Street Lighting Project as part of the Emissions Reduction Fund (the Scheme) and on behalf of the participants of the Scheme generate Australian Carbon Credit Units (ACCUs) which will be sold for the best possible price in the Carbon market, with the Council receiving a defined dividend, based on the sale price of the ACCUs for a period on up to seven (7) years.

The value of the dividend payment is based on the number of new energy efficient street lighting units installed.

Based on current pricing, the Council will receive an annual dividend of approximately \$3,000, based on the 3,000 Pedestrian Category lights included in the Councils LED Street-lighting Transition Project.

In line with the Councils' Procurement Policy, the procurement method adopted in the procurement process is dependent upon the purchasing thresholds set out in the Procurement Policy guidelines.

Pursuant to the Licence Agreement, the Council is engaging AIC to sell the carbon credits, which are generated from the reduction in carbon emissions through the changeover to LED street lighting, on the Councils behalf. Based on the number of the street lights the Council is contributing to the overall project, the implied annual cost to the Council is in the order of \$2,000, therefore based on the Council's Procurement Policy, the Council, after considering the risks, cost, benefits and other market participants arising from the procurement activity, the Council is not acting outside the requirements of the Procurement Policy by accepting the AIC proposal without undertaken a market-wide Expression of Interest or Request for Quote.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

The Scheme is a registered Carbon Abatement project with the Clean Energy Regulator, with the Scheme having entered into contracts with the City of Mitcham, the City of Charles Sturt and the City of Marion.

The current contracts registered with the Scheme provided the minimum number of street lights (i.e. Carbon credits) required for the Scheme to be cost neutral and is therefore, under current market conditions, anticipating to make dividend payments from year one of the Scheme.

Under the terms of the Licence Agreement, the Council has no liability for any carbon debits that may arise from the operation of the Fund, therefore the risk to Council is low.

CONSULTATION

- **Elected Members**
Not Applicable
- **Community**
Not Applicable
- **Staff**
Financial Services Manager
Manager, Urban Planning & Sustainability
Project Manager, Assets
- **Other Agencies**
Not Applicable

DISCUSSION

It is anticipated that the Federal Government will ratify the Minamata Convention which aims to protect human health and the environment from the emissions and releases of mercury from human activity. This Convention will result in the prohibition of all lamps containing mercury by 2020. Together with this, due to the environmental and financial benefits, a number of Councils are undertaking projects to transition their respective street lighting to LED Technologies. These various street lighting projects will result in significant reductions in CO2 emissions across the Local Government, hence the opportunity for Council to participate in the Local Government Street Light Carbon Credit Project (Emissions Reduction Fund) which AIC is currently coordinating for the Cities of Marion, Mitcham, and Charles Sturt. All Australian Councils undertaking similar LED Street lighting transition projects, are eligible to join the fund and earn carbon credits.

The principal behind the project is for Councils to take advantage of the greenhouse gas savings from its investment in LED street lights and earn a financial return associated with the generation and sale of Australian Carbon Credit Units (ACCUs). This is a national first project.

To be eligible for the carbon credit revenue, the Council must register its LED Transition Project with the Scheme, which is achieved by entering into a Licence agreement with AIC, which are the proponent of the Emissions Reduction Fund prior to the Council entering into a contact with SAPN for the provision of LED Street Lights.

Under the Licence Agreement, AIC will calculate the energy and carbon which is saved from converting the Councils Street Lights to LED and manage all aspects of the Scheme, which includes the registration of the Councils project, scheme reporting and audit requirements, marketing, sales contracts and transfer of ACCUs on behalf of the participating Councils.

Under the Licence Agreement, AIC is responsible for selling the ACCUs which are generated by the Scheme on the Carbon Market for the best possible price and return the proceeds, net of the administration costs to the Council in form of an annual dividend.

A draft copy of the Deed of Licence is contained in **Attachment A**.

OPTIONS

Option 1:

Enter into the Licence Agreement with Australian Integrated Carbon Financial Services Pty Ltd to register the LED Transition project for the purpose of earn and sell carbon credits created from the transition of its Street lighting to LED Technologies.

Option 2:

Not to enter into the Licence Agreement with Australian Integrated Carbon Financial Services Pty Ltd
Option 1 is recommended, while there is a minimal financial gain the Council risk to the Council arising for its participation within the Scheme is considered negligible and the objective of Scheme is aligned with the Council's strategic direction of being a leader in environmental sustainability.

CONCLUSION

The Council is under no obligation to participate in the Scheme, however as the Council is about to enter into a contract with SAPN for the LED Street Lights, to gain an additional benefit from transitioning the Council's street lights to LED, the Council must register the project prior to signing the contract with SAPN. Given that participation in the Scheme presents a low risk to the Council, there are no apparent reasons for the Council not to participate in the Scheme.

Pursuant to the Licence Agreement, the Council is engaging AIC to sell the carbon credits, which are generated from the reduction in carbon emissions through the changeover to LED street lighting, on the Council's behalf. Based on the number of the street lights the Council is contributing to the overall project the implied annual cost to the Council is in the order of \$2,000, therefore based on the Council's Procurement Policy, after considering the risks, costs, benefits and other market participants arising from the procurement activity, the Council is not acting outside the requirements of the Procurement Policy by accepting the AIC proposal without undertaking a market-wide Expression of Interest or Request for Quotation.

COMMENTS

Nil

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (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; and
 - (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the Council enters into a Licence Agreement with Australian Integrated Carbon Financial Services Pty Ltd to register the LED Transition project for the purpose of earn and sell carbon credits created from the transition of its Street lighting to LED Technologies
2. That the Chief Executive Officer be authorised to sign the Deed of Licence between the Council and Australian Integrated Carbon Financial Services Pty Ltd.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Minney moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, Economic Development & Strategic Projects, Projects Manager and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (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; and*
 - (ii) would, on balance, be contrary to the public interest;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried unanimously.

Cr Minney moved:

- 1. That the Council enters into a Licence Agreement with Australian Integrated Carbon Financial Services Pty Ltd to register the LED Transition project for the purpose of earn and sell carbon credits created from the transition of its Street lighting to LED Technologies*
- 2. That the Chief Executive Officer be authorised to sign the Deed of Licence between the Council and Australian Integrated Carbon Financial Services Pty Ltd.*

Seconded by Cr Stock and carried unanimously.

Cr Minney moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Duke and carried unanimously.

Attachment I

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

4.2 TENDER SELECTION REPORT - NEW CLUBROOMS & MEMBERS FACILITIES AT NORWOOD OVAL - DEMOLITION PACKAGE

REPORT AUTHOR: Manager, Economic Development & Strategic Projects and
Project Manager
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664509
FILE REFERENCE: S/04735
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to:

- approve the appointment of the preferred Tenderer for Stage 1, the Demolition Package for the New Clubrooms & Members' Facilities at Norwood Oval, following a Request for Expressions of Interest and a Select Tender Process; and
- advise the Council of the progress of the Norwood Oval Redevelopment Project.

BACKGROUND

At its meeting held on 3 April 2018, the Council resolved the following in relation to the new Clubrooms and Members Facilities and the Women's Facilities projects at Norwood Oval:

- That the Council increase its contribution for the proposed new Clubrooms & Members Facilities, by an additional \$1.4 million based on a revised cost estimate of \$8,154,851 and based on a 50:50 cost sharing arrangement of the revised additional cost of \$2,822,851, bringing the Council's total contribution to \$3.4 million.*
- That the proposed Women's Facilities Project at Norwood Oval be endorsed and the Council resolve to allocate \$735,000 to this Project, based on a cost estimate of \$1,952,600 for the proposed new Women's Facilities less the grant funds of \$482,500, which have been received from the Office of Sport and Recreation SA.*
- The Council notes that the Section 48 Prudential Report will be amended to include the new cost estimates for the new Clubrooms & Members' Facilities, the cost sharing arrangements between the Council and the Norwood Football Club Incorporated.*

Requests for Expressions of Interest from Building Contractors

In February 2018, the Council released an open Request for Expressions of Interest from Building Contractors through the Tenders SA website. In response, seven (7) Expressions of Interest were received. The responses were assessed against weighted criteria by the Council's appointed architect Tridente Architects, the Council's cost consultant for the Project, Rider Levett Bucknall and the Council's Project Manager.

The results of the initial assessment were presented to the Norwood Football Club at a meeting held on 16 March 2018. The recommendations together with the Club's endorsement were presented to the Chief Executive Officer for his approval. The following five (5) Tenderers were subsequently shortlisted:

- BMD Constructions Pty Ltd
- Kennett Pty Ltd
- Marshall & Brougham Constructions Pty Ltd
- Schiavello Construction (SA) Pty Ltd
- Shape Australia Pty Ltd

Project Procurement

In order to progress the procurement and delivery of the project in a timely manner it was decided that the Project should be split into two (2) parts, Stage 1, comprising of the Demolition Package, which encompasses the demolition of the Boulderstone Stand and Stage 2, comprising of the Construction and Civil Works Package, which incorporates the construction of the Members Facility, the Civil Works and the Women's Facilities. Splitting the Project into two (2) parts enabled the procurement and tendering of Stage 1 to occur, while the documentation for Stage 2 is being finalised.

All five (5) of the short listed Contractors have been advised of the revised format and have agreed to Tender separately for both components of the Project, with the understanding that the two (2) tender packages may not be awarded to the same Contractor.

Stage 1 - Demolition Package Tender

On 30 July 2018, the Council released the tender for Stage 1 of the Project, the Demolition Package as a select tender to the five (5) short-listed Building Contractors, namely BMD Constructions Pty Ltd, Kennett Pty Ltd, Marshall & Brougham Constructions Pty Ltd, Schiavello Construction (SA) Pty Ltd and Shape Australia Pty Ltd. The Tender was open for a period of almost three (3) weeks, closing on Friday 17 August 2018. All five (5) Tenderers were issued with the full set of Tendering Documents and invited to submit a fixed lump sum tender.

In response, the Council received five (5) tender submissions, which have been assessed and are the subject of this report.

As the total value of the Contract is above \$250,000, the Council's Schedule of Delegation requires that this Contract is required to be considered and awarded by the Council (i.e. it cannot be awarded under delegated authority).

The Scope of Work included as part of the Stage 1 Demolition Package Tender incorporated the following components:

- the demolition of the Boulderstone stand in its entirety and removal of the existing stobie pole;
- the demolition of part of the southern end of the Western Stand, approximately 16 metres in length;
- the provision of temporary propping of the exposed end of the Western Stand;
- terracing in front of the Boulderstone Stand;
- demolition of the existing men's toilet adjacent to Gate 2; and
- demolition of electrical and hydraulic services.

It should be noted that all five (5) Tenderers will be invited to submit Fixed Lump Sum Tenders for Stage 2 of the Project, the Construction and Civil Works Package at the Norwood Oval:

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Outcomes, Objectives and Strategies of the Council's *CityPlan2030: Shaping Our Future – Update 2017* that are relevant to this project are provided below:

Outcome 1: Social Equity – A connected, accessible and pedestrian-friendly community.

- **Objective 1: Convenient and accessible services, information and facilities**
 Strategy 1.3: Design and provide safe, high quality facilities and spaces for people of all backgrounds, ages and abilities.
- **Objective 3: An engaged and participating community**
 Strategy 3.3: Provide opportunities for community input in decision-making and program development.
- **Objective 4: A strong, healthy, resilient and inclusive community.**
 Strategy: Encourage increased physical activity and support mental health to achieve healthier lifestyles and well-being.

Outcome 3: Economic Prosperity – A dynamic and thriving centre for business and services.

- **Objective 5: A local economy supporting and supported by its community.**
 Strategy 5.4: Encourage businesses to sponsor local community activities.

FINANCIAL AND BUDGET IMPLICATIONS

The Council originally approved an allocation of \$2m in its 2016-2017 Budget and in its Long Term Financial Plan, as its contribution towards the new Clubrooms & Members Facilities, with the remaining balance of \$3.332 (based upon an estimate project cost of \$5,332m) to be funded by the Norwood Football Club. This budget was based on cost estimates prepared by Heinrich Consulting in January 2014.

In addition, the Council allocated a budget of \$500,000 for the construction of the Civil Works relating to the Forecourt and Woods Street. The intent is that this component of the Project will be funded solely by the Council.

Given that a significant period of time had passed since the original cost estimates were prepared by Heinrich Consulting (2014), the number of changes that had been made to the scope of work, the development of the schematic design and the fact that a number of items had previously been excluded from the original cost estimates (ie CITB Levy, temporary accommodation), Rider Levett Bucknall, the Council's Cost Consultant for the Project, was asked to prepare new cost estimates.

The revised cost of the construction of the Clubrooms & Member's Facilities, including all professional fees, temporary accommodation and project contingency estimated at \$8,154,851, was presented to the Council at its 3 April 2018 Meeting.

At that meeting the Council resolved to increase its contribution for the proposed new Clubrooms & Members Facilities, by an additional \$1.4 million based on the revised cost estimate of \$8,154,85, bringing the Council's total contribution to \$3.4 million.

At that meeting the Council also approved the Women's Facilities Project and resolved to allocate \$735,000 towards this project. This amount was based on a 50:50 cost sharing arrangement with the Norwood Football Club for this component of the Project taking into consideration the grant fund of \$482,500, which has been received from the Office of Sport and Recreation SA. Since April, the Council has been successful in obtaining a further grant of \$150,000 from the AFL, which has assisted in reducing both the Council's and the Norwood football Club's contribution to this component of the Project by \$75,000 each.

More details regarding budget estimates for this Project are included in the Discussion Section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Council staff will manage and oversee the consultants and contract works throughout the length of the Project. The Council should note that this will require a significant resource allocation.

RISK MANAGEMENT

As part of the Prudential Report which has been prepared by the Council, all of the risks have been identified and a risk management plan will be prepared to either eliminate or manage these risks prior to construction works commencing.

CONSULTATION

- **Elected Members**
Elected Members have considered reports on this Project on a number of occasions.
- **Community**
All of the required community consultation processes associated with this Project have been undertaken. It should be noted that prior to the start of demolition the Council will notify the adjoining neighbours and businesses of the intended works and the duration of the work. The Contractor will also be obliged to advise residents in advance of any road closures in Wood Street, which may be required for short periods of time during the Contract period. Every attempt will be made to minimise any impact on the adjoining residents and businesses.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

In accordance with the Council's Procurement Policy and Guidelines, an assessment of the tender submissions has been undertaken by the Tender Assessment Panel, utilising a set of weighted criteria established as part of the tender package.

In accordance with the Policy and in recognition of the technical requirements of the tender, the Tender Assessment Panel comprised of the Council's appointed architect for the Project (Tridente Architects), the cost consultant for the Project (Rider Levett Buchnall), the Council's Project Manager and a nominated representative from the Norwood Football Club.

All five (5) Tenders were assessed against performance criteria and financial criteria. Table 1 below lists the Performance Criteria that was used and the associated Weighting Factors.

TABLE 1: PERFORMANCE CRITERIA

Criteria	Weighting Factor
Tender Form/Tender Sum/Tender Details	20
Key Contracted Personnel	15
Proposed Sub-contractors	15
Program/ Methodology	20
Financial Capacity	5
Licences	5
Insurances	5
Quality Assurance	5
Environmental Management Plan	5
Work Health and Safety	5
Maximum Possible Score	100

Table 2 sets out a summary of the results of the assessment of the Performance Criteria, which forms the first stage of the assessment. In this assessment the higher score reflects a better outcome.

TABLE 2: PERFORMANCE CRITERIA ASSESSMENT RESULTS

Tenderer	SCORE (Out of 100)
BMD Constructions Pty Ltd	92
Marshall & Brougham Constructions Pty Ltd	90.3
Schiavello Construction (SA) Pty Ltd	92.3
Shape Australia Pty Ltd	92
Kennett Pty Ltd	86.3

Table 3 sets out the Tender Sums that were received from the five (5) Tenderers. Given that the Cost Estimate for this Package of works was estimated at \$504,000 the results received through the tender process are encouraging and reflect a positive response from the industry.

TABLE 3: TENDER SUMS

Tenderer	Tender Sum (Excl. GST)
BMD Constructions Pty Ltd	\$287,629
Marshall & Brougham Constructions Pty Ltd	\$387,450
Kennett Pty Ltd	\$437,200
Shape Australia Pty Ltd	\$466,156
Schiavello Construction (SA) Pty Ltd	\$517,788

Table 4 below sets out the results of the assessment of the costs in order to assess the financial aspects of the Tender. The Tender Sum from each Tenderer is divided by the Score achieved as part of the Performance Criteria (Table 2) to obtain a final score. In this assessment the lower score is better and is the basis on which the preferred Tenderer is selected.

TABLE 4: FINANCIAL CRITERIA

TENDERER	TENDER SUM (Excl. GST)	PERFORMANCE ASSESSMENT (Assessment 1)	FINANCIAL ASSESSMENT (Assessment 2)
BMD Constructions Pty Ltd	\$287,629	92	31
Marshall & Brougham Constructions Pty Ltd	\$387,450	90.3	43
Kennett Pty Ltd	\$437,200	86.3	51
Shape Australia Pty Ltd	\$466,156	92	51
Schiavello Construction (SA) Pty Ltd	\$517,788	92.3	56

After resolving some Qualifications, Clarifications and Exclusions with all of the Tenderers, the Tender Assessment Panel has recommended that BMD Constructions Pty Ltd be awarded the Demolition Tender for a fixed Lump Sum fee of \$287,629 (excluding GST).

A copy of the full Tender Assessment Report prepared by Tridente Architects and Rider Levett Bucknall, is contained in **Attachment A**.

It is anticipated that the successful contractor for Stage 1, the Demolition Contractor will commence on site on 15 October 2018 and is expected to be completed by 7 December 2018.

Stage 2 – Construction and Civil Works Package

At this stage, it is anticipated that the Construction Documentation for Stage 2 of the Project will be completed by 5 October 2018. Following the completion of the Construction Documentation, a Pre-Tender Estimate will once again be prepared. Concurrently with the preparation of the Pre-Tender Estimate, the five (5) successful Tenderers will be invited to submit fixed lump sum tenders for the Stage 2 Construction and Civil works Package, with the objective of commencing construction in January 2019. The Construction program is expected to take between 36 and 42 weeks, however this program will be negotiated with the successful Tenderer, noting that the negotiated timeframes will have to take into consideration the pattern and level of usage of the Norwood Oval, therefore the final construction sequencing and scheduling will be determined in consultation with the Norwood Football Club. The Norwood Football Club is aware of the proposed scheduling and is satisfied with the arrangements.

It is anticipated that a report regarding the appointment of the successful contractor for the Stage 2 Construction and Civil Works Package will be presented to the Council for its consideration in December 2018.

Cost Estimates

At its meeting held on 3 April 2018, the Council considered and approved a revised budget for the Norwood Oval Redevelopment Projects based on the Schematic Design Stage Cost Estimates of the Project. A summary of the approved budget is outlined in Table 5 below.

TABLE 5: NORWOOD OVAL REDEVELOPMENT - SCHEMATIC DESIGN COST ESTIMATES

PROJECT COMPONENT	COST ESTIMATE
Members' Facility	\$8,154,851
Civil Works	\$500,000
Women's Facility	\$1,952,600
Total Project Costs	\$10,607,451

Design Development and Construction Documentation

The Design Development Stage of the Project has now been completed and Tridente Architects together with the sub-consultants are in the process of finalising the Construction Documentation. It is anticipated that this documentation will be completed by 5 October 2018.

Following the completion of the Design Development Stage of the Project, the Project Cost Estimates were once again reviewed. The results of this review have shown that the cost estimates are still within the Council's combined allocated project budget of \$10,607,451, for all of the three components of the Project. A third and final round of cost estimates will be prepared following completion of the Construction Documentation. However, as with all construction projects, the actual cost of the project will not be known until the tender submissions are received.

One of the benefits of undertaking periodic reviews of the cost estimates is that as the design develops, the costs can be more accurately identified and defined therefore enabling better management of the budget. All cost estimates start out as broad first order estimates and as various stages of detail design are completed, the costs are more accurately defined.

It should be noted that at all stages of the Project, Council Staff together with the Project Consultants and representatives of the Norwood Football Club, are undertaking value management exercises to identify potential cost savings without compromising the facility.

OPTIONS

The Council has three (3) options in respect to awarding the Tender for Stage 1 of the Norwood Oval Redevelopment, the Demolition Package, however the recommendation to appoint BMD Constructions Pty Ltd provides the best outcome and ensures that the integrity of the Project is not compromised.

The Council can choose to either:

- **Option 1**

Proceed with the appointment of the recommended Contractor (BMD Constructions Pty Ltd) and the scope of works and the budget accordingly to deliver the Project.

This is the **recommended** option for reasons set out in this Report.

- **Option 2**

Appoint another contractor, however given that all other tender amounts are greater and there is little to no added advantage in appointing these contractors, compared to that of BMD Constructions Pty Ltd, this Option is **not recommended**.

- **Option 3**

Resolve not to award the Tender.

This Option is **not recommended** on the basis that the scope of the Project and the price which has been submitted by the preferred Tenderer is below the budget estimate

CONCLUSION

Based on the results of the tender evaluation process which has been undertaken, BMD Constructions Pty Ltd is recommended as the preferred contractor for the demolition work at Norwood Oval at the contract price of \$287,629 (excluding GST).

COMMENTS

Overall, the Tender Evaluation Panel is pleased with the detail of the tenders which have been received and the considered approach to the construction of the Project.

The evaluation criteria highlighted the importance of price, however the assessment sought to balance cost with the recognition of the contractors approach to program, methodology and experience. These criteria provide the Council with an effective means of determining the "best value for money".

On this basis, BMD Constructions Pty Ltd is recommended to be appointed as the preferred tenderer for the following reasons:

- the rates, quality and overall price for the work demonstrates a clear understanding of the required demolition works; and
- the tender highlighted the knowledge and experience necessary in managing a project of this nature.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works;

and that the Council is satisfied that, in principal, that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

- a) That the Contract for the Demolition Package of the Norwood Oval Redevelopment Project be awarded to BMD Constructions Pty Ltd for the sum of \$287,629 (excl. GST).
- b) That the Council notes that the construction program will commence on 15 October 2018, with the date for Practical Completion being nominally 7 December 2018.
- c) That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with the initial Contract.
- d) That the Council notes the progress that has occurred in relation to the Norwood Oval Redevelopment Project.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Minney moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, Economic Development & Strategic Projects, Projects Manager and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and that the Council is satisfied that, in principal, that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Dottore and carried.

Mayor Bria declared an interest in this matter on the basis that he is a Member of the Norwood Football Club. Mayor Bria advised that he would remain in the meeting.

Cr Stock declared an interest in this matter as he is a Member of the Norwood Football Club. Cr Stock advised that he would remain in the meeting.

Cr Duke declared an interest in this matter as he is a Member of the Norwood Football Club. Cr Duke advised that he would remain in the meeting.

Cr Dottore declared an interest in this matter as he is a Member of the Norwood Football Club. Cr Dottore advised that he would remain in the meeting.

Cr Minney declared an interest in this matter as he is a Member of the Norwood Football Club. Cr Minney advised that he would remain in the meeting.

Cr Duke moved:

- a) *That the Contract for the Demolition Package of the Norwood Oval Redevelopment Project be awarded to BMD Constructions Pty Ltd for the sum of \$287,629 (excl. GST).*
- b) *That the Council notes that the construction program will commence on 15 October 2018, with the date for Practical Completion being nominally 7 December 2018.*
- c) *That the Mayor and the Chief Executive Officer be authorised to sign and seal all the documents associated with the initial Contract.*
- d) *That the Council notes the progress that has occurred in relation to the Norwood Oval Redevelopment Project.*

Seconded by Cr Stock and carried unanimously.

Cr Dottore moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Duke and carried unanimously.

Released

Attachment J

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

**14.1 WRITTEN NOTICE OF MOTION – PURCHASE OF LAND – 86 SIXTH AVENUE, ST PETERS -
SUBMITTED BY CR EVONNE MOORE**

NOTICE OF MOTION: Purchase of Land – 86 Sixth Avenue, St Peters
SUBMITTED BY: Cr Evonne Moore
FILE REFERENCE: S/00232 P/14938
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the Local Government (Procedures at Meetings) Regulations 2013, the following Notice of Motion has been submitted by Cr Evonne Moore.

NOTICE OF MOTION

That staff prepare a report for Council consideration on the desirability of Council purchasing the land for sale at 86 Sixth Avenue, St Peters which is next to a Council Reserve on the corner of Winchester Street and Sixth Avenue.

REASONS IN SUPPORT OF MOTION

It is very rare that a piece of land next to a Council Reserve becomes available for Council to purchase.

In this case, I was approached several months ago by a resident asking whether Council could buy this land which she understood would be coming up for sale.

In the case of the adjacent Reserve, some of this Reserve is used by people exercising their dogs off lead. The southern part of this park has a small playground area with playground equipment. Acquiring the adjacent block of land for sale could allow this playground area to be enlarged.

Staff would prepare a report which considers the advantages and disadvantages of purchasing the land for sale. Perhaps this purchase would not meet Council's strategic objectives or it might be too expensive, in which case Council could resolve not to pursue the matter.

I believe this matter is worth consideration and ask Councillors to support the motion.

STAFF COMMENT

A report as requested can be prepared.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

That staff prepare a report for Council consideration on the desirability of Council purchasing the land for sale at 86 Sixth Avenue, St Peters which is next to a Council Reserve on the corner of Winchester Street and Sixth Avenue.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Dottore moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager Corporate Services and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and*
- (ii) would, on balance, be contrary to the public interest;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried.

Cr Moore moved:

That staff prepare a report for Council consideration on the desirability of Council purchasing the land for sale at 86 Sixth Avenue, St Peters which is next to a Council Reserve on the corner of Winchester Street and Sixth Avenue.

Seconded by Cr Whittington and carried unanimously.

Cr Shepherdson moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Knoblauch and carried unanimously.

Attachment K

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

2.1 PURCHASE OF LAND – 86-88 SIXTH AVENUE, ST PETERS

REPORT AUTHOR: Manager, Economic Development & Strategic Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664509
FILE REFERENCE: S/00232 P/14938
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Council the results of the investigations into the potential purchase of the properties located at 86 and 88 Sixth Avenue, St Peters.

BACKGROUND

At its meeting held on 5 November 2018, the Council considered a Notice of Motion regarding the potential of the property located at 86 Sixth Avenue, St Peters, which is currently on the market. The property is for sale by private treaty.

At that meeting the Council resolved:

That staff prepare a report for Council consideration on the desirability of Council purchasing the land for sale at 86 Sixth Avenue, St Peters which is next to a Council Reserve on the corner of Winchester Street and Sixth Avenue.

The property located at 86 Sixth Avenue, St Peters is situated on two (2) separate titles (Certificate of Title Volume 5360 Folio 70 and Certificate of Title Volume 5349 Folio 890) and for the purposes of this report are referred to 86 and 88 Sixth Avenue, St Peters. The property located at 86 Sixth Avenue, St Peters contains a single detached dwelling, which is listed as a *Contributory Item* within the Norwood Payneham and St Peters (City) Development Plan, whilst 88 Sixth Avenue, St Peters (the allotment located immediately adjacent to Hannaford Reserve) is a vacant allotment. Both properties are located within The Avenues Policy Area within the Residential Historic (Conservation) Zone.

No. 86 Sixth Avenue comprises of 1045 square metres and No. 88 Sixth Avenue, 697 square metres, making a total area of 1,742 square metres.

There is an option to purchase either one or both of the properties.

As the potential purchase of this property falls within the ambit of Section 90(2) and (3)(b) of the *Local Government Act 1999*, the Notice of Motion was considered at the meeting held on 5 November 2018, in 'camera'. As this report sets out the investigations which were requested in the Notice of Motion, this report is also provided to Elected Members as a confidential item pursuant to the provisions of Section 90(2) and (3)(b).

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future* are provided below:

Outcome 1: Social Equity
A connected, accessible and pedestrian friendly community.

Objective 1: Convenient and accessible services, information and facilities.

Strategies:

1.2 Maximise access to services, facilities, information and activities.

1.3 Design and provide safe, high quality facilities and spaces for people of all backgrounds, ages and abilities.

Outcome 2: Cultural Vitality

A culturally rich and diverse city, with a strong identity, history and sense of place.

Objective 5: Dynamic community life in public spaces and precincts.

Strategies:

5.2 Create and provide interesting and colourful public spaces to encourage interaction and gatherings.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objective 3: Sustainable and attractive streetscapes and open spaces.

Strategies:

3.2 Protect, enhance and expand public open space.

3.6 Integrate green infrastructure into streetscapes and public spaces,

FINANCIAL AND BUDGET IMPLICATIONS

The Council's Long Term Financial Plan does not include any allocation for the purchase of these properties, the consequent re-development costs, nor the costs associated with any re-development of Hannaford Reserve.

The Council's 2018 -2019 Budget has not made provision for the purchase of land at Sixth Avenue, St Peters, nor has any funding been allocated for the re-development or upgrade of Hannaford Reserve. Should the Council determine to purchase either or both of the properties, the Council will need to borrow the required funds. On the basis of one or both of the properties being purchased and incorporated into Hannaford Reserve, additional funds to undertake this would also need to be allocated.

From a budgetary perspective, if funds are borrowed, future budgets will need to allocate funds for the repayment of the loan.

EXTERNAL ECONOMIC IMPLICATIONS

The contribution to the external economic development of the local area from the purchase of this land will primarily come from any construction activity and employment during the construction phase when the land is redeveloped and incorporated into Hannaford Reserve.

SOCIAL ISSUES

Given that the Council has no clear strategic position on the future use of Hannaford Reserve, the purchase of this land could provide the catalyst for the Council to plan and re-develop this Reserve and provide the community with a more contemporary and useable open space asset.

CULTURAL ISSUES

The provision of well-designed open spaces contributes to the fabric of the City of Norwood Payneham & St Peters. The opportunity to expand and subsequently upgrade Hannaford Reserve will contribute to creating a pleasant and well-designed area of open space, which will maximise the extent of green landscaping within the public realm.

ENVIRONMENTAL ISSUES

In the event that the Council resolves to purchase one or both of the allotments which are currently on the market, the subsequent Reserve Upgrade Project will seek to utilise appropriate plant species and increase the extent of landscaping and natural shade through tree planting. The opportunity to also incorporate Water Sensitive Urban Design into the design of the Reserve will also assist in increasing the environmental sustainability of the Reserve.

RESOURCE ISSUES

Should the Council determine to purchase one or both of the properties, the Chief Executive Officer will oversee the purchase of the property/properties.

RISK MANAGEMENT

There are no specific risks associated with the purchase of either 86 or 88 Sixth Avenue, St Peters.

CONSULTATION

- **Elected Members**
The Council considered a Notice of Motion at its meeting held on 5 November 2018 and resolved that Council staff investigate the possible purchase of this property and advise on the desirability of purchasing the property.
- **Community**
Not Applicable.
- **Staff**
General Manager, Corporate Services
Project Manager, Urban Design & Special Projects
- **Other Agencies**
Not Applicable.

DISCUSSION

Open Space Strategy

The Council's *Open Space Strategy* provides an over-arching strategy which enables the Council to plan for open space and to ensure that there is equity in respect to access to useful open space throughout the City. It also ensures that the Council's open space assets maximise the benefits in respect to environmental management, public health and wellbeing, tourism and community capacity building. The *Open Space Strategy* establishes a hierarchy of open space within the City, ranging from Local and Neighbourhood through the Regional and State.

More specifically, the Council's *Open Space Strategy* designates Hannaford Reserve as a Local Level Reserve mainly due to its size, location and the limited range of activities that it offers and/or is capable of offering. The *Open Space Strategy* defines Local Level Reserves as small, local reserves which cater for people in the local area. Local Level Reserves generally have a catchment of 300 meters safe walking distance and play an important role in providing frequently used play and recreation opportunities for residents.

The *Open Space Strategy* does not make any specific recommendations in relation to Hannaford Reserve. However, it does identify that there is a shortage of open space in central St Peters, central Joslin and central Royston Park.

Playgrounds Strategy

The Council's *Playgrounds Strategy* provides the long term strategic direction for the future provision and management of playgrounds within the City. More specifically, the *Playgrounds Strategy* identifies the key issues associated with each of the playgrounds throughout the City and outlines an integrated and strategic framework for the enhancement of these important community assets.

The *Playgrounds Strategy* establishes a hierarchy of playgrounds, which aims to achieve different levels of provision and the best use of resources. The hierarchy ranges from Regional and District level playgrounds, which provide innovative, unique or higher standard settings, through to Neighbourhood and Local play opportunities, which generally cater for the surrounding local area. A playground's designated level in the hierarchy will ultimately determine the level of development and the quality of the playground.

Hannaford Reserve is designated as a Level 3 Neighbourhood Playground, making it one (1) of nine (9) Neighbourhood level playgrounds within the City. Designation as a Neighbourhood Level Playground assumes that the playground will generally cater for the local neighbourhood and will generally include standard rather than unique equipment.

In respect to Hannaford Reserve, the *Playgrounds Strategy* suggests improvements to the location of the play equipment and identifies the need to upgrade the equipment.

Hannaford Reserve

Hannaford Reserve is bounded by Sixth Avenue to the east, Seventh Avenue to the west, Winchester Street to the north and residential properties to the south. The Reserve has an area of approximately 4,740m² and has an inverted L-shape configuration. The Reserve is generally open in nature with trees located along the boundaries and a playground located in the north-eastern corner of the Reserve. The playground is fully fenced and has an access gate off Sixth Avenue. The fenced area containing the playground is approximately 650m². The Reserve is a designated dog 'off-leash' area with the exclusion zone around the fenced playground area.

An aerial photograph showing the layout of the Reserve and the adjoining properties (86 and 88 Sixth Avenue) which are currently on the market is contained in **Attachment A**. A plan of the parcel boundaries is contained in **Attachment B**.

In respect to the current usage of Hannaford Reserve, it should be noted that in 2008, the Council received a petition requesting that the Council:

- install gates at the Winchester Street and Seventh Avenue entrances to the Reserve;
- install suitable lighting so the Reserve could be used after sunset; and
- erect fencing around the playground.

The reasoning behind the request was that Hannaford Reserve was a popular 'off leash' dog area and that the installation of gates, lighting and fencing around the playground, would better service the needs of the dog owners who utilise the Reserve. The petitioners requested the installation of the gates at the entrances to the Reserve and fencing around the playground, to improve the confidence of the dog owners who use the Reserve and to ensure that dogs were not able to escape from the Reserve or enter the playground area. The Council endorsed the installation of gates at the two (2) entrances and the installation of fencing along the western side of the playground. The installation of the lighting was not endorsed by the Council.

In 2010, the Council received a second petition requesting the re-development of Hannaford Reserve, which included a reduction in the 'off leash' dog area and an increase in the general reserve. In response, the Council resolved to consider this matter as part of the Council's Animal Management Plan.

As part of the Council's recent review of its Dog and Cat Management Plan, the Council resolved to retain existing 'off-leash' dog areas until the Council has undertaken a strategic review of its existing 'off-leash' dog areas and has undertaken investigations into the potential for the establishment of a dedicated dog park(s). This work is due to be undertaken in 2019.

There is considerable evidence to suggest that the decision to fully fence the Reserve has intensified the use of the Reserve by dog owners and in turn has alienated other users and limited the use by non-dog owners of the Reserve.

Site Value and Capital Value

The property at 86-88 Sixth Avenue, St Peters has a Site Value of \$1.275M and a Capital Value of \$1.35M. Although the property is on two (2) separate titles from the Valuer General's perspective the property has, until recently, been treated as a single property and therefore has only one Site Value and Capital Value allocated to the property. Individual Site and Capital valuations for the two (2) allotments will not be calculated until the property is officially split.

Market Value

Table 1 provides a very general comparison of the recent sale prices for both dwellings on a similar size allotment and vacant allotments within St Peters.

TABLE 1 – COMPARABLE PROPERTIES**86 Sixth Avenue, St Peters (1045m² Block) Comparable properties**

Address	Allotment Size	Age of Dwelling	Sale Price
16 Ninth Avenue St Peters	933m ²	1925	\$1.405M
26 First Avenue St Peters	1045m ²	1890	\$1.415M
13 Fourth Avenue St Peters	875m ²	1890	\$1.565M

88 Sixth Avenue, St Peters (697m² Block) Comparable properties

Address	Allotment Size	Age of Dwelling	Sale Price
80 Sixth Avenue, St Peters	803m ²	Vacant	\$1.050M
100 Ninth Avenue St Peters	563m ²	Vacant	\$835k

Currently, the Median Price in St Peters is \$1.265M, however, taking into consideration current market conditions and recent comparable sales, the data in Table 1 above indicates that the property at 86 Sixth Avenue, St Peters (the property containing the dwelling) should sell in the vicinity of \$1.35M - \$1.45M and the vacant allotment at 88 Sixth Avenue, St Peters should sell in the vicinity of \$880k- \$950k. Notwithstanding this, the dwelling is run down and does require a significant amount of restoration work and the vacant allotment does have several Regulated Trees (*Casuarina* species, commonly referred to as Sheoak), which may discourage some potential buyers and therefore lower the final selling price.

Indications from the appointed Real Estate Agent, Klemich Real Estate, is that the Vendors are willing to accept \$1.2M for 86 Sixth Avenue, St Peters (the dwelling) and between \$875,000 and \$900,000 for the vacant land at 88 Sixth Avenue, St Peters. Should the Council resolve to purchase both properties, staff have been advised that the Vendor would be willing to accept an amount in the vicinity of \$2.1M for both properties. In respect to 88 Sixth Avenue, the Agent has advised that the Vendors could be receptive of an offer of \$875,000

In the event that the Council resolves to purchase either one or both of the allotments, the Council will need to develop a masterplan that integrates the additional land into the existing Reserve. As part of the masterplanning process consideration will need to be given to the allocation of the reserve and the outstanding matter regarding the size and arrangements for the off leash dog area. At the moment, approximately 86% of the Reserve operates predominately as a 'dog park', with only 13-14% of the site excluded from the 'off leash' dog area.

OPTIONS

There are three (3) options available to the Council in relation to this matter. The Council can resolve to purchase both allotments, purchase 88 Sixth Avenue (the vacant allotment) only, or resolve not to purchase any of the allotments. All three (3) of these options are discussed in detail below. The purchase of 86 Sixth Avenue (the dwelling) only is not considered an option as the purchase of this property in isolation, does not achieve the Council's overall objectives and therefore has not been considered as part of the investigations which have been undertaken.

Option 1 – Purchase both 86 and 88 Sixth Avenue, St Peters.

The advantages of purchasing both properties is that the Reserve can be 'squared off' providing an open vista from Sixth Avenue straight through to Seventh Avenue. Purchasing both allotments will remove the existing L shape and open up the reserve making it a safer space. However, given that 86 Sixth Avenue, St Peters contains an existing *Contributory Item* it would be contradictory for the Council to purchase a *Contributory Item* with the predetermined intent of demolishing the dwelling, particularly given that one of the Council's objectives is to protect the City's existing heritage and character.

On this basis, this option is not recommended.

Option 2 – Purchase 88 Sixth Avenue, St Peters only.

The Council could resolve to simply purchase 88 Sixth Avenue, St Peters, for the purposes of expanding the Reserve. Whilst the purchase of this property (the vacant allotment) would add an additional 697 square metres to the overall size of the Reserve, it would only add an additional 15.24 square metres to the Sixth Avenue frontage. The issue associated with only purchasing 88 Sixth Avenue, St Peters, is that the odd L-shape configuration of the Reserve (that currently exists) would be retained and the blind corner that exists between 88 Sixth Avenue and Hannaford Reserve would also be re-created. However, there are design options which could be implemented to address this safety matter.

In addition, there are several Regulated Trees that line the northern boundary of the property adjacent to the Reserve. The inclusion of this property (88 Sixth Avenue) into the Reserve, would more than likely require the removal of these trees to ensure public safety and open up the Reserve.

The advantage of purchasing this property is that it would increase the size of the Reserve and subject to what the Council decides to do with the Reserve longer term (ie whether it is retained as an 'off-leash' dog area, as it currently operates with fencing and gates) would provide the Council with additional land to designate for different uses. However, it should be noted that Hannaford Reserve is a reasonably sized reserve given its Local level status. Put simply, the purchase and re-development of 88 Sixth Avenue would involve a significant investment of funds for what can be argued very little additional benefit. Having said this, opportunities to purchase vacant land to increase the size of open space within the City, does not arise frequently. As such, the issue which the Council must consider is whether it is financially prudent and strategically advantageous to purchase 88 Sixth Avenue and expand Hannaford Reserve, or whether to invest the funds in the re-development of the Reserve, without increasing its size through the purchase of 88 Sixth Avenue. It is considered that the Council would be better off investing the money in upgrading the existing Reserve.

For these reasons this option is not recommended.

Option 3 – Retain Status Quo and not proceed with the purchase of either of the two properties.

Given the existing size of the Reserve and the significant cost associated with purchasing and redeveloping one or both allotments, it is considered more beneficial for the Council to invest the money into upgrading the existing Reserve rather than purchasing the additional land. On the basis that the Reserve is considered to be adequate in size and the cost of the land is quite significant and could be better used to upgrade the existing Reserve, it is recommended that the Council not proceed with the purchase of either of the two (2) properties.

Retaining the status quo is the recommended option.

CONCLUSION

The Council clearly recognises that the City's parks and reserves are a significant community asset and for this reason, has placed a significant emphasis and financial investment on the improvement and re-development of these open space areas in recent years.

Hannaford Reserve is one of the few areas of open space located within the suburbs of St Peters, Royston Park and Joslin and therefore, any changes to the Reserve would need to be considered carefully by the Council and all relevant issues would need to be taken into consideration when making any decisions to change the configuration of the Reserve.

COMMENTS

Unless the Council is willing to purchase both properties and subsequently resolve to demolish the existing *Contributory Item* located on 86 Sixth Avenue and remove all of the Regulated Trees located on the property, in order to open up the Reserve and potentially increase the designated status of the Reserve to a Neighbourhood Level Reserve, it is recommended that the Council does not proceed with the purchase of either property. As outlined in the report, there is little benefit in just purchasing 88 Sixth Avenue.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act, 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

That the Council resolves not to proceed with the purchase of either 86 Sixth Avenue or 88 Sixth Avenue, St Peters.

RECOMMENDATION 3

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Minney moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager Corporate Services, Manager, Economic Development & Strategic Projects and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Stock and carried unanimously.

Cr Moore moved:

1. That the Council resolves to proceed with the purchase of 88 Sixth Avenue, St Peters.
2. That the Council authorises the Chief Executive Officer to negotiate to purchase 88 Sixth Avenue, St Peters, with a starting offer of \$875,000 and up to a maximum of \$900,000.

Seconded by Cr Moorhouse.

Amendment

Cr Sims moved:

1. That the Council resolves to proceed with the purchase of 88 Sixth Avenue, St Peters.
2. That the Council authorises the Chief Executive Officer to negotiate to purchase 88 Sixth Avenue, St Peters, with a starting offer of \$875,000 and up to a maximum of \$950,000.

Seconded by Cr Whittington.

The amendment was put and carried and on becoming the motion was again put and carried.

Cr Stock moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Sims and carried unanimously.

Attachment L

Review of Confidential Items

Released

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

**14.1 WRITTEN NOTICE OF MOTION – PURCHASE OF LAND – LOT 26 COLLEGE ROAD,
KENT TOWN - SUBMITTED BY CR FAY PATTERSON**

NOTICE OF MOTION: Purchase of Land – Lot 26 College Road, Kent Town
SUBMITTED BY: Cr Fay Patterson
FILE REFERENCE: S/00232
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the Local Government (Procedures at Meetings) Regulations 2013, the following Notice of Motion has been submitted by Cr Fay Patterson.

NOTICE OF MOTION

1. That the Council requests the Chief Executive Officer to write to Dr Andrew Johnson, Director of the Bureau of Meteorology, GPO Box 413 Brisbane 4001, seeking confirmation of the Bureau's intentions regarding Lot 26 College Road, Kent Town.
2. That a copy of the letter be forwarded to The Honourable Christopher Pyne MP, Member for Sturt.

REASONS IN SUPPORT OF MOTION

There is a lack of public open space in the City of Norwood Payneham and St Peters in general and Kent Town in particular. However, an opportunity to purchase a parcel of land may exist in College Road.

When the Bureau of Meteorology relocated from 25 College Road, it committed to continuing to collect weather observations in Kent Town in parallel to its new weather station at West Terrace, to enable the Bureau to establish differences in climate between the two sites. The period for which parallel observations will be undertaken has been reported as about two years from when the West Terrace weather station came on line or (according to the BOM website) "12 months or more" from 14 June 2017. The BoM's Adelaide office has advised that the parallel recording period will end in June 2019, however this was not confirmed in writing. After this period elapses, the weather station will be permanently closed.

The automated weather station is located at Lot 26 College Road (neighbouring 25 College Road and facing into Dew Street). The land parcel is about 29m deep x 33m wide or 973m² in area – slightly larger than it appears when viewed from College Road as the fencing is located within rather than along the property line and due to vegetation growth on the northern boundary. Unlike 25 College Road, which was owned by Perth businessman John Squarcini and sold for redevelopment after the Bureau relocated into the CBD, SAILIS (SA Integrated Land Information System) indicates that Lot 26 College Road is owned by the Commonwealth of Australia. The capital plus land value as at 1 January 2018 was \$1,050,000. The Commonwealth has a policy of not holding surplus lands. It is unknown whether the Commonwealth might enter into an agreement regarding the site, but an off-market purchase could perhaps present a saving in agent's fees and would assist with forward planning.

While modest in size, Lot 26 College Road is a rare piece of vacant land in Kent Town, the size makes it a less strategic site for significant residential or office/ commercial development, and its location towards the eastern side of Kent Town aligns with the greatest open space needs of the area. The long-term success of other methods of addressing local open space needs – notably encouraging developers to provide plazas – are at present unknown.

This motion aims to develop an initial understanding of timeframes and intentions regarding Lot 26 College Road, with a view to acquiring the site.

STAFF COMMENT

A letter can be prepared as requested in the Motion.

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the Council requests the Chief Executive Officer to write to Dr Andrew Johnson, Director of the Bureau of Meteorology, GPO Box 413 Brisbane 4001, seeking confirmation of the Bureau's intentions regarding Lot 26 College Road, Kent Town.
2. That a copy of the letter be forwarded to The Honourable Christopher Pyne MP, Member for Sturt.

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Stock moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Corporate Services, General Manager, Urban Services and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is proposing to conduct business and prejudice the commercial position of the council; and*
- (ii) would, on balance, be contrary to the public interest;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Whittington and carried.

Cr Patterson moved:

- 1. That the Council requests the Chief Executive Officer to write to Dr Andrew Johnson, Director of the Bureau of Meteorology, GPO Box 413 Brisbane 4001, seeking confirmation of the Bureau's intentions regarding Lot 26 College Road, Kent Town.*
- 2. That a copy of the letter be forwarded to The Honourable Christopher Pyne MP, Member for Sturt.*

Seconded by Cr Whittington and carried unanimously.

Cr Minney moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Knoblauch and carried unanimously.

Released