

CONFIDENTIAL ITEMS 2003 – AUGUST 2024

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
176	2 May 2022	Regional Aquatic and Leisure Centre Project Update	Section 90 (3) (k) Order 1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Deputy Chief Executive Officer, Acting General Manager Community Services, General Manager Infrastructure, General Manager Planning & Community, General Manager Corporate Services, Risk and Governance Officer, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update. The Council is satisfied that 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 services. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed has the potential to impact on each of the tenderers. Section 91(7) Order 2. Pursuant to Section 91(7) That having considered Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item, tender documents and all minutes be retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties.	Agenda item, tender documents and all minutes be retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties.	The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed has the potential to impact on each of the tenderers.	Retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties.	3 Oct 23	Within 12 months	<i>Report, Attachment and Minutes released on website 26 August 2024</i>

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RELEASED

18. CONFIDENTIAL REPORTS

18.1 REPORT TITLE: CONFIDENTIAL REPORT : REGIONAL AQUATIC AND LEISURE CENTRE PROJECT UPDATE

DATE OF MEETING: 2 MAY 2022

FILE NUMBER: DOC/22/47947

ATTACHMENTS: 1 – DOC/22/51903 – REGIONAL AQUATIC AND LEISURE CENTRE TARGET PROGRAM

Key Contact Luke Gray, Manager Strategic Projects and Economic Development

Manager/Sponsor Marc Voortman, General Manager Planning and Development

Community Plan 2020-2035:

Community Wellbeing

CW Goal 1 Activity and movement: Physical and mental health and wellbeing is supported by opportunities to access parks and natural areas, quality open space and recreation and sporting facilities.

CW Goal 2 Health and Social Connection: Our community feels engaged, confident and proud. We work together and support each other to be healthy, thrive and achieve our potential.

EP Goal 3 Growth and opportunity: Add value to the growth of the district by exploiting new economic opportunities aligned with the key strengths of liveability, sustainability and low emissions.

Annual Business Plan:

The Annual Business Plan makes reference to the need to progress and complete the detailed design phase of the project, enabling progression through to construction.

Long Term Financial Plan

Council's long term financial plan references a provisional project budget of \$28-30 million, with Council capital expenditure of circa \$8 million, with the balance of funds being grant revenue.

This budget is in addition to the cost associated with acquiring the subject land.

Purpose:

To provide an update on progress for the Regional Aquatic and Leisure Centre Project, including procurement of the lead architect.

Summary – Key Issues:

1. The Regional Aquatic and Leisure Centre (the Project) is now progressing into an intensive design phase, taking the Council endorsed scope of works and developing a detailed concept design for consideration by Council.
2. A competitive procurement process has been undertaken to select a suitability qualified and experienced architectural firm to develop the necessary design documentation for Council.
3. DesignInc has been selected as the preferred architect as an experienced team that has a strong record of designing and delivering indoor aquatic, leisure and other community infrastructure facilities.
4. As lead architect, DesignInc will co-ordinate a team of sub-consultants that will bring an integrated design approach to address the numerous, interrelated elements of this facility.
5. This project continues to track along a critical path to satisfy grant obligations, but also community expectations for the delivery of this new facility.

Recommendation:

That Council:

Section 90 (3) (k) Order

1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Deputy Chief Executive Officer, Acting General Manager Community Services, General Manager Infrastructure, General Manager Planning & Community, General Manager Corporate Services, Manager Strategic Projects and Economic Development, Risk and Governance Officer, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update.

The Council is satisfied that 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 services.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the

circumstances because the information to be disclosed and discussed has the potential to impact on each of the tenderers.

That Council:

2. Note the procurement process undertaken to select DesignInc as preferred Project Architect for the Regional Aquatic and Leisure Centre.
3. Note that further engagement will occur with key project stakeholders, Community Reference Group and Elected Members in preparation of the facility design.

Section 91(7) Order

Pursuant to Section 91(7)

4. That having considered Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item, tender documents and all minutes be retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties.

Background:

1. The Project is of a strategic and intergenerational nature and has been a recognised priority of Council since the 2015 Needs Analysis demonstrated a warrant for a facility to replace the ageing Mountain Pool complex.
2. The Council has been provided with a range of independent aquatic and commercial advice regarding the optimal scope and staging of the facility.
3. Broad community and stakeholder engagement occurred in 2019 regarding the proposed scope and staging for the facility and sought to capture key community needs and how they intended to use the facility.
4. This feedback was and continues to be relevant data informing Council's decision making and will be part of a consolidated package of information provided to the design team.
5. Council's approach to accommodating a diverse range of community needs within its scope and staging plan was instrumental in attracting

significant grant funding support from the State (\$7.3m) and Federal (\$15m) Governments. This funding represents approximately 75% of the forecast total project costs, with a funding provision of approximately \$8 million provided by Council.

6. The Funding Deeds associated with these Government grants have determined that Council must target construction to commence in May 2023 with construction completed by mid-2024.
7. In August 2021, with consideration to the broad community/stakeholder engagement and independent aquatic and commercial advice, Council approved the stage 1 scope of the facility, including:
 - 25m x 10 lane competition/lap pool
 - Learn to swim pool
 - Shallow entry leisure pool/water play
 - Warm water therapy pool
 - Gym and fitness rooms
 - Crèche
 - Kiosk/café
 - Toilets/change rooms
 - Meeting rooms
8. Council authorised the Chief Executive Officer at its 2 August 2021 meeting to:
 - a. Enter into such contracts (excluding aquatic/precinct operators), secure such authorisations and approvals and do such other things required to implement the Project in accordance with the Project Scope, the terms of any relevant authorisations and approvals, the Funding Deeds and as otherwise contemplated by this report; and
 - b. Sign and as necessary affix the common seal in conjunction with the Mayor for all legal documentation necessary to give effect to the above matters.
9. It was also resolved at that council meeting to:
 - c. note that the Prudential Report for the Project will be tabled with Council for its consideration prior to Council entering into formal contracts for construction.
10. The greater facility design and siting will allow for future expansion to include spatial allowance for, and connection with elements such as:
 - Outdoor 50m competition/lap pool
 - Expanded aquatic leisure facilities (splash pad, waterslides)
 - Indoor sports courts

11. Council is committed to ensuring that the on-going financial viability of the project will be underpinned by a functional design and operating approach.
12. In addition, Council is adopting an innovative, precinct approach through leveraging its (and State/Federal) expenditure on community infrastructure to stimulate private sector investment in complementary leisure and tourism facilities within the broader precinct. This approach is designed to not only achieve a significant economic, tourism and employment outcome but to also assist in partially off-setting the operating cost of the new facility.

Discussion:

Lead architect procurement

13. In order to progress the design of the facility, incorporating community/stakeholder feedback and more recent site due diligence, a project architect is required.
14. The lead project architect will provide professional architectural design services and coordinate the selection and supervision of other disciplines such as (but not limited to):
 - a. structural engineering;
 - b. civil engineering;
 - c. aquatic engineering;
 - d. geotechnical engineering;
 - e. building services (Including Environmental Sensitive Design)
 - f. mechanical, electrical, fire, and hydraulic engineering;
 - g. landscape architecture.
15. A procurement process was designed to attract a leading architectural firm that had the capability, experience and capacity deliver on Council and the communities high expectations around this project.
16. In addition, a strong South Australian presence was seen as essential to ensure continuity of service offering (eg: complexities around any potential additional COVID-19 restrictions) and ability to understand local project context.
17. Pursuant to Council's Procurement policy a select tender Request for Proposal (RFP) process was followed to secure a Contractor to undertake the services. The RFP was issued to nine (9) suitably qualified architectural firms.

18. The RFP was issued via VendorPanel on 23rd March 2022 and closed on 8th April 2022. Five (5) tenders were received from the following groups of invited companies where 2 of the 6 invited companies partnered together:
- Brown Falconer Group Pty Ltd (together with Peddle Thorp Group Pty Ltd)
 - City Collective Pty Ltd
 - DesignInc Adelaide Pty Ltd
 - Grieve Gillett Pty Ltd
 - Hames Sharley (SA) Pty Ltd (together with Co-Op Studio Pty Ltd)
19. The Tender Evaluation Panel (consisting of staff with external advisors) utilised an established assessment criteria to evaluate and short-list the proponents.
20. This evaluation criteria includes (but not limited to):
- a. Methodology
 - i. design approach
 - ii. appreciation and strategies to manage a finite construction budget
 - iii. design that creates cost-effective operating model
 - iv. stakeholder/EM/community engagement approach
 - v. etc
 - b. Project Experience
 - i. Similar projects and alignment to MBDC project
 - ii. Key roles of current team in comparable projects
 - iii. References to validate prior performance
 - c. Personnel and team structure
 - i. Clarification of key project resources allocated to project
 - ii. Project team structure/appropriate governance and contingency
 - d. Price/Value
 - i. Cost of proposed consultancy
 - ii. Demonstration of value based on included/excluded services as part of contract
 - e. Local Business Support assessment criteria included
 - i. Evidence of local business support (direct/indirect)
21. Based on the above criteria, the Panel shortlisted the following three groups for an interview:
- a. Brown Falconer Group Pty Ltd (together with Peddle Thorp Group Pty Ltd)
 - b. City Collective Pty Ltd
 - c. DesignInc Adelaide Pty Ltd

22. This decision was based on the information submitted by the three (3) submissions. The principal matters of interest being:
- a. their extensive experience on similar projects,
 - b. the strength of their management personnel and broader project teams,
 - c. demonstrated clear appreciation of the project's objectives, and
 - d. provision of a clear articulation of their methodology to engage with Council and other key stakeholders in the design and delivery of the project.
23. At the conclusion of the interviews and taking into consideration all relevant inputs, the Panel recommended to the CEO that DesignInc was the preferred Proponent based primarily on the following:
- a. Demonstration of a strong appreciation of the project brief, the key stakeholders, and a strong history in genuinely engaging with internal / external stakeholders on similar Local Government projects;
 - b. Demonstrating a strong passion for, and experience with, similar indoor aquatic and community facilities;
 - c. Demonstrating a depth of skills and experience across their nominated design team;
 - d. Demonstrating a strong collaboration and history with a local Nairne-based Landscape Architecture firm to be included in the Design Team, with a local appreciation of the landscape being a key component to this project.
24. In addition to the above, DesignInc provided the strongest response regarding the relationship between upfront capital expenditure, and long-term operational efficiencies – a crucial aspect of this project, over its' entire life cycle. Their clear articulation of aligning the project scope, budget, and collaboration with Council's Quantity Surveyor and Project Manager through this entire process was the best outlined of the Tenders received.
25. At the time of writing this report a recommendation to the Chief Executive Officer to appoint DesignInc has been finalised. Staff are in the process of finalisation of contracts, appointment and notification of unsuccessful. The successful proponents appointment will be made by Council's Chief Executive Officer in accordance with Council's delegation at its meeting of 2 August 2021 and consistent with Council's Procurement Policy.

Additional Procurement Activities

26. The procurement of the Quantity Surveyor's (QS) services to support Council throughout the life of the design and construction has commenced. The Request for Tender for these services closes on 4 May 2022.
27. The QS will be a direct appointment to Council to assist the design team in aligning the design with the project budget, and to monitor and control the project costs.
28. The QS engagement in parallel with the beginning of the detailing of the design is essential as it will allow the greater refinement in the projects costs, management of the costs and cash flow planning.
29. The QS appointment is proposed to run for the life of the project to manage cost estimation of the design as it progresses through the initial design phase and, further, monitor the costs through design development, and construction to ensure the budget is managed.
30. Specialist consulting services to advise on the optimal vehicular, public and active transport connections for this project are also set to be appointed in early May 2022.
31. External Project Management services (currently being performed by Sinclair Brook) will also be tendered in mid-2022. This external assistance is fundamental to managing what is a high risk design and construction project. This external resource will be supported by internal Council project management resources.

Engagement and Communication with Elected Members/Community

32. An EOI process for the Community Reference Group (CRG) has commenced with the appointment of members to be undertaken by the Chief Executive Officer in consultation with the Mayor. The Terms of Reference for this group are as endorsed by Council at its August 2021 Council Meeting.
33. The timing of the appointment of the CRG is designed to coincide with the commencement of the lead architect to ensure this group can provide the necessary input at the early stage of this next design phase.
34. A communication and engagement strategy will guide the project design and construction process, ensuring the appropriate touch points with community, key stakeholders and Elected Members are achieved. This is to achieve both project awareness and targeted input to specific design elements.

35. Elected Members will be invited to provide input through design workshops, which may also include site visits to relevant facilities to aid in resolving key design considerations.

Operator EOI

36. An EOI process to seek suitably qualified aquatic facility operators was endorsed by Council at its August 2, 2021 meeting and is set to commence by mid-2022.
37. The Operator EOI process is designed to best inform Council of the relative merits (or not) of an external operator model.
38. Commencement of this EOI process, at the beginning of the detailed design phase, is paramount to ensuring the successful operator has meaningful and early input into the facility design.

Next Steps/Key Decisions of Council

39. Given the timelines contained within state and federal grant deeds, and community expectations of the facility's delivery, this project will need to move through detailed design, documentation, procurement and construction phases with considerable speed and momentum.
40. SA Local Government Elections and resultant care-taker period is of additional consideration with regards to timing of decision making and does influence an intensive detailed concept design phase.
41. There are several important touch points with Council as this project progresses through the next phase, several of which are targeted to be prior to Council entering the care-taker period in September 2022. These include:
- a. Initial briefing (including site tour) and engagement workshop with Lead Architect
 - b. Revised detailed concept design (inclusive of updated cost estimate) – Prior to Caretaker
 - c. Section 48 Report (Prudential)
 - d. Operator EOI outcomes and considerations of operating model of the facility
 - e. Preferred operator (pending decision on above point)
 - f. Updated Business Plan/Operational Plan
 - g. Detailed Design
 - h. Appointment of construction contractor

42. Council's Audit and Risk Committee will also be utilised where applicable to provide additional input and oversight and to assist in Council decision making.
43. Further details regarding the target program moving forward is included in Attachment 1
44. In addition to the above formal touchpoints for Council there will be informal information provided to Council Members which will cover:
- Regular project updates via memo (including meeting notes from the Community Reference Group)
 - Informal briefings/ workshops on key project items such as the engagement plan/approach, operator EOI outcomes.

Budget:

Council has been highly successful in obtaining grant funding commitments from both the Federal and State governments (\$22.3million). The level is unprecedented and is subject to Council finalising the Funding Deeds and implementing the project in accordance with the agreed scope, budget and key project milestones.

Council funding of approximately \$8million is allowed for within the Council's Long Term Financial Plan (LTFP). The Annual Business Plan and Budget for 2022/23 will need to provide sufficient funds to progress with detailed design and potential early site works.

The on-going operating cost of this facility is of high sensitivity within the LTFP, emphasising that facility design, mix and scale are critical to avoiding significant impacts on Council's operating budgets.

Statutory/Legal:

A dedicated external legal expert with major project experience in both the private and government sectors has been engaged to ensure project probity and legal considerations are at the forefront of the project team's considerations and that decision making is accountable, transparent and risk mitigation strategies are apparent and evidenced.

Development Approval will be required prior to construction occurring.

Staff Resource Requirements:

This project has and will have significant resourcing impacts on the Council's administration, particularly at a time where there are multiple intergenerational projects occurring at the same time. To counter this impact, a contemporary approach to the project's management and governance has been adopted which includes key inputs and resource support from a blend of internal and external persons.

External persons with independent expertise in a range of key areas have been and will be engaged at relevant times throughout the project to compliment the capacity and capability of Council's internal administrative resources.

Environmental:

Environmentally sustainable design (ESD) principles are fundamental to this project and the broader precinct. Not only are they critical to ensuring minimal harm on the environment but it is also important in limiting the on-going energy costs associated with operating this facility.

DesignInc provided a strong response to the incorporation of ESD principles to the design of the facility and this remains a core design parameter for Council. In addition to the building design, there are additional opportunities for creek revegetation works and protection and enhancement of existing significant trees on site.

Social:

The proposed scope of this facility will successfully cater for a broad range of community user groups, which is paramount to achieving the multitude of social wellbeing outcomes of this facility.

There are many diverse parts of the community that are looking forward to the development of this facility based on the broad spread of activities that will be catered for. The social wellbeing data is clear around the benefit of well-designed and programed community aquatic and leisure facilities, as a place for people to come together to relax, socialise, learn, be active and safe.

The establishment of the Community Reference Group as well as ongoing targeted stakeholder engagement will assist in providing valuable insights to the project team on usability, functionality and community information inputs and outputs.

Risk Assessment:

A detailed risk assessment has been developed on this project.

The project risks have been amplified by the funding deed deadlines, COVID-19 and significant global events having an effect on the construction sector specifically global supply chains and potential cost escalations. The capacity for Council in managing multiple significant projects concurrently is also an identified risk.

Project risk controls and mitigation strategies are outlined in the risk matrix and require regular monitoring.

Asset Management:

A detailed asset management plan will be developed to manage the new facility once constructed and will form part of DesignInc's schedule of works. Maintenance costs have been estimated as part of the business case but will be further refined as the project progresses.

Conclusion:

The appointment of the Lead Architect is a significant milestone reached and signals the commencement of the detailed concept – through to detailed design phase of this project.

Council Members, along with key stakeholders and the Community Reference Group, will be key inputs into the development of the design moving forward.

Project communications to the broader community will increase, commensurate with increased project activity.

Previous Decisions By/Information Reports to Council

Meeting Date	4 April 2022	CM Reference	DOC/22/32989
Title	Regional Aquatic and Leisure Centre Update		
Purpose	To provide an update on progress for the Aquatic and Leisure Centre Project and provide clarity on proposed next steps to progress the project.		

Meeting Date	2 August 2021	CM Reference	DOC/21/120996
Title	Regional Aquatic and Leisure Centre Update		
Purpose	The purpose of this report is to provide a project update on the Aquatic and Leisure Centre and seek Council support for critical decisions that enable progression of this project in order to meet project timelines and risk mitigation activities.		

Meeting Date	6 April 2021	CM Reference	DOC/20/47902
Title	Regional Aquatic and Leisure Centre Update		
Purpose	To provide an update on recent funding announcements for the Regional Aquatic and Leisure Centre and provide clarity on proposed next steps to progress the project.		

Meeting Date	2 November 2020	CM Reference	DOC/20/146469
Title	Regional Aquatic and Leisure Centre		
Purpose	To provide an update on recent funding announcements and provide clarity on proposed next steps to progress the project.		

Meeting Date	2 December 2019	HPRM Reference	DOC/19/146103
Title	Regional Indoor Aquatic and Leisure Centre		
Purpose	Summary of Consultation		

Meeting Date	2 September 2019	HPRM Reference	DOC/19/103566
Title	Regional Indoor Aquatic and Leisure Centre		
Purpose	Endorse Plan for consultation		

Meeting Date	3 September 2018	HPRM Reference	DOC/18/89697
Title	Indoor Aquatic, Recreation and Wellness Facility		
Purpose	Present Concept Plan and Precinct Plan		

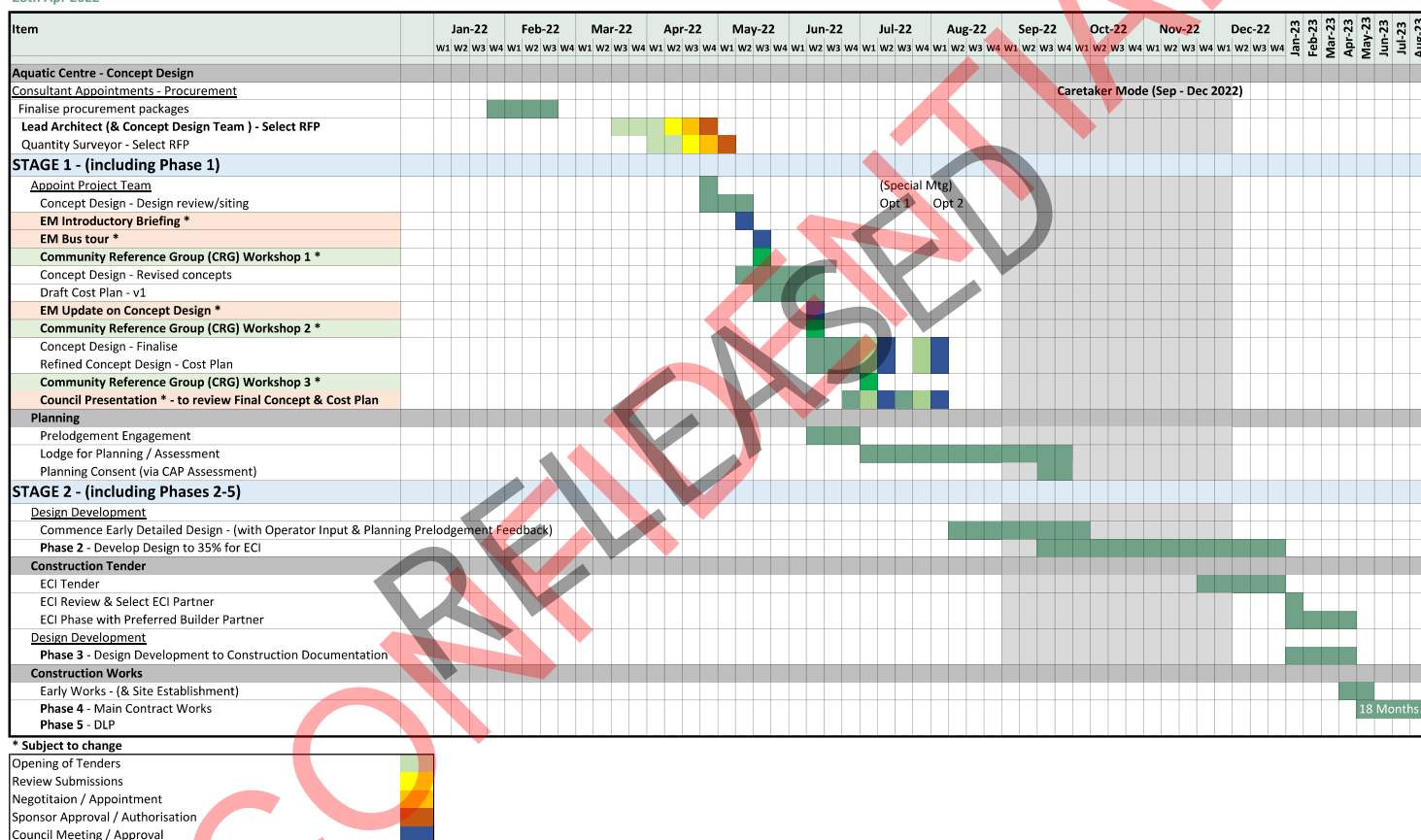
Meeting Date	7 May 2018	HPRM Reference	DOC/18/441085
Title	Indoor Aquatic, Recreation and Wellness Facility		
Purpose	Update on Planning and Funding		

Meeting Date	6 July 2015	HPRM Reference	DOC/15/58574
Title	Aquatic/Multi-use Demand and Needs Analysis		
Purpose	Present Needs Analysis to Council and seek endorsement		

Attachment 1 to Item 18.1

Mount Barker Aquatic and Leisure Centre - Target Program

28th Apr 2022



[illegible]

18. CONFIDENTIAL REPORTS

18.1	REPORT TITLE:	CONFIDENTIAL REPORT: REGIONAL AQUATIC AND LEISURE CENTRE PROJECT UPDATE
	DATE OF MEETING:	2 MAY 2022
	FILE NUMBER:	DOC/22/47947
	ATTACHMENTS:	1 – DOC/22/51903 – REGIONAL AQUATIC AND LEISURE CENTRE TARGET PROGRAM

7.58pm Councillor Leach rose and left the chamber

Moved Councillor Seager that Council:

Section 90 (3) (k) Order

1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Deputy Chief Executive Officer, Acting General Manager Community Services, General Manager Infrastructure, General Manager Planning & Community, General Manager Corporate Services, Risk and Governance Officer, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update.

The Council is satisfied that 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 services.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed has the potential to impact on each of the tenderers.

Seconded Councillor Orr

CARRIED
OM20220502.16

8.01pm councillor Leach entered the chamber and took his chair

Moved Councillor Bailey that Council:

2. note the procurement process undertaken to select DesignInc as preferred Project Architect for the Regional Aquatic and Leisure Centre; and
3. note that further engagement will occur with key project stakeholders, Community Reference Group and Elected Members in preparation of the facility design.

Seconded Councillor Morrison

CARRIED
OM20220502.17

Moved Councillor Jones that Council:

Section 91(7) Order

4. Pursuant to Section 91(7)

That having considered Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item, tender documents and all minutes be retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties.

Seconded Councillor Bailey

CARRIED
OM20220502.18
