

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday 17<sup>th</sup> December, 2013 at 6.00 p.m.

AGENDA

## **CONSIDERATION FOR EXCLUSION OF PUBLIC**

moved that the following Items be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

CCS15 & 16 (a) S.90(3)(a) - information to be considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of junior sports assistance fund nominees, recipients and their families.

The Council being satisfied that the principle that the meeting be conducted in a place open to the public is outweighed in the circumstances because the information contains details of the personal affairs and attributes of minors and their families.

CCS 16 (b) S.90(3)(b) - information to be considered in relation to this item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

- conducting business; or
- proposing to conduct business; or

- would prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

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 release of the information could prejudice any future sale negotiations for the subject land.

CCS 16 (c-e)

S.90(3)(m) - information to be considered in relation to this Agenda Item is information relating to an amendment under the Development Act 1993 before a Development Plan Amendment report relating to the amendment is released for public consultation under that Act.

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 as the Development Plan amendment has not yet been finalised which could result in the public becoming inadvertently misinformed of the proposed changes.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
<b>Operational Services Committee Minutes</b>		
15.	<b>DEVELOPMENT APPLICATION NO. 381/0349/2013</b> - Temporary Parking of Loaded Truck Trailers - 30 White Avenue, Mount Gambier - Ref. AF12/113	(g) & (h)
16.	<b>PROPERTY MANAGEMENT</b> - Drainage Improvement Works - Wandaree Court - Purchase of Vacant Land - Ref. AF11/1344	(b)
<b>Corporate and Community Services Committee</b>		
15.	<b>COMMITTEES - City of Mount Gambier Junior Sports Assistance Fund (Section 41) Committee - Minutes of Meeting held 20<sup>th</sup> November, 2013</b>	
	12. <b>ROTARY CLUB OF MOUNT GAMBIER LAKES</b> - Donations to financially disadvantaged Junior Sportspersons	(a)
	13. <b>COMMERCIAL CLUB INC.</b> - Donation to Exceptional Junior Sportspersons	(a)
16.	<b>GOVERNANCE - Review of In-Confidence Items</b>	
	<i>Meeting Date</i>	<i>Subject</i>
(a)	18/06/2013	SOCIAL, CULTURAL AND COMMUNITY SERVICES - Committees - City of Mount Gambier Junior Sports Assistance Fund (Section 41 ) Committee - Minutes of Meeting held 22nd May, 2013 – Ref. AF11/725
(b)	18/06/2013	CORPORATE AND COMMUNITY SERVICES REPORT NO. 23/2013 - Sale of Council Properties
(c)	15/02/2011	OPERATIONAL SERVICES REPORT NO. 2/2011 - Heritage - Local Heritage and Lakes Zone Development Plan Amendment - Ref. 225/1/10
(d)	20/07/2010	OPERATIONAL SERVICES REPORT NO. 41/2010 - Heritage - Local Heritage Development Plan Amendment - Ref. 225/1/10
(e)	18/05/2010	OPERATIONAL SERVICES REPORT NO. 31/2010 - Heritage - Local Heritage Development Plan Amendment - Ref. 225/1/10

seconded

**IN CONFIDENCE****OPERATIONAL SERVICES COMMITTEE MINUTES – 10<sup>th</sup> December, 2013****15. DEVELOPMENT APPLICATION NO. 381/0349/2013 - Temporary Parking of Loaded Truck Trailers - 30 White Avenue, Mount Gambier - Ref. AF12/113**

*Goal: Environment*

*Strategic Objective: (i) Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

The Presiding Member reported:

- (a) On 8<sup>th</sup> October 2013 Council received a Development Application seeking approval to park 6 loaded trailers on a temporary basis for twelve months at 30 White Avenue, Mount Gambier for Amberich Pty Ltd. Council was further advised verbally that there would be twelve loaded trailers located on the site;
- (b) when considering the history of this site and the nature of the proposed development, on 9<sup>th</sup> October, 2013 Council forwarded the Development Application and supporting documentation to it's legal advisors seeking assistance in the correct definition/classification of the proposed development;
- (c) Council by letter dated 23<sup>rd</sup> October, 2013 advised the applicant that the proposed development is best defined as a 'junk yard' and would be processed as a non-complying form of development, which would be required to be publicly notified as a Category 3 development. Category 3 developments involve the formal notification of the adjoining property owners and the general public of the proposed development. The Environment, Resources and Development Court has previously recognised that 'junk yard' continues to be included within Council's Development Plan, despite the removal of the definition of 'junk yard' from the Development Regulations. At this time Council has also sought additional information to assist in the assessment of the Development Application;
- (d) the Applicant by letter dated 22<sup>nd</sup> November, 2013 has advised that they have lodged a Notice of Appeal with the Environment, Resources and Development Court against Council's decision in respect to the nature of the development and its categorisation;
- (e) the Development Application and supporting documentation has been forwarded to Council's legal representatives to represent Council before Environment, Resources and Development Court in relation to this matter.

**Cr Mutton moved it be recommended:**

- (a) The report be received and the contents noted.**

**Cr Von Stanke seconded**

**Carried**

**CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

**moved that an order be made pursuant to Section 91 (7) of the Local Government Act 1999 that the documents in relation to the following items, which have been considered by Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:**

<u>Item No.</u>	<u>Subject Matter</u>	Grounds	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
	<b>Operational Services Committee Minutes</b>			
15.	<b><u>DEVELOPMENT APPLICATION NO. 381/0349/2013</u> - Temporary Parking of Loaded Truck Trailers - 30 White Avenue, Mount Gambier - Ref. AF12/113</b>	(g), (h)	All details	Until a decision is made by the Environment, Resources and Development Court

seconded

**MINUTES OF THE MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY, 17<sup>TH</sup> DECEMBER, 2013 AT 6.00 P.M.**

## **CONSIDERATION FOR EXCLUSION OF PUBLIC**

Cr Smith moved that the following Items be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

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**CCS 16 (b)**      **S.90(3)(b)** - information to be considered in relation to this item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

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(e)	18/05/2010	<b>OPERATIONAL SERVICES REPORT NO. 31/2010 - Heritage - Local Heritage Development Plan Amendment - Ref. 225/1/10</b>

Cr White seconded

Carried



**IN CONFIDENCE**

**OPERATIONAL SERVICES COMMITTEE MINUTES – 10<sup>th</sup> December, 2013**

**15. DEVELOPMENT APPLICATION NO. 381/0349/2013 - Temporary Parking of Loaded Truck Trailers - 30 White Avenue, Mount Gambier - Ref. AF12/113**

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- (e) the Development Application and supporting documentation has been forwarded to Council's legal representatives to represent Council before Environment, Resources and Development Court in relation to this matter.

Cr Mutton moved it be recommended:

- (a) The report be received and the contents noted.

Cr Von Stanke seconded

Carried

**Cr White moved the recommendation of the Operational Services Committee as contained in item 15 be adopted.**

Cr Von Stanke seconded

Carried

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Cr Von Stanke seconded

Carried