

Confidential Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Wednesday 26 April 2023 at 7:00pm.

18. ITEMS IN CONFIDENCE

18.1 Former Buffalo Site Design (Report No: 140/23)

Motion - Exclusion of the Public – Section 90(3)(k) Order C260423/7427

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 140/23 Former Buffalo Site Design in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 140/23 Former Buffalo Site Design on the following grounds:**
 - k. pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of the design services for the former Buffalo site.**
- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Patton, Seconded Councillor Fleming **Carried Unanimously**

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 18.1 **Former Buffalo Site Design** (Report No: 140/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the project may be considered by the Council Assessment Panel in the future.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 8.06 pm.

Councillor Snewin declared a general conflict of interest for Item 18.1 **Former Buffalo Site Design** (Report No: 140/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the project may be considered by the Council Assessment Panel in the future.

Councillor Snewin dealt with the general conflict of interest by making it known and leaving the meeting at 8.06 pm.

In August 2022, Council approved site investigations and analysis to commence on the former Buffalo site, and sought expert advice on the constructability of the concept design for the Buffalo site, specifically the interface with the Patawalonga. The results of these investigations have provided better insight to

the cost and complexity of construction prior to commencing detailed design. The potential costs to deliver the concept design have been estimated to be in excess of \$8,900,000.

The local community has provided continual feedback regarding the need to remediate the foundations where the Buffalo replica was situated. In consideration of the community feedback and associated risks and costs with the full redevelopment of the site, it was recommended that Council approve the development of the site and progress with a plan to cap, fill and pave over the existing foundations.

Motion

That Council:

1. notes the findings of the Constructability Report and Analysis undertaken by Magryn & Associates;
2. approves Administration to undertake Option C as outlined in this report, to remediate, fill and construct over the former Buffalo site foundations;
3. approves the allocation of \$2,200,000 in the Draft Annual Business Plan 2023/24 to proceed with 'Option C'; and

RETAIN IN CONFIDENCE - Section 91(7) Order

C260423/7428

4. That having considered Agenda Item 18.1 140/23 Former Buffalo Site Design in confidence under section 90(2) and (3)(k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence and the Chief Executive Officer is authorised to release the documents when relevant financial information is redacted from the documentation and that this order be reviewed every 12 months.

This order is subject to section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition, section 91(8)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of design services must be released once the contract has been entered into by all concerned parties.

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

Councillor Fleming re-joined the meeting at 8.19pm.

Councillor Snewin re-joined the meeting at 8.19pm.

CONFIRMED 8.20pm

CONFIDENTIAL

MAYOR