

MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 10 October 2017 at 7:30 a.m.

PRESENT

Mayor Andrew Lee

Cr Christian Greco (Presiding Member)

Cr Ian Von Stanke

Cr Des Mutton

Cr Mark Lovett

COUNCIL OFFICERS

General Manager Community Wellbeing

General Manager Council Business Services

General Manager City Infrastructure

Team Leader Administration (City Infrastructure)

- Ms B Cernovskis

- Mrs P Lee

- Mr N Serle

- Ms S Wilson

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

1. APOLOGY(IES)

Apology received from Cr Steven Perryman.

That the apology from Cr Perryman be received.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 12 September 2017.

That the minutes of the Operational Standing Committee meeting held on 12 September 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

3. QUESTIONS

3.1. With Notice

Nil submitted

3.2. Without Notice

Nil received

4. DEPUTATIONS

Nil



5. COMMITTEE MINUTES AND RECOMMENDATIONS

5.1. Minutes of Heritage Sub-Committee - 27 September 2017

That the minutes of the Heritage Sub-Committee meeting held 27 September 2017 be noted.

Moved: Cr Greco

Seconded Cr Von Stanke

Carried

5.2. Heritage Sub-Committee - Presiding Member Selection - Report No. AR17/38403

COMMITTEE RECOMMENDATION
(a) That Heritage Sub-Committee Report No. AR17/38403 titled ' <i>Heritage Sub-Committee - Presiding Member Selection</i> ' dated 19 September 2017 as presented to the Heritage Sub-Committee on 27 September 2017 be noted.
(b) That Cr Richardson be elected as Presiding Member of the Heritage Sub-Committee for a term to expire on 30 November 2018.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

5.3. Heritage Advisor Report - August 2017 - Report No. AR17/38436

COMMITTEE RECOMMENDATION
(a) That Heritage Sub-Committee Report No. AR17/38436 titled ' <i>Heritage Advisory Report - August 2017</i> ' dated 19 September 2017 as presented to the Heritage Sub-Committee on 27 September 2017 be noted.

Moved: Cr Greco

Seconded: Cr Mutton

Carried

6. OPERATIONAL STANDING COMMITTEE REPORTS

6.1. Works in Progress - City Infrastructure - Report No. AR17/39445

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR17/39445 titled ' <i>Works in Progress - City Infrastructure</i> ' as presented to the Operational Standing Committee on 10 October 2017 be noted.

Moved: Cr Greco

Seconded: Cr Mutton

Carried



6.2. Office Closure - Christmas/New Year 2017 - Report No. AR17/39509

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR17/39509 titled '*Office Closure - Christmas/New Year 2017*' as presented to the Operational Standing Committee on 10 October 2017 be noted.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried

6.3. 2017 Christmas Parade - Street Closures - Report No. AR17/39691

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR17/36961 titled '*2017 Christmas Parade - Street Closures*' as presented to the Operational Standing Committee on 10 October 2017 be noted.
- (b) That Council, being of the opinion that the 2017 Christmas Parade is an event to which Section 33 of the Road Traffic Act applies to, pass the following order in relation to road closures for the purpose of the 2017 Christmas Parade on Saturday, 18 November 2017.

ORDER

Council, pursuant to Section 33 of the Road Traffic Act 1961 and instrument of Delegation from the Minister of Transport makes the following order to close the following roads on Saturday, 18 November 2017:

- (a) **COMMERCIAL STREET EAST** - between East side of Davison Street and Bay Road/Penola Road

Between the hours of 7.00am and 1:00pm.

With the exception of the Ferrers Street/Mitchell Street intersection, north/south traffic will be permitted to cross Commercial Street East until 8.30am.

The portion of Commercial Street East between Crouch Street and East side of Davison Street may remain open to 10:30am.

- (b) **COMMERCIAL STREET WEST** - between Bay Road/Penola Road and Wehl Street.

Between the hours of 8.30am and 1:00pm.

North/South bound vehicles will be permitted to access Commercial Street West intersection until 10:55am.

- (c) **CROUCH STREET SOUTH** - between Commercial Street East and Sturt Street



WEHL STREET NORTH - between Commercial Street West and Wyatt Street/Eglington Terrace.

COMMERCIAL STREET WEST - between Wehl Street and Bertha Street

Between the hours of 10:50am and 1.00pm.

(d) WATSON TERRACE - north south leg adjacent to Jens Hotel/Cave Garden

Between the hours of 6:30am and 5:00pm.

Council further orders that persons attending and taking part in the event are exempted from the following Road Rules when on roads (or section of road) closed pursuant to this Order:

1. Rule 221 Using hazard warning lights
2. Rule 230 Crossing a road – general
3. Rule 231 Crossing a road at pedestrian lights
4. Rule 232 Crossing a road at traffic lights
5. Rule 234 Crossing a road on or near a crossing for pedestrians
6. Rule 237 Getting on or into a moving vehicle
7. Rule 238 Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)
8. Rule 250 Riding on a footpath or shared path
9. Rule 264 Wearing of seat belts by drivers
10. Rule 265 Wearing of seat belts by passengers 16 years old or older
11. Rule 266 Wearing of seat belts by passengers under 16 years old
12. Rule 268 How persons must travel in or on a motor vehicle
13. Rule 269 Opening doors and getting out of a vehicle etc
14. Rule 298 Driving with a person in a trailer

Conditions on Exemptions from Australian Road Rules

1. Rule 237 Getting on or into a moving vehicle - provided the speed of the vehicle does not exceed 5km/h
2. Rule 264 Wearing of seat belts by drivers - provided the speed of the vehicle does not exceed 25km/h
3. Rule 265 Wearing of seat belts by passengers 16 years old or older - provided the speed of the vehicle does not exceed 25km/h
4. Rule 266 Wearing of seat belts by passengers under 16 years old - provided the speed of the vehicle does not exceed 25km/h
5. Rule 268 How persons must travel in or on a motor vehicle - provided the speed of the vehicle does not exceed 25km/h
6. Rule 269 Opening doors and getting out of a vehicle etc - provided the speed of the vehicle does not exceed 5km/h
7. Rule 298 Driving with a person in a trailer - provided the speed of the vehicle does not exceed 25km/h

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried



6.4. Delegation of Powers - Update - Report No. AR17/36984

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR17/36894 titled '*Delegation of Powers - Update*' as presented to the Operational Standing Committee on 10 October 2017 be noted.
- (b) That having reviewed the Local Government Association delegation templates the Council:

1. Revocations

- 1.1. Hereby revokes all previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1. *Dog and Cat Management Act 1995*
- 1.1.2. *Heavy Vehicle National Law (SA) Act 2013*
- 1.1.3. *Local Government Act 1999*
- 1.1.4. *Planning, Development and Infrastructure Act 2016*
- 1.1.5. *Work Health and Safety Act 2012*
- 1.1.6. *Road Traffic Act 1961 (SA), Road Traffic (Misc) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Misc Provisions) Regulations 2014.*

2. Delegations made under Local Government Act 1999

- 2.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation (Appendices as individually identified as indicated below) are hereby delegated this Tuesday 17th October 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instruments of Delegation:

- 2.1.1. *Dog and Cat Management Act 1995 (Appendix 2)*
- 2.1.2. *Heavy Vehicle National Law (SA) Act 2013 (Appendix 31)*
- 2.1.3. *Local Government Act 1999 (Appendix 14)*
- 2.1.4. *Planning, Development and Infrastructure Act 2016 (Appendix 35)*
- 2.1.5. *Work Health and Safety Act 2012 (Appendix 30)*
- 2.1.6. *Road Traffic Act 1961 (SA), Road Traffic (Misc) Regs 2014 and Road Traffic (Road Rules – Ancillary and Misc Provisions) Regs 2014 (Appendix 20, 20B).*

- 2.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.



2.3. For the purpose of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

2.4. For the purpose of these delegations, all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

3. Authorisations and Sub-delegation under the Road Traffic Act 1961

3.1. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Mark McShane
Nick Serle
Daryl Morgan.

3.2. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Nick Serle
Daryl Morgan.

3.3. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in Instrument of Sub-delegation (Appendix 20A) is hereby sub-delegated this 17th of October 2017 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) The conditions contained in the Instrument; and
- (ii) Any conditions contained in this Resolution or in the Instrument of Sub-delegation; and
- (iii) The creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.
- (iv) For the purpose of this sub-delegation, the sub-delegation to the Chief Executive Officer extends to any person appointed to act in the position of Chief Executive Officer.

3.4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate



level of knowledge and expertise in the preparation of traffic management plans:

Nick Serle
Daryl Morgan.

Moved: Cr Greco

Seconded: Cr Mutton

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Mutton informed the meeting of an actual conflict of interest in Item 6.5:

"One of the applicants for the social inclusion committee is my wife. If I vote to support her application that may be because of my relationship with her."

Cr Mutton informed the meeting of the manner in which he intends to deal with the actual conflict of interest as follows:

"I will leave the room and not participate in the meeting in relation to the matter"

In accordance with Section 75A Cr Mutton did not participate in the meeting and left the room at 7:36 a.m.

6.5. Community Engagement and Social Inclusion Nominees - Report No. AR17/40746

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR17/40476 titled '*Community Engagement and Social Inclusion Nominees*' as presented to the Operational Standing Committee on 10 October 2017 be noted.
- (b) That the recommended community nominees for appointment to the Community Engagement and Social Inclusion subcommittee, namely:
 - Dr Suzanne Mutton
 - Melissa Stephenson
 - Judy McKay
 - Kate Amoroso

be accepted.

Moved: Cr Greco

Seconded: Mayor Lee

Carried

Cr Mutton re-entered the meeting at 7:38 a.m.

7. MOTION(S)

7.1. With Notice

Nil submitted



7.2. Without Notice

Nil received



8. CONFIDENTIAL ITEMS

8.1. Consideration for Exclusion of the Public

Item No. 8.2

The following Agenda Item 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 Mayor A Lee, Councillors - C Greco, M Lovett, D Mutton, and I Von Stanke and Council Officers - B Cernovskis, P Lee, N Serle and S Wilson) be excluded from the meeting in order for the Agenda Item (Report No. AR17/37588 - 7 Eucalypt Drive - Commercial Lease) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(b) of the Act the information to be received, discussed or considered in relation to this Agenda 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;
 - proposing to conduct business; and
- would prejudice the commercial position of the Council.

The information to be discussed includes the market rental valuation obtained by council for the subject property that will form a basis of lease negotiations for a further lease period.

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 it is in the community interest for Council to negotiate a reasonable market rental for the commercial lease of the community asset.

Item No.	Subject Matter	S90(3) Grounds
8.2	7 Eucalypt Drive - Commercial Lease - Report No. AR17/37588	(b)

Moved: Cr Lovett

Seconded: Cr Greco

Carried

Meeting closed at 7:41 a.m.

AR17/41636

CONFIRMED THIS

DAY OF

2017.

.....
PRESIDING MEMBER

