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**I hereby give notice that an Ordinary Meeting of Council will be held
on:**

Date: Tuesday, 15 December 2020
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 15 December 2020

A handwritten signature in black ink, appearing to read 'Barbara Cernovskis', is placed over a light grey rectangular background.

Barbara Cernovskis
Acting Chief Executive Officer
11 December 2020

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1 ACKNOWLEDGEMENT OF COUNTRY

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.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 17 November 2020](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 17 November 2020 be confirmed as an accurate record of the proceedings of the meeting.

5 MAYORAL REPORT

- Screen Print of T-Shirt for Clothesline Project – 16 Days of Activism
- LGFSG Virtual Operational Briefing re COVID-19 State Lock Down
- COMG Virtual COVID-19 Update to Elected Members re State Lock Down
- LGFSG Virtual Operational Briefing
- Weekly LCLGA Mayor's Virtual Meeting
- Sky News Interview re State Lock Down
- LGFSG Virtual Operational Briefing
- LGFSG Virtual Operational Briefing – State Lock Down Update (Sat 21 Nov)
- Virtual Stand Like Stone Community Grant Ceremony
- LGFSG Virtual Operational Briefing
- Photo with Santa – Lifestyle Magazine
- Guest Speaker at Lioness Club Dinner Meeting
- GTE Cheque Handover – Mayor's Christmas Appeal
- Julian Mattay Cheque Handover – Mayor's Christmas Appeal
- With Acting CEO, meeting re Ryder Cheshire Home
- Promotion – Big, Small, Support Us All Campaign
- Weekly LCLGA Mayor's Virtual Meeting
- Lifeline – Donation of Toys – Mayor's Christmas Appeal
- Australia Day Advisory Group Meeting - Selection
- With Acting CEO, meeting with representatives Pioneer Basketball
- 2020 Limestone Coast Local Health Network (LCLHN) Annual Public Meeting
- Gambier City Lions - Dinner Meeting - Drawing of Children's Cancer Foundation Raffle
- Presentation to Select Committee on Regional Australia Inquiry into Regional Australia, via Teleconference



- Weekly LCLGA Mayor's Virtual Meeting
- Official Launch of the Book, The GTE Story
- People and Place Committee Meeting
- Tenison Woods College, Middle School Awards Ceremony
- LGA General Board Meeting and Christmas Lunch

6 REPORTS FROM COUNCILLORS

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOPS HELD 16 NOVEMBER 2020 TO 11 DECEMBER 2020 – REPORT NO. AR20/25154

Meeting: Council
CM9 Reference: AF19/416
Author: Fiona McGregor, Executive Administration Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR20/25154 titled 'Elected Member Workshops held 16 November 2020 to 11 December 2020' as presented on 15 December 2020 be noted.



ATTACHMENTS

1. Designated Informal Gathering - Members Workshop - Record of Proceedings - 19/11/2020 [↓](#)



**DESIGNATED INFORMAL GATHERING
CONSULTANT DISCUSSION – CEO SELECTION PANEL
3.45 PM, THURSDAY 19 NOVEMBER 2020**

RECORD OF PROCEEDINGS
3.45 pm, Thursday 19 November 2020
Via Electronic Means
10 Watson Terrace, Mount Gambier

GUESTS PRESENT:

Mr Philip Morton
Mr Jason Barrington

MEMBERS PRESENT:-

STAFF PRESENT:-

Mayor Lynette Martin
Deputy Mayor Cr Sonya Meziniec
Cr Frank Morello
Cr Paul Jenner

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

DISCUSSION:

Introduction of CEO Recruitment Committee with recruitment company Morton Philips
Discussion of recruitment methodology
Attributes required of CEO
Recruitment Committee to sign confidentiality agreement

Discussion closed at 4.30 p.m.



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 ACTION ITEMS 17 NOVEMBER 2020 – REPORT NO. AR20/25204

Meeting: Council
CM9 Reference: AF19/416
Author: Fiona McGregor, Executive Administration Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR20/25204 titled 'Action Items 17 November 2020' as presented on 15 December 2020 be noted.



ATTACHMENTS

1. Action Items updated 17/11/2020 [↓](#)



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
Action Sheets Report	Officer:	Printed: 11 December 2020 10:20 AM	

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Questions with Notice	Elected Member Training and Travel - Cr Amoroso
RESOLUTION 2020/331			
Moved: Cr Max Bruins			
Seconded: Cr Steven Perryman			
That the response to the question regarding Elected Member Training and Travel – Cr Amoroso raised by Councillor Max Bruins be received and noted.			
CARRIED			
23 Nov 2020 - 12.03 PM - Michael McCarthy			
Action completed by: McCarthy, Michael			
No Action Required			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Questions with Notice	Elected Member Training and Travel - Cr Amoroso - Policy M500 Question
RESOLUTION 2020/332			
Moved: Cr Max Bruins			
Seconded: Cr Steven Perryman			
That the response to the question regarding Elected Member Training and Travel – Cr Amoroso – Policy M500 Question raised by Councillor Max Bruins be received and noted.			
CARRIED			
RESOLUTION 2020/333			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
That the response to the question regarding the source of faecal matter in the valley lake raised by Councillor Meziniec be received and noted.			
CARRIED			
23 Nov 2020 - 11:59 AM - Michael McCarthy			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:	Printed: 11 December 2020 10:20 AM	
Action Sheets Report			

Action completed by: McCarthy, Michael
 No Action Required

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Questions with Notice	Source of faecal matter in the Valley Lake
RESOLUTION 2020/332			
Moved: Cr Max Bruins			
Seconded: Cr Steven Perryman			
That the response to the question regarding Elected Member Training and Travel – Cr Amoroso – Policy M500 Question raised by Councillor Max Bruins be received and noted.			
			CARRIED
RESOLUTION 2020/333			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
That the response to the question regarding the source of faecal matter in the valley lake raised by Councillor Meziniec be received and noted.			
			CARRIED
<i>23 Nov 2020 - 11:58 AM - Michael McCarthy</i>			
Action completed by: McCarthy, Michael			
No Action Required			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:		
Action Sheets Report		Printed: 11 December 2020 10:20 AM	

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Questions with Notice	Rail Trail Tree Planting Plans
RESOLUTION 2020/334			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
That the response to the question regarding Rail Trail Tree Planting Plans raised by Councillor Meziniec be received and noted.			
CARRIED			
23 Nov 2020 - 11:58 AM - Michael McCarthy			
Action completed by: McCarthy, Michael			
No Action Required			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Notice of Motion to Rescind or Amend	Notice to Rescind - Regional Assessment Panel
RESOLUTION 2020/335			
Moved: Cr Sonya Meziniec			
Seconded: Cr Christian Greco			
1. That Council Report No. AR20/74843 titled 'Notice to Rescind - Regional Assessment Panel' as presented on 17 November 2020 be noted.			
2. That resolution 2020/269 associated with Report No. AR20/38060 titled ' <i>Regional Assessment Panel - Proposed Model</i> ' that was passed at the 21 July 2020 Council meeting be rescinded as follows:			
(a) Parts 2-5:			
2. <i>That the Chief Executive Officer (or delegate/s) be authorised to finalise any administrative arrangements necessary to reach agreement between the proposed member Councils on Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models, provided that any further amended details are based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.</i>			
3. <i>That the Chief Executive Officer be authorised to approach the Minister to seek the establishment of a Regional Assessment Panel and to prepare a cost sharing / resourcing agreement between the member Councils the outcome of which to be the subject of a future report to Council.</i>			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:	Printed:	11 December 2020 10:20 AM
Action Sheets Report			

4. That the Regional Assessment Panel should include an Elected Member from the City of Mount Gambier and this appointment be until the next local government election.

5. That the functioning of the Regional Assessment Panel be subject to review after 18 months of operation.

be rescinded.

3. That resolution 2020/310 associated with Report No. AR20/63299 titled 'Regional Assessment Panel Memorandum of Understanding' that was passed at the 20 October 2020 Council meeting be rescinded as follows:

(a) Parts 2-3:

2. Council continue on with its own Council Assessment Panel.

3. Council advises the other 3 Councils it no longer wishes to be a part of the Regional Assessment Panel.

be rescinded.

CARRIED

23 Nov 2020 - 11:57 AM - Michael McCarthy
 Action completed by: McCarthy, Michael
 Referred to EXATeam to update Minute Record

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McGregor, Fiona Serle, Nick	Elected Members Workshops	Elected Member Workshops held 19 October 2020 to 13 November 2020
RESOLUTION 2020/336			
Moved: Cr Christian Greco			
Seconded: Cr Sonya Meziniec			
1. That Council Report No. AR20/25153 titled 'Elected Member Workshops held 19 October 2020 to 13 November 2020' as presented on 17 November 2020 be noted.			
CARRIED			
20 Nov 2020 - 11:22 AM - Fiona McGregor Action completed by: McGregor, Fiona Actions completed			



Outstanding/Finalised	Division:	Date From:	17/11/2020
Action Sheets Report	Committee:	Date To:	17/11/2020
	Officer:	Printed:	11 December 2020 10:20 AM

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McGregor, Fiona Serte, Nick	Council Action Items	Action Items 20 October 2020
RESOLUTION 2020/337			
Moved: Cr Max Bruins			
Seconded: Cr Christian Greco			
1. That Council Report No. AR20/25203 titled 'Action Items 20 October 2020' as presented on 17 November 2020 be noted.			
CARRIED			
20 Nov 2020 - 11:22 AM - Fiona McGregor			
Action completed by: McGregor, Fiona			
Completed			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McGregor, Fiona Serte, Nick	Economic and Environment Committee Minutes and Rec	Minutes of the Economic and Environment Committee held on 2 November 2020
RESOLUTION 2020/338			
Moved: Cr Christian Greco			
Seconded: Cr Frank Morello			
That the Minutes of the Economic and Environment Committee meeting held on 2 November 2020 as attached be noted.			
CARRIED			
20 Nov 2020 - 11:22 AM - Fiona McGregor			
Action completed by: McGregor, Fiona			
Completed			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
Action Sheets Report	Officer:	Printed: 11 December 2020 10:20 AM	

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Ferguson, Derek Serie, Nick	Reports	No Standing Zone - Pinaceae Court
RESOLUTION 2020/340			
Moved: Cr Christian Greco			
Seconded: Cr Steven Perryman			
<ol style="list-style-type: none"> That Economic and Environment Committee Report No. AR20/69513 titled 'No Standing Zone - Pinaceae Court' as presented on 02 November 2020 be noted. The Traffic Impact Statement attached to the Economic and Environment Committee Report be endorsed by Council. That the following parking restrictions become effective upon the installation of appropriate signage; <ol style="list-style-type: none"> The City of Mount Gambier, pursuant to Ministerial delegation resolves the following: PINACEAE COURT (Northern Side) - From 48 metres to 90 metres east of the intersection with Provenance Drive Prohibited area 1.1.511 To apply at all times NO STANDING 			
CARRIED			
1 Dec 2020 - 2:36 PM - Derek Ferguson Action completed by: Ferguson, Derek Signage and line marking completed			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Reports	Review of Advertising and Signage Policy A170
RESOLUTION 2020/341			
Moved: Cr Steven Perryman			
Seconded: Cr Christian Greco			
<ol style="list-style-type: none"> That Economic and Environment Committee Report No. AR20/71013 titled 'Review of 			



Outstanding/Finalised	Division:	Date From:	17/11/2020
Action Sheets Report	Committee:	Date To:	17/11/2020
	Officer:	Printed:	11 December 2020 10:20 AM

Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.

2. The matter of Item 15.4 be referred to the December meeting of Council.

CARRIED

23 Nov 2020 - 12:02 PM - Michael McCarthy
 Action completed by: McCarthy, Michael
 Mater placed on December Council meeting agenda

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Cernovskis, Barbara Cernovskis, Barbara	Motions with Notice	Notice of Motion - Structure of Committees

RESOLUTION 2020/342

Moved: Cr Christian Greco
 Seconded: Cr Max Bruins

- That Economic and Environment Committee Report No. AR20/71247 titled 'Notice of Motion - Structure of Committees' as presented on 02 November 2020 be noted.
- Council refers to an Elected Member's workshop, Council's committee structure and meeting schedule, noting the issue of Standing Committees meeting only every 2 months, and having the full membership appointed to each Standing Committee.

CARRIED

26 Nov 2020 - 4:05 PM - Ashlee Lavia
 Revised Target Date changed by: Lavia, Ashlee From: 1 Dec 2020 To: 29 Jan 2021
 Reason: In progress.



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:	Printed: 11 December 2020 10:20 AM	
Action Sheets Report			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McGregor, Fiona Serle, Nick	Regional Sport and Recreation Centre Committee Min	Minutes of the Regional Sport and Recreation Centre Committee held on 10 November 2020
RESOLUTION 2020/343			
Moved: Cr Ben Hood			
Seconded: Cr Christian Greco			
That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 November 2020 as attached be noted.			
CARRIED			
20 Nov 2020 - 11:22 AM - Fiona McGregor			
Action completed by: McGregor, Fiona			
Completed			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McGregor, Fiona Serle, Nick	Council Assessment Panel Minutes	Minutes of the Council Assessment Panel held on 15 October 2020
RESOLUTION 2020/344			
Moved: Cr Paul Jenner			
Seconded: Cr Christian Greco			
That the Minutes of the Council Assessment Panel meeting held on 15 October 2020 as attached be noted.			
CARRIED			
20 Nov 2020 - 11:23 AM - Fiona McGregor			
Action completed by: McGregor, Fiona			
Completed			



Outstanding/Finalised	Division:	Date From:	17/11/2020
Action Sheets Report	Committee:	Date To:	17/11/2020
	Officer:	Printed:	11 December 2020 10:20 AM

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Junior Sports Assistance (Section 41) Committee Mt	Minutes of the Junior Sports Assistance Fund held on 28 October 2020
RESOLUTION 2020/345			
Moved: Cr Christian Greco			
Seconded: Cr Sonya Meziniec			
That the Minutes of the Junior Sports Assistance Fund meeting held on 28 October 2020 as attached be noted.			
CARRIED			
<i>23 Nov 2020 - 10:20 AM - Melissa Telford</i>			
Action completed by: Telford, Melissa			
No action required.			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Junior Sports Assistance (Section 41) Committee Mt	Minutes of the Junior Sports Assistance Fund held on 28 October 2020
RESOLUTION 2020/350			
Moved: Cr Christian Greco			
Seconded: Cr Ben Hood			
That the Minutes of the Junior Sports Assistance Fund meeting held on 28 October 2020 as attached be noted.			
CARRIED			
<i>23 Nov 2020 - 10:21 AM - Melissa Telford</i>			
Action completed by: Telford, Melissa			
No action required.			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:		
Action Sheets Report		Printed: 11 December 2020 10:20 AM	

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McGregor, Fiona Serle, Nick	Chief Executive Officer Selection Panel Committee	Minutes of the Chief Executive Officer Selection Panel held on 11 November 2020
RESOLUTION 2020/356			
Moved: Cr Paul Jenner			
Seconded: Cr Sonya Meziniec			
That the Minutes of the Chief Executive Officer Selection Panel meeting held on 11 November 2020 as attached be noted.			
CARRIED			
20 Nov 2020 - 11:23 AM - Fiona McGregor			
Action completed by: McGregor, Fiona			
Completed			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Davison, Georgina Cernovskis, Barbara	Council Reports	Consultation Draft Regional Public Health Plan 2021-2026
RESOLUTION 2020/357			
Moved: Cr Steven Perryman			
Seconded: Cr Ben Hood			
1. That Council Report No. AR20/69506 titled 'Consultation Draft Regional Public Health Plan 2021-2026 ' as presented on 17 November 2020 be noted.			
2. Consideration of the draft Regional Public Health Plan be referred to the next meeting of the People & Place Committee to allow Councillors sufficient time to read and consider any changes that may be required prior to proceeding to public consultation.			
CARRIED			
10 Dec 2020 - 9:59 AM - Georgina Davison			
Action completed by: Lavia, Ashlee			
Report presented to People and Place Committee meeting on 6 December 2020.			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:		
Action Sheets Report		Printed:	11 December 2020 10:20 AM

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Council Reports	Policy Review - Emergency / Risk Management Policies
RESOLUTION 2020/358			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR20/67970 titled 'Policy Review - Emergency / Risk Management Policies' as presented on 17 November 2020 be noted. 2. That Council Policy E500 - Provision of Council Resources to Support the Emergency Services in Emergencies be revoked and replaced by the Emergency Management Policy as attached to Report No. AR20/67970. 3. That Council Policy R305 - Risk Management Framework be revoked and replaced by the Risk Management Policy as attached to Report No. AR20/67970. 			
			CARRIED
<p>24 Nov 2020 - 12:33 PM - Ashlee Lavia Action reassigned to Telford, Melissa by: Lavia, Ashlee for the reason: Policy finalisation. 10 Dec 2020 - 10:00 AM - Melissa Telford Action completed by: Lavia, Ashlee Completed.</p>			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Council Reports	Local Government Member - Mount Gambier and Districts Health Advisory Council
RESOLUTION 2020/359			
Moved: Mayor Lynette Martin			
Seconded: Cr Christian Greco			
<ol style="list-style-type: none"> 1. That Council Report No. AR20/71859 titled 'Local Government Member - Mount Gambier and Districts Health Advisory Council' as presented on 17 November 2020 be noted. 2. That, having considered nominations received for the Mount Gambier and District Health Advisory Council, Council endorse Cr Meziniec as the local government nominee. 			
			Carried



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:	Printed: 11 December 2020 10:20 AM	
Action Sheets Report			

23 Nov 2020 - 12:07 PM - Michael McCarthy
 Action completed by: McCarthy, Michael
 Letter sent to HAC advising of nominee

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Council Reports	Review of Confidential Items
RESOLUTION 2020/360			
Moved: Cr Max Bruins			
Seconded: Cr Christian Greco			
1. That Council Report No. AR20/71897 titled 'Review of Confidential Items' as presented on 17 November 2020 be noted.			
2. That the following Confidential Orders as specified in Attachment 1 to Report AR20/71897, having been reviewed by Council, be amended to alter their duration and release conditions:			
Nil			
3. That the following Confidential Orders as specified in Attachment 1 to Report AR20/71897, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 November 2020:			
Nil			
4. That all Confidential Orders as specified in Attachment 1 to Report AR20/71897, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds provided.			
CARRIED			
23 Nov 2020 - 12:04 PM - Michael McCarthy Action completed by: McCarthy, Michael Confidential Items Register updated			



Outstanding/Finalised	Division:	Date From:	17/11/2020
	Committee:	Date To:	17/11/2020
	Officer:		
Action Sheets Report		Printed:	11 December 2020 10:20 AM

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McLean, Shamy Cernovskis, Barbara	Council Reports	City of Mount Gambier 2019/2020 Annual Report
RESOLUTION 2020/361			
Moved: Cr Ben Hood			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Council Report No. AR20/72746 titled 'City of Mount Gambier 2019/2020 Annual Report' as presented on 17 November 2020 be noted. 2. That the City of Mount Gambier 2019/2020 Annual Report as tabled be adopted. 3. That the Chief Executive Officer be authorised to make any non-material changes as considered necessary prior to publication. 4. That copies of the 2019/2020 Annual Report be distributed to the bodies/persons referred to in Section 131 of the Local Government Act 1999. 			
CARRIED			
2 Dec 2020 - 4:44 PM - Shamy McLean			
Action completed by: McLean, Shamy			
Annual Report finalisation activities completed.			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	McCarthy, Michael Zwijenburg, Jeroen	Council Reports	Council and Committee Meeting Arrangements for January 2021
RESOLUTION 2020/362			
Moved: Cr Christian Greco			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR20/73632 titled 'Council and Committee Meeting Arrangements for January 2021' as presented on 17 November 2020 be noted. 2. There be no Economic and Environment Committee or Regional Sport and Recreation Centre Committee meetings in January 2021, with: <ol style="list-style-type: none"> (i) All relevant items being presented directly to the January 2021 Council Meeting; (ii) The Council meeting calendar being prepared / updated to reflect the change. 			



Outstanding/Finalised	Division:	Date From:	17/11/2020
Action Sheets Report	Committee:	Date To:	17/11/2020
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CARRIED

23 Nov 2020 - 12:10 PM - Michael McCarthy
 Action completed by: McCarthy, Michael
 EXATeam making calendar arrangements for January 2021 meeting schedule

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Mahmud, Abdullah Serte, Nick	Council Reports	Removal of Parking Spaces and Installation of Loading Zone on Ferrers Street and Compton Street
RESOLUTION 2020/363			
Moved: Cr Paul Jenner			
Seconded: Cr Christian Greco			
<ol style="list-style-type: none"> 1. That Council Report No. AR20/62259 titled 'Removal of Parking Spaces and Installation of Loading Zone on Ferrers Street and Compton Street' as presented on 17 November 2020 be noted. 2. The Traffic Impact Statement attached to the Council Report be endorsed by Council. 3. That the following parking restrictions become effective upon the installation of appropriate signage; <ol style="list-style-type: none"> (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following; (b) Amend Resolution, 1.1.505 FERRERS STREET (Western Side) - From 44 metres to 55 metres South of the intersection with Commercial Street East. Prohibited area NO STANDING From 9.00pm to 8.00am (c) FERRERS STREET (Western Side) - From 62 metres to 75 metres South of the intersection with Commercial Street East. Prohibited area NO STOPPING 1.1.509 (d) FERRERS STREET (Eastern Side) - From 77 metres to 84 metres South of the intersection with Commercial Street East. Prohibited area NO STOPPING 1.1.510 			



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<p>(e) COMPTON STREET (Western Side) - From 161 metres to 174 metres South of the intersection with Commercial Street East. Prohibited area 2.2.080</p> <p>(f) COMPTON STREET (Eastern Side) - From 88 metres to 95 metres South of the intersection with Commercial Street East. Prohibited area 1.1.511</p> <p>(g) COMPTON STREET (Eastern Side) - From 119 metres to 126 metres South of the intersection with Commercial Street East. Prohibited area 1.1.512</p> <p>4. Upon completion of the Coles Supermarket project Council engage the services of a traffic engineer to assess and provide recommendations to Council on traffic management in the Compton Street precinct.</p>	<p>LOADING ZONE</p> <p>NO STOPPING</p> <p>NO STOPPING</p>	<p>CARRIED</p>
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10 Dec 2020 - 10:01 AM - Abdullah Mahmud
 Action completed by: Lavia, Ashlee
 Completed.

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Zwijenburg, Jeroen Zwijenburg, Jeroen	Council Reports	Budget Review Quarter 1 FY2020-21

RESOLUTION 2020/364
 Moved: Cr Sonya Meziniec
 Seconded: Cr Frank Morello

- That Council Report No. AR20/74795 titled 'Budget Review Quarter 1 FY2020-21' as presented on 17 November 2020 be noted.
- That the YTD quarter 1 budget review (BR1) revisions be adopted for the FY2020/21 financial year, reflecting:
 - A \$2,082,000 forecasted operating deficit, representing a \$489,000 increased deficit from the original budget operating deficit of \$1,593,000;
 - A \$10,290,000 forecast net deficit, representing a \$529,000 decrease from the original budget net surplus of \$10,819,000;



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- No impairment expense within Other Comprehensive expenses at BR1.
- A \$39,098,000 forecast capital expenditure, representing a \$1,301,000 change from the original budget capital expenditure of \$37,797,000, including a Budget revision carry over to 2020/21 of \$1,856,000 and an anticipated carry-over to 2021/22 of \$1,600,000.

CARRIED

24 Nov 2020 - 4:16 PM - Jeroen Zwijnenburg
 Action completed by: Zwijnenburg, Jeroen
 Noted. BR1 uploaded into Authority on 24 November 2020.

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Cernovskis, Barbara Cernovskis, Barbara	Motions with Notice	Notice of Motion - COVID19 Initiatives
RESOLUTION 2020/365			
Moved: Cr Sonya Meziniec			
Seconded: Cr Steven Perryman			
<ol style="list-style-type: none"> 1. That Council Report No. AR20/74135 titled 'Notice of Motion - COVID19 Initiatives' as presented on 17 November 2020 be noted. 2. that the CEO provide a report to Council with a summary of the progress and success of all the initiatives implemented by Council to-date in response to COVID19 			
CARRIED			
10 Dec 2020 - 10:43 AM - Barbara Cernovskis Action completed by: Lavia, Ashlee Report prepared for Council on 19 January 2021.			



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Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Cernovskis, Barbara Cernovskis, Barbara	New Item	RAILWAY LANDS - REQUEST FOR TRANSFER OF FUNDS
RESOLUTION 2020/366			
Moved: Cr Paul Jenner			
Seconded: Cr Christian Greco			
<ol style="list-style-type: none"> Council write to Premier and Treasurer to expediate the decision to gift or transfer to the City of Mount Gambier the 14 acres of railway land and the rail trail for nil consideration and funding to support the remediation of the sites. Due to Federal and State Government Grant initiatives the City of Mount Gambier requests that this matter be considered urgently. 			
CARRIED			
10 Dec 2020 - 10:44 AM - Barbara Cernovskis Action completed by: Lavia, Ashlee Completed.			



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	Officer:		
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Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Georgiou, Sinaway Serie, Nick	Reports	2021 Street Tree Program
RESOLUTION 2020/339			
Moved: Cr Christian Greco			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Economic and Environment Committee Report No. AR20/59494 titled '2021 Street Tree Program' as presented on 02 November 2020 be noted. 2. That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2021 Street Tree Program as outlined in Policy T120 (Tree Policy). 3. That Council notifies all residents and utilities affected by the plantings and invite comment on same (in accordance with Councils Public Consultation Policy). 4. That Council adopts the 2021 Street Tree Program as outlined in the discussion so that the proposed species of trees may pre-ordered. 			
			CARRIED
<p>20 Nov 2020 - 2:18 PM - Sinaway Georgiou This Resoltuion is for the 2021 Street Tree Program. Street Trees will be ordered in 2020 and plantings will commence in July 2021</p> <p>27 Nov 2020 - 8:56 AM - Fiona McGregor Revised Target Date changed by: McGregor, Fiona From: 1 Dec 2020 To: 31 Aug 2021 Reason: Street Tree Program finishes August due to planting season</p> <p>10 Dec 2020 - 10:45 AM - Sinaway Georgiou Action completed by: Lavia, Ashlee Completed.</p>			



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Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Statement of Revenue and Expenditure - Year Ended 30/06/2020
RESOLUTION 2020/346			
Moved: Cr Christian Greco			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/54730 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2020' as presented on 28 October 2020 be noted. The Statement of Income and Expenditure for period ended 30 June, 2020 detailing payments to or payments from the Fund with a 30 June 2020 cash balance of \$111,010.56 be received. 			
CARRIED			
23 Nov 2020 - 10:17 AM - Melissa Telford			
Action completed by: Telford, Melissa			
No action required.			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	General Developments of the Fund Since the Thirty-Fourth Annual General Meeting
RESOLUTION 2020/347			
Moved: Cr Christian Greco			
Seconded: Cr Ben Hood			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/54731 titled 'General Developments of the Fund Since the Thirty-Fourth Annual General Meeting' as presented on 28 October 2020 be noted. 			
CARRIED			
23 Nov 2020 - 10:17 AM - Melissa Telford			
Action completed by: Telford, Melissa			
No action required.			



Outstanding/Finalised	Division:	Date From:	17/11/2020
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Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Member Organisation Contributions 2019/2020
RESOLUTION 2020/348			
Moved: Cr Christian Greco			
Seconded: Cr Sonya Meziniec			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/54766 titled 'Member Organisation Contributions 2019/2020 ' as presented on 28 October 2020 be noted. Members Organisations be advised that to assist its members during the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2020/2021 financial year be waived. 			
CARRIED			
<p>23 Nov 2020 - 10:18 AM - Melissa Telford Action completed by: Telford, Melissa Letters sent to Member Organisations.</p>			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Committee Appointments
RESOLUTION 2020/349			
Moved: Cr Christian Greco			
Seconded: Cr Frank Morello			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/54769 titled 'Committee Appointments ' as presented on 28 October 2020 be noted. 			
CARRIED			
<p>23 Nov 2020 - 10:18 AM - Melissa Telford Action completed by: Telford, Melissa No action required.</p>			



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Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Harradine, Kylie Zwijenburg, Jeroen	Reports	Preferred Financial Institution - Junior Sports Assistance Fund
RESOLUTION 2020/351			
Moved: Cr Christian Greco			
Seconded: Cr Kate Amoroso			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/54389 titled 'Preferred Financial Institution - Junior Sports Assistance Fund' as presented on 28 October 2020 be noted. The Junior Sports Assistance Fund Committee close the Bendigo Bank Account and transfer the funds to Westpac and creating a Junior Sports Assistance Fund reserve. Proceed with transfer as long as account receives market rates interest rates. 			
			CARRIED
<i>10 Dec 2020 - 10:46 AM - Kylie Harradine</i>			
Action completed by: Lavia, Ashlee			
Completed.			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Statement of Revenue and Expenses - 1/3/2020 - 31/08/2020
RESOLUTION 2020/352			
Moved: Cr Christian Greco			
Seconded: Cr Sonya Mezinac			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/55257 titled 'Statement of Revenue and Expenses - 1/3/2020 - 31/08/2020 as presented on 28 October 2020 be noted. The financial statement of the Fund as 31 August 2020 be received, noting a cash balance of \$106,610.56. 			
			CARRIED
<i>23 Nov 2020 - 10:19 AM - Melissa Telford</i>			
Action completed by: Telford, Melissa			
No action required.			



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Action Sheets Report			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Applications for Financial Assistance for Juniors and Payments from the Fund from 01/03/2020 to 31/08/2020
RESOLUTION 2020/353			
Moved: Cr Christian Greco			
Seconded: Cr Max Bruins			
1. That Junior Sports Assistance Fund Report No. AR20/55331 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund from 01/03/2020 to 31/08/2020' as presented on 28 October 2020 be noted.			
			CARRIED
<i>23 Nov 2020 - 10:19 AM - Melissa Telford</i>			
Action completed by: Telford, Melissa			
No action required.			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Commercial Club Inc. - Annual Donation - Exceptional Junior 2019
RESOLUTION 2020/354			
Moved: Cr Christian Greco			
Seconded: Cr Frank Morello			
1. That Junior Sports Assistance Fund Report No. AR20/55376 titled 'Commercial Club Inc. - Annual Donation - Exceptional Junior 2019' as presented on 28 October 2020 be noted.			
2. The exceptional junior program be readvertised requesting nominations from Member Organisations of suitable juniors worthy of such an award with the closing date for nominations being 20 November 2020.			
			CARRIED
<i>23 Nov 2020 - 10:20 AM - Melissa Telford</i>			
Action completed by: Telford, Melissa			
Exceptional Junior Program readvertised			



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Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Telford, Melissa Cernovskis, Barbara	Reports	Coaching Clinic Program - Annual Donation
RESOLUTION 2020/355			
Moved: Cr Christian Greco			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR20/67915 titled 'Coaching Clinic Program - Annual Donation' as presented on 28 October 2020 be noted. The Coaching Clinic Program be readvertised requesting nominations from Member Organisations wishing to make application for a donation towards the costs to conduct a specialised coaching clinic at Mount Gambier with the closing date for nominations being 20 November 2020. 			
CARRIED			
<i>23 Nov 2020 - 10:20 AM - Melissa Telford</i>			
Action completed by: Telford, Melissa			
Coaching Clinic Program readvertised.			

Meeting	Officer/Director	Section	Subject
Council 17/11/2020	Ferguson, Derek Serle, Nick	Council Reports	Removal of Parking Spaces and Installation of Loading Zone on Ferrers Street and Compton Street
RESOLUTION 2020/363			
Moved: Cr Paul Jenner			
Seconded: Cr Christian Greco			
<ol style="list-style-type: none"> That Council Report No. AR20/62259 titled 'Removal of Parking Spaces and Installation of Loading Zone on Ferrers Street and Compton Street' as presented on 17 November 2020 be noted. The Traffic Impact Statement attached to the Council Report be endorsed by Council. That the following parking restrictions become effective upon the installation of appropriate signage; <ol style="list-style-type: none"> The City of Mount Gambier, pursuant to Ministerial delegation resolves the following: Amend Resolution, 1.1.505 FERRERS STREET (Western Side) - From 44 metres to 55 metres South of the intersection with Commercial Street East. Prohibited area NO STANDING 			



Outstanding/Finalised	Division:	Date From:	17/11/2020
Action Sheets Report	Committee:	Date To:	17/11/2020
	Officer:	Printed:	11 December 2020 10:20 AM

From 9.00pm to 8.00am

(c) FERRERS STREET (Western Side) - From 62 metres to 75 metres South of the intersection with Commercial Street East.

Prohibited area

NO STOPPING

1.1.509

(d) FERRERS STREET (Eastern Side) - From 77 metres to 84 metres South of the intersection with Commercial Street East.

Prohibited area

NO STOPPING

1.1.510

(e) COMPTON STREET (Western Side) - From 161 metres to 174 metres South of the intersection with Commercial Street East.

Prohibited area

LOADING ZONE

2.2.080

(f) COMPTON STREET (Eastern Side) - From 88 metres to 95 metres South of the intersection with Commercial Street East.

Prohibited area

NO STOPPING

1.1.511

(g) COMPTON STREET (Eastern Side) - From 119 metres to 126 metres South of the intersection with Commercial Street East.

Prohibited area

NO STOPPING

1.1.512

4. Upon completion of the Coles Supermarket project Council engage the services of a traffic engineer to assess and provide recommendations to Council on traffic management in the Compton Street precinct.

CARRIED

1 Dec 2020 - 2:37 PM - Derek Ferguson
Action completed by: Ferguson, Derek
Line Marking and Signage installed



**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND
RECOMMENDATIONS**

Nil



16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 [MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 7 DECEMBER 2020 - Go to Attachment](#)

RECOMMENDATION

That the Minutes of the People and Place Committee meeting held on 7 December 2020 as attached be noted.

16.2 [Property Management - Hastings Cunningham Reserve Sheds](#) – Report No. AR20/73556

RECOMMENDATION

1. That People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. That, noting Council's commitment to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans at the September 2020 meeting, Council defer seeking expressions of interest from local community groups interested in occupying Shed No. 14 until after it has these planning processes to provide strategic direction for the occupation of sheds at Hastings Cunningham Reserve.

16.3 [Consultation Draft Regional Public Health Plan 2021-2026](#) – Report No. AR20/77671

RECOMMENDATION

1. That People and Place Committee Report No. AR20/77671 titled 'Consultation Draft Regional Public Health Plan 2021-2026' as presented on 07 December 2020 be noted.
2. That available members meet with the Acting Chief Executive Officer for further review of the draft before the December meeting of Council.



16.4 [Unreasonable Conduct Policy](#) – Report No. AR20/78760

RECOMMENDATION

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented.

16.5 [Council / Regional Assessment Panel](#) – Report No. AR20/78763

RECOMMENDATION

1. That People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council approach the District Councils of Grant and Robe and Wattle Range Council seeking to participate in the formation of a Regional Assessment Panel.
3. Council endorse the Memorandum of Understanding based upon Option B being the preferred constitution.

16.6 [Review - Council Assessment Panel](#) – Report No. AR20/79655

RECOMMENDATION

1. That People and Place Committee Report No. AR20/79655 titled 'Review - Council Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council:
 - (i) Seek nominations/Expressions of Interest from Elected Members to be appointed to the Council Assessment Panel, with the successful Member commencing this role at the meeting scheduled to be held on Thursday 17 December, 2020.
 - (ii) Call for nominations/Expressions of Interest to fill the four Independent Member positions on the Council Assessment Panel.



16.7 [Local Heritage Restoration Fund 2020/2021 - Consideration of applications and distribution of funds](#) – Report No. AR20/76850

RECOMMENDATION

1. That People and Place Committee Report No. AR20/76850 titled ‘Local Heritage Restoration Fund 2020/2021 - Consideration of applications and distribution of funds’ as presented on 07 December 2020 be noted.
2. That the Heritage Restoration Fund Grants for 2020/2021 be endorsed and funds distributed as follows:

PROPERTY	DESCRIPTION OF WORK	RECOMMENDED VALUE OF GRANT
85-87 Gray Street	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	1,700
17 Jardine Street	Replacement of damaged window	1,800
65 Bay Road	Repairs and update the verandah, replace existing timbers with new timber	1,800
1/29 Ferrers Street	Roofing and repairs	1,800
12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	1,800
9 Jardine Street	Restoration of and painting of front fence and verandah floor	300
1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	1,700
45 Crouch Street North	Restore verandah	1,700
58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	1,700
81 Bay Road	Repair and repaint exterior of building	1,800
30 Power Street	Removal and replacement of front fence (including painting)	1,800
36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	1,800
TOTAL		20,000

3. That Council Officers advise successful applicants of the outcome of their applications.



17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 8 DECEMBER 2020 - [Go to Attachment](#)

RECOMMENDATION

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 8 December 2020 as attached be noted.

17.2 [Community and Recreation Hub - Name Consultation](#) – Report No. AR20/78193

RECOMMENDATION

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Wulanda
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Recreation and Convention Centre



18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 3 DECEMBER 2020

RECOMMENDATION

That the Minutes of the Council Assessment Panel meeting held on 3 December 2020 as previously circulated be noted.



19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

19.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 9 DECEMBER 2020 - [Go to Attachment](#)

RECOMMENDATION

That the Minutes of the Junior Sports Assistance Fund meeting held on 9 December 2020 as attached be noted.

19.2 [Coaching Clinic Program 2020](#) – Report No. AR20/78671

RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR20/78671 titled 'Coaching Clinic Program 2020' as presented on 09 December 2020 be noted.
2. The following funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics:
 - (i) Basketball Mount Gambier - \$2,000
 - (ii) Blue Lake Y Swim Club - \$2,000
 - (iii) Mount Gambier Cycling Club - \$1,000

19.3 [Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2019](#) – Report No. AR20/80402

RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR20/80402 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2019' as presented on 09 December 2020 be noted.
2. For the 2019 year the following junior receive the Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:
Awardee: Tess White
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

**21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES
AND RECOMMENDATIONS**

Nil

**22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND
RECOMMENDATIONS**

Nil

23 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



24 COUNCIL REPORTS

24.1 COUNCIL ADVERTISING AND SIGNAGE POLICY A170 – REPORT NO. AR20/78297

Committee:	Council
Meeting Date:	15 December 2020
Report No.:	AR20/78297
CM9 Reference:	AF19/416
Author:	Elisa Solly, Property Support Officer
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report re-presents Council’s Advertising and Signage Policy A170 for Council owned grounds leased to sporting and community tenants and other supporting information.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR20/78297 titled ‘Council Advertising and Signage Policy A170’ as presented on 15 December 2020 be noted.
2. That, having considered its position on the erection of advertising and sponsorship signage on leased properties, Council hereby revokes Advertising and Signage Policy A170.
3. That Council grants ‘deemed consent’ for the installation of signage by community and sporting lessees occupying land owned by Council.

For clarity, ‘deemed consent’ applies only to occupants with exclusive possession, and does not apply to licensees, permit holders, casual users, or any occupants of Crown Land.



TYPE OF REPORT

Corporate

BACKGROUND

At the Council meeting held on 19 May 2020, Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' (**Attachment 1**) was considered in relation to some 744 signs located at ten Council owned sites, of which the majority were placed without landowner consent and contrary to the adopted Council Policy, and with some 89 requiring development approval.

Council resolved (**Attachment 2**) as follows:

*"Moved: Cr Ben Hood
Seconded: Cr Christian Greco*

- 1. That Council Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' as presented on 19 May 2020 be noted.*
- 2. That Council note the request provided to certain identified tenants to remove signage from their tenanted facilities that requires, but has not been granted, development (planning or building) approvals.*
- 3. That an amnesty on removal of signage be granted to those clubs listed in the table contained within the report until a face to face Elected Member Workshop be convened, when safe so to do, to discuss policy options and implications associated with administering the current or any proposed new policy provisions associated with Council's Advertising and Signage Policy A170.*

CARRIED"

An Elected Member Workshop was held on 24 August 2020 (**Attachments 3 & 4**) followed by a series of questions (Attachment 5) seeking Elected Member input by 4 September 2020 to enable a redrafted policy to be prepared.

Written feedback was received from several members (**Attachments 6-9**) as well as verbal feedback from Cr Paul Jenner, and is summarised as follows:

- General support on having a policy to provide guidance
- General support on allowing small inward facing signs (where not development)
- Mixed views on large and/or outward facing signs (which likely require development consent)
- Mixed views on whether landowner consent should be required for any or all signs.

Some responses included reference to development matters beyond the power of the Council in its capacity as a landowner/landlord and accordingly beyond the scope of such a policy.

Subsequently, at the Council meeting held on 17 November 2020 Council considered Report No. AR20/71013 (**Attachment 10**) which recommended that Council Policy A170 Advertising and Signage be revoked and Council grant deemed approval for signage that does not require the granting of development approval. Following deliberations Council resolved the following:

*"Moved: Cr Steven Perryman
Seconded: Cr Christian Greco*

- 1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.*
- 2. The matter of Item 15.4 be referred to the December meeting of Council.*

CARRIED"

In accordance with the 17 November 2020 Council resolution (**Attachment 11**) this report represents all previously provided information on this matter, including the recent memo from Councils



Manager Development Services, Mrs Tracy Tzioutziouklaris (**Attachment 12**) providing clarification on the Development Act and Development Plan provisions in relation to signs on sporting grounds.

PROPOSAL

An assessment and comparison of the current [Advertising and Signage Policy A170](#) and feedback from Members would seem to indicate that Members are no longer concerned with the existence and number of (or landowner consent for) signs on land that is leased to an occupying tenant.

Other matters relating to signs and structures that constitute development, including the prohibition of signs at Frew Park (Local Heritage Place) are regulated under the Development Act 1993 and in due course the Planning, Development and Infrastructure Act 2016.

A memo from Council's Manager Development Services (**Attachment 12**) outlined what constitutes development under the Development Act 1993 and Development Regulations 2008, and the processes required if it is determined to be development.

On this basis it is suggested that a Council policy is not necessary where landowner or development consent, or the imposition of conditions/restrictions/monitoring are not required or intended. Signs that constitute development (i.e due to size/construction or location) would in all cases require lodgement of a development application and the granting of landowner consent.

It is therefore merely a matter for Council to determine to revoke the current [Advertising and Signage Policy A170](#) such that the prohibitions and restrictions on signs imposed by the policy will have no further application.

To provide adequate direction to the administration and Council's sporting lessees Council may further resolve that it grants 'deemed consent' for the installation of signage by lessees on land owned by Council.

The Administration may then proceed to 'implement' the revocation of the Advertising and Signage policy through the amendment of lease documents, however this will take time as most leases are for 5 years, and some existing leases being for 10 or 21 years.

Tenants may be notified immediately of Council's resolved position that prior consent will not be required for the majority of signs, and would be provided if/as requested.

Large and/or outward facing signs may be dealt with by the inclusion of a condition in the 'deemed consent' for the lessee/applicant to obtain and comply with any required Development Approval, which is already addressed by lease provisions regarding compliance with all statutory requirements.

It should be noted that a position of 'deemed consent' in relation to signs that constitute development would only apply to Council owned land, and not land of which Council is the dedicated custodian (i.e. Crown Land) for which landowner consultation and consent are required for any lease that proposes development under the [Crown Land Management Act 2009](#). This would be addressed as a specific lease issue for tenants of Crown Land under the care and control of Council.

LEGAL IMPLICATIONS

Several legal implications arise in relation to the matter of signage on Council property:

- Lease consent, which may be notified as (conditional) 'deemed consent' as referred above.
- Development (regulatory) requirements, which are addressed under relevant legislation.
- Safety (including WHS and public liability) requirements, which are addressed in relevant legislation and are a shared obligation with tenants and may be addressed through development/regulatory and/or lease (compliance with statutory requirements) avenues.
- The requirement for consultation and landowner consent for Crown Land development.

STRATEGIC PLAN

Nil



COUNCIL POLICY

This report relates to the review, and proposed revocation of the existing [Advertising and Signage Policy A170](#).

ECONOMIC IMPLICATIONS

There are no direct economic implications for Council associated with the proposed revocation of Council's [Advertising and Signage Policy A170](#).

Indirect financial implications associated with any illegal or unapproved development associated with signs installed at variance to the Council Policy (proposed to be revoked) and Development Act (Development Plan and Building Code) requirements are beyond the scope of the Council Policy and this report.

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

With the exception of any implications arising from the removal of any illegal/unapproved development, being beyond the scope of this report, the only identified social implications associated with the proposed revocation of Council's [Advertising and Signage Policy A170](#) is a simpler regime of 'deemed consent' for the installation of signs by lessees of Council owned land.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

With the exception of tenant communication and education on the 'deemed consent', development application requirements and exception for Crown Land there are no resource implications of the proposal to revoke Council's [Advertising and Signage Policy A170](#).

This position is determined on the basis that tenants will be responsible to prepare, submit (and support) their own development applications for existing (and any future) signs requiring development approval. This is consistent with Council's ordinary position and lease conditions for third party development on Council land.

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

Identified risks associated with the revocation of Council's [Advertising and Signage Policy A170](#) and a 'deemed consent' regime include:

- uncontrolled installation of signage at tenanted properties, including at properties where signage is not currently located.
- non-maintenance of signage, in particular signage that comprises a built form.
- limited ability for Council as landowner to impose any standards on signage.
- limited grounds for Council to require the removal of signage.
- potential for illegal/unapproved development to be undertaken on Council/Crown land.

Noting that some of the abovementioned risks apply equally in the current environment, and Council does have certain ability in its separate capacity as regulatory authority with regard to signs that are development.

Arguably the highest risk from a Council perspective is that associated with assets in the public realm, which by the very nature of their location are a public liability risk for both Council and the



tenant/occupier responsible for their design, structure, placement and maintenance. The simplest way for Council to mitigate this risk is to maintain a level of control over such public realm assets and infrastructure by requiring consent, imposing conditions, and retaining a right of removal,

EQUALITIES AND DIVERSITY IMPLICATIONS

The matter of equity between tenants access to sponsorship and advertising revenues was raised in the earlier Report No. AR20/27104 as considered on 19 May 2020 (**Attachment 1**) and during the Elected Member Workshop (**Attachment 4**) on this matter in relation to the higher profile (and therefore higher advertising/promotional value) of certain leased premises relative to others.

Council may determine to address this matter, if it so chooses, by maintaining its prohibition of outward facing signs.

ENGAGEMENT AND COMMUNICATION STRATEGY

Formal engagement or consultation on the proposed revocation (or amendment) of Council's [Advertising and Signage Policy A170](#) is not required under the provisions of the [Local Government Act 1999](#) nor Council's [Community Consultation and Engagement Policy P195](#).

It is proposed that direct communication would occur with affected stakeholders i.e. Lessee's affected by changes and other tenants unaffected by changes to clarify the scope and expectations of Council's resolved position.

IMPLEMENTATION STRATEGY

Once a Council position has been resolved, it is proposed that Council tenants would be notified of changes to expectations in relation to signage on Council land, noting that different tenants would receive differing information relative to their occupancy status.

CONCLUSION AND RECOMMENDATION

Having further reviewed all of the abovementioned and attached reports, workshop presentation, Member Workshop feedback and memo providing clarification on development provisions relating to signs on sporting grounds this report recommends that Council's [Advertising and Signage Policy A170](#) be revoked, in favour of 'deemed consent' for tenants signage on leased properties.

This report does not address the matter of regulatory approvals and any subsequent removal of any existing or new signs that require but have not been granted development (planning and/or building) approval, being a regulatory matter that is beyond the power of the Council in its capacity as landowner and landlord and accordingly not within the scope of a Council Policy in this regard.

Should Council seek to support tenants to obtain development approval for offending signs, it may do so by resolving to provide in-kind administrative and/or financial support (e.g. for engagement of external planning consultants).

ATTACHMENTS

1. Council Report - AR20/27104 - Council Advertising and Signage Policy A170 - Council - 19/05/2020 [↓](#)
2. Council Resolution - Report AR20/27104 - Council Advertising and Signage Policy A170 - Council 19/05/2020 [↓](#)
3. Elected Member Workshop 24/08/2020 - Signage Presentation [↓](#)
4. Designated Informal Gathering - Elected Members Workshop - Record of Proceedings - 24/08/2020 - 6.30 pm [↓](#)
5. Email seeking member input on Advertising and Signage Policy [↓](#)
6. Advertising and Signage Policy - Cr Sonya Mezinac comments [↓](#)
7. Advertising and Signage Policy - Cr Ben Hood comments [↓](#)
8. Advertising and Signage Policy - Cr Frank Morello comments [↓](#)
9. Advertising and Signage Policy -- Cr Max Bruins Comments [↓](#)



10. Economic and Environment Committee Report - AR20/71013 - Review of Advertising and Signage Policy A170 - Council 17/11/2020 [↓](#)
11. Council Resolution - Report AR20/71013 - Review of Advertising and Signage Policy - A170 - Council 17/11/2020 [↓](#)
12. Memo - Clarification of the Development Act and Development Plan Provisions - Relation to signs on sporting grounds [↓](#)



23.4 COUNCIL ADVERTISING AND SIGNAGE POLICY A170 – REPORT NO. AR20/27104

Committee:	Council
Meeting Date:	19 May 2020
Report No.:	AR20/27104
CM9 Reference:	AF19/416
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report is presented for consideration of Councils Advertising and Signage Policy A170.
Community Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Council Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' as presented on 19 May 2020 be noted.
2. That Council note the request provided to certain identified tenants to remove signage from their tenanted facilities that requires, but has not been granted, development (planning or building) approvals.
3. That a face to face Elected Member Workshop be convened, when safe so to do, to discuss policy options and implications associated with administering the current or any proposed new policy provisions associated with Council's [Advertising and Signage Policy A170](#).



BACKGROUND

In late 2019, an Elected Member raised concerns with third party advertising signage located upon several Council reserves. As a result of this concern an audit was undertaken in early 2020 of Council's tenanted sporting grounds to determine the extent to which signage at such locations:

- had/had not obtained development approval (where applicable); and,
- are compliant/at variance with Councils [Advertising and Signage Policy A170](#).

This report presents the findings of this audit and an overview of the Signage Policy and potential policy amendments.

DISCUSSION

The Council's [Advertising and Signage Policy A170](#) sets out the policy position of Council in relation to advertising signs, in particular for sponsorship and advertising signs on (Council) reserves. In summary, the current policy position anticipates the granting of permission for advertising/hoarding signs to be erected on council land tenanted by sporting organisations, and includes the following provisions:

- “(b) Council has established the following guidelines which sporting organisations must follow:*
- (i) Any sign erected by a facility occupier that is an advertisement for a sponsor shall not be clearly or directly visible from adjacent roadways or private property and must generally face towards visitors to the facility. It is expected that a visitor to the sporting facility would generally be able to see an advertising sign from somewhere within the Reserve area. For example, if a visitor within the Reserve can only see the reverse side of a sign on a boundary fence then this sign would not meet the intentions of this Policy. In all circumstances, Council reserves the right to determine if any particular sign contravenes this policy.*
 - (ii) Any proposed sign that will be clearly visible to the public from adjacent roads or private land and does not conform with 4(b)(i) of this policy will be subject to normal Development Approval processes in accordance with the provision of the Development Act 1993 (and fees for any application will not be waived). Prior to lodgement of a Development Application, the occupier of the Reserve must first obtain Council concurrence (noting that Council is the owner of the land) for the Application to proceed.*
 - (iii) No advertising/sponsorship signage whatsoever to be installed or put on the fence or surrounds to Frew Park (noting the exception for the current scoreboard and sight screens).*
 - (iv) Specific event signage associated with the use of a Reserve or Council Property, including Frew Park, will be considered on a case by case basis, with the Chief Executive Officer and/or a General Manager having delegated authority to determine such application, but in no case shall an event sign be in place for a period exceeding six (6) weeks.*
- (c) Sporting organisations occupying Council owned reserves etc. which request approval for the display of advertising and/or hoarding signs, will be treated on their merits and Council shall determine, on application, the following matters:*
- (i) number of signs;*
 - (ii) location of signs;*
 - (iii) size of signs;*
 - (iv) style of signs.*

- (d) *In considering any existing or future applications, Council shall have regard to the following matters:*
- (i) *no advertising and/or hoarding sign shall be approved which could be a potential hazard to the general public or which could prohibit the free or safe flow of pedestrians and/or vehicular traffic;*
 - (ii) *no advertising and/or hoarding sign shall aesthetically detract from the character and amenity of the locality;*
 - (iii) *all advertising and/or hoarding signs shall be maintained in a manner to the satisfaction of Council and shall be approved and displayed at the pleasure of Council.*
- (e) *Council has agreed that any sign displayed at a Council Reserve that contravenes the intent of this policy, at the date on which this policy is adopted, may remain as until the sponsorship arrangement between the particular sporting organisations and sponsor ceases, at which time the sign will be removed and will not be replaced unless specific approval is sought and gained as per this policy.*
- (f) *Council does not support the concept of community based naming rights for any Council owned Reserve."*

These policy provisions clearly specify that placement of advertising signage on reserves should be such that the primary audience are users of the grounds, and that landowner (Council) approval is required for signage irrespective of whether development (planning or building) consent is required.

The policy contains 'grandfathering' provisions for signs that contravened the intent of the policy at the date the policy was adopted, enabling them to remain until the sponsorship arrangement ceased, at which time the signs were to be removed and not replaced unless specific approval sought and granted as per this policy.

[Policy A170](#) was adopted in its current form on 18th February 1999. However, no record of existing signage in place at that time is known to exist for the purpose clearly of distinguishing between signs subject of these 'grandfathering' provisions and subsequently erected signs. Nor is it known to what extent (if any) any notification or compliance work was undertaken at that time.

Considering 21 years have passed since the adoption of [Policy A170](#) it would be fair to suppose that any sponsorship arrangements in place in 1999 would have long expired, or otherwise been renewed at some point during this period, thus triggering the Signage Policy removal provision.

To the knowledge of the report author and other officers assisting in the signage audit the only reserve advertising signage known to have sought and been granted landowner approval in the past seven years is the KIA sponsorship signage located on the tennis court fencing at Olympic Park.

The signage audit undertaken in January 2020 identifies a proliferation of third party advertising signs at certain sporting facilities for which no apparent landowner consent has been sought, and which include a significant number of signs for which development (planning/building) consent is required but has not been sought and granted.

Of significant concern are some 39 signs that require some form of building rules assessment, which in the public realm creates a potential safety risk if the signage structures do not comply with necessary engineering and construction standards.

Several signs are also of large size and/or situated so that they are clearly or directly visible from adjacent roadways or private property (i.e. the users of the grounds are not the primary audience) and accordingly are non-compliant with clause 4(b)(i) of Council [Policy A170](#).

Further, the fact that none of the 89 signs identified as requiring development (planning or building) assessment have been assessed and granted consent raises a significant regulatory compliance



matter. It is noted that 90% of these are located across only 3 sites, significantly simplifying the process to address these. The summary results of the signage audit are set out in the following table.

Location	No. of Signs	# granted Landowner Consent	# requiring Planning (P) / Building consent (B) – (total)	# granted development consent
Malseed Park	157	none known	10 (P) - 15 (B) (23)	nil
Hastings Cunningham Reserve	85	none known	4 (P) – 23 (B) (27)	nil
Vansittart Park	121	none known	nil	n/a
Corriedale Park	3	none known	nil	n/a
Frew Park	3	As per policy clause 4(b)(iii)	3(P)	nil
Olympic Park	22+	6+(KIA) including Crown Land	nil	n/a
Blue Lake Golf Links	6	none known	5 (P) – 1 (B) (5)	nil
Blue Lake Sports Park	203	none known	nil	n/a
McDonald Park	143	none known	30 (P) – 1 (B) (31)	nil
Ice House	1	none known	Nil	n/a
TOTAL	744	6	52 (P) – 39 (B)	nil

A further newly erected outward facing sign at McDonald Park has recently been brought to the attention of the Administration by an Elected Member, but was not known to have been included in the abovementioned audit and table.

Before determining a way forward to address landowner and development consents for unapproved signs, it is recommended that Council first address its policy position and expectations with regards to the practical application of its [Advertising and Signage Policy A170](#).

In reviewing its policy position, Council should note that as landowner and through lease/licence provisions (most of which prohibit the erection of signs without landowner consent), Council has the absolute power to prohibit or restrict/condition any signs erected upon its own land.

It is also important to note that, irrespective of whether Council consents as landowner to any particular sign or signage policy provisions, Council has no influence on the development assessment or resulting conditions applied to any consent. The Council's Enforcement of Unlawful Development Administrative Principle (endorsed by Council in October 2019) seeks a consistent approach to be taken on such matters.

Also of significant relevance, is the extent to which Council wishes to enable sporting (or even community) tenants to obtain sponsorship and to erect signs on Council owned facilities, which to some may be considered an eyesore, whilst to others may be considered to contribute to the colour and fabric of the community by displaying support to these sports and organisations.

It is also worth noting that some tenants and non-tenant organisations may find it difficult to secure sponsorship by virtue of the popularity of their sport or the location and low profile of their facilities, relative to other sports/facilities, which would be expected to contribute to a significant income differential between sports and facilities. Council might consider what role it has to play in balancing any inequity by managing the extent to which tenants may erect signage on Council owned facilities.



It is also worth noting that, at its core, sponsorship and advertising signage is commercial use of community land and reserves/parks, and therefore should be in compliance with the Community Land Management Plan for the relevant land.

This report does not recommend that sponsorship signage be prohibited, or even significantly reduced, but rather that the original intent of the existing policy provisions be considered, which appear to have been intended to control the proliferation of signs through landowner and (where appropriate) development assessment processes.

The current situation whereby 744 (by all accounts unapproved) signs are located across 10 locations (or 709 across 5 locations, and negligible amounts across other sites, is not considered to be consistent with the report author's interpretation of the policy intent.

Whether or not Council agrees with the report authors assessment, Council should turn its mind to the practicalities of rectifying this situation, including resource implications of assessing all unapproved signs for landowner and (including likelihood of obtaining) development consent, and Council's future expectations of tenants with regard to the erection of signs at these and other Council owned properties.

It should be noted that following recent discussions with the President of the West Gambier Football Club, a process is already underway to remove and/or seek (landowner/development) consents for those signs at Malseed Park that require development consent.

Further, as a result of the Elected Member enquiry regarding a further new outward facing sign at McDonald Park, East Gambier Sportsmen's Club have been requested in writing to remove all signage that has not been assessed and granted development (planning or building) approval, noting that such signage is non-complying in the Residential Zone within which McDonald Park is located.

Similar written requests are to be sent to other site tenants to commence a narrative in relation to third party signage and development assessment/approval requirements.

CONCLUSION

This report includes reference to Council's current [Advertising and Signage Policy A170](#) and recommends that an Elected Member Workshop be convened to discuss policy options and implications associated with administering the current or any proposed new policy provisions in this regard.

In the meantime, members should note that Council tenants identified as having unapproved development in the form of outward facing third party signage and/or signs requiring building rules assessment have been asked to remove the offending signs and to lodge a development application and seek landowner consent should they wish to pursue the re-erection of the sign(s) in the future.

In closing, Council should note that as landowner, it is at risk of being party to illegal development proceedings for any unapproved signs located upon its own property, irrespective of whether installed by the tenant and whether or not Council has granted landowner consent for the signs. Such proceedings may be brought by any party with *locus*.

The intent of this report is to move towards a resolution to this matter, given the implications upon Elected Members in their handling of complaints by Elected Members.

ATTACHMENTS

1. Council Policy A170 - Advertising and Signage



FOR ACTION

COUNCIL

19/05/2020

TO: Manager Executive Administration (McCarthy, Michael)

COPY TO:

Subject: Council Advertising and Signage Policy A170
Target Date: 2/06/2020
Report Number: AR20/27104

Notes:

RESOLUTION 2020/196

Moved: Cr Ben Hood
Seconded: Cr Christian Greco

1. That Council Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' as presented on 19 May 2020 be noted.
2. That Council note the request provided to certain identified tenants to remove signage from their tenanted facilities that requires, but has not been granted, development (planning or building) approvals.
3. That an amnesty on removal of signage be granted to those clubs listed in the table contained within the report until a face to face Elected Member Workshop be convened, when safe so to do, to discuss policy options and implications associated with administering the current or any proposed new policy provisions associated with Council's Advertising and Signage Policy A170.

CARRIED

[Open Item in Minutes](#) [Open Report](#)

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For completed actions: Please update the notes and update the finalisation date.

For ongoing actions: Please update the notes and the expected completion date.

Please continue to update the comments until the matter has been finalised.



Signage Policy

CONFIDENTIAL

Elected Member Briefing

24th August 2020



Agenda

- Background
- Audit Results
- What do the results represent?
- What does this mean?
- Current Council Policy
- Does Council need a Policy?
- Other issues
- Next Steps



Background

- Elected Member concerns raised with third party advertising on reserves
- Signage audit conducted early 2020
- Audit results presented in Council Report AR20/27104 'Council Advertising and Signage Policy'



Background

May 2020 Council resolution:

“That Council note the request provided to certain identified tenants to remove signage from their tenanted facilities that requires, but has not been granted, development (planning or building) approvals.

That an amnesty on removal of signage be granted to those clubs listed in the table contained within the report until a face to face Elected Member Workshop be convened, when safe so to do, to discuss policy options and implications associated with administering the current or any proposed new policy provisions associated with Council’s Advertising and Signage Policy A170.”



Audit results?



Location	No. of Signs	# granted Landowner Consent	# requiring Planning (P) / Building consent (B) – (total)	# granted development consent
Malseed Park	157	none known	10 (P) - 15 (B) (23)	nil
Hastings Cunningham Reserve	85	none known	4 (P) – 23 (B) (27)	nil
Vansittart Park	121	none known	nil	n/a
Corriedale Park	3	none known	nil	n/a
Frew Park	3	As per policy clause 4(b)(iii)	3(P)	nil
Olympic Park	22+	6+(KIA) including Crown Land	nil	n/a
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McDonald Park	143	none known	30 (P) – 1 (B) (31)	nil
Ice House	1	none known	Nil	n/a
TOTAL	744	6	52 (P) – 39 (B)	nil



What do these results represent?

	No. of Signs	# granted Landowner Consent	# requiring Planning (P) / Building consent (B) – (total)	# granted development consent
TOTAL	744	6	52 (P) – 39 (B)	nil

- 89 signs require formal development (planning and/or building) consent
- None (0) of the 89 signs requiring development approval have been assessed and granted consent



What do these results represent?

- 744 signs on Council reserves with only six having Council consent as landowner
- Many are not at significant variance to Council's Advertising and Signage Policy
- However, 738 have not been granted consent in accordance with Policy and Lease / Licence provisions.
- Six approved signs are all at a single location
- A general indifference to development requirements, Council Policy and Landlord/Tenant relationship



What does this mean?

- For signs requiring formal development consent:
 - Illegal development on Council owned/controlled land
 - Regulatory matter, for which Council has no decision making powers
 - Development Applications must be made/assessed for 89 signs at 5 locations, and:
 - ❖ If consent denied – sign(s) must be removed
 - ❖ If consent granted – sign(s) must meet conditions of consent (including building rules requirements) and may remain **IF** landowner consent has been granted by Council (in accordance with Policy)



What does this mean?

- Some signs located in planning zone where third party advertising unlikely to obtain development consent
- Council should consider whether it's Advertising & Signage Policy meets current community expectations.
- Noting that Council Policy can only address landowner requirements and consents, not development matters)



Current Council Policy

- Signs must generally face toward visitors of site (i.e. not face outward to the public)
- Outward facing sponsorship and large signs will generally require planning and/or building consents
- Application Fees will not be waived for proposed signs clearly visible from adjacent roads or private land
- Council (Landowner) concurrence must first be obtained before development application may proceed
- No Advertising/Sponsorship signs at Frew Park (except existing scoreboard and sight screens)
- Specific event signage (including at Frew Park) considered on a case by case basis by CEO or GM



Current Council Policy

- Sign requests treated on merits, including consideration of:
 - Number, size, location and style of signs
 - Not being a potential hazard to the general public or prohibit free / safe flow of pedestrians vehicles
 - Not aesthetically detracting from the character and amenity of the locality
 - Maintenance to the satisfaction of Council and approved and displayed at the pleasure of Council.
- 'Grandfather' provisions – for signs/sponsorship arrangements pre-dating February 1999
- Community based naming rights not supported for reserves



Does Council need a Policy?

- Legislatively – No
- As a Landowner and Council responsible for managing community assets – Yes, recommended
- How else to efficiently articulate and manage Councils expectations
- Leases / Licences – generally require prior landlord consent for signs, need appropriate mechanism



Does Council need a Policy?

- What could Policy address? Council's policy 'position'
- Does Council support signage at Reserves?
- Policy applicable to:
 - Which Reserves?
 - Any Exemptions?
 - Only for formal tenants?
 - What about other ad-hoc, casual, infrequent users?
 - Only for sponsorships?
 - Other third party advertisers?
 - How to determine the difference?



Does Council need a Policy?

- Any specific requirements / limitations? e.g. maximum number, size, height, affixation, standard boards
- Who is decision maker?
- Council, CEO, GM, Landlord representative?
- In what circumstances?
- Further 'Grandfathering' provisions?
- Is this manageable?



Other Issues

- Broader community expectations
- Community Land Management Plans – anticipate/support signage and advertising?
 - If not, then separate process to review, consult and adopt amended management plan
- Council's management expectations including resourcing considerations



Other Issues

- Council's (strategic) approach to property management.
'Passive' versus 'Active'
 - Note: Council Owned Tourism Assets Report and upcoming Strategic Property Management Report
- Suggestion of new signs (including further illegal development) erected following Council 'amnesty'
- Clarity and consistency in messaging and application
- *Ad hoc* approach will be inefficient and unmanageable for Administration and Council / Members



Next Steps

- Council Officers **must** engage tenants to address 89 signs that require development consent
- Development applications must be submitted or offending signs (illegal development) removed
- At least one tenant already pro-actively removing outward facing signs in anticipation
- Queries regarding signs requiring development approval should be referred to Development Services



Next Steps

- Council Members to give consideration to policy inclusions for a newly re-drafted policy:
 - Provide any suggestions to Michael McCarthy by Friday 4th September 2020
 - Policy to be redrafted, and presented to October People & Place Committee meeting for consideration
- Policy may warrant community engagement (with tenant stakeholders and broader community)
- Hold further action on 655 signs (as per audit) pending determination of Council policy position.



Any questions?



**DESIGNATED INFORMAL GATHERING
ADVERTISING AND SIGNAGE POLICY
6.30 PM, MONDAY 24 AUGUST 2020**

RECORD OF PROCEEDINGS
6.30 pm, Monday 24 August 2020
Council Chamber, Level 4, Civic Centre,
10 Watson Terrace, Mount Gambier

GUESTS:-

Nil

MEMBERS PRESENT:-

Mayor Martin
Cr Greco (left 7.07 p.m.)
Cr Hood (left 7.00 p.m.)
Cr Meziniec
Cr Jenner
Cr Bruins

STAFF PRESENT:-

General Manager City Growth
General Manager Community Wellbeing
General Manager City Infrastructure
Manager Development Services

MEMBERS APOLOGIES:-

Cr Morello
Cr Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Discussion about Council Policy regarding signage on Council property.

Discussion closed at 7.10 p.m.



From: [Michael McCarthy](#)
To: [Mayor Martin](#); [Cr Kate Amoroso](#); [Cr Sonya Mezinac](#); [Cr Ben Hood](#); [Cr Frank Morello](#); [Cr Paul Jenner](#); [Cr Christian Greco](#); [Cr Max Bruins](#); [Cr Steven Perryman](#)
Cc: [Andrew Meddle](#); [Barbara Cernovskis](#); [Nick Serle](#); [Judy Nagy](#); [Tracy Tzioutziouklaris](#)
Subject: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020
Date: Wednesday, 26 August 2020 1:54:23 PM
Attachments: [image001.png](#)
[PowerPoint Signage Elected Member Workshop 24.08.2020.PPTX](#)
[AR20 27104 Council Report - Council Advertising and Signage Policy A170....pdf](#)
[AR20 31590 Council Resolution - Action Item - Council Advertising and S....pdf](#)

Dear Members

Further to the (reserve) advertising signage workshop on Monday night, I provide the following documents:

- Powerpoint presentation (attached)
- Council's [Advertising and Signage Policy A170](#) (weblink)
- May 2020 Council Report AR20/27104 and Council resolution (attached)

As discussed on Monday night, feedback is sought from Members to guide the review and re-development (if applicable) of the Advertising and Signage Policy to meet current community expectations.

As per the request from Members present at the workshop, the following points from the powerpoint presentation are provided as questions to assist Members in considering their thoughts and providing feedback on this matter:

- Does Council need an Advertising and Signage Policy for Reserves?
 - If No, then what should Council's default position be?
 - Signs prohibited? requiring case by case assessment
 - Signs permitted? In what circumstances, by whom, and where?
 - How would default position be determined?
 - How would any exceptions to either of the above be dealt, including exemptions, conditions or restrictions?
- Does Council / Community have a strategic position or vision with regard to signage on reserves? Is / should this vision be consistent across all reserves/sites?
- Is / should consideration of this matter be blurred by the existence of unapproved signage i.e. Is, or should, Council's position be fettered by the existence of non-compliant (and in some cases illegal) signs.
- What could be in an Advertising and Signage Policy?
 - Which reserves should be covered by an Advertising and Signage Policy?
 - Are all sites equal, in location/profile, use etc
 - Any exemptions? e.g. Frew Park, Vansittart Park, Crater Lakes, Olympic Park (i.e. heritage areas, other?)
 - Should Policy (or permissions to erect signs) be limited to leased/licenced sites?
Noting: Lessees have exclusivity over their site, Licensees do not, and casual/ad-hoc users lack the terms and conditions to address the maintenance/responsibilities associated with infrastructure
 - Should Policy/permission only be granted to inward facing signs i.e. internal advertising to site users
 - Should Council (as landowner) permission and any additional conditions be required for outward facing signs (in addition to regulatory requirements)
Noting: business use of community land cannot be approved contrary to the provisions of the relevant community land management plan.
CLMP's may need to be amended to permit 3rd party external advertising.
 - Should Council (as landowner) permission and any additional conditions be required for signs requiring building consents (in addition to regulatory requirements),
Noting: safety and maintenance/replacement of infrastructure in public realm
 - Should any size or number limits or other conditions/requirements be imposed?
e.g. height or any other format/standard



- Should Policy and permission for signs only apply to sponsorships?
 - Should these be limited in value or duration? (e.g. minimums or maximums)
e.g. to ensure at least a minimum community value is achieved, or to allow Council to re-assess its own position.
- Who would be decision maker for any of the above, for efficient and effective management? Delegate, or Council?
- What grandfathering provisions might apply? i.e. to address signage currently in place prior to implementation of any new Advertising and Signage Policy provisions
- What resource implications might be expected to manage further activity, under the current Advertising and Signage Policy, or the removal/replacement of the Advertising and Signage Policy?
- What are the expectations of: the community, Council Members, and affected/potential stakeholders? i.e. existing tenants and sponsors, other tenants and their potential sponsors
- Should public consultation occur on any significant alteration (or removal or replacement) of the Advertising and Signage Policy?

On Monday a side issue was raised in regard to a lack of city locations for Billboards as being a reason why external facing signs have arisen at certain sportsgrounds.

Whilst this may be a valid issue, this does not excuse the erection of signs contrary to Council's Advertising and Signage Policy (and Lease Agreements), and more particularly in the absence of necessary planning and/or building approvals (illegal development).

If Billboards are an option Council would like to consider further, then a fair and equitable option for all sports and community groups (including those that may never have the opportunity to benefit from such arrangements at their own sites, for whatever reason/s) might be for Council to pursue something at appropriately zoned location/s (if any), perhaps under a sponsorship or some other arrangement whereby the financial benefit can be shared with all sporting groups and clubs across the City, not just to those who happen to be located at high profile sites.

It was proposed on Monday that a re-drafted policy be presented to the October 2020 Committee and Council meetings following feedback from Members.

Accordingly, Member input is sought by close of business on Friday 4th September 2020 to enable this to occur. Further input or time may be required depending upon the content of responses. Please do not hesitate to contact me if you have any queries in relation to any content from the Workshop presentation or existing Advertising and Signage Policy content, or the proposed next steps.

Kind Regards

Michael McCarthy

Manager Executive Administration

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Gambier

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From: [Cr Sonya Mezinac](#)
To: [Michael McCarthy](#)
Subject: Re: REMINDER: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020
Date: Monday, 7 September 2020 11:01:29 AM
Attachments: [image001.png](#)

Hi Michael

Apologies for the delay in my reply. I have just had a look at the questions you have posed in your email. They are very detailed and thorough.

See below for my responses. I hope they are helpful. I feel as if I have more questions now as a result.

Cheers

Sonya

- Does Council need an Advertising and Signage Policy for Reserves?

YES. It should be simple to follow and administer. My view is that without some regulation we could have a hitch patch of signage and significant visual pollution around our city.

- If No, then what should Council's default position be?
 - Signs prohibited? requiring case by case assessment
 - Signs permitted? In what circumstances, by whom, and where?
- How would default position be determined?
- How would any exceptions to either of the above be dealt, including exemptions, conditions or restrictions?

- Does Council / Community have a strategic position or vision with regard to signage on reserves? Is / should this vision be consistent across all reserves/sites?

Yes it should be consistent.

I have always believed that principle governing the signage around reserves such sporting facilities is an opportunity for businesses to be recognised for the sponsorship they provide to the clubs. The audience is therefore the users of those facilities - the players, those watching the matches and visitors to the site. This no have no problem with as the signs are inward facing. Given this I do not support outward facing signs as they do not fit the principle I have outlined above

- Is / should consideration of this matter be blurred by the existence of unapproved signage i.e. Is, or should, Council's position be fettered by the existence of non-compliant (and in some cases illegal) signs.

No. But we will have to deal with existing signage in a sensitive way by phasing in arrangements. We may need to find out what kind of arrangements/agreement are in place for the signage. ie timeframes

- What could be in an Advertising and Signage Policy?
 - Which reserves should be covered by an Advertising and Signage Policy?
 - Are all sites equal, in location/profile, use etc
 - Any exemptions? e.g. Frew Park, Vansittart Park, Crater Lakes, Olympic Park (i.e. heritage areas, other?)

Yes to heritage sites like the Crater Lakes and our parks and gardens. Not sure about Vansittart Park ie the oval I thought that had some signs around the oval perimeter fence that were inward facing.

- Should Policy (or permissions to erect signs) be limited to leased/licenced sites?
Noting: Lessees have exclusivity over their site, Licensees do not, and casual/ad-hoc users lack the terms and conditions to address the maintenance/responsibilities associated with infrastructure



The policy should relate to sites where the signs will be properly maintained and managed otherwise they will be a eyesore and be detrimental to the general amenity of the site

- o Should Policy/permission only be granted to inward facing signs i.e. internal advertising to site users

YES

- o Should Council (as landowner) permission and any additional conditions be required for outward facing signs (in addition to regulatory requirements)
*Noting: business use of community land cannot be approved contrary to the provisions of the relevant community land management plan.
CLMP's may need to be amended to permit 3rd party external advertising.*

- o Should Council (as landowner) permission and any additional conditions be required for signs requiring building consents (in addition to regulatory requirements),
Noting: safety and maintenance/replacement of infrastructure in public realm

YES

- o Should any size or number limits or other conditions/requirements be imposed?
e.g. height or any other format/standard

If they are inward facing then I don't think this is such a big issue. If outward facing signs end up getting general approval by other councillors then yes some conditions would be useful

- o Should Policy and permission for signs only apply to sponsorships?
 - Should these be limited in value or duration? (e.g. minimums or maximums)
e.g. to ensure at least a minimum community value is achieved, or to allow Council to re-assess its own position.

YES - see comment above

- Who would be decision maker for any of the above, for efficient and effective management? Delegate, or Council?

Delegate - lets be efficient

- What grandfathering provisions might apply? i.e. to address signage currently in place prior to implementation of any new Advertising and Signage Policy provisions

will probably need them but we need to know what arrangements are on place. I am assuming that sponsors pay for a specific period and perhaps renew annually. It might be that we allow them to remain till the end of the current period.

Alternatively set a timeframe by which the signage needs to be altered

- What resource implications might be expected to manage further activity, under the current Advertising and Signage Policy, or the removal/replacement of the Advertising and Signage Policy?

There will probably be some staffing implications but this might be clearer once we have the policy

- What are the expectations of: the community, Council Members, and affected/potential stakeholders? i.e. existing tenants and sponsors, other tenants and their potential sponsors
- Should public consultation occur on any significant alteration (or removal or replacement) of the Advertising and Signage Policy?



It is probably a good idea to take people along with us so some form of communication/consultation would be useful if not essential. It is obvious that there are many people that have no idea about what is required with regard to signs so we are going to need to explain it to them.

I am aware that sometimes issues that may seem insignificant and yet can cause huge angst in the community.

On Monday a side issue was raised in regard to a lack of city locations for Billboards as being a reason why external facing signs have arisen at certain sportsgrounds.

I am not in favour of billboards, but I am not sure what is being proposed here so will reserve my comment pending further information.

Whilst this may be a valid issue, this does not excuse the erection of signs contrary to Council's Advertising and Signage Policy (and Lease Agreements), and more particularly in the absence of necessary planning and/or building approvals (illegal development). If Billboards are an option Council would like to consider further, then a fair and equitable option for all sports and community groups (including those that may never have the opportunity to benefit from such arrangements at their own sites, for whatever reason/s) might be for Council to pursue something at appropriately zoned location/s (if any), perhaps under a sponsorship or some other arrangement whereby the financial benefit can be shared with all sporting groups and clubs across the City, not just to those who happen to be located at high profile sites.

Sonya Meziniec | Deputy Mayor

City of Mount Gambier
Civic Centre, 10 Watson Terrace, Mount Gambier

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PO Box 56, Mount

Gambier, SA 5290
www.mountgambier.sa.gov.au

From: Michael McCarthy

Sent: Thursday, 3 September 2020 11:15 AM

To: Mayor Martin; Cr Kate Amoroso; Cr Sonya Meziniec; Cr Ben Hood; Cr Frank Morello; Cr Paul Jenner; Cr Christian Greco; Cr Max Bruins; Cr Steven Perryman

Cc: Andrew Meddle; Barbara Cernovskis; Nick Serle; Judy Nagy; Tracy Tzioutziouklaris

Subject: REMINDER: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020

Dear Members

The below email and attachments are provided as a reminder to provide any feedback by close of business tomorrow 4th September 2020 to guide the preparation of a draft replacement (reserve/tenant) advertising and signage policy.

At this stage feedback has only been received from 2 members (one written / one verbal).

Feedback from all Members would be preferred to enable a well-rounded policy to be drafted for consideration.

Kind Regards

Michael McCarthy

Manager Executive Administration

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D 08 8721 2576 / T 08 8721 2555

PO Box 56 Mount Gambier SA 5290





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From: Michael McCarthy

Sent: Wednesday, 26 August 2020 1:54 PM

To: Mayor Martin ; Cr Kate Amoroso ; Cr Sonya Meziniec ; Cr Ben Hood ; Cr Frank Morello ; Cr Paul Jenner ; Cr Christian Greco ; Cr Max Bruins ; Cr Steven Perryman

Cc: Andrew Meddle ; Barbara Cernovskis ; Nick Serle ; Judy Nagy ; Tracy Tzioutziouklaris

Subject: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020

Dear Members

Further to the (reserve) advertising signage workshop on Monday night, I provide the following documents:

- Powerpoint presentation (attached)
- Council's [Advertising and Signage Policy A170](#) (weblink)
- May 2020 Council Report AR20/27104 and Council resolution (attached)

As discussed on Monday night, feedback is sought from Members to guide the review and re-development (if applicable) of the Advertising and Signage Policy to meet current community expectations.

As per the request from Members present at the workshop, the following points from the powerpoint presentation are provided as questions to assist Members in considering their thoughts and providing feedback on this matter:

It was proposed on Monday that a re-drafted policy be presented to the October 2020 Committee and Council meetings following feedback from Members.

Accordingly, Member input is sought by close of business on Friday 4th September 2020 to enable this to occur.

Further input or time may be required depending upon the content of responses.

Please do not hesitate to contact me if you have any queries in relation to any content from the Workshop presentation or existing Advertising and Signage Policy content, or the proposed next steps.

Kind Regards

Michael McCarthy

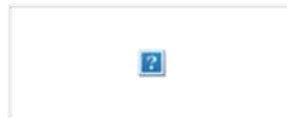
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From: [Cr Ben Hood](#)
To: [Michael McCarthy](#)
Subject: Re: REMINDER: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020
Date: Friday, 4 September 2020 9:59:00 AM

Hi Michael,

Some of my thoughts below but I think this warrants a detailed workshop for members to thrash out their thinking.

Cheers
Ben

- A signage policy should be in place
- Sporting Clubs that rely on sponsorship advertising \$\$ should be considered within the policy
 - Considerations may be a limit on the number, size and type of sign that could be facing towards the road
 - or; as stated below dedicated billboards at these locations that the clubs can utilise portions of along with other community orgs to promote events
- Unapproved signage should be removed, but with consolation with the clubs and timeframes should be such that any sponsorship deal is honoured before the sign is taken down.

Cr Ben Hood
0439 800 694

City of Mount Gambier
Civic Centre, 10 Watson Terrace, Mount Gambier

PO Box 56, Mount Gambier, SA 5290

www.mountgambier.sa.gov.au

On 3 Sep 2020, at 11:15 am, Michael McCarthy
<MMcCarthy@mountgambier.sa.gov.au> wrote:

Dear Members

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Feedback from all Members would be preferred to enable a well-rounded policy to be drafted for consideration.

Kind Regards

Michael McCarthy

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From: Michael McCarthy

Sent: Wednesday, 26 August 2020 1:54 PM

To: Mayor Martin <MayorMartin@mountgambier.sa.gov.au>; Cr Kate Amoroso <cramoroso@mountgambier.sa.gov.au>; Cr Sonya Meziniec <crMeziniec@mountgambier.sa.gov.au>; Cr Ben Hood <crhood@mountgambier.sa.gov.au>; Cr Frank Morello <crMorello@mountgambier.sa.gov.au>; Cr Paul Jenner <crjenner@mountgambier.sa.gov.au>; Cr Christian Greco <crgreco@mountgambier.sa.gov.au>; Cr Max Bruins <crbruins@mountgambier.sa.gov.au>; Cr Steven Perryman <crperryman@mountgambier.sa.gov.au>

Cc: Andrew Meddle <AMeddle@mountgambier.sa.gov.au>; Barbara Cernovskis <bcernovskis@mountgambier.sa.gov.au>; Nick Serle <NSerle@mountgambier.sa.gov.au>; Judy Nagy <JNagy@mountgambier.sa.gov.au>; Tracy Tzioutziouklaris <tracyt@mountgambier.sa.gov.au>

Subject: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020

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- <!--[if !supportLists]-->•<!--[endif]-->Council's [Advertising and Signage Policy A170](#) (weblink)
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As discussed on Monday night, feedback is sought from Members to guide the review and re-development (if applicable) of the Advertising and Signage Policy to meet current community expectations.

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- <!--[if !supportLists]-->o<!--[endif]-->If No, then what should Council's default position be?



- <!--[if !supportLists]-->▪ <!--[endif]-->Signs prohibited?
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Please do not hesitate to contact me if you have any queries in relation to any content from the Workshop presentation or existing Advertising and Signage Policy content, or the proposed next steps.

Kind Regards

Michael McCarthy

Manager Executive Administration

Civic Centre 10 Watson Terrace Mount Gambier

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From: [Cr Frank Morello](#)
To: [Michael McCarthy](#)
Subject: Re: Signage
Date: Friday, 4 September 2020 10:53:01 AM
Attachments: [image001.png](#)

Hi Michael,

I just thought you hung up on me.

Thanks for the conversation yesterday, I understand the issue more fully now.

My thoughts are simply that I support inward facing signs at sporting grounds owned by council, and I support outward facing signs, providing they are within the premises (behind the permitter fence, not fixed to it).

I view signage as an example of community support, and acknowledge the vital revenue stream this contributes to clubs.

Country sport is built on the back of loyal spectators and generous sponsors, and I believe our role, as council, is to facilitate this arrangement by reducing as much bureaucracy as possible.

The only restriction that I propose is limiting the size of outward facing signs so they don't obstruct the view into the ground.

I would rather see kids playing sport as I drive past an oval, than a collection of large signs that impede this view.

However, if there is an outward facing sign fixed to an existing structure, such as a scoreboard, I would consider this to be fine.

Kind regards,

Frank Morello.

From: Michael McCarthy
Sent: Thursday, 3 September 2020 5:22 PM
To: Cr Frank Morello
Subject: Signage

Hi Frank – not sure what happened but I lost you and phone went dead,

Michael McCarthy

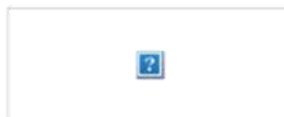
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From: [Max Bruins](#)
To: [Michael McCarthy](#)
Subject: RE: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020
Date: Thursday, 27 August 2020 10:38:24 AM
Attachments: [image001.png](#)

Hi Michael,

Agree with the issues that you raised and happy to flesh these out as part of the process taking into consideration feedback from other EM's should they respond.

Also agree with treating "sporting grounds" separate to other reserves and not limiting it to football clubs – that was just poor terminology on my part.

Regards

Max Bruins ADFS(FP) | Financial Planner | Financial Planning - South East
7-13 Compton Street, Mount Gambier SA 5290 - People's Choice Credit Union, a trading name of Australian Central Credit Union Ltd ABN 11 087 651 125 AFSL 244310
t: 1300 132 982 | **f:** 08 7224 5220 | **m:** 0437 406 535 | **e:** MBruins@peopleschoicecu.com.au | **w:** peopleschoicecu.com.au

From: Michael McCarthy
Sent: Wednesday, 26 August 2020 3:23 PM
To: Max Bruins
Subject: RE: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020

Thanks Max – First off the mark!

I will refer the question around zoning changes to Tracy for consideration, as well as the matter of potential billboards/sites.

I note your reference to a delineation between Football Club sites and other reserves. A few immediate issues come to my mind in this scenario that might be seen as granting favour, depending on whether considering internal or outward facing signage, namely:

- Football clubs receiving preferential treatment to other clubs (and this potentially being directly linked to past non-compliance with policy/lease/regulatory requirements that most other tenants have complied with, or at least not breached)
- Vansittart Park, being a Heritage Place with more stringent development controls, and only being under licence to North for the winter season (as opposed to exclusive leases at South, East and West - this is due to the historic Vansittart Trust provisions) provides an unequal playing field between the four football clubs.
- Similarly, East/McDonald Park, being located on the bend in the highway provides a unique opportunity for East, not available equally to other Football Clubs or to other sports codes/sites.
- South on the other hand, whilst located on the highway, also has Council's community signage located on its boundary, which could create some issues.

However, treating 'sporting grounds' (not all sporting grounds are football grounds) separate from other reserves as you suggest further in your comments would go some way to addressing some of the above.

Thanks for taking the time to review and respond.

Regards

Michael McCarthy

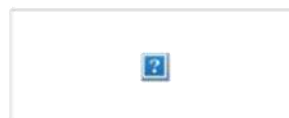
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From: Max Bruins [<mailto:MBruins@peopleschoicecu.com.au>]
Sent: Wednesday, 26 August 2020 2:49 PM
To: Michael McCarthy <MMcCarthy@mountgambier.sa.gov.au>
Subject: RE: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020
Hi Michael,
My thoughts below in red.
Regards

Max Bruins ADFS(FP) | Financial Planner | Financial Planning - South East
7-13 Compton Street, Mount Gambier SA 5290 - People's Choice Credit Union, a trading name of Australian Central Credit Union Ltd ABN 11 087 651 125 AFSL 244310
t: 1300 132 982 | **f:** 08 7224 5220 | **m:** 0437 406 535 | **e:** MBruins@peopleschoicecu.com.au | **w:** peopleschoicecu.com.au

From: Cr Max Bruins <crbruins@mountgambier.sa.gov.au>
Sent: Wednesday, 26 August 2020 1:55 PM
To: Max Bruins <MBruins@peopleschoicecu.com.au>
Subject: Fwd: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020

Sent from my iPhone

Begin forwarded message:

From: Michael McCarthy <MMcCarthy@mountgambier.sa.gov.au>
Date: 26 August 2020 at 13:54:24 ACST
To: Mayor Martin <MayorMartin@mountgambier.sa.gov.au>, Cr Kate Amoroso <cramoroso@mountgambier.sa.gov.au>, Cr Sonya Meziniec <crMeziniec@mountgambier.sa.gov.au>, Cr Ben Hood <crhood@mountgambier.sa.gov.au>, Cr Frank Morello <crMorello@mountgambier.sa.gov.au>, Cr Paul Jenner <crjenner@mountgambier.sa.gov.au>, Cr Christian Greco <crgreco@mountgambier.sa.gov.au>, Cr Max Bruins <crbruins@mountgambier.sa.gov.au>, Cr Steven Perryman <crperryman@mountgambier.sa.gov.au>
Cc: Andrew Meddle <AMeddle@mountgambier.sa.gov.au>, Barbara Cernovskis <bcernovskis@mountgambier.sa.gov.au>, Nick Serle <NSerle@mountgambier.sa.gov.au>, Judy Nagy <JNagy@mountgambier.sa.gov.au>, Tracy Tzioutziouklaris <tracyt@mountgambier.sa.gov.au>
Subject: Advertising and Signage Policy - Member input sought following Elected Member Workshop on 24/08/2020

Dear Members

Further to the (reserve) advertising signage workshop on Monday night, I provide the following documents:



Powerpoint presentation (attached)

- Council's [Advertising and Signage Policy A170](#) (weblink)
- May 2020 Council Report AR20/27104 and Council resolution (attached)

As discussed on Monday night, feedback is sought from Members to guide the review and re-development (if applicable) of the Advertising and Signage Policy to meet current community expectations.

As per the request from Members present at the workshop, the following points from the powerpoint presentation are provided as questions to assist Members in considering their thoughts and providing feedback on this matter:

- Does Council need an Advertising and Signage Policy for Reserves? *I believe that a policy is warranted to provide some guidance for those wishing to erect signs in future.*

o If No, then what should Council's default position be?

- Signs prohibited? requiring case by case assessment
- Signs permitted? In what circumstances, by whom, and where?

o How would default position be determined?

o How would any exceptions to either of the above be dealt, including exemptions, conditions or restrictions?

- Does Council / Community have a strategic position or vision with regard to signage on reserves? Is / should this vision be consistent across all reserves/sites?

I think that their needs to be a delineation between "football" reserves and other type reserves. At football ovals leased by clubs I don't have any issue with any off the current signage nor do I have an issue with more signs of a similar nature being erected. I guess this will ultimately be dictated by the development act as will be the case with the current 89 non complying signs.

- Is / should consideration of this matter be blurred by the existence of unapproved signage i.e. Is, or should, Council's position be fettered by the existence of non-compliant (and in some cases illegal) signs. *I think broadly the community have an acceptance of the existing unapproved signage and apart from the member of the public who spoke to Cr Jenner recently I am unaware of any other members of the public having issues with the signage as it currently stands.*

- What could be in an Advertising and Signage Policy?

o Which reserves should be covered by an Advertising and Signage Policy?

- Are all sites equal, in location/profile, use etc As mentioned above, not all sites are equal and I believe that sporting grounds need to be treated separately to other reserves.
- Any exemptions? e.g. Frew Park, Vansittart Park, Crater Lakes, Olympic Park (i.e. heritage areas, other?)

o Should Policy (or permissions to erect signs) be limited to leased/licenced sites? *In my opinion, casual users of a site should not be permitted to erect advertising signage*

Noting: Lessees have exclusivity over their site, Licensees do not, and casual/ad-hoc users lack the terms and conditions to address the maintenance/responsibilities associated with infrastructure

o Should Policy/permission only be granted to inward facing signs i.e. internal advertising to site users *I am in favour on outward facing advertising/sponsorship signage on sporting grounds so long as it complies with the development act. Is there scope to have the zoning of the sporting reserves altered to allow for this to occur more easily than it appears is currently the case?*



o Should Council (as landowner) permission and any additional conditions be required for outward facing signs (in addition to regulatory requirements)

Noting: business use of community land cannot be approved contrary to the provisions of the relevant community land management plan. CLMP's may need to be amended to permit 3rd party external advertising. I am not against landowner permission being required for all signage so long as we do put in place an appropriate policy with clear guidelines.

o Should Council (as landowner) permission and any additional conditions be required for signs requiring building consents (in addition to regulatory requirements),

Noting: safety and maintenance/replacement of infrastructure in public realm

o Should any size or number limits or other conditions/requirements be imposed? e.g. height or any other format/standard *As long as signs comply with regulations under the development act I don't feel we should impose additional restrictions in terms of size/height*

o Should Policy and permission for signs only apply to sponsorships?

- Should these be limited in value or duration? (e.g. minimums or maximums)
e.g. to ensure at least a minimum community value is achieved, or to allow Council to re-assess its own position.

I don't really have an opinion on this either way

- Who would be decision maker for any of the above, for efficient and effective management? Delegate, or Council?

Delegate if it is within policy, Council if there are any non-complying issues or disputes.

- What grandfathering provisions might apply? i.e. to address signage currently in place prior to implementation of any new Advertising and Signage Policy provisions

Any existing signs that comply with the development act should be grandfathered. Also, any of the 89 signs for which an application is required should also be allowed providing they comply with the development act.

- What resource implications might be expected to manage further activity, under the current Advertising and Signage Policy, or the removal/replacement of the Advertising and Signage Policy?

Will significant additional resources be required? If there is a policy in place and existing signs are grandfathered I cannot imagine a huge increase in applications. Surely existing administration resources can handle this

- What are the expectations of: the community, Council Members, and affected/potential stakeholders? i.e. existing tenants and sponsors, other tenants and their potential sponsors

I would imagine the expectations of the community and sporting clubs are that existing signage should be allowed to stay. I have no issue with this – the more revenue the sporting clubs can gain from sponsorship the less likely they are to require additional COMG support.

- Should public consultation occur on any significant alteration (or removal or replacement) of the Advertising and Signage Policy?

I don't believe it is required. There have been minimal complaints to date as far as I am aware in relation to existing signage so I don't think



formalising this requires any public consultation.

On Monday a side issue was raised in regard to a lack of city locations for Billboards as being a reason why external facing signs have arisen at certain sportsgrounds. Whilst this may be a valid issue, this does not excuse the erection of signs contrary to Council's Advertising and Signage Policy (and Lease Agreements), and more particularly in the absence of necessary planning and/or building approvals (illegal development). If Billboards are an option Council would like to consider further, then a fair and equitable option for all sports and community groups (including those that may never have the opportunity to benefit from such arrangements at their own sites, for whatever reason/s) might be for Council to pursue something at appropriately zoned location/s (if any), perhaps under a sponsorship or some other arrangement whereby the financial benefit can be shared with all sporting groups and clubs across the City, not just to those who happen to be located at high profile sites.

I would support further investigation of this.

It was proposed on Monday that a re-drafted policy be presented to the October 2020 Committee and Council meetings following feedback from Members.

Accordingly, Member input is sought by close of business on Friday 4th September 2020 to enable this to occur. Further input or time may be required depending upon the content of responses.

Please do not hesitate to contact me if you have any queries in relation to any content from the Workshop presentation or existing Advertising and Signage Policy content, or the proposed next steps.

Kind Regards

Michael McCarthy

Manager Executive Administration

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5.4 REVIEW OF ADVERTING AND SIGNAGE POLICY A170 – REPORT NO. AR20/71013

Committee:	Economic and Environment Committee
Meeting Date:	2 November 2020
Report No.:	AR20/71013
CM9 Reference:	AF19/412
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report presents an updated Advertising and Signage Policy for Council owned grounds leased to sporting and community tenants.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.
2. That, having considered its position on the erection of advertising and sponsorship signage on leased properties, Council hereby revokes Advertising and Signage Policy A170.
3. That Council grants 'deemed consent' for the installation of signage by community and sporting lessees occupying land owned by Council.

For clarity, 'deemed consent' applies only to occupants with exclusive possession, and does not apply to licensees, permit holders, casual users, or any occupants of Crown Land.



TYPE OF REPORT

Corporate

BACKGROUND

At the Council meeting held on 19 May 2020, Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' was considered in relation to some 744 signs located at ten Council owned sites, of which the majority were located without landowner consent and contrary to the adopted Council Policy, and 89 require Development Approval (planning/building).

At the meeting Council resolved as follows:

"Moved: Cr Ben Hood

Seconded: Cr Christian Greco

- 1. That Council Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' as presented on 19 May 2020 be noted.*
- 2. That Council note the request provided to certain identified tenants to remove signage from their tenanted facilities that requires, but has not been granted, development (planning or building) approvals.*
- 3. That an amnesty on removal of signage be granted to those clubs listed in the table contained within the report until a face to face Elected Member Workshop be convened, when safe so to do, to discuss policy options and implications associated with administering the current or any proposed new policy provisions associated with Council's Advertising and Signage Policy A170.*

CARRIED"

An Elected Member Workshop was held on 24 August 2020 followed by a series of questions circulated to Members on 26 August 2020. Elected Member input was sought to be provided to Council's Manager Executive Administration by 4 September 2020, to enable a redrafted policy to be prepared.

Feedback was received from several members and is summarised as follows:

- General support on having a policy to provide guidance
- General support on allowing small inward facing signs (where not development)
- Mixed views on large and/or outward facing signs (which likely require development consent)
- Mixed views on whether landowner consent should be required for any or all signs.

Some responses also included reference to development matters that are beyond the power of the Council in its capacity as a landowner/landlord and accordingly beyond the scope of such a policy.

PROPOSAL

An assessment and comparison of the current [Advertising and Signage Policy A170](#) and feedback from Members has identified only one major difference between existing policy position on signage and Members current views on this matter. That is, Elected Members are no longer concerned with the existence and number of (or landowner consent for) signs on land that is leased to an occupying tenant.

Other matters within the existing [Advertising and Signage Policy A170](#) relating to signs and structures that constitute development, including the prohibition of signs at Frew Park (a Local Heritage Place) are otherwise regulated under the Development Act 1993 and in due course the Planning, Development and Infrastructure Act 2016 (anticipated to be applied early in 2021).

Accordingly, on this basis it is proposed that a Council policy position is not necessary where consent or guidance in relation to signage is not required or intended to be imposed or monitored.

It would therefore be merely a matter for Council to determine, by resolution, to revoke the current [Advertising and Signage Policy A170](#) such that the prohibitions and restrictions on signs imposed by the policy will have no further application.

If it so determines Council may also further resolve that it grants 'deemed consent' for the installation of signage by lessees on land owned by Council, to affirm its position.

The Administration may then proceed to 'implement' the revocation of the Advertising and Signage policy and resolved position through the amendment of lease documentation which generally prohibit the installation of signs without prior lessor approval. This process will take time as most leases are for 5 years, with some existing leases being for 10 or 21 years.

However, tenants may be notified immediately of Council's resolved position such that prior consent will not be required and would be provided as a matter of course upon request.

The matter of large and/or outward facing signs may also be simply dealt with through the inclusion of a condition in the abovementioned 'deemed consent' that the tenant/applicant obtain and comply with all necessary development approval. This is also addressed by lease provisions regarding compliance with all statutory requirements.

It should be noted that a position of 'deemed consent' in relation to signs that constitute development would only apply to Council owned land and would not extend to land for which Council is the dedicated custodian (i.e. Crown Land) for which landowner consultation and consent are required for any lease that proposes development under the [Crown Land Management Act 2009](#). This would be addressed as a specific lease issue for tenants of Crown Land under Council control.

LEGAL IMPLICATIONS

Several legal implications arise in relation to the matter of signage on Council property, namely:

- Lease consent, which may be notified as (conditional) 'deemed consent' as referred above.
- Development (regulatory) requirements, which are addressed in relevant legislation.
- Safety (including WHS) requirements, which are addressed in relevant legislation and are a shared obligation with tenants and may be addressed through development/regulatory and/or lease (compliance with statutory requirements) avenues.
- The requirement for consultation and consent for Crown Land development

STRATEGIC PLAN

Nil

COUNCIL POLICY

This matter relates to the review, and proposed revocation, of existing [Advertising and Signage Policy A170](#) as referred above.

ECONOMIC IMPLICATIONS

There are no direct economic implications for Council associated with this proposed revocation of Council's [Advertising and Signage Policy A170](#).

Indirect financial implications associated with any illegal or unapproved development associated with signs installed at variance to the Council Policy (proposed to be revoked) and Development Act (Development Plan and Building Code) requirements are beyond the scope of the Council Policy and this report.

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

With the exception of any implications arising from the removal of any illegal/unapproved development, being beyond the scope of this report, the only identified social implications associated



with the proposed revocation of Council's [Advertising and Signage Policy A170](#) is a simpler regime of 'deemed consent' for the installation of signs by lessees of Council owned land.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

With the exception of tenant communication and education on the 'deemed consent', development application requirements and exception for Crown Land there are no material resource implications of the proposal to revoke Council's [Advertising and Signage Policy A170](#).

This position is determined on the basis that tenants will be responsible to prepare, submit (and support) their own development applications for existing (and any future) signs requiring development approval. This is consistent with Council's ordinary position and lease conditions for third party development on Council land.

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

Identified risks associated with the revocation of Council's [Advertising and Signage Policy A170](#) and a 'deemed consent' regime include:

- uncontrolled installation of signage at tenanted properties, including at properties where signage is not currently located.
- non-maintenance of signage, in particular signage that comprises a built form
- limited ability for Council as a landowner to impose any standards on signage
- limited grounds for Council to require the removal of signage
- potential for illegal/unapproved development to be undertaken on Council/Crown land

Noting that some of the abovementioned risks apply equally in the current environment, and Council does have certain ability in its separate capacity as regulatory authority with regard to signs that are development.

Arguably the highest risk from a Council perspective is that associated with assets in the public realm, which by the very nature of their location are a public liability risk for both Council and the tenant/occupier responsible for their design, structure, placement and maintenance. The simplest way for Council to mitigate this risk is to maintain a level of effective control over such public realm assets and infrastructure by requiring consent, imposing conditions, and retaining a right of removal.

EQUALITIES AND DIVERSITY IMPLICATIONS

The matter of equity between tenants access to sponsorship and advertising revenues was raised in the earlier Report No. AR20/27104 as considered on 19 May 2020 and during the Elected Member workshop on this matter in relation to the higher profile (and therefore higher advertising/promotional value) of certain leased premises relative to others.

Council may determine to address this matter, if it so chooses, by maintaining its prohibition on outward facing signs.

ENGAGEMENT AND COMMUNICATION STRATEGY

Formal engagement or consultation on the proposed revocation (or amendment) of Council's [Advertising and Signage Policy A170](#) is not required under the provisions of the [Local Government Act 1999](#) nor Council's [Community Consultation and Engagement Policy P195](#).

It is proposed that direct communication would occur with affected stakeholders i.e. Lessee's affected by changes and other tenants unaffected by changes to clarify the scope and expectations of Council's resolved position.



IMPLEMENTATION STRATEGY

Once a Council position has been resolved, it is proposed that Council tenants would be notified of changes to expectations in relation to signage on Council land, noting that different tenants would receive differing information relative to their occupancy status.

Tenants with illegal/unapproved development would be notified accordingly and invited to submit development applications

CONCLUSION AND RECOMMENDATION

Having reviewed Council Report No. AR20/27104 as considered on 19 May 2020 together with discussion from the Elected Member Workshop on 24 August 2020 and other feedback received from Members, this report recommends that Council's [Advertising and Signage Policy A170](#) be revoked, in favour of 'deemed consent' for tenants signage on leased properties.

This report does not address the matter of regulatory approvals and any subsequent removal of any existing or new signs that require but have not been granted development (planning and/or building) consent, being a regulatory matter that is beyond the power of Council in its capacity as landowner and landlord and accordingly not within the scope of a Council Policy in this regard.

ATTACHMENTS

Nil



FOR ACTION

COUNCIL

17/11/2020

TO: Manager Governance and Property (McCarthy, Michael)

COPY TO:

Subject: Review of Adverting and Signage Policy A170
Target Date: 1/12/2020
Report Number: AR20/71013

Notes:

RESOLUTION 2020/341

Moved: Cr Steven Perryman
Seconded: Cr Christian Greco

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.
2. The matter of Item 15.4 be referred to the December meeting of Council.

CARRIED

[Open Item in Minutes](#) [Open Report](#)

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For completed actions: Please update the notes and update the finalisation date.

For ongoing actions: Please update the notes and the expected completion date.

Please continue to update the comments until the matter has been finalised.





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Memorandum

TO: MAYOR
MEMBERS

CC: ACTING CHIEF EXECUTIVE OFFICER
GENERAL MANAGER CITY INFRASTRUCTURE

RE: SIGNS – SPORTING FACILITIES
DEVELOPMENT ACT/REGULATIONS AND DEVELOPMENT PLAN REQUIREMENTS

The purpose of this memo is to provide some guidance outlining the Development Assessment process associated with advertising signage, in particular signage on the site of Council owned sporting facilities, which are leased and managed by community clubs/organisations.

DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATION REQUIREMENTS

The Development Act 1993 identifies the following definitions:

*“Advertisement means an advertisement or sign that is **visible** from a street, road or public place or by passengers carried on any form of public transport.*

Advertiser in relation to an advertisement, means the person whose goods or services are advertised in the advertisement.

Advertising hoarding means a structure for the display of an advertisement or advertisements.”

The Development Act also defines Development which includes the following clause:

“(h) an act or activity in relation to land declared by regulation to constitute development.”

Schedule 3 of the Development Regulations identifies Acts and Activities that are not development.

Specifically Item 1 identifies the following types of Advertising signs as not development:

- A traffic control device.
- That is displayed by reason of a statutory obligation on the Crown (i.e. COVID19 Testing station signs)
- **That is on enclosed land or within a building and is not readily visible from land outside the enclosure or the building (i.e. internal sporting club advertising signs around an oval)**
- That is displayed for the purposes of identification, direction, warning or other information in relation to a dwelling (i.e. a unit development “name”/street number)
- That is displayed on a building (other than the side or rear walls of the building) used primarily for retail, commercial, office or businesses purposes and is not more than 3.7 metres above ground level, does not move, flash, reflect light, not internally illuminated.
- That announces a local event of religious, cultural, social or recreational character or a political character (subject to a number of conditions).
- That relates to building work being undertaken on the site (subject to a number of conditions)
- A moveable sign (pursuant to the Local Government Act 1999)



- A real estate sign (subject to conditions)

In summary any advertising sign which is readily visible from land outside of a site, such as is clearly visible from a street, road or public place and is not on the front wall of a premises used for a commercial/business purpose is development and requires Development Approval to be obtained for the erection of the sign.

It is important to highlight that for signs attached to fences, buildings and/or are painted on existing structures generally only need Planning Approval and Development Approval to be granted. These types of signs do not need Building Approval.

Any freestanding signs or large signs that protrude above or from a building will need Planning, Building and Development Approval as these types of signs are considered to be structures. It is unlikely that Building Approval will be refused unless the structure does not meet building specifications for how it is to be built.

Development Applications are able to be lodged for all of the signs as identified within the Signage Audit on sporting facilities. However, as explained below no assumption can be made as to whether the signs will be either granted Development Approval or be refused.

DEVELOPMENT PLAN POLICIES

When assessing any development application for an advertisement, Council Officer's are guided by the objectives and principles of Development Control within the Development Plan.

There are a number of Council wide principles which apply to Outdoor Advertisements which are attached to this Memorandum in Attachment 1. Members attention is drawn specifically to Principle 6 which identifies:

"6 Advertisements should relate entirely to a lawful use of land and be located on the same site as that use."

SIGNAGE AUDIT

In January 2020 Council Officer's undertook a Signage Audit located upon sporting facilities within the City of Mount Gambier. Within the Audit the following sporting facilities were identified as having signage which require Development Approval but no Development Application has been submitted:

Hastings Cunningham Reserve	4 Signs
Frew Park	2 signs
Blue Lake Golf Links	5 signs
McDonald Park	30 signs

DEVELOPMENT ASSESSMENT PROCESS

Hastings Cunningham Reserve, Frew Park and McDonald Park are located within the Residential Zone. Within the Residential Zone an Advertisement and/or Advertising Hoarding is identified as a Non-Complying form of development.



Any Development Application for a Non Complying Form of Development is assessed by the following process:

1. The Development Application must be referred to the Council Assessment Panel (CAP) to determine if the application is to proceed to an assessment or is refused outright.
2. If the CAP determines to proceed with an assessment a Statement of Effect must be provided outlining why the development is not at variance to the provisions of the Development Plan and should be supported.
3. The Application is publicly notified (Notice in a Newspaper and a letter to the adjoining property owners and/or occupier)
4. Referred to the CAP for a decision.

Council Officers do not have delegations to determine a Development Application for Non-Complying development.

As the signs are non-complying there are no appeal rights to the Applicant against the decision of the CAP, but there are appeal rights provided for any third party representor.

Advice regarding the likely decision of the Council Assessment Panel in respect to any future application is unable to be provided as part of this advice.

The Blue Lake Golf Links is located within the Lakes Zone, which is also a State Heritage area.

Within the Lakes Zone an advertisement and/or sign is neither identified as a complying or non-complying form of development and would be considered on it's merits. However, as the signs are located within a State Heritage Area, any application is required to be referred to Heritage SA (State Heritage) for advice. Heritage SA has the ability to direct Council to refuse any Development Application. However, it is anticipated that this would be unlikely to occur, but again it is difficult to provide advice regarding the likely response from Heritage SA.

ADDITIONAL POINTS FOR CLARIFICATION

Further clarification has also been sought in relation to:

1. The erection of a large billboard facing a public road, identifying the main tenant of the sporting facility; and
2. At some time in the future the inclusion of sponsorship signage on the large billboard.

An advertisement or sign are both defined as an Advertisement. If the sign is visible from a public place the sign would be development and Development Approval would be required to be obtained prior to the erection of the sign.

If the subject site was located within the Residential Zone, any development application would be for a non-complying form of development.

If approval is granted the development must be undertaken in accordance with the approved plans and supporting documentation lodged as part of any Development Application. If additional signage was attached to the large billboard which wasn't identified on the plans and/or supporting documentation approved as part of a Development Application, Development Approval would need to be obtained prior to the erection of any further additional signage.



CONCLUSION

A coordinated proposal such as a large billboard promoting the sporting identities located upon a subject site is considered a positive solution which would be worthwhile considering. Any such proposal could include the identification of spaces available for future sponsorship signage. In this case any sponsorship signage could be changed as the sponsors change over time and would not need further Development Approvals to be obtained.

Council can provide guidance to the occupiers of the subject sites as to what type of signage Council wishes to encourage to be installed/established on the subject sites as Council is the land owner. Council may also wish to allocate resources to assist the sporting clubs/organisations through the Development Application process. This could include the waiver of the Development Application fees and assistance in preparing documentation associated with any Development Application.

Please contact Nick Serle, General Manager City Infrastructure if you require any further information.



Tracy TZIOUTZIOUKLARIS
MANAGER - DEVELOPMENT SERVICES

5th November, 2020

AR 20/73729



ATTACHMENT 1: DEVELOPMENT PLAN POLICIES

Outdoor Advertisements

OBJECTIVES

- Objective 1: An urban environment and rural landscape not disfigured by advertisements.
- Objective 2: Advertisements in retail, commercial and industrial urban areas, and centre zones, designed to enhance the appearance of those areas.
- Objective 3: Advertisements not hazardous to any person.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Advertisements should not impair the amenity of areas, zones or localities in which they are situated by creating, or adding to clutter, visual disorder and the untidiness of buildings and spaces.
- 2 The location, siting, size, colour, shape and materials of construction of advertisements should be:
 - (a) consistent with the Outdoor Advertising Development Standards and Guidelines comprising Table MtG(C)/8; and
 - (b) consistent with the desired character of the zone.
- 3 The erection of an advertisement should not be undertaken where it would:
 - (a) detrimentally affect by way of its siting, shape, scale, glare, reflection or colour, the amenity of the locality in which it is situated;
 - (b) obscure views of attractive urban or rural landscapes;
 - (c) create a hazard to persons travelling by road or on foot;
 - (d) obscure a driver's view of other road vehicles, or of pedestrians and features of the road such as junctions, bends, changes in width and the like that are essentially hazardous;
 - (e) be so illuminated as to be hazardous to an approaching driver, or create difficulty in his perception of the road, or of persons or objects on it;
 - (f) be liable to interpretation by drivers as an official traffic sign or convey to drivers information that might be confused with instructions given by traffic signals or other controlled devices, or impair the conspicuous nature of traffic signs or signals; or
 - (g) distract drivers from the primary driving task at a location where the demands on driver concentration are high.
4. Advertisements wholly or partly consisting of bunting, streamers, flags, wind vanes or suspended objects should:
 - (a) be placed and displayed to complement and accord with the scale of the associated development, and other than national flags, should not exceed the height of the building they relate to; and
 - (b) should be kept in a good repair and condition at all times.
- 5 Advertisements should be compatible in scale with the buildings on which they are situated, with other advertisements, and with nearby buildings and spaces, and be constructed neatly and executed in a workmanlike manner.
- 6 **Advertisements should relate entirely to a lawful use of land and be located on the same site as that use.**



- 7 Signs for home activities should:
 - (a) not exceed 600 millimetres x 600 millimetres (or 0.36 square metres) in area;
 - (b) not be freestanding, but rather attached to a wall, fence, gate or other similar existing structure;
 - (c) not be illuminated; and
 - (d) not detract from the character and amenity of the locality.

- 8 Advertising or advertising displays within industrial zones should convey in simple, clear and concise language, print style, layout and limited number of colour combinations, the owner/occupier and/or other type of business, merchandise or service.

- 9 Freestanding advertisements and advertising displays should not exceed six metres in height or six square metres in advertisement area and be limited to one only primary advertisement or advertising display per site or complex, except where the frontage of the site exceeds 40 metres:
 - (a) the height of any freestanding advertisement may be increased at a rate of one metre for every additional ten metres of frontage or part thereof, of up to a maximum height of ten metres, and the advertisement area may be increased by one square metre for every ten metres of frontage or part thereof up to a maximum advertisement area of ten square metres; or
 - (b) an additional advertisement of not more than six metres in height and six square metres in advertisement area may be erected.



24.2 LOCAL GOVERNMENT ASSOCIATION - 2021 SHOWCASE AND ORDINARY GENERAL MEETING – REPORT NO. AR20/78757

Committee:	Council
Meeting Date:	15 December 2020
Report No.:	AR20/78757
CM9 Reference:	AF19/416
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report presents the dates of the upcoming Local Government Association 2021 Showcase and Ordinary General Meeting including invitation for Councillors also to attend
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR20/78757 titled 'Local Government Association - 2021 Showcase and Ordinary General Meeting' as presented on 15 December 2020 be noted.
2. That the Mayor be confirmed as the delegate to represent Council at the 2021 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 29 April and Friday 30 April 2021 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.
4. The Local Government Association be advised Council does not wish to submit any notice of motions.
5. Councillor _____ and Cr _____ be registered to attend the 2021 LGA Showcase and Ordinary General Meeting in Adelaide on Thursday 29 April and Friday 30 April 2021 with all associated costs to be met by Council.



TYPE OF REPORT

BACKGROUND

Council represents the community at the LGA Showcase and Ordinary General Meeting each year. The Mayor and Chief Executive Officer ordinarily attend as Council representatives, with the Mayor appointed as voting delegate.

The Deputy Mayor is appointed as proxy delegate should the Mayor not be able to attend.

PROPOSAL

The 2021 Local Government Association Showcase and Ordinary General Meeting will be held on Thursday 29 April and Friday 30 April 2021.

Previous practice has been that an invitation is extended to other Councillors who may wish to attend as an opportunity for further professional development, with all associated attendance costs met by Council, with a focus on providing access for all Elected Members to attend on a rotational basis over the four-year Council term.

The 2019 LGA Showcase and Ordinary General Meeting was attended by Crs Jenner and Amoroso. Crs Jenner and Meziniec attended the LGA Conference and Annual General Meeting in October 2019.

Cr Amoroso was endorsed by Council to attend the 2020 LGA Showcase and Ordinary General meeting, however this attendance did not proceed due to COVID-19 restrictions.

It is also note that in the current environment it is unknown whether any further restrictions will limit attendance at the 2021 events.

The LGA is also calling for proposed items of business for the Ordinary General Meeting which must be considered and approved by either SAROC, GAROC or the LGA Board before progressing to the Ordinary General Meeting, and are due to the Local Government Association by 25 February 2021.

LEGAL IMPLICATIONS

n/a

STRATEGIC PLAN

n/a

COUNCIL POLICY

n/a

ECONOMIC IMPLICATIONS

n/a

ENVIRONMENTAL IMPLICATIONS

n/a

SOCIAL IMPLICATIONS

n/a

CULTURAL IMPLICATIONS

n/a

RESOURCE IMPLICATIONS

n/a



VALUE FOR MONEY

The cost of Council representation at meetings of its peak body is considered nominal relative to the benefit associated with Council being represented.

RISK IMPLICATIONS

n/a

EQUALITIES AND DIVERSITY IMPLICATIONS

n/a

ENGAGEMENT AND COMMUNICATION STRATEGY

n/a

IMPLEMENTATION STRATEGY

n/a

CONCLUSION AND RECOMMENDATION

This report includes recommendations confirming the CEO, Mayor and Deputy Mayor (proxy) as Councils authorised delegates for the 2021 LGA Ordinary General Meeting.

A recommendation is also included for Council to endorse the attendance of other Councillors at the Showcase and Ordinary General Meeting if attendance is able to be accommodated at that time.

ATTACHMENTS

Nil



24.3 BULKY WASTE COLLECTION UPDATE – REPORT NO. AR20/78824

Committee:	Council
Meeting Date:	15 December 2020
Report No.:	AR20/78824
CM9 Reference:	AF19/416
Author:	Aaron Izzard, Environmental Sustainability Officer
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	At the May 2020 Council meeting, Council approved a one off bulky waste collection trial, where each residential property would be eligible for one pick up, by appointment. This report summarises the results of the trial.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR20/78824 titled 'Bulky Waste Collection Update' as presented on 15 December 2020 be noted.



TYPE OF REPORT

Corporate

BACKGROUND

As part of the Council's response to the COVID-19 crisis, Council made available to each residential property one free bulky waste collection (see Council Report No. AR20/78824 "By-Appointment Hard/Bulky Waste Option"). A limit of 2m³ per property applied, as well as restrictions on which types of items were accepted and which were not.

The service gave residents another option for large and bulky items that are too big to be placed in kerbside bins, and so require other means of recycling or disposal. Good quality items can be taken to the Waste Transfer Station (WTS) for free, to be sold through the ReUse Market. There are many residents who for various reasons cannot take bulky items to the WTS. This trial service also gave an option for items that are not good quality, and so cannot be sold through the ReUse Market.

Since the beginning of the trial at the start of July 2020 there have been over 1,900 collections. Almost 2,500 large items have been collected (this doesn't include small items), equating to over 450 tonnes of items and materials. Of the materials collected 95% has been recycled or re-used. Only 5% of collected material has gone to landfill, an excellent result. Many similar collections in large cities send all materials collected to landfill, with no sorting occurring.

Items are sorted by Council staff at the WTS. A selection of staff that were hired as a response to the covid crisis were largely used for the service.

Included here are just a couple of examples of positive feedback from the community:

"Resident A called to give some positive feedback on Council's bulky waste collection service. He said that it is very appreciated and that he had great service from the people collecting the waste. He is very impressed by the whole service."

"Resident B called to thank the men who collected her bulky waste this morning. She said it was great service that she was very happy with".

PROPOSAL

The service has been very popular with the community, and very successful. As such, it is proposed that Council approve an on-call bulky waste service, as an ongoing service of Council. The service would alleviate the desire from the community for a bulky/hard waste service, which has been an ongoing issue for numerous years.

LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN

4.1.1 Working in partnership with relevant organisations to ensure a sustainable environment

4.3.2 Reducing the environmental impact of waste and maximising conservation of natural resource

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

From July 2020 the service has cost Council approximately \$200,000 to date.

ENVIRONMENTAL IMPLICATIONS

The trial service has been very successful in reducing waste to landfill, with 95% of items recycled or re-used. If the service is continued, then this emphasis on sorting to minimise waste to landfill should be retained.



It is reasonable to expect that the service has also reduced illegal dumping. Any resident in Mount Gambier can access the service, with a wide variety of items being taken away for free. If the ongoing service is approved, then it is recommended that Council request Housing SA provide details of the service to all of their clients on an annual basis, and when new clients are provided a residence.

SOCIAL IMPLICATIONS

Given that the service is free to all residents of Mount Gambier, it ensures that community members without the means of taking delivering the items to the WTS or the ability to pay the moderate waste fees at the WTS have an option for disposing of bulky waste.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

It is recommended that rather than being a year-round service, it is offered during the off – peak times for Council depot staff, namely the cooler months of the year.

VALUE FOR MONEY

Council Officers will continue to pursue the most cost effective method of delivering the service whether that be utilising existing Council staff during the off-peak periods of the year, contract labour or a combination of both.

RISK IMPLICATIONS

The risk of ceasing this popular service is disquiet amongst the community, as well as an increase in illegal dumping. Also, the service assists the ongoing success of the ReUse Market, as many items are collected through the service. These items may not make it to the ReUse Market if the resident does not utilise the bulky waste collection service.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Given that the service is free to all residents of Mount Gambier, it ensures that community members without the means of taking delivering the items to the WTS or the ability to pay the moderate waste fees at the WTS have an option for disposing of bulky waste.

IMPLEMENTATION STRATEGY

This report is summarising the results of the trial that has already taken place.

CONCLUSION AND RECOMMENDATION

The trial bulky waste collection service has been successful, and very popular with the community. It is recommended that Council approve an on-call bulky waste service, as an ongoing service of Council. It is recommended that rather than being a year-round service, it is offered during the cooler months of the year. The emphasis on sorting to minimise waste to landfill should be retained.

It is also recommended that Council request Housing SA provide details of the service to all of their clients on an annual basis, and when new clients are provided a residence.

ATTACHMENTS

Nil



24.4 FOGO SERVICE UPDATE – REPORT NO. AR20/78936

Committee:	Council
Meeting Date:	15 December 2020
Report No.:	AR20/78936
CM9 Reference:	AF19/416
Author:	Aaron Izzard, Environmental Sustainability Officer
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	At the May 2020 Council meeting, Council resolved to offer a universal FOGO service for residential properties. This report summarises the results of the service to date.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR20/78936 titled 'FOGO Service Update' as presented on 15 December 2020 be noted.



TYPE OF REPORT

Corporate

BACKGROUND

As part of the Council's response to the COVID-19 crisis, Council resolved to offer a universal FOGO (Food Organics Garden Organics) service for residential properties. Previously the service was provided on payment of an annual fee (see Council Report No. AR20/25241 "Suspension of Green Waste Tag Fees"). The service no longer requires an annual fee, but operates in the same way as the services for recycling and general waste. The only difference being that residents must have an approved 240L green wheelie bin to use for the service. If they don't already have one, then they can purchase a bin from Council for a one-off fee of \$85.

The FOGO service enables residents to put in the vast majority of domestically generated organic materials. These organics are composted in a commercial composting operation, rather than going to landfill. This option is significantly cheaper for Council, through both a reduced gate fee, as well as avoided landfill costs. It is also much better environmentally, as it means these resources are being re-used, and avoids these organics creating leachate and methane when buried in landfill.

Since the beginning of the service at the start of July 2020 there have been over 600 residents purchase a bin to access the FOGO service. Any resident who already had an appropriate wheelie bin could access the service by simply putting their bin out for collection, as they do for recycling and general waste.

PROPOSAL

This change has already been implemented and this report is providing an update

LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN

4.1.1 Working in partnership with relevant organisations to ensure a sustainable environment

4.3.2 Reducing the environmental impact of waste and maximising conservation of natural resource

4.3.4 Demonstrating Council's commitment to the environment by reducing our carbon emissions and increasing our use of renewable energy sources

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

This change has already been implemented and this report is providing an update. The economic implications were covered in the previous report (Council Report No. AR20/25241 "Suspension of Green Waste Tag Fees").

ENVIRONMENTAL IMPLICATIONS

There have been over 300 additional tonnes of organic waste collected through the FOGO bins compared to the same period last year. That equates to over 80 tonnes per month extra material. If this trend continues, then almost 1,000 tonnes of extra organic material will be collected over a 12 month period, compared to before the universal FOGO system was implemented.

Interestingly, waste to landfill has only reduced approximately 30 tonnes compared to the same period last year. This may indicate that the majority of the additional organics is garden waste. This result highlights the importance of education in getting the message out to the community to use the FOGO service for their food waste. This campaign is currently being developed.



SOCIAL IMPLICATIONS

Now that the FOGO service is essentially the same as the recycling and general waste services it is much easier for residents to access.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Nil

VALUE FOR MONEY

The kerbside FOGO bins are collected by Council staff and plant and the contract for disposal of FOGO is negotiated in accordance with Council's procurement policy P420.

RISK IMPLICATIONS

Nil

EQUALITIES AND DIVERSITY IMPLICATIONS

Now that the FOGO service is essentially the same as the recycling and general waste services it is much easier for residents to access.

ENGAGEMENT AND COMMUNICATION STRATEGY

This change has already been implemented and this report is providing an update. A campaign to encourage the increased use of the FOGO bins is being developed.

IMPLEMENTATION STRATEGY

This change has already been implemented and this report is providing an update

CONCLUSION AND RECOMMENDATION

The universal FOGO service is being embraced by the community. Council should continue to promote the service so even more households take it up and use it to divert organics away from landfill. It is important to get the message out to the community as widely as possible that residents can put all their food waste into their FOGO bin. This will feature strongly in the waste education campaign currently being developed.

ATTACHMENTS

Nil



24.5 TENURE OF BLUE LAKE PERIMETER – REPORT NO. AR20/80940

Committee:	Council
Meeting Date:	15 December 2020
Report No.:	AR20/80940
CM9 Reference:	AF19/416
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report provides an update on discussions with SA Water and Crown Lands on securing joint custody arrangements for the Blue Lake.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR20/80940 titled 'Tenure of Blue Lake Perimeter' as presented on 15 December 2020 be noted.
2. A further report be presented when tenure of the Blue Lake area has been confirmed.



TYPE OF REPORT

Other

BACKGROUND

In August 2020 Council considered Report No. AR20/45204 that included endorsement of a Tourism Assets Masterplan and in September 2020 considered Report No. AR19/36020 relating to a strategic approach to property management including Strategic Property Management - Sport, Recreation and Open Space Plan and precinct Master Planning, including for categories of property holdings including the crater lakes precinct.

The procurement process for these strategic planning activities has commenced.

In the meantime, the Council's 21 year licence for the outer perimeter of the Blue Lake is coming to an end on 31 December 2020, with the associated sub-licence for the operation of the Blue Lake Welcome Centre having concluded on 30 November 2020. An earlier (confidential) report and resolutions (subsequently released) relate directly to this matter.

In anticipation of the expiring tenure arrangements for the Blue Lake perimeter the Council administration have been in discussions with SA Water (as custodian of the Blue Lake) and Crown Lands (as land owner) with regard to future arrangements that will facilitate the shared objectives of the three government and semi-government stakeholders being further progressed.

Consistent with Council's resolved position in relation to its strategic involvement as a Tourism industry participant, a joint application has been made seeking equal (co)custody of the Blue Lake land parcel for both SA Water and the City of Mount Gambier with a view to progressing a government partnership, potentially including Crown Lands, for this site as part of the planned management and activation of the greater crater lakes area and tourism in Mount Gambier generally.

At the time of writing this report formal confirmation had not yet been received from Crown Lands on the status of the co-custody application, however it is understood that documentation is still being prepared for presentation to the relevant delegate for consideration.

In anticipation of this, administrative representatives of both SA Water and Council are scheduling discussions for the preparation of a Memorandum of Understanding ("MOU") intended to guide the relationship between the two custodians for the management of relevant aspects of the Blue Lake.

A request has also been made for temporary extension of licensing arrangements between SA Water and the City of Mount Gambier until the outcome of the co-custody application is known. This is not intended to accommodate any third party operations that could constrain MOU negotiations or any expiry/handover if co-custody is not confirmed.

In the meantime, actions have been put in place to maintain the provision of the public toilets at the Blue Lake Welcome Centre as an interim measure, along with preliminary preparations for temporary 'Pop-up' tourism services at the Blue Lake, until more permanent options can be considered.

PROPOSAL

Once Council's future tenure of the Blue Lake has been confirmed it is proposed that longer term activation of the Blue Lake area, in collaboration with SA Water, be explored further through the development of a Sport, Recreation and Open Space Plan, Tourism Assets masterplan or Crater Lakes Activation Plan

LEGAL IMPLICATIONS

Until Council has secured a form of tenure for the Blue Lake land parcel it is constrained in its ability to action any confirmed activities over land for which it has no formal control or management.

STRATEGIC PLAN

The security of tenure of the Blue Lake land parcel through a co-custody arrangement with SA Water and the opportunities that a collaboration of government stakeholders will contribute to all five Goals within Council's Strategic Plan 2020-2024.



COUNCIL POLICY

n/a

ECONOMIC IMPLICATIONS

There are no immediate economic implications associated with the current proposal, however this would be explored further in conjunction with future activation proposals for the Blue Lake and Crater Lakes areas as may be identified in a Sport, Recreation and Open Space Plan, Tourism Assets masterplan and Crater Lakes Activation Plan.

ENVIRONMENTAL IMPLICATIONS

The management and activation of the Blue Lake area must be in accordance with the Crater Lakes Conservation Management Plan.

SOCIAL IMPLICATIONS

As an iconic and the regions premiere tourist attraction as well as a destination for the local community the Blue Lake area and Crater Lakes Precinct warrant the provision of quality facilities and service offerings. Securing tenure through a co-custody arrangement is a significant step toward improving the local communities stake in the management of this key site.

CULTURAL IMPLICATIONS

The proposal for stakeholder collaboration to activate the Blue Lake area and Crater Lakes Precinct recognises the considerable cultural significance within these areas and opportunity to recognise and promote this in a culturally sensitive manner.

RESOURCE IMPLICATIONS

There are no immediate resource implications associated with Council securing custody of the Blue Lake area, however there may be resource implications associated with supporting 'Pop-up' tourism services in the vicinity that can be accommodated within existing budget allocations for such activities.

The maintenance of the Blue Lake perimeter currently forms part of Council's grounds maintenance budget.

Further potential budget implications may arise from the strategic planning exercises to be undertaken for this precinct, for consideration as part of Council's 2021/2022 (or subsequent) Annual Business Plan and Budget and/or a separate report(s).

VALUE FOR MONEY

n/a

RISK IMPLICATIONS

Council should note the risk associated with the vacancy in the Blue Lake Welcome Centre, which may be considered to be offset by the opportunity for collaboration with key stakeholders for the activation of the greater Crater Lakes precinct over time.

EQUALITIES AND DIVERSITY IMPLICATIONS

n/a

ENGAGEMENT AND COMMUNICATION STRATEGY

Council's current communication in relation to this matter is limited by the impending expiry of Council's Licence arrangements, and the yet to be confirmed co-custody arrangements.

In the event that further tenure is confirmed, future communication and engagement is intended to focus on exploring opportunities for activation of the Blue Lake area and Crater Lakes precinct as part of developing a Sport, Recreation and Open Space Plan, Tourism Assets masterplan and Crater Lakes Activation Plan.



IMPLEMENTATION STRATEGY

An implementation strategy for the various strategic planning exercises and any resulting activation proposals is yet to be developed pending confirmation of continuing tenure and development of relevant plans.

CONCLUSION AND RECOMMENDATION

This report presents information to inform Members and the community on the current status and proposed future involvement of Council, the community and other stakeholders in the activation of the Blue Lake area and Crater Lakes precinct.

ATTACHMENTS

Nil



24.6 DEPUTY MAYOR - EXPIRY OF 2 YEAR TERM – REPORT NO. AR20/81322

Committee:	Council
Meeting Date:	15 December 2020
Report No.:	AR20/81322
CM9 Reference:	AF19/416
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report is presented to note that the 2 year appointment term of Cr Sonya Meziniec as Deputy Mayor has elapsed, and for consideration to appoint to the position of Deputy Mayor for the period until the 2020 local government elections.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR20/81322 titled 'Deputy Mayor - Expiry of 2 Year Term' as presented on 15 December 2020 be noted.
2. That nominations be sought for the position of Deputy Mayor for the period until the 2022 local government elections.
3. **If only one nomination is received**

That Cr **INSERT NAME** be appointed as Deputy Mayor for the period until the 2022 local government elections.

If more than one nomination is received

That, having received more than one nomination for the position of Deputy Mayor, a secret ballot be conducted forthwith without debate in accordance with Council Policy C410 Meeting Code of Practice. The Chief Executive Officer (or any other Senior Officer present) shall be the Returning Officer to declare the result and draw lots (if/as necessary) and the following shall apply:

- Any Member present at the meeting may be nominated.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.
- The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.



TYPE OF REPORT

Legislative

BACKGROUND

At the first Council meeting for the 2018-2022 Council term on 22 November 2018 Council noted that the appointment of a Deputy Mayor assists in ensuring that the Council may be adequately and appropriately represented at all times, including when the Mayor is unavailable due to a planned or unplanned absence or another or prior engagement.

Council resolved to have a position of Deputy Mayor and appointed Cr Sonya Meziniec to the position for a period of two years.

PROPOSAL

With the two year appointment period of Cr Sonya Meziniec as Deputy Mayor having elapsed, Council may now consider the position of Deputy Mayor, and the filling of such position for a further period of up to 2 years (until the 2022 local government elections).

LEGAL IMPLICATIONS

Council is under no obligation to have a position of Deputy Mayor, but has resolved to pursuant to the power contained in section 51 (3) and (4) of the Local Government Act 1999.

STRATEGIC PLAN

n/a

COUNCIL POLICY

Council [Policy C410 Meeting Code of Practice](#) has provisions for the selection of a Deputy Mayor, as follows:

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Local Government Act 1999.

Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term determined by the Council that must not exceed 4 years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall immediately call for nominations and acceptances from Members present at the Council Meeting.

If only one nomination is received then that Member is to be declared Deputy Mayor.

Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.*
- The Mayor does not vote on the question of the appointment of Deputy Mayor.*
- A Member not in his or her seat at the meeting does not vote.*
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.*
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.*



- *The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.*

ECONOMIC IMPLICATIONS

n/a

ENVIRONMENTAL IMPLICATIONS

n/a

SOCIAL IMPLICATIONS

n/a

CULTURAL IMPLICATIONS

n/a

RESOURCE IMPLICATIONS

n/a

VALUE FOR MONEY

n/a

RISK IMPLICATIONS

n/a

EQUALITIES AND DIVERSITY IMPLICATIONS

n/a

ENGAGEMENT AND COMMUNICATION STRATEGY

n/a

IMPLEMENTATION STRATEGY

n/a

CONCLUSION AND RECOMMENDATION

Having considered the role of Deputy Mayor and the two year appointment period of Cr Sonya Meziniec having now elapsed, Council may now consider appointment to this position, for a term until no later than the 2022 local government elections.

This report presents recommendations for the appointment of a Deputy Mayor in the case of a single nomination, and the conduct of a secret ballot in accordance with Council Policy C410 Meeting Code of Practice in the event of two or more nominations for the position.

ATTACHMENTS

Nil



25 MOTIONS WITH NOTICE

25.1 NOTICE OF MOTION - LIMESTONE COAST DESTINATION MANAGEMENT PLAN

Meeting: Council
CM9 Reference: AF19/416
Member: Steven Perryman, Councillor

I, Councillor Steven Perryman, give notice that at the next Ordinary Meeting of Council to be held on 15 December 2020, I intend to move the following motion:

MOTION

1. That Council Report No. AR20/82434 titled 'Notice of Motion - Limestone Coast Destination Management Plan' as presented on 15 December 2020 be noted.
2. Council invites the CEO of LCLGA and the Tourism Development Manager to meet with available members of Mount Gambier Council to discuss the Limestone Coast Destination Management Plan, in particular the human resource needs to successfully activate the plan

RATIONALE

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



25.2 NOTICE OF MOTION - REFERRAL OF BUDGET ITEMS TO BUDGET REVIEW 2

Meeting: Council
CM9 Reference: AF19/416
Member: Steven Perryman, Councillor

I, Councillor Steven Perryman, give notice that at the next Ordinary Meeting of Council to be held on 15 December 2020, I intend to move the following motion:

MOTION

1. That Council Report No. AR20/82435 titled 'Notice of Motion - Referral of Budget items to Budget Review 2' as presented on 15 December 2020 be noted.
2. That the following budget items (Attachment 1) be referred to Budget Review 2 for consideration of reducing budgetary expenditure allocations.

RATIONALE

I commend this Notice of Motion to Council.

ATTACHMENTS

1. Motion BR Q2 2020/2021 [↓](#)



Motion:

That the following budget items be referred to Budget Review 2 for consideration of reducing budgetary expenditure allocations.

		Master	Sub	Description	Activity	Account Name	Notes	Budget 2020/2021
Administration	Elected Members	6000	0035	Training & Development	64	Travel, accomm, training	Elected Members	\$ 7,000
					74	Seminar / Training Expenses	Elected Members	\$ 9,000
					35	Catering Expenses	Elected Members	\$ 10,000
					41	Gifts & Cultural Expense	Elected Members	\$ 4,200
Administration	Organisational	6002	0034	Employee Expenses	35	Catering Expenses	Employees	\$ 10,000
					63	Staff Amenities	Employees	\$ 1,200
					77	Entertainment - Employee FBT	Employees	\$ 600
					87	Health & Wellbeing	Employees	\$ 1,000
					64	Travel		\$ 1,500
			0035	Training & Development	74	Seminar/Training Expenses	LGA Rural Management Challenge	\$ 7,000
					74		LG Professionals Leadership Program	\$ 18,000
					74		Other	\$ 6,000
			0037	Professional Fees	46	Legal		\$ 48,000
			0038	Operating Expenses - Direct	35	Catering Expenses		\$ 6,000
					41	Gifts, Cultural Benefit Expense		\$ 3,600
					64	Travel		\$ 10,000
					74	Seminar / Training Expense		\$ 6,000
Support Services	Council Shared Services	6004	0034	Employee Expenses	64	Travel		\$ 2,000
					74	Seminar / Training Expense		\$ 4,000
			0038	Operating Expenses - Direct	79	Other Expenditure		\$ 3,000

Support Services	Executive Administration	6005	0034	Employee Expenses	63	Staff Amenities	Need to include meal allowance for additional hours	\$ 1,200
			0035	Training & Development	64	Travel		\$ 3,000
					74	Seminar/Training Expenses		\$ 5,000
			0038	Operating Expenses - Direct	35	Catering Expenses		\$ 400
					79	Other Expenditure		\$ 2,400
Support Services	Business & Strategic Planning	6006	0035	Training & Development	64	Travel		\$ 1,500
					74	Seminar/Training Expenses		\$ 4,500
	Strategic Finance & Accountability	6010	0035	Training & Development	64	Travel		\$ 1,800
					74	Seminar/Training Expenses	Procurement conference/training	\$ 12,000
			0038	Catering	35			\$ 200
	Accounting/Finance	6011	0034	Employee Expenses	87	Health & Wellbeing	Footrests & other equipment	\$ 350
			0035	Training & Development	64	Travel		\$ 2,800
					74	Seminar/Training Expenses	Australian Tax College FBT	\$ 600
							Payroll System Training	\$ 1,600
							Civica Support	\$ 1,800
							Other CPD hrs 30 x \$130	\$ 3,880
	Human Resources	6013	0034	Gifts & Cultural benefit	41	Retirement gifts		\$ 400
			0035	Training & Development	64	Travel		\$ 1,000
					74	Seminar/Training Expenses		\$ 2,000
			0038	Operating Expenses - Direct	35	Catering Expenses		\$ 800
					52	Memberships & Subscriptions		\$ 5,720
					74	Seminar/Training Expenses		\$ 4,000
					87	Training		\$ 8,000
	I Services	6014	0035	Training & Development	52	Memberships & Subscriptions	LGITSA	\$ 400
					64	Travel		\$ 2,000
					74	Seminar/Training Expenses	LGITSA Events Adelaide	\$ 2,500
			0038	Operating Expenses - Direct	52	Memberships & Subscriptions		\$ 400

					54	Office Supplies & Stationary	Replace Office Chairs, Desk Risers, Wellbeing	\$ 2,000
	Communication	6015	0038	Operating Expenses - Direct	59	Repairs & Maintenance	PABX Maint organisation wide, cabling	\$ 96,000
	Rates Administration	6016	0035	Training & Development	64	Travel	SA Rates Officers Meeting	\$ 1,000
					74	Seminar/Training Expenses	Annual Rates Conf, LC Rates Group	\$ 2,200
	Occupancy	6018	0038	Operating Expenses - Direct	63	Staff Amenities		\$ 1,200
	Customer Service	6020	0035	Training & Development	48	Magazines, papers, periodicals		\$ 250
					64	Travel		\$ 3,000
					74	Training	CX SA Network Group (3 attendees)	\$ 500
							Conflict Management Training	\$ 1,300
							LG Professionals Training	\$ 1,000
	Community Dvlpmnt & Engagement	6022	0034	Training & Development	74	Seminar/Training Expenses	IAP2, Collaborative Impact	\$ 3,000
			0038	Operating Expenses - Direct	35	Catering Expenses		\$ 2,300
					52	Memberships & Subs	Volunteer Management	\$ 1,000
					74	Seminar/Training Expenses		\$ 2,000
	Media & Communications	6023	0035	Training & Development	64	Travel		\$ 1,500
					74	Seminar/Training Expenses		\$ 13,000
			0038	Operating Expenses - Direct	52	Isentia Media Monitoring		\$ 14,400
	Carinya Gardens Cemetary	6133	0035	Training & Development	47	Licenses	Drivers License x 2	\$ 200
					64	Travel	ACCA & CASA	\$ 3,500
					74	Seminar/Training Expenses	ACCA & Miscellaneous	\$ 1,000
	Public Conveniences	6134	0038	Operating Expenses - Direct	30	Contractors		\$ 114,000
	Cultural Venues City Hall	6210	0038	Operating Expenses - Direct	35	Catering Expenses		\$ 1,000
	Heritage Restoration Fund	6225	0038	Operating Expenses - Direct	70	Donations/Grants/Contributs.	Heritage Restoratin Fund	\$ 20,000
	Riddoch Art Gallery	6230	0034	Employee Expenses	63	Staff Amenities	Drinking Water	\$ 1,800
					87	Health & Wellbeing	Unspecified	\$ 200
			0035	Training & Development	52	Memberships & Subscriptions	Artshub	\$ 150

					64	Travel	Gallery Best Practice Comparison Canberra Regional Directors Conf.	\$ 6,000
					74	Seminar/Training Expenses	Various	\$ 8,660
	Regional Development	6320	0035	Training & Development	64	Travel	GMCG	\$ 2,250
					74	Seminar/Training Expenses	GMCG	\$ 1,000
			0038	Operating Expenses - Direct	35	Catering Expenses		\$ 500
	Other Economic Develmnt	6340	0035	Training & Development	64	Travel		\$ 4,000
					74	Seminar/Training Expenses		\$ 2,000
	Tourism Events	630	0035	Training & Development	52	Memberships & Subs		\$ 600
					64	Travel		\$ 1,000
	Tourism - Mt Gamb VIC	6360	0035	Training & Development	64	Travel		\$ 3,400
					74	Seminar/Training Expenses		\$ 4,000
	Tourism General	6370	0035	Training & Development	64	Travel	ART Conference / SATC Conference	\$ 4,100
					74	Seminar/Training Expenses	ART Conference / SATC Conference	\$ 5,100
			0038	Operating Expenses - Direct	41	Gifts,Cultural Benefit Expense	Inbound Influencers	\$ 800
					64	Travel	Adelaide/Melbourne	\$ 3,000
	Re-Use Market	6414	0034	Employee Expenses	63	Staff Amenities		\$ 600
	Waste Transfer Centre Ops	6415	0034	Employee Expenses	63	Staff Amenities		\$ 600
	Caroline Landfill	6418	0034	Employee Expenses	63	Staff Amenities		\$ 1,200
			0047	Vehicle Costs	61	Repairs & Maintenance	Replace Feet on Compactor	\$ 50,000
	Environm'l Sustainability	6460	0035	Training & Development	64	Travel		\$ 1,000
					74	Seminar/Training Expenses		\$ 2,000
Regulatory Services	Dog Control	6600	0035	Training & Development	64	Travel		\$ 500
					74	Seminar/Training Expenses		\$ 2,000
	Health Inspection	6660	0035	Training & Development	64	Travel		\$ 1,000
					74	Seminar/Training Expenses	EHA State Conference	\$ 3,500
City Infrastructure	City Infrastructure	6800	0035	Training & Development	52	Civil Contractors Assocaition		\$ 500
					64	Travel		\$ 4,000
					74	Seminar/Training Expenses		\$ 10,000

25.3 NOTICE OF MOTION - FILMING AND AUDIO RECORDING DEVICES

Meeting: Council
CM9 Reference: AF19/416
Member: Lynette Martin, Mayor

I, Councillor Lynette Martin, give notice that at the next Ordinary Meeting of Council to be held on 15 December 2020, I intend to move the following motion:

MOTION

1. That Council Report No. AR20/82789 titled 'Notice of Motion - Filming and Audio Recording Devices' as presented on 15 December 2020 be noted.
2. That the words:
'Elected Members and Council Officers (with the exception of Council's Media Officers) be prohibited from taking or making audio, video or video recording or photographs during formal or informal meetings of Council and Committees without the express permission of the Council granted by resolution passed by at least two-thirds of Members.'

be inserted at the end of Clause 12.1 'Filming and Audio Recording Devices' in [Council Policy C410](#).

RATIONALE

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



26 URGENT MOTIONS WITHOUT NOTICE



27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 8 DECEMBER 2020

27.2 Project Control Group (PCG) Progress Report - As at 29/11/2020

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCasthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR20/80910 Project Control Group (PCG) Progress Report - As at 29/11/2020.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (k) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to 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.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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.

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 specifically, the present matter relates to the execution of a signed contract between Council and Badge for the construction of the Mount Gambier Community and Recreation Hub.



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 6.1 AR20/80910 Project Control Group (PCG) Progress Report - As at 29/11/2020 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until that the item be reviewed 12 months after successful execution of the contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.



28 NEW CONFIDENTIAL ITEMS

28.1 NOTICE OF MOTION - REQUEST FOR INFORMATION - COMMUNITY AND RECREATION HUB – REPORT NO. AR20/82569

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCasthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR20/82569 Notice of Motion - Request for Information - Community and Recreation Hub.

The Council is satisfied that, pursuant to section 90(3) (h) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- legal advice

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 considered includes legal advice sought in relation to the subject matter of the proposed motion and related matters.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.1 AR20/82569 Notice of Motion - Request for Information - Community and Recreation Hub and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (h) be kept confidential and not available for public inspection until until further ordered by Council, to be reviewed at least once in every year.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

28.2 BOOKMARK CAFE UPDATE – REPORT NO. AR20/79583

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCasthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.2 AR20/79583 Bookmark Cafe Update.

The Council is satisfied that, pursuant to section 90(3) (b) and (d) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 considered includes financial and other business information of the proponent that is of a commercial in-confidence nature and includes Council deliberations in relation to continued business arrangements with the proponent. The premature disclosure of this information could reasonably confer an advantage on a third party and prejudice the commercial position of the Council and the party that provided the information. Considering the Councils interest in obtaining best value for the provision of a community service from its facility it is considered that the premature disclosure of this information would, on balance, be contrary to the public interest.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.2 AR20/79583 Bookmark Cafe Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (d) be kept confidential and not available for public inspection until 2 years have elapsed or 12 months after the execution of an agreement with the proponent, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

28.3 BLUE LAKE GOLF CLUB - SEPTEMBER 2020 QUARTERLY KPI REPORT – REPORT NO. AR20/78759

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCasthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.3 AR20/78759 Blue Lake Golf Club - September 2020 Quarterly KPI Report.

The Council is satisfied that, pursuant to section 90(3) (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 report attachment includes commercial information relating to the operations of the Blue Lake Golf Club the premature disclosure of which could reasonably be expected to confer advantage on a 3rd party and prejudice the commercial position of the Blue Lake Golf Club.

The public interest in the disclosure of this information is considered to be outweighed by the public benefit provided by the maintenance and management of the public land on which the golf course is located which is reliant on the continued successful operations of the Blue Lake Golf Club.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.3 AR20/78759 Blue Lake Golf Club - September 2020 Quarterly KPI Report and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (d) be kept confidential and not available for public inspection until 2 years have passed or the Blue Lake Golf Club has ceased operating, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

28.4 STRATEGIC PROPERTY MANAGEMENT - 12 WHITE AVENUE – REPORT NO. AR20/82411

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCasthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.4 AR20/82411 Strategic Property Management - 12 White Avenue.

The Council is satisfied that, pursuant to section 90(3) (b) and (g) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

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 discussed relates to private property that Council may give consideration to purchasing and the disclosure of this information may reasonably be considered to prejudice the Councils negotiating position and confer an advantage on a third party.

Further, the matter is subject to an existing confidentiality order, the disclosure of which would breach that confidence.

The public interest in the non-disclosure of this information is considered to be outweighed as Council may intend to utilise community funds for any such purchase.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.4 AR20/82411 Strategic Property Management - 12 White Avenue and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (g) be kept confidential and not available for public inspection until the matter has been considered by Council.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

29 MEETING CLOSE



COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 17 NOVEMBER 2020 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	Media and Communications Coordinator	- Ms S McLean
	Manager Governance and Property	- Mr M McCarthy
	Manager Finance and Customer Service	- Mr J Zwijnenburg
	Executive Administration Officer	- Mrs F McGregor

1 ACKNOWLEDGEMENT OF COUNTRY

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.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2020/328

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 20 October 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

- Site visit to Mondelez – Mount Gambier Philadelphia Factory
- Meeting re EOI – Big, Small, Support Us All
- LGA and LGFA AGM in Adelaide
- Attendance at Presentation of Ministers Awards for Excellence in Public Health 2020
- Economic and Environment Committee Meeting
- Community and Recreation Hub – On-Site PCG Meeting

- Mount Gambier Children’s Centre – John Powell Reserve Photo
- RFQ Submissions – Management Consulting and Recruitment Services
- Meeting with Member for Barker
- Citizenship Ceremony – Virtual
- Q&A Session – Community and Recreation Hub
- With Acting CEO Meeting with Country Arts SA Representatives
- Weekly LCLGA Mayor’s Meeting - Virtual
- Foodbank SA Mount Gambier Property Acquisition Celebration
- Opening of the International Limestone Coast Video Festival
- 25 Year Anniversary – Liberty Church
- NAIDOC Week – Flag Raising Ceremony
- Elected Members Workshop – BR1 2020/2021
- Elected Members Workshop – Local Roads and Community Infrastructure Fund
- Meeting – Big, Small, Support us All
- Regional Sport and Recreation Centre Committee Meeting
- Remembrance Day Service
- Mayor’s Community Christmas Appeal – Men’s Shed Donation
- Mayor’s Community Christmas Appeal – NF McDonnell & Sons Donation
- Weekly LCLGA Mayor’s Meeting – Virtual
- 70th Birthday Celebration – Mount Gambier Chamber of Commerce

RESOLUTION 2020/329

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 17 November 2020 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Mezinec	Opening International Limestone Coast Video Arts Festival, NAIDOC Week Flag Raising Ceremony, Chamber of Commerce 70 th Birthday Celebrations, Visit to Tenison Woods College – Project Recology
Cr Bruins	Full Monty Charity Event
Cr Hood	Tenison Year 4 talk, Project Control Group for the CaRH
Cr Jenner	Working with Council Staff on Roads Regional Plan
Cr Morello	NAIDOC Week Flag Raising Ceremony

RESOLUTION 2020/330

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 17 November 2020 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 ELECTED MEMBER TRAINING AND TRAVEL - CR AMOROSO

The following question on notice was received from Councillor Max Bruins.

Question

In the September 2019 ordinary council, resolution 2019/207 was passed to approve the attendance of Cr Amoroso at a conference in Melbourne with all associated travel costs to be borne by Council. Can you please advise the total cost to council (travel, accommodation, attendance etc) associated with this resolution?

Response

The total cost is \$403.15.

RESOLUTION 2020/331

Moved: Cr Max Bruins

Seconded: Cr Steven Perryman

That the response to the question regarding Elected Member Training and Travel – Cr Amoroso raised by Councillor Max Bruins be received and noted.

CARRIED

7.2 ELECTED MEMBER TRAINING AND TRAVEL - CR AMOROSO - POLICY M500 QUESTION

The following question on notice was received from Councillor Max Bruins.

Question

The resolution required a report to be submitted to council at the November 2019 Council Meeting in accordance with Council Policy M500. Given that 12 months have passed and Cr Amoroso has failed to provide such a report, have any attempts been made by Cr Amoroso to repay the costs associated with her attendance at this conference?

Response

No evidence has been found to indicate Cr Amoroso has offered to pay back costs.

RESOLUTION 2020/332

Moved: Cr Max Bruins

Seconded: Cr Steven Perryman

That the response to the question regarding Elected Member Training and Travel – Cr Amoroso – Policy M500 Question raised by Councillor Max Bruins be received and noted.

CARRIED

7.3 SOURCE OF FAECAL MATTER IN THE VALLEY LAKE

The following question on notice was received from Councillor Mezinec.

Background

A resident recently asked how much it would cost to sewer the toilets in the Valley Lake area. He stated he was informed that there are high levels of faecal matter in the lake and assumed it was human faecal matter.

Question

Can clarification please be provided to Council as to the source of the faecal matter in the Valley Lake which contributes to the blue algae problem that occurs during the summer months?

Response

Testing of the Valley Lake water has identified the presence of faecal coliforms (which are bacteria). The source of the bacteria has not been confirmed, but it is most likely from the water birds that live at the lake. High levels of bacteria are only present in the shallow water at the edge of the lake, where the water birds tend to congregate. The middle of the lake has very low numbers of bacteria, though they are present. These types of bacteria can originate from any warm blooded animal, including (water) birds. We don't have any evidence that the septic systems associated with the three toilet blocks are failing in any way. They were emptied last month, no evidence of failure was found.

The algae in the lake would relate to nutrient load in general. Given that there is no evidence of the septic systems failing it is highly unlikely they are having any impact on the lake. Nutrients from the faecal matter of the water birds would contribute.

RESOLUTION 2020/333

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That the response to the question regarding the source of faecal matter in the valley lake raised by Councillor Mezinec be received and noted.

CARRIED

7.4 RAIL TRAIL TREE PLANTING PLANS

The following question on notice was received from Councillor Mezinec.

Background

A resident recently provided very positive feedback about the Rail Trail but stated that it was very hot in summer. They asked if the Council could plant trees along the trail to moderate the temperature on hot days and improve the amenity of the trail. They also mentioned recent media reports and social media posts about the project by Nature Glenelg Trust and Tenison Woods College students plant out a section of the Rail Trail.

Question

Are there any plans in place to plant trees, shrubs and other plants along the Rail Trail by Council and/or in conjunction with community groups?

Response

Council is working with Nature Glenelg Trust to progressively vegetate sections along the Rail Trail with native species. NGT are including school and community groups in the planting activities. During the leasing negotiations the Department for Infrastructure and Transport (DIT) advised that they did not want trees planted along the rail corridor. Council can plant large shrubs, bushes etc., but not large trees unfortunately.

RESOLUTION 2020/334

Moved: Cr Sonya Mezinec

Seconded: Cr Paul Jenner

That the response to the question regarding Rail Trail Tree Planting Plans raised by Councillor Mezinec be received and noted.

CARRIED

8 QUESTIONS WITHOUT NOTICE

Nil recorded

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 11.1:

"Member of CAP and make decisions on CAP".

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 11.1.

Cr Paul Jenner left the meeting at 6:24 pm

11.1 NOTICE TO RESCIND - REGIONAL ASSESSMENT PANEL

RESOLUTION 2020/335

Moved: Cr Sonya Mezinec

Seconded: Cr Christian Greco

1. That Council Report No. AR20/74843 titled 'Notice to Rescind - Regional Assessment Panel' as presented on 17 November 2020 be noted.

2. That resolution 2020/269 associated with Report No. AR20/38060 titled '*Regional Assessment Panel - Proposed Model*' that was passed at the 21 July 2020 Council meeting be rescinded as follows:

(a) Parts 2-5:

2. That the Chief Executive Officer (or delegate/s) be authorised to finalise any administrative arrangements necessary to reach agreement between the proposed member Councils on Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models, provided that any further amended details are based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.

3. That the Chief Executive Officer be authorised to approach the Minister to seek the establishment of a Regional Assessment Panel and to prepare a cost sharing / resourcing agreement between the member Councils the outcome of which to be the subject of a future report to Council.

4. That the Regional Assessment Panel should include an Elected Member from the City of Mount Gambier and this appointment be until the next local government election.

5. That the functioning of the Regional Assessment Panel be subject to review after 18 months of operation.

be rescinded.

3. That resolution 2020/310 associated with Report No. AR20/63299 titled '*Regional Assessment Panel Memorandum of Understanding*' that was passed at the 20 October 2020 Council meeting be rescinded as follows:

(a) Parts 2-3:

2. Council continue on with its own Council Assessment Panel.

3. Council advises the other 3 Councils it no longer wishes to be a part of the Regional Assessment Panel.

be rescinded.

CARRIED

Cr Paul Jenner returned to the meeting at 6:34 pm

12 ELECTED MEMBERS WORKSHOPS**12.1 ELECTED MEMBER WORKSHOPS HELD 19 OCTOBER 2020 TO 13 NOVEMBER 2020****RESOLUTION 2020/336**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

1. That Council Report No. AR20/25153 titled 'Elected Member Workshops held 19 October 2020 to 13 November 2020' as presented on 17 November 2020 be noted.

CARRIED**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

14 COUNCIL ACTION ITEMS**14.1 ACTION ITEMS 20 OCTOBER 2020****RESOLUTION 2020/337**

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR20/25203 titled 'Action Items 20 October 2020' as presented on 17 November 2020 be noted.

CARRIED**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS****15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 2 NOVEMBER 2020****RESOLUTION 2020/338**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

That the Minutes of the Economic and Environment Committee meeting held on 2 November 2020 as attached be noted.

CARRIED

15.2 2021 STREET TREE PROGRAM – REPORT NO. AR20/59494**RESOLUTION 2020/339**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR20/59494 titled '2021 Street Tree Program' as presented on 02 November 2020 be noted.
2. That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2021 Street Tree Program as outlined in Policy T120 (Tree Policy).
3. That Council notifies all residents and utilities affected by the plantings and invite comment on same (in accordance with Councils Public Consultation Policy).
4. That Council adopts the 2021 Street Tree Program as outlined in the discussion so that the proposed species of trees may pre-ordered.

CARRIED**15.3 NO STANDING ZONE - PINACEAE COURT – REPORT NO. AR20/69513****RESOLUTION 2020/340**

Moved: Cr Christian Greco

Seconded: Cr Steven Perryman

1. That Economic and Environment Committee Report No. AR20/69513 titled 'No Standing Zone - Pinaceae Court' as presented on 02 November 2020 be noted.
2. The Traffic Impact Statement attached to the Economic and Environment Committee Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage;
 - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
PINACEAE COURT (Northern Side) - From 48 metres to 90 metres east of the intersection with Provenance Drive
Prohibited area NO STANDING
1.1.511
To apply at all times

CARRIED

15.4 REVIEW OF ADVERTING AND SIGNAGE POLICY A170 – REPORT NO. AR20/71013**MOTION**

Moved: Cr Steven Perryman
Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.
2. Council write to occupants of all council owned properties and provide a copy of Council's Advertising and Signage Policy A170. Council also inform occupants that Council:
 - As an occupant of Council land, Council is the Landlord and therefore Council consent is required to erect any signage on such land.
 - Is aware of a number of signs that do not comply with Council's Policy A170.
 - Requires the removal of all non-complying signs at the end of their existing sponsorship period, and in any case prior to December 1st, 2021.
 - Requires the occupant to advise Council in writing not later than 20 December 2020 of the expiry date of any existing sponsorship agreements and timeframe for removal of all offending signs.
 - Advise that if a response is not received by 20 December 2020, Council will remove the offending signs.
 - In addition to requiring Council approval to erect advertising signage, occupants may require Development Approval under Development Act.
 - Council Planning staff are available by appointment, to meet on-site with club representatives to work through these matters and provide advice regarding compliance with the Development Act.

Cr Perryman, as mover, with the consent of Cr Jenner seconder sought leave of the meeting to withdraw the motion

Leave Granted

MOTION WITHDRAWN

RESOLUTION 2020/341

Moved: Cr Steven Perryman
Seconded: Cr Christian Greco

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.
2. The matter of Item 15.4 be referred to the December meeting of Council.

CARRIED

15.5 NOTICE OF MOTION - STRUCTURE OF COMMITTEES – REPORT NO. AR20/71247**RESOLUTION 2020/342**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR20/71247 titled 'Notice of Motion - Structure of Committees' as presented on 02 November 2020 be noted.
2. Council refers to an Elected Member's workshop, Council's committee structure and meeting schedule, noting the issue of Standing Committees meeting only every 2 months, and having the full membership appointed to each Standing Committee.

CARRIED**16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS**17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 NOVEMBER 2020****RESOLUTION 2020/343**

Moved: Cr Ben Hood

Seconded: Cr Christian Greco

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 November 2020 as attached be noted.

CARRIED**18 COUNCIL ASSESSMENT PANEL MINUTES****18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 OCTOBER 2020****RESOLUTION 2020/344**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 15 October 2020 as attached be noted.

CARRIED

19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**19.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 28 OCTOBER 2020****RESOLUTION 2020/345**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

That the Minutes of the Junior Sports Assistance Fund meeting held on 28 October 2020 as attached be noted.

CARRIED**19.2 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2020 – REPORT NO. AR20/54730****RESOLUTION 2020/346**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR20/54730 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2020' as presented on 28 October 2020 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2020 detailing payments to or payments from the Fund with a 30 June 2020 cash balance of \$111,010.56 be received.

CARRIED**19.3 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY-FOURTH ANNUAL GENERAL MEETING – REPORT NO. AR20/54731****RESOLUTION 2020/347**

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

1. That Junior Sports Assistance Fund Report No. AR20/54731 titled 'General Developments of the Fund Since the Thirty-Fourth Annual General Meeting' as presented on 28 October 2020 be noted.

CARRIED**19.4 MEMBER ORGANISATION CONTRIBUTIONS 2019/2020 – REPORT NO. AR20/54766**

RESOLUTION 2020/348

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR20/54766 titled 'Member Organisation Contributions 2019/2020' as presented on 28 October 2020 be noted.
2. Members Organisations be advised that to assist its members during the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2020/2021 financial year be waived.

CARRIED**19.5 COMMITTEE APPOINTMENTS – REPORT NO. AR20/54769****RESOLUTION 2020/349**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR20/54769 titled 'Committee Appointments' as presented on 28 October 2020 be noted.

CARRIED**19.6 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 28 OCTOBER 2020****RESOLUTION 2020/350**

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

That the Minutes of the Junior Sports Assistance Fund meeting held on 28 October 2020 as attached be noted.

CARRIED**19.7 PREFERRED FINANCIAL INSTITUTION - JUNIOR SPORTS ASSISTANCE FUND – REPORT NO. AR20/54389**

RESOLUTION 2020/351

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR20/54389 titled 'Preferred Financial Institution - Junior Sports Assistance Fund' as presented on 28 October 2020 be noted.
2. The Junior Sports Assistance Fund Committee close the Bendigo Bank Account and transfer the funds to Westpac and creating a Junior Sports Assistance Fund reserve.
3. Proceed with transfer as long as account receives market rates interest rates.

CARRIED**19.8 STATEMENT OF REVENUE AND EXPENSES - 1/3/2020 - 31/08/2020 – REPORT NO. AR20/55257****RESOLUTION 2020/352**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

1. That Junior Sports Assistance Fund Report No. AR20/55257 titled 'Statement of Revenue and Expenses - 1/3/2020 - 31/08/2020 as presented on 28 October 2020 be noted.
2. The financial statement of the Fund as 31 August 2020 be received, noting a cash balance of \$106,610.56.

CARRIED**19.9 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND FROM 01/03/2020 TO 31/08/2020 – REPORT NO. AR20/55331****RESOLUTION 2020/353**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR20/55331 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund from 01/03/2020 to 31/08/2020' as presented on 28 October 2020 be noted.

CARRIED**19.10 COMMERCIAL CLUB INC. - ANNUAL DONATION - EXCEPTIONAL JUNIOR 2019 – REPORT NO. AR20/55376**

RESOLUTION 2020/354

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR20/55376 titled 'Commercial Club Inc. - Annual Donation - Exceptional Junior 2019' as presented on 28 October 2020 be noted.
2. The exceptional junior program be readvertised requesting nominations from Member Organisations of suitable juniors worthy of such an award with the closing date for nominations being 20 November 2020.

CARRIED**19.11 COACHING CLINIC PROGRAM - ANNUAL DONATION – REPORT NO. AR20/67915****RESOLUTION 2020/355**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR20/67915 titled 'Coaching Clinic Program - Annual Donation' as presented on 28 October 2020 be noted.
2. The Coaching Clinic Program be readvertised requesting nominations from Member Organisations wishing to make application for a donation towards the costs to conduct a specialised coaching clinic at Mount Gambier with the closing date for nominations being 20 November 2020.

CARRIED**20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND RECOMMENDATIONS**22.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER SELECTION PANEL HELD ON 11 NOVEMBER 2020****RESOLUTION 2020/356**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinac

That the Minutes of the Chief Executive Officer Selection Panel meeting held on 11 November 2020 as attached be noted.

CARRIED

23 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

24 COUNCIL REPORTS

24.1 CONSULTATION DRAFT REGIONAL PUBLIC HEALTH PLAN 2021-2026

RESOLUTION 2020/357

Moved: Cr Steven Perryman

Seconded: Cr Ben Hood

1. That Council Report No. AR20/69506 titled 'Consultation Draft Regional Public Health Plan 2021-2026' as presented on 17 November 2020 be noted.
2. Consideration of the draft Regional Public Health Plan be referred to the next meeting of the People & Place Committee to allow Councillors sufficient time to read and consider any changes that may be required prior to proceeding to public consultation.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 24.2:

"Travel expenses to Robe for the LCLGA Board meeting".

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 24.2.

Cr Paul Jenner left the meeting at 7:13 pm

24.2 REIMBURSEMENT OF TRAVEL EXPENSES - LCLGA MEETING IN ROBE - CR PAUL JENNER

MOTION

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That Council Report No. AR20/69550 titled 'Reimbursement of Travel Expenses - LCLGA Meeting in Robe - Cr Paul Jenner' as presented on 17 November 2020 be noted.
2. Having considered the relevant legislative and policy provisions relating to reimbursement of Member expenses Council DOES consider the travel expense incurred by Cr Jenner in attending the Limestone Coast Local Government Association meeting in Robe on 9 October

2020 was as a consequence of attending a function or activity on the business of the Council in accordance with section 77(1)(b) of the Act.

Accordingly Council DOES approve the reimbursement of the expense attributable to 260 kilometres of travel outside the area of the Council.

LOST

Cr Paul Jenner returned to the meeting at 7:22 pm

24.3 POLICY REVIEW - EMERGENCY / RISK MANAGEMENT POLICIES

RESOLUTION 2020/358

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR20/67970 titled 'Policy Review - Emergency / Risk Management Policies' as presented on 17 November 2020 be noted.
2. That Council Policy E500 - Provision of Council Resources to Support the Emergency Services in Emergencies be revoked and replaced by the Emergency Management Policy as attached to Report No. AR20/67970.
3. That Council Policy R305 - Risk Management Framework be revoked and replaced by the Risk Management Policy as attached to Report No. AR20/67970.

CARRIED

24.4 LOCAL GOVERNMENT MEMBER - MOUNT GAMBIER AND DISTRICTS HEALTH ADVISORY COUNCIL

RESOLUTION 2020/359

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

1. That Council Report No. AR20/71859 titled 'Local Government Member - Mount Gambier and Districts Health Advisory Council' as presented on 17 November 2020 be noted.
2. That, having considered nominations received for the Mount Gambier and District Health Advisory Council, Council endorse Cr Meziniec as the local government nominee.

CARRIED

24.5 REVIEW OF CONFIDENTIAL ITEMS

RESOLUTION 2020/360

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR20/71897 titled 'Review of Confidential Items' as presented on 17 November 2020 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR20/71897, having been reviewed by Council, be amended to alter their duration and release conditions:

Nil

3. That the following Confidential Orders as specified in Attachment 1 to Report AR20/71897, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 November 2020:

Nil

4. That all Confidential Orders as specified in Attachment 1 to Report AR20/71897, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds provided.

CARRIED

24.6 CITY OF MOUNT GAMBIER 2019/2020 ANNUAL REPORT

RESOLUTION 2020/361

Moved: Cr Ben Hood
Seconded: Cr Paul Jenner

1. That Council Report No. AR20/72746 titled 'City of Mount Gambier 2019/2020 Annual Report' as presented on 17 November 2020 be noted.
2. That the City of Mount Gambier 2019/2020 Annual Report as tabled be adopted.
3. That the Chief Executive Officer be authorised to make any non-material changes as considered necessary prior to publication.
4. That copies of the 2019/2020 Annual Report be distributed to the bodies/persons referred to in Section 131 of the Local Government Act 1999.

CARRIED

24.7 COUNCIL AND COMMITTEE MEETING ARRANGEMENTS FOR JANUARY 2021

RESOLUTION 2020/362

Moved: Cr Christian Greco
 Seconded: Cr Max Bruins

1. That Council Report No. AR20/73632 titled 'Council and Committee Meeting Arrangements for January 2021' as presented on 17 November 2020 be noted.
2. There be no Economic and Environment Committee or Regional Sport and Recreation Centre Committee meetings in January 2021, with:
 - (i) All relevant items being presented directly to the January 2021 Council Meeting;
 - (ii) The Council meeting calendar being prepared / updated to reflect the change.

CARRIED

24.8 REMOVAL OF PARKING SPACES AND INSTALLATION OF LOADING ZONE ON FERRERS STREET AND COMPTON STREET

RESOLUTION 2020/363

Moved: Cr Paul Jenner
 Seconded: Cr Christian Greco

1. That Council Report No. AR20/62259 titled 'Removal of Parking Spaces and Installation of Loading Zone on Ferrers Street and Compton Street' as presented on 17 November 2020 be noted.
2. The Traffic Impact Statement attached to the Council Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage;
 - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
 - (b) Amend Resolution, 1.1.505
 FERRERS STREET (Western Side) - From 44 metres to 55 metres South of the intersection with Commercial Street East.
 Prohibited area NO STANDING
From 9.00pm to 8.00am
 - (c) FERRERS STREET (Western Side) - From 62 metres to 75 metres South of the intersection with Commercial Street East.
 Prohibited area NO STOPPING
 1.1.509
 - (d) FERRERS STREET (Eastern Side) - From 77 metres to 84 metres South of the intersection with Commercial Street East.
 Prohibited area NO STOPPING
 1.1.510
 - (e) COMPTON STREET (Western Side) - From 161 metres to 174 metres South of the intersection with Commercial Street East.

Prohibited area 2.2.080	LOADING ZONE
(f) COMPTON STREET (Eastern Side) - From 88 metres to 95 metres South of the intersection with Commercial Street East.	
Prohibited area 1.1.511	NO STOPPING
(g) COMPTON STREET (Eastern Side) - From 119 metres to 126 metres South of the intersection with Commercial Street East.	
Prohibited area 1.1.512	NO STOPPING
4. Upon completion of the Coles Supermarket project Council engage the services of a traffic engineer to assess and provide recommendations to Council on traffic management in the Compton Street precinct.	
	CARRIED

Cr Ben Hood left the meeting at 7:40 pm

Cr Ben Hood returned to the meeting at 7:41 pm

24.9 BUDGET REVIEW QUARTER 1 FY2020-21

RESOLUTION 2020/364
Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello
1. That Council Report No. AR20/74795 titled 'Budget Review Quarter 1 FY2020-21' as presented on 17 November 2020 be noted.
2. That the YTD quarter 1 budget review (BR1) revisions be adopted for the FY2020/21 financial year, reflecting:
<ul style="list-style-type: none"> • A \$2,082,000 forecasted operating deficit, representing a \$489,000 increased deficit from the original budget operating deficit of \$1,593,000; • A \$10,290,000 forecast net deficit, representing a \$529,000 decrease from the original budget net surplus of \$10,819,000; • No impairment expense within Other Comprehensive expenses at BR1. • A \$39,098,000 forecast capital expenditure, representing a \$1,301,000 change from the original budget capital expenditure of \$37,797,000, including a Budget revision carry over to 2020/21 of \$1,856,000 and an anticipated carry-over to 2021/22 of \$1,600,000.
CARRIED

25 MOTIONS WITH NOTICE

25.1 NOTICE OF MOTION - COVID19 INITIATIVES

RESOLUTION 2020/365

Moved: Cr Sonya Meziniec
Seconded: Cr Steven Perryman

1. That Council Report No. AR20/74135 titled 'Notice of Motion - COVID19 Initiatives' as presented on 17 November 2020 be noted.
2. that the CEO provide a report to Council with a summary of the progress and success of all the initiatives implemented by Council to-date in response to COVID19

CARRIED

26 MOTIONS WITHOUT NOTICE

26.1 RAILWAY LANDS - REQUEST FOR TRANSFER OF FUNDS

RESOLUTION 2020/366

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

1. Council write to Premier and Treasurer to expediate the decision to gift or transfer to the City of Mount Gambier the 14 acres of railway land and the rail trail for nil consideration and funding to support the remediation of the sites.
2. Due to Federal and State Government Grant initiatives the City of Mount Gambier requests that this matter be considered urgently.

CARRIED

27 CONFIDENTIAL ITEMS OF COMMITTEES

Cr Christian Greco left the meeting at 8:07 pm and did not return

27.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER SELECTION PANEL HELD ON 11 NOVEMBER 2020

RESOLUTION 2020/367

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy, J Zwijnenburg, S McLean and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.1 AR20/75240 Confidential items of the Chief Executive Officer Selection Panel held on 11 November 2020.

The Council is satisfied that, pursuant to section 90(3) (b) and (d) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 Chief Executive Officer Selection Panel 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 considered includes commercial information of consultancies that expressed interest, the disclosure of which could reasonably be expected to confer advantage on a third party.

CARRIED

Cr Kate Amoroso left the meeting at 8:07 pm

Cr Kate Amoroso returned to the meeting at 8:09 pm

RESOLUTION 2020/368

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 27.1 AR20/75240 Confidential items of the Chief Executive Officer Selection Panel held on 11 November 2020 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (d) be kept confidential and not available for public inspection until 12 month after the execution of a consultancy agreement.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

27.2 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 NOVEMBER 2020**27.3 FUNDING OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT – REPORT NO. AR20/73196****RESOLUTION 2020/369**

Moved: Cr Steven Perryman

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy, S McLean, J Zwijnenburg and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.3 AR20/73196 Funding of Mount Gambier Community and Recreation Hub project.

The Council is satisfied that, pursuant to section 90(3) (b), (d) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to 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.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 specifically, the present matter relates to the discussion of information contained in a contract with Badge for the construction of the Mount Gambier Community and Recreation Hub, this disclosure of which could confer advantage on a 3rd party and prejudice the position of Council.

CARRIED

RESOLUTION 2020/370

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 27.3 AR20/73196 Funding of Mount Gambier Community and Recreation Hub project and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) be kept confidential and not available for public inspection and that the item be reviewed 12 months after successful execution of the contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Cr Max Bruins left the meeting at 8:18 pm and did not return

**27.4 MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT BUDGET –
REPORT NO. AR20/73063****RESOLUTION 2020/371**

Moved: Cr Steven Perryman

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy, S McLean, J Zwijnenburg and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.4 AR20/73063 Mount Gambier Community and Recreation Hub Project Budget.

The Council is satisfied that, pursuant to section 90(3) (b), (d) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to 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.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 specifically, the present matter relates to the discussion of information contained in a contract with Badge for the construction of the Mount Gambier Community and Recreation Hub, this disclosure of which could confer advantage on a 3rd party and prejudice the position of Council.

CARRIED

RESOLUTION 2020/372

Moved: Cr Ben Hood

Seconded: Cr Steven Perryman

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 27.4 AR20/73063 Mount Gambier Community and Recreation Hub Project Budget and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection and that the item be reviewed 12 months after successful execution of the contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

27.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 02/11/2020 – REPORT NO. AR20/73679

RESOLUTION 2020/373

Moved: Cr Ben Hood
Seconded: Cr Steven Perryman

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy, S McLean, J Zwijnenburg and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.5 AR20/73679 Project Control Group (PCG) Progress Report - As at 02/11/2020.

The Council is satisfied that, pursuant to section 90(3) (b), (d) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to 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.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 specifically, the present matter relates to the discussion of information contained in a contract with Badge for the construction of the Mount Gambier Community and Recreation Hub, this disclosure of which could confer advantage on a 3rd party and prejudice the position of Council.

CARRIED

RESOLUTION 2020/374

Moved: Cr Sonya Meziniec
Seconded: Cr Ben Hood

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 27.5 AR20/73679 Project Control Group (PCG) Progress Report - As

at 02/11/2020 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) be kept confidential and not available for public inspection and that the item be reviewed 12 months after successful execution of the contract.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

28 NEW CONFIDENTIAL ITEMS

28.1 BLUE LAKE GOLF CLUB JUNE 2020 QUARTERLY REPORT – REPORT NO. AR20/71756

RESOLUTION 2020/375

Moved: Cr Steven Perryman

Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy, S McLean, J Zwijnenburg and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR20/71756 Blue Lake Golf Club June 2020 Quarterly Report.

The Council is satisfied that, pursuant to section 90(3) (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 report attachment includes commercial information relating to the operations of the Blue Lake Golf Club the premature disclosure of which could reasonably be expected to confer advantage on a 3rd party and prejudice the commercial position of the Blue Lake Golf Club.

The public interest in the disclosure of this information is considered to be outweighed by the public benefit provided by the maintenance and management of the public land on which the golf course is located which is reliant on the continued successful operations of the Blue Lake Golf Club.

CARRIED

RESOLUTION 2020/376

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.1 AR20/71756 Blue Lake Golf Club June 2020 Quarterly Report and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (d) be kept confidential and not available for public inspection until 2 years have passed or the Blue Lake Golf Club has ceased operating, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

29 MEETING CLOSE

The Meeting closed at 8.31 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 December 2020.

.....
PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
JUNIOR SPORTS ASSISTANCE FUND COMMITTEE MEETING
HELD AT THE LEVEL 1 CONFERENCE ROOM , 10 WATSON TERRACE, MOUNT GAMBIER
ON WEDNESDAY, 9 DECEMBER 2020 AT 5.30 P.M.**

PRESENT: Cr Christian Greco, Cr Megan Dukalskis, Ms Felicity Walker and Ms Jenny Burston

OFFICERS IN ATTENDANCE: Executive Administration Officer - Mrs M Telford

1 ACKNOWLEDGEMENT OF COUNTRY

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.

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Felicity Walker

That the apology from Mrs Karen Cunningham and Jeanette Elliott be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Felicity Walker

That the minutes of the Junior Sports Assistance Fund meeting held on 28 October 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

5.1 COACHING CLINIC PROGRAM 2020

COMMITTEE RESOLUTION

Moved: Cr Megan Dukalskis
Seconded: Jenny Burston

1. That Junior Sports Assistance Fund Report No. AR20/78671 titled 'Coaching Clinic Program 2020' as presented on 09 December 2020 be noted.
2. The following funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics:
 - (i) Basketball Mount Gambier - \$2,000
 - (ii) Blue Lake Y Swim Club - \$2,000
 - (iii) Mount Gambier Cycling Club - \$1,000

CARRIED

5.2 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR PROGRAM 2019

COMMITTEE RESOLUTION

Moved: Cr Megan Dukalskis
Seconded: Jenny Burston

1. That Junior Sports Assistance Fund Report No. AR20/80402 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2019' as presented on 09 December 2020 be noted.
2. For the 2019 year the following junior receive the Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:
Awardee: Tess White
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.

CARRIED

6 MEETING CLOSE

The Meeting closed at 5.35 p.m.

The minutes of this meeting were confirmed at the Junior Sports Assistance Fund held on .

.....
PRESIDING MEMBER

19.2 COACHING CLINIC PROGRAM 2020 – REPORT NO. AR20/78671

Committee:	Junior Sports Assistance Fund
Meeting Date:	9 December 2020
Report No.:	AR20/78671
CM9 Reference:	AF11/725
Author:	Melissa Telford, Administration Officer - Executive Support
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	The Junior Sports Assistance Fund administers an annual Coaching Clinic Program to provide funding to assist Member Organisations with the costs associated in providing Specialised Coaching Clinics for players, coaches or umpires. This report provides an overview of the applications received for consideration.
Strategic Plan Reference:	Goal 1: Our People

REPORT RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR20/78671 titled 'Coaching Clinic Program 2020' as presented on 09 December 2020 be noted.
2. The following funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics:
 - (i)
 - (ii)



TYPE OF REPORT

Other

BACKGROUND

The City of Mount Gambier Junior Sports Assistance Fund provides an annual Coaching Clinic Program to the value of \$5,000. This sponsorship enables Member Organisations of the Fund to submit applications for consideration to conduct specialised coaching clinics for their juniors, coaches or umpires.

PROPOSAL

Member Organisations were invited to submit their applications for consideration and in accordance with the guidelines with the closing date for applications being Friday 20 November 2020.

As at Friday 20 November 2020 the following nominations were received:

(i) Basketball Mount Gambier

Coach:	Liam Flynn
Dates:	16/17 December, 2020
Duration:	2 days (4 x 3 hr sessions and 1 x 2 hr coaches session)
No. of Juniors/Coaches/Umpires:	135 town team members (split into two groups)
Location:	Bern Bruning Basketball Stadium (Ice House)
Amount being charged:	No Cost to players or coaches
Cost:	\$2,920
Contribution from Member:	\$170 and Basketball Mount Gambier will cover meals and accommodation through Sponsorship.
Previous Funding from JSAF:	\$4,637 combined totals
Aims/Objectives of Clinic:	The clinics will cover our representative players (Mount Gambier Lakers) and coaches this includes State representative players and coaches. Players will be split into appropriate age groups so each clinic will be smaller groups.

Funding from JSAF this application: **(to be determined)**

(ii) Blue Lake Y Swim Club

Coach:	Georgine and John Luscombe
Dates:	January or February 2021
Duration:	2 days (2-3 pool sessions per day with dryland & fitness)
No. of Juniors/Coaches/Umpires:	25 swimmers and up to 4 coaches
Location:	Swimskool (Keegan Street) and Penola Swimming Pool
Amount being charged:	No cost to juniors or coaches
Cost:	\$2,290
Contribution from Member:	\$500
Previous Funding from JSAF:	\$6,100 combined totals <i>(combined coaching clinics were run in previous years with Mount Gambier Swimming Club which is included in this total)</i>



Aims/Objectives of Clinic: The purpose of the clinic is to provide swimming sessions to benefit swimmers in the lead-up to the major competition season (SA State Championships in March 2021 and SA Country Championships), as well as professional development for local coaches. The clinic will focus on technique, stroke work, diving, underwater work, starts and turns and potentially dryland fitness sessions.

Funding from JSAF this application: (to be determined)

(ii) **Mount Gambier Cycling Club**

Coach: Caitlin Ward and Josh Harrison of JKT Coaching
 Dates: 7/8 November 2020
 Duration: 2 days (Saturday 9am – 3pm & Sunday 9am to 12 noon)
 No. of Juniors/Coaches/Umpires: 20
 Location: Mount Gambier Cycling Club Velodrome
 Amount being charged: No cost to juniors
 Cost: \$1,000
 Contribution from Member: Nil
 Previous Funding from JSAF: \$1,315 combined totals
 Aims/Objectives of Clinic: The clinic aims to provide some specialist coaching to our junior riders. The Limestone Coast Academy is increasing and our club would like to maintain (and gain) Members.

Funding from JSAF this application: (to be determined)

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

Our People

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The Junior Sports Assistance Fund provides financial assistance to local junior sportspersons of Mount Gambier and District who have achieved as a minimum, selection in a formal State team and who compete at National sporting events (or equivalent) and who are a member of an Affiliated Sporting Organisation to aid in the financial burden these events place on regional families.

The Fund provides an ongoing pool of money for distribution to those juniors selected to represent the State or to represent Australia or equivalent and it also provides additional funding to engage



specialised sporting coaches to undertake specialised clinics for junior sportspersons, umpires and coaches.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

The Junior Sports Assistance Fund places no additional financial implications for Council.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Communication with Member Organisations is ongoing. Applications for funding for State or National Funding can be received at any time. Specialised programs run on an annual basis such as Coaching Clinics, Disadvantaged Juniors and Exceptional Junior are promoted to the Members of the Fund as they arise.

IMPLEMENTATION STRATEGY

Upon adoption, distribution of Coaching Clinic Funding will be dispersed to the successful applicants from the Junior Sports Assistance Fund.

CONCLUSION AND RECOMMENDATION

This report presents the applications received for consideration of the Junior Sports Assistance Fund. The distribution of Coaching Clinic Funding will be determined at the meeting.

ATTACHMENTS

Nil



19.3 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR PROGRAM 2019 – REPORT NO. AR20/80402

Committee:	Junior Sports Assistance Fund
Meeting Date:	9 December 2020
Report No.:	AR20/80402
CM9 Reference:	AF11/725
Author:	Melissa Telford, Administration Officer - Executive Support
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	The Commercial Club Inc. provides funding to assist the Junior Sports Assistance Fund in providing a program to acknowledge, financially assist and celebrate an exceptional junior who has excelled in their chosen sport. Member Organisations are invited to submit up to two confidential nominations for consideration of the Committee.
Strategic Plan Reference:	Goal 1: Our People

REPORT RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR20/80402 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2019 ' as presented on 09 December 2020 be noted.
2. For the 2019 year the following junior receive the Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:
Awardee:
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.



TYPE OF REPORT

Other

BACKGROUND

The Commercial Club Inc. have provided ongoing support to the Junior Sports Fund in its endeavours to provide meaningful assistance to our talented young sportspeople for numerous years.

The Annual Exceptional Junior Program provides the resource to acknowledge a junior sportsperson who has displayed the ideals, enthusiasm, skills and abilities to develop their fullest potential in their chosen sport and could advance to the highest levels of achievement.

The Commercial Club's donations to the Junior Sports Fund over many years are a magnificent contribution and we are truly indebted to the Club for their continued support and interest in the Program.

PROPOSAL

Member Organisations were invited to submit up to two (2) confidential nominations to the Committee in accordance with the guidelines and the application form detail, closing on Friday 20 November 2020.

As at Friday 20 November 2020 the following nominations were received:

(i) **Applicant 1**

Mount Gambier Cycling Club - Nominee Aged 13 years:

Applicant 1 has represented South Australia at State Championships winning 6 silver medals and 1 gold for track cycling and 1 silver at the State Crits Championships. He was also selected for the State Team to compete at Nationals and was ranked 4th nationally after completion of the National Junior Track Series.

Applicant 1 is active in the Club assisting with track repairs, helping coach new riders and assists with set up and clean up during Club track carnivals.

(ii) **Applicant 2**

Mount Gambier Cycling Club - Nominee Aged 15 years

Applicant 2 has consistently represented South Australia at a State and National Level with her achievements listed as follows:

2018 U15 Womens Australian National Criterium Title – Gold Medal – Road

2019 U17 Womens Australian Road Race – Bronze Medal

2019 U17 Womens Australian Time Trial – 4th Place

2019 U17 Womens SA State Track Titles – 1 Gold Medal (individual pursuit) and 4 silver medals (Scratch, Time Trial, Sprints and Points)

SA State Team Representative (Road – 2017, 2018 and 2019 and Track (2017, 2018, 2019 and 2020)

Applicant 2 assists and mentors junior Mount Gambier Cycling Club cyclists. She also assists with Club activities.



LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

Our People

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The Junior Sports Assistance Fund provides financial assistance to local junior sportspeople of Mount Gambier and District who have achieved as a minimum, selection in a formal State team and who compete at National sporting events (or equivalent) and who are a member of an Affiliated Sporting Organisation to aid in the financial burden these events place on regional families.

The Fund provides an ongoing pool of money for distribution to those juniors selected to represent the State or to represent Australia or equivalent and it also provides additional funding sourced from external sponsorship which is awarded to an exceptional junior on an annual basis.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

The Junior Sports Assistance Fund places no additional financial implications for Council.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A



ENGAGEMENT AND COMMUNICATION STRATEGY

Communication with Member Organisations is ongoing. Applications for funding for State or National Funding can be received at any time. Specialised programs run on an annual basis such as Coaching Clinics, Disadvantaged Juniors and Exceptional Junior are promoted to the Members of the Fund as the arise.

IMPLEMENTATION STRATEGY

Upon adoption, funding will be disbursed to the successful Exceptional Junior for 2019.

CONCLUSION AND RECOMMENDATION

This report presents the applications received for consideration of the Junior Sports Assistance Fund. The Exceptional Junior 2019 will be determined at the meeting.

ATTACHMENTS

Nil



**MINUTES OF CITY OF MOUNT GAMBIER
PEOPLE AND PLACE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON MONDAY, 7 DECEMBER 2020 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello (Presiding Member), Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco (arrived at 5:45 pm), Cr Paul Jenner (arrived at 5:39 pm), Cr Sonya Meziniec, Cr Steven Perryman (arrived at 5:31 pm)

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	Manager Governance and Property	- Mr M McCarthy
	Manager Development Services	- Mrs T Tzioutziouklaris
	Manager Library	- Mrs G Davison
	Executive Administrator Community Wellbeing	- Ms A Lavia

1 ACKNOWLEDGEMENT OF COUNTRY

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.

Cr Steven Perryman entered the meeting at 5:31 pm.

Cr Frank Morello made reference to a request from Cr Steven Perryman to make an audio / video recording of the meeting which had been granted.

Council Policy C410 requires that an audio device be held and not placed on the meeting table unless resolved by the relevant meeting.

Cr Frank Morello sought a vote to allow Cr Steven Perryman to place his recording device on the table.

The request was not supported by a motion.

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the apology(ies) from Cr Ben Hood be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the minutes of the People and Place Committee meeting held on 6 October 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

5.1 PROPERTY MANAGEMENT - HASTINGS CUNNINGHAM RESERVE SHEDS

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. That, noting Council's commitment to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans at the September 2020 meeting, Council defer seeking expressions of interest from local community groups interested in occupying Shed No. 14 until after it has these planning processes to provide strategic direction for the occupation of sheds at Hastings Cunningham Reserve.

CARRIED

5.2 CONSULTATION DRAFT REGIONAL PUBLIC HEALTH PLAN 2021-2026

COMMITTEE RECOMMENDATION

Moved: Cr Frank Morello

Seconded: Mayor Lynette Martin

1. That People and Place Committee Report No. AR20/77671 titled 'Consultation Draft Regional Public Health Plan 2021-2026' as presented on 07 December 2020 be noted.
2. That Council endorse the draft Regional Public Health Plan (**Attachment 1**) for the purposes of public consultation, in accordance with the Public Consultation section of this report.
3. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact.

Cr Paul Jenner entered the meeting at 5:39 pm

Cr Christian Greco entered the meeting at 5:45 pm

AMENDMENT

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR20/77671 titled 'Consultation Draft Regional Public Health Plan 2021-2026' as presented on 07 December 2020 be noted.
2. That available members meet with the Acting Chief Executive Officer for further review of the draft before the December meeting of Council.

The Amendment was put and

CARRIED

The Amendment became the motion

COMMITTEE RESOLUTION

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR20/77671 titled 'Consultation Draft Regional Public Health Plan 2021-2026' as presented on 07 December 2020 be noted.
2. That available members meet with the Acting Chief Executive Officer for further review of the draft before the December meeting of Council.

CARRIED

5.3 UNREASONABLE CONDUCT POLICY

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 5.4:

"I am a member of CAP".

In accordance with Section 74 of the Local Government Act 1999 Cr Paul Jenner did not participate in the meeting for Item 5.4.

Cr Paul Jenner left the meeting at 6:03 pm

5.4 COUNCIL / REGIONAL ASSESSMENT PANEL

MOTION

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council continue with its own Council Assessment Panel.
3. That Council advise the other 3 Council's it no longer wishes to be a part of the Regional Assessment Panel.

LOST

COMMITTEE RESOLUTION

Moved: Cr Sonya Mezinac

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council approach the District Councils of Grant and Robe and Wattle Range Council seeking to participate in the formation of a Regional Assessment Panel.
3. Council endorse the Memorandum of Understanding based upon Option B being the preferred constitution.

CARRIED

Cr Paul Jenner returned to the meeting at 6:22 pm

Pursuant to Section 74 of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 5.5:

"I am a current member of CAP. I could have a pecuniary issue with this".

In accordance with Section 74 of the Local Government Act 1999 Cr Paul Jenner did not participate in the meeting for Item 5.5.

Cr Paul Jenner left the meeting at 6:24 pm

5.5 REVIEW - COUNCIL ASSESSMENT PANEL

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/79655 titled 'Review - Council Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council:
 - (i) Seek nominations/Expressions of Interest from Elected Members to be appointed to the Council Assessment Panel, with the successful Member commencing this role at the meeting scheduled to be held on Thursday 17 December, 2020.

- (ii) Call for nominations/Expressions of Interest to fill the four Independent Member positions on the Council Assessment Panel.

CARRIED

Cr Paul Jenner returned to the meeting at 6:28 pm

5.6 LOCAL HERITAGE RESTORATION FUND 2020/2021 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

- That People and Place Committee Report No. AR20/76850 titled 'Local Heritage Restoration Fund 2020/2021 - Consideration of applications and distribution of funds' as presented on 07 December 2020 be noted.
- That the Heritage Restoration Fund Grants for 2020/2021 be endorsed and funds distributed as follows:

PROPERTY	DESCRIPTION OF WORK	RECOMMENDED VALUE OF GRANT
85-87 Gray Street	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	1,700
17 Jardine Street	Replacement of damaged window	1,800
65 Bay Road	Repairs and update the verandah, replace existing timbers with new timber	1,800
1/29 Ferrers Street	Roofing and repairs	1,800
12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	1,800
9 Jardine Street	Restoration of and painting of front fence and verandah floor	300
1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	1,700
45 Crouch Street North	Restore verandah	1,700
58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	1,700
81 Bay Road	Repair and repaint exterior of building	1,800
30 Power Street	Removal and replacement of front fence (including painting)	1,800
36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	1,800
TOTAL		20,000

- That Council Officers advise successful applicants of the outcome of their applications.

CARRIED

6 MOTIONS WITH NOTICE

6.1 NOTICE OF MOTION - CRITERIA FOR CRATER LAKES MANAGEMENT PLAN

MOTION

Moved: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/80407 titled 'Notice of Motion - Criteria for Crater Lakes Management Plan' as presented on 07 December 2020 be noted.
2. Council is to receive a report on the criteria for the Crater Lakes Management Plan.
3. In the report an estimate on the costs of the Plan.

Motion lapsed for want of a seconder

LAPSED

7 MEETING CLOSE

The Meeting closed at 6:40pm.

The minutes of this meeting were confirmed at the People and Place Committee held on 1 February 2020.

.....
PRESIDING MEMBER

16.2 PROPERTY MANAGEMENT - HASTINGS CUNNINGHAM RESERVE SHEDS – REPORT NO. AR20/73556

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/73556
CM9 Reference:	AF19/413
Author:	Elisa Solly, Property Support Officer
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report presents a community shed vacancy at Hastings Cunningham Reserve
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. That, noting Council's commitment to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans at the September 2020 meeting, Council defer seeking expressions of interest from local community groups interested in occupying Shed No. 14 until after it has these planning processes to provide strategic direction for the occupation of sheds at Hastings Cunningham Reserve.



TYPE OF REPORT

Corporate

BACKGROUND

A portion of Hastings Cunningham Reserve in the south eastern corner adjacent Shepherdson Road contains 14 community sheds occupied by various community service and recreation groups.

The area where the sheds are located is Crown Land under the care control and management by Council for park and recreation purposes in line with gazettal notice dated 27 April 1978; and accordingly is also community land contained in a Community Land Management Plan for Hastings Cunningham Reserve.

A location plan of the sheds on Hastings Cunningham Reserve is attached for information.

The RSL Blue Lake Highland Pipe Band have been occupying Shed No. 14 at Hastings Cunningham Reserve. At their committee meeting on 8 October 2020 they moved and carried a motion to hand the shed back to Council and subsequently handed the keys in on 2 November 2020.

The shed is constructed of corrugated steel, lined internal walls and is approximately 80m², consisting of a large main area with small kitchenette and separate small storage area. There is a personal access door and large sliding door. It has access to electricity and water.

At the Council meeting held on 15 September 2020, Report Number AR19/36020 titled 'Strategic Property Management - Sport, Recreation and Open Space Plan and precinct Master Planning' was considered and Council resolved as follows:

"Moved: Cr Christian Greco

Seconded: Cr Max Bruins

- 1. That Economic and Environment Committee Report No. AR19/36020 titled 'Strategic Property Management - Sport, Recreation and Open Space Plan and precinct Master Planning' as presented on 07 September 2020 be noted.*
- 2. That Council commit to a strategic approach to property management issues, guided by a Sport, Recreation and Open Space Plan and associated site/precinct/property category master plans including Tourism Assets Master Plan and Blue Lake Sports Park Master Plan.*

CARRIED"

PROPOSAL

Council first consider the direction for occupation of sheds at Hastings Cunningham Reserve by completing a 'Sport, Recreation and Open Space and precinct Master Plan' before seeking expressions of interest from local community groups interested in occupying shed No. 14.

LEGAL IMPLICATIONS

In accordance with s199 of the Local Government Act, Council must manage community land in accordance with any management plan for the relevant land.

The Community Land Management Plan for Hastings Cunningham Reserve is attached for noting and includes (among other things) the following in relation to the onsite sheds/clubrooms:

Purpose of Land:

- Land for community organisations to construct storage sheds/clubrooms.

Objectives of Land:

- To provide for the leasing of the land and the facilities to community organisations.
- To provide for an increase in the number of community sheds at the reserve.

Proposal for Management:



- Maintain built infrastructure in a safe and presentable condition (including infrastructure under the care and responsibility of occupants of the land).

In relation to Lease / Licence Management, the Community Land Management Plan requires that occupiers enter into formal lease/licence arrangements with Council and that the following rules/conditions apply to the community use storage sheds / clubrooms:

- The sheds are intended for low level occupancy (i.e. meeting room/club room, garage etc.), and not as a venue for functions and should not cause interruption to the quiet enjoyment of neighbours.
- All buildings and extensions require pre-approval by Council and will be considered on a case by case basis. The external size of sheds should be no greater than nine (9) metres by six (6) metres, however Council may consider a larger facility in exceptional circumstances.
- Siting of the sheds shall be in strict accordance with Council requirements / directions and normal development approvals and conditions will apply and be the responsibility of the community based occupier.
- Council supports the provision of power to sheds, subject to all costs including ongoing costs being met by each occupier.
- Council does not support the connection of the sheds to other services and there should be no wastewater (i.e. sullage) discharged from the shed.
- Any external signage must be approved in accordance with Council Policy.
- No materials, items etc. are to be left or stored outside the buildings at any time.
- The area around each building is to be maintained in a clean and tidy condition by the occupier and the building is to be maintained to the satisfaction of Council at all times.
- Care is to be taken with the use of motor vehicles around the sheds at all times to ensure there is no damage to grass surfaces.
- Any acts of vandalism or damage to the exterior of the buildings to be repaired by the occupier without delay and to the satisfaction of the Council.
- Hours of use must not extend beyond 10.30 p.m. Monday to Friday, 11.30 p.m. on Saturday and 10.00 p.m. on Sunday, unless otherwise approved by Council. No activity should generally be undertaken at the sheds prior to 8.00 a.m. on any morning.
- All entry/exit to the Reserve is to be via the Millard Street entrance and all vehicle use should be at low speed and carried out in a safe manner.
- Toilet facilities are provided by Council at the adjacent toilet block. Shed occupiers may request a key to access the toilets and will be responsible for opening and closing when used by an occupier.

It should also be noted that a short-term occupancy may invoke the statutory provisions (minimum 5 year term) contained in the Retail and Commercial Leases Act and a term exceeding 5 years would necessitate public consultation on the proposed arrangement. To avoid unnecessary expense and administrative activities it is recommended that any occupancy be for a period of (or periods aggregating) 5 years.

STRATEGIC PLAN

The following strategic (Community) Plan references apply:

Goal 1.1 Community based organisations and networks.

Goal 1.1.1 Fostering and supporting community-based organisations.



Goal 1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.

Goal 4.2.1 Prepare a Sport, Recreation and Open Space Strategy and masterplans for our key reserves enabling effective and efficient multiple uses and improvement of facilities.

COUNCIL POLICY

This matter relates to [Council Policy R200 Community Land \(Reserves\) Lease / Licence / Rental Agreements](#).

ECONOMIC IMPLICATIONS

There are minimal economic implications by deferring seeking expressions of interest from community groups for the shed vacancy as per [Council Policy R200 Community Land \(Reserves\) Lease / Licence / Rental Agreements](#) due to the 'peppercorn' nature of leases / licences of community facilities.

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

The shed vacancy provides Council with an opportunity to offer a local not for profit community group organisation with access to a private space to provide its members with social and recreational activities.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Community facilities are limited and rarely become vacant. A shed at Hastings Cunningham Reserve may provide a local community group an opportunity to provide its members with a space for their activities, which otherwise may not be able to be accommodated.

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

As Council has committed to undertaking a 'Sport, Recreation and Open Space Plan' as well as precinct master plans to determine a strategic approach for managing all Council owned facilities, it presents a risk to offer Shed No. 14 in the absence of these plans as Council may determine that a proposed use may be at variance with the strategic direction for the sheds at Hastings Cunningham Reserve.

EQUALITIES AND DIVERSITY IMPLICATIONS

Council should determine a fair and equitable method of seeking expressions of interest from eligible community groups and evaluate each application based upon its merits and benefits to the community whilst acknowledging the restrictive nature of the Community Land Management Plan and zoning restrictions for Hastings Cunningham Reserve.

ENGAGEMENT AND COMMUNICATION STRATEGY

Council should engage with the community and provide adequate time and resources to enable community groups to prepare and present a submission for the shed vacancy and address any criteria set regarding the types of activities proposed, membership, and usage of the facility.

IMPLEMENTATION STRATEGY

If Council so resolves to offer a new occupancy for Shed No. 14, an appropriate method of communicating to relevant community groups and inviting expressions of interest needs to be determined.



Once undertaken, submissions will be collated, and a report presented to Council to determine the most appropriate community group for the use of a shed to operate within the confines of the Community Land Management Plan and zoning restrictions for Hastings Cunningham Reserve.

CONCLUSION AND RECOMMENDATION

Having considered the vacancy of Shed No. 14 at Hastings Cunningham Reserve and community land management requirements associated with this site and noting that Council has committed to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans, Council may consider its preferences and timing for dealing with the shed vacancy.

To ensure that any outcomes are consistent with future strategic objectives for Hastings Cunningham Reserve it is recommended that Council defer seeking expressions of interest from local community groups to occupy Shed No. 14 until it has completed a Sport, Recreation and Open Space Plan and precinct Master Plan to guide strategic direction for the management of Hastings Cunningham Reserve.

ATTACHMENTS

1. Hastings Cunningham Reserve - Location Plan [↓](#)
2. Community Land Management Plan - Hastings Cunningham Reserve [↓](#)
3. Council Policy R200 - Community Land (Reserves) - Lease/Licence/Rental Agreements [↓](#)



Hastings Cunningham Reserve – Facility Licence Location Plan

HASTINGS CUNNINGHAM RESERVE SHEDS – Location Plan





LOCAL GOVERNMENT ACT 1999 - SECTION 196

COMMUNITY LAND MANAGEMENT PLAN

Owner: City of Mount Gambier.

Reserve Title Description: CT 5663/245, CT 5808/209, CR 5633/71

Reserve Address: Shepherdson Road (Hastings Cunningham Reserve)

Reserve No: 14, 115

Asset No: 115, 134, 145

General Description:

Open reserve, playground area, BMX area, soccer, tennis and Community use sheds.

Purpose of Land:

To provide for passive and active recreation for the benefit of the community.

To provide for structured sporting activities (eg. tennis, soccer, BMX) and land for community organisations to construct storage sheds/clubrooms.

Lease / Licence Management:

Occupiers are required to enter into formal lease / licence arrangements with Council.

The following rules / conditions apply to community use storage sheds / clubrooms:

- The sheds are intended for low level occupancy (ie. meeting room/club room, garage etc.), and not as a venue for functions and should not cause interruption to the quiet enjoyment of neighbours.
- All buildings and extensions require pre-approval by Council and will be considered on a case by case basis. The external size of sheds should be no greater than nine (9) metres by six (6) metres, however Council may consider a larger facility in exceptional circumstances.
- Siting of the sheds shall be in strict accordance with Council requirements / directions and normal development approvals and conditions will apply (and be the responsibility of the community based occupier).
- Council supports the provision of power to sheds, subject to all costs including ongoing costs being met by each occupier.
- Council does not support the connection of the sheds to other services and there should be no waste water (ie. sullage) discharged from the shed.
- Any external signage must be approved in accordance with Council Policy.
- No materials, items etc. are to be left or stored outside the buildings at any time.
- The area around each building is to be maintained in a clean and tidy condition by the occupier and the building is to be maintained to the satisfaction of Council at all times.



- Care is to be taken with the use of motor vehicles around the sheds at all times to ensure there is no damage to grass surfaces.
- Any acts of vandalism or damage to the exterior of the buildings to be repaired by the occupier without delay and to the satisfaction of the Council.
- Hours of use must not extend beyond 10.30 p.m. Monday to Friday, 11.30 p.m. on Saturday and 10.00 p.m. on Sunday, unless otherwise approved by Council. No activity should generally be undertaken at the sheds prior to 8.00 a.m. on any morning.
- All entry/exit to the Reserve is to be via the Millard Street entrance and all vehicle use should be at low speed and carried out in a safe manner.
- Toilet facilities are provided by Council at the adjacent toilet block. Shed occupiers may request a key to access the toilets and will be responsible for opening and closing when used by an occupier.

Objectives of Land:

To provide recreational opportunities to the local neighbourhood, both passive and active (including structured sporting activities).

To provide a community reserve within an area of development.

To provide an area of reserved land that may be utilised for future community needs of a recreational nature.

To provide a mix of trees/shrubs and open grassland.

To provide for dog obedience training.

To provide for the leasing of the land and the facilities to community organisations.

To provide for an increase in the number of community sheds at the reserve.

Proposal for Management:

Maintain vegetation in a healthy state.

Maintain reserve in a neat and tidy condition.

Maintain built infrastructure in a safe and presentable condition (including infrastructure under the care and responsibility of occupants of the land).

Performance Targets:

Replace dead and dieing vegetation.

Grass to be generally less than 100 mm in length.

Regular inspections and maintenance of all built infrastructure.

Measure of Performance Targets:

Biannual inspection of vegetation.

Maintain (and action) complaints received in relation to the reserve.

Random inspections by supervisors of grass cutting and general presentation.

Regular maintenance inspections of built infrastructure.

Adopted by Council: 19th October 2004

Amended by Council: 17th June 2014



 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
		Issued:	August 2019
		Next Review:	August 2020

1. INTRODUCTION

This documents sets out the policy of the City of Mount Gambier ("Council") for:

- 1.1 Leasing / licensing of Council community land (Reserves) to community based organisations; and
- 1.2 Expense recovery where community land is occupied by a sporting association and where Council maintains the facilities.

2. DEFINITIONS

"Community Land" – any *'local government land'* as defined in the Local Government Act 1999 that has not been excluded or revoked of its classification as community land, including land owned by Council or under Councils care control and management, and including reserves, ornamental grounds and parklands.

3. LEASE/LICENCE POLICY

3.1 Policy Provisions

Where Council proposes to (re)grant a lease or licence for any portion of community land to a community based not for profit organisation (including sporting clubs) pursuant to the provisions of the Local Government Act, then the conditions under which any lease or licence may be granted under (sub) delegation should include:

3.1.1 Lease Term: should not exceed ten (10) years;

3.1.2 Licence Term: should not exceed five (5) years;

3.1.3 Public Liability Insurance:

Minimum sum of \$10,000,000.

Minimum sum of \$20,000,000 if any building works to be undertaken.

3.1.4 Lease or Licence Fee:

Is the "declared" figure per annum plus GST

The "declared" figure is the annual fee that Council resolves at the commencement of each financial year.

For all subsequent years of the lease / licence then the "declared" annual fee be increased (or decreased) by the overall percentage rate increase (or decrease) that Council adopts for each financial year on a compounding calculation plus GST.

The Chief Executive Officer may waiver payment of the declared figure in exceptional circumstances (e.g. where it is considered that payment would be of unreasonable detriment to the lessee/licensee; such as in the case of a newly created organisation).

 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
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3.1.5 Rounding Down:

In applying part (b) of this Policy i.e. the compounding use of the overall percentage rate increase (or decrease) to the annual lease fee then the resultant calculation be rounded to the nearest whole dollars.

3.2 Annual Review of 'Declared' Figure

3.2.1 In terms of the lease or licence fee, the declared lease fee be \$495 (plus GST) for the 2019/2020 financial year, calculated as follows:

$$\$474 + 4.5\% = \$495 (+GST)$$

3.2.2 The Chief Executive Officer be authorised to amend the figures in clause 3.2.1 of this Policy on the basis set out in 3.1.4 and 3.1.5 above, on an annual basis.

4. RENTAL POLICY

4.1 Where Council maintains the recreation and sporting facilities on community land that is leased/licensed, occupied or used by a sporting organisation, then the following rental policy will apply when calculating the cost recovery by Council from that sporting organisation:

4.1.1 A Base Annual Rental is set to cover the annual maintenance costs of the reserve (playing area and immediate related surrounds) incurred by Council in the previous year and in respect of that specific occupier(s) anticipated/actual level of use;

4.1.2 The Base Annual Rental, may, under certain circumstances, be discounted by a 10% to 20% reduction in maintenance costs where full and free access to the facility is allowed to members of the general public (except when being used by clubs and associations);

4.1.3 A further reduction may occur, based on each specific occupier(s) ability to pay, based on a scale of one (1) to ten (10) with each scale point equivalent to 5% of the Base Annual Rental (maximum is 50%);

4.1.4 A further reduction may occur based on each specific occupier(s) special case. i.e. consideration will be given to the following criteria (each worth 5% discount - maximum of 35% discount).

1	Large capital costs incurred by Club
2	Significant number of juniors
3	Less than significant actual use, wear or tear of Council land
4	Financial capacity of Club
5	Nominal maintenance costs by Council
6	Significant self-help by Club
7	Contribution to Mount Gambier economy (Major Events etc.)

4.1.5 Tenants are responsible for the cost of services to buildings and floodlights, such as electricity, gas, water, etc.

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 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
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5. REVIEW & EVALUATION

This Policy will be reviewed during each term of Council, and at any other time as may be required by any legislative changes which may occur.

6. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au
Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
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File Reference:	AF18/48
Applicable Legislation:	Local Government Act, 1999 Chapter 11 Part 1
Reference: Community Plan 2016-2020	Goal 3: Our Diverse Economy
Related Policies:	R210 - Lease Term/Fee (superseded) R240 - Rental Where Council Maintains (superseded)
Related Procedures:	Nil
Related Documents:	Corporate and Community Services Report No. 12/1998 (Establishing Methodology)

DOCUMENT DETAILS

Responsibility:	General Manager Council Business Services
Version:	7.0
Last revised date:	8 August 2019
Effective date:	1 July 2019
Minute reference:	CCS Item 12 - Report No. 33/2014 - 20 May 2014
Next review date:	August 2020
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	18 February 1999 (Superseded Policies R210 and R240) 20 May 2014, 7 July 2014 (clause 3.2.1), 31 July 2015 (clause 3.2.1), 8 August 2016 (clause 3.2.1), 13 July 2017 (clause 3.2.1), 13 July 2017, 8 August 2018 (clause 3.2.1), 8 August 2019 (clause 3.2.1)

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16.3 CONSULTATION DRAFT REGIONAL PUBLIC HEALTH PLAN 2021-2026 – REPORT NO. AR20/77671

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/77671
CM9 Reference:	AF19/413
Author:	Georgina Davison, Manager Library
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	A report providing the process for moving forward with public consultation on Council’s Regional Public Health Plan for the period 2021-2026.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/77671 titled ‘Consultation Draft Regional Public Health Plan 2021-2026 ’ as presented on 07 December 2020 be noted.
2. That Council endorse the draft Regional Public Health Plan (**Attachment 1**) for the purposes of public consultation, in accordance with the Public Consultation section of this report.
3. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact.



BACKGROUND

The South Australian Public Health Act 2011 requires Council to review its Regional Public Health Plan every 5 years. The current Regional Public Health Plan expires at the end of 2020.

This is the second plan, updating the Regional Public Health Plan 2015-2020, developed under the legislation which identifies that Council is the relevant local public health authority for its area. Under this Act Council is delegated functions to take action to preserve, protect and promote public health within its area.

The draft Regional Public Health Plan 2021-2026 (**Attachment 1**) is included within this report for Members reference.

DISCUSSION

The draft Regional Public Health Plan has been developed to align and be consistent with the State Public Health Plan 2019-2024 and follows four key priority areas identified:

1. **Promote:** build stronger communities and healthier environments
2. **Protect:** protect against public and environmental health risks and respond to climate change
3. **Prevent:** prevent chronic disease, communicable disease and injury
4. **Progress:** strengthen the systems that support public health and wellbeing

Public Consultation

The Council intends to undertake the public consultation phase in accordance with Council Policy P195 Community Consultation and Engagement.

In terms of the public consultation, the following activities are envisaged:

- Use of the Have Your Say Mount Gambier;
- Use of the Council's website and intranet;
- Council's social media presence;
- Public display and engagement;
- Staff briefings;
- Media releases; and
- Radio interviews.

It is intended that the process will commence following Ministerial endorsement, for a period of 21 days. Public documents will be available during this time.

The items in the bullet pointed list previously will run for all or part of the public consultation period.

CONCLUSION

This Plan identifies the key emerging focus areas for Mount Gambier's public health and the determinants of health that are specific to our local population.

The public will have the opportunity to provide feedback through the consultation process resulting in a consideration of responses and proposed changes by Council in December 2020. Council endorsement is sought to enable Ministerial endorsement for public consultation enabling public consultation to commence on the draft Regional Public Health Plan 2021-2026.

ATTACHMENTS

1. Draft - Regional Public Health Plan 2021-2026 [↓](#)





City of
Mount Gambier



DRAFT
Regional Public
Health Plan
2021 - 2026

For consultation purposes

MAYOR'S MESSAGE

I am pleased to present you with the City of Mount Gambier's Regional Public Health Plan 2021-2026.

The City of Mount Gambier has a long history of working collaboratively with the community and this all-inclusive approach has multiple benefits for the community's public health. Through a variety of events, services and projects, Council supports volunteering opportunities, recreational activities, youth sports programs, clubs and more. These activities go beyond just involving the community and can assist in increasing social connectedness, reducing social isolation, supporting good mental health, nurturing early childhood development and increasing physical activity.

Essential to the success of implementing the plan is developing and sustaining partnerships with our communities, business sector, tiers of government and their agencies and non-government organisations, to secure high quality public health for the community. This in turn, ensures the continued effectiveness of Council's projects and operational activities to address the current and future needs of the community.

Our Regional Public Health Plan identifies Council as the relevant local public health authority for its area and outlines the work currently undertaken in this field. Along with the SA Public Health Act 2011, this plan recognises that Council is in an ideal position to identify areas of concern within our own local community. The twelve priority areas acknowledged in this document specifically affect residents of the community and will become a focus over the next five years.

OVERVIEW

The City of Mount Gambier Regional Public Health Plan 2021-2026 has been developed in accordance with the South Australian Public Health Act 2011.

This is the second plan, updating the Regional Public Health Plan 2015-2020, developed under the legislation which identifies that Council is the relevant local public health authority for its area. Under this Act Council is delegated functions to take action to preserve, protect and promote public health within its area.

The SA Public Health Act 2011 defines public health as:

1. Public health means the health of individuals in the context of the wider health of the community;
2. Without limiting the definition of public health in subsection (1), public health may involve a combination of policies, programs and safeguards designed –
 - (a) to protect, maintain or promote the health of the community at large, including where one or more persons may be the focus of any safeguards, action or response; or
 - (b) to prevent or reduce the incidence of disease, injury or disability within the community.

The City of Mount Gambier's Regional Public Health Plan has been developed to align with the State Public Health Plan 2019-2024 and follows four key priority areas identified:

1. Promote: Build stronger communities and healthier environments,
2. Protect: protect against public and environmental health risks and respond to climate change,
3. Prevent: prevent chronic disease, communicable disease and injury, and
4. Progress: strengthen the systems that support public health and wellbeing.

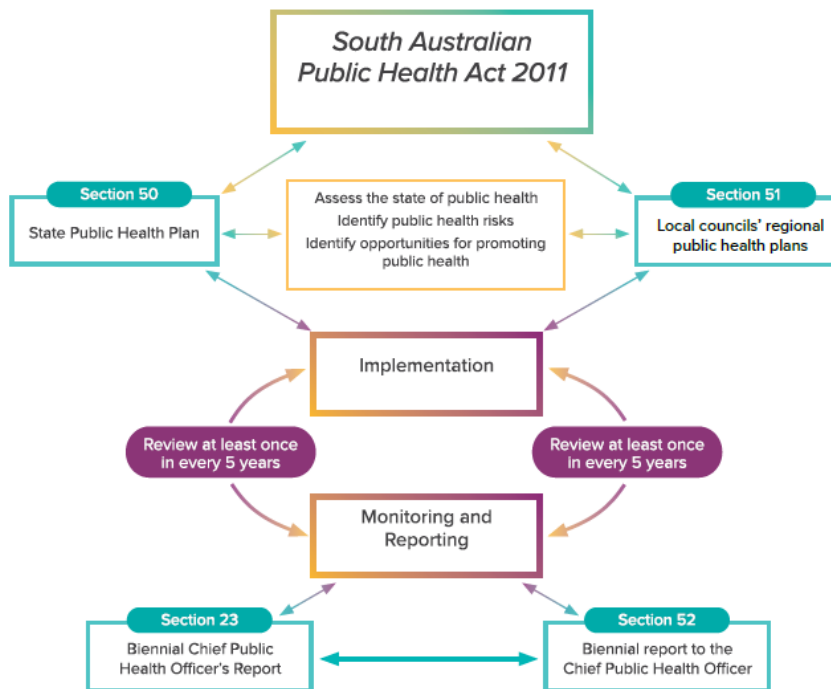


Diagram 1: Public health planning system

This plan identifies the key focus areas for Mount Gambier’s public health and the determinants of health that are specific to our local population. Combined with Council’s other forward planning documents such as the Strategic Plan 2020-2024, Disability Access and Inclusion Plan, City Development Framework and the Futures Paper, this plan will ensure the continued effectiveness of Council’s projects and operational activities in addressing the current and future needs of the community. This plan is based on an integrated approach to achieving common goals and does not emphasise public health as a separate area of action.

Mount Gambier is the major service centre for the Limestone Coast. Located on a dormant volcano Mount Gambier has an approximate population of 27,000 and services a regional population of almost 65,000 people inclusive. Often referred to as ‘the Mount’ by locals, the city is one of the fastest growing cities in South Australia.

The age structure of the City of Mount Gambier highlights the diversity we must achieve with service provision and resources. The 2016 Census shows the median age is 40 years with the largest group within Mount Gambier in the 0-14 year old age group (19.8%). The 65 years old and over (18.5%) is similar to the State percentage for this cohort with a higher percentage in Mount Gambier for the 0-19 year old age group.

A thriving, progressive community, residents enjoy a quality lifestyle with city facilities and services, many attractions, a wide range of accommodation providers, shopping and entertainment. The city is surrounded by volcanic craters, lakes, limestone and underground aquifers.

Famous for its 'Blue Lake', the city also boasts beautiful parks and gardens, caves and sinkholes. An interesting mix of galleries, museums, sporting activities and markets provide an insight into the culture and arts of the town.

The City of Mount Gambier is responsible for providing an increasingly diverse range of facilities and services to achieve our vision of creating an inclusive city where people lead fulfilling lives, where people in the community are secure, prosperous, healthy and valued. New economic and environmental pressures demand that our city re-invent itself to sustain our present lifestyle and ensure a future for the next generation.

POPULATION PROFILE

The current residential population of Mount Gambier is approximately 27,000. Council acknowledges that the City of Mount Gambier services a wider regional cross State border community inclusive of approximately 65,000 people.

The population of Mount Gambier is growing and ageing. Over the past 6 years (2014-2019) the city has experienced a growth rate of +4.24% (565 persons). Overall, this represents an average annual population change of +0.70% per year for the period. The population aged 60+ is increasing.

The number of recent arrivals in the area has continued to increase. The evolving groups for change in the reported ancestries and overseas place of birthplace include India and Burmese. As the makeup of the local community changes it is recognised that public health needs to also evolve.



SOCIO-ECONOMIC STATUS

There is a well-established link between socio-economic disadvantage and poor health outcomes. A summary measure of disadvantage is the Index of Relative Disadvantage (IRSD), this is one of four Socio-Economic Indexes for Areas (SEIFA's). The table indicates the differing levels of disadvantage in the areas of the City of Mount Gambier. The lower the score, indicated the higher the disadvantage. Therefore, Mount Gambier North East has the lowest disadvantage and Mount Gambier East the highest levels of disadvantage. Mount Gambier has an overall disadvantage score of 925, compared to 979 for South Australia. Mount Gambier has the highest level of disadvantage when compared to the other Limestone Coast Council areas.

Within the Mount Gambier local government area there is a large disparity in socioeconomic status. 28% of residents in Mount Gambier hold a Pensioner Concession Card or a Health Care Card from Centrelink, which is lower than the Regional SA level.

DETERMINANTS OF HEALTH

The social determinants of health and wellbeing are the circumstances in which people are born, grow up, live, work and age, and the systems put in place to deal with illness. Different groups in society face different life circumstances, and most determinants are not in the direct control of the health sector.

Index of Relative Socio-economic Disadvantage in Mount Gambier (2016)

Mount Gambier (East)	733.2
Mount Gambier (Central North)	831.1
Mount Gambier (West)	902.4
Mount Gambier (Central)	921.7
Mount Gambier (North West)	991.5
Mount Gambier (Lakes)	996.9
Mount Gambier (North East)	1021.1

UNEMPLOYMENT

In the 2020 March quarter, Mount Gambier had an unemployment rate of 6.2%, 1% higher than the national average. In June and July 2020, 11.8% of the eligible population aged 15 to 64 years in Mount Gambier were in receipt of an 'unemployment benefit', either Youth Allowance or Job Seeker. This is an increase since the last plan, with COVID-19 influencing unemployment rates Australia wide during 2020.

EDUCATION

During the last Census, almost 12% of 15-24 year old age group were disengaged with either work or education in Mount Gambier. Approximately 14% of the 16 year old age group in Mount Gambier were not participating in full-time secondary education, notably lower than the regional South Australia level of 17%.

HOUSING

The proportion of low-income households experiencing rental stress in Mount Gambier was 28.4%, similar to the national average (28%), however higher than regional South Australia percentage of 25.8%. Houses rented from Housing SA at the 2016 Census in Mount Gambier was at 9.1%, dropping from 11.1% in 2011. The same period saw an increase in private renters and homeowners.

The proportion of residents in receipt of rent relief in Mount Gambier is 17.6%, higher than the level in regional South Australia, with 15.6%. The 2016 Census estimated that there were just under 100 persons homeless in Mount Gambier.

ACCESS TO SERVICES

An estimated 1.6% of people over the age of 18 years in Mount Gambier, had difficulty accessing health care. While this may appear low, it is above the regional South Australia rate of 1.2%. The 2014 model estimate for 18 years and over shows 3.2% had difficulty or could not get to their chosen place due to transport.

The Child and Adolescent Mental Health Services in Mount Gambier has approximately 16% more clients than overall rate in regional South Australia. This high rate indicates the important role these services provide the local community.

Over a third (35%) more clients aged over 15 years in Mount Gambier access the government-funded community mental health services when compared to overall regional South Australia. This not only reflects demand for these important services, but also their availability locally and in Adelaide where residents would travel for support.

During 2016 internet services were accessed from 75% of Mount Gambier's private dwellings, however, over 8% of children (under 15 years old) were living in dwellings where internet could not be accessed.

EARLY LIFE AND CHILDHOOD

The rate of immunisation of infants at one year of age in Mount Gambier in 2017 was 92%, and fully immunised children at 5 years of age increased to a rate of 94.6%. This is an increase of fully immunised 5 year olds since the last plan.

In June 2016, approximately a quarter of all children under the age of 16 years old in Mount Gambier lived in low-income families receiving welfare payments from Centrelink.

In 2015, 28.6% of children in their first year of school were considered to be 'developmentally vulnerable' on one or more of the Australian Early Development Census (AEDC), as a proportion of all children assessed. This was a significant increase from 15.4% in 2009. The latest data released in 2018 indicates this has slightly reduced to 26.3%.

MORTALITY

The median lifespan for males and females in Mount Gambier is 78 and 84 years respectively. These are both comparable to the non-metropolitan averages. Premature mortality at the ages of 15-24 years has a rate of 37.6 deaths per 100,000 population, this is two thirds of the rate in Regional SA (56.2 deaths per 100,000) overall estimate in 2015.

Over a five year period (2013 - 2017) the annual average infant mortality rate was 3.6 per 1,000 population. In the same period the youth mortality (15 - 24 year old age group) had an annual average of 64.3 per 1,000 population.

PERSONAL HEALTH AND WELLBEING

According to the 2017/2018 National Health Survey, Mount Gambier was estimated to have 17.6% of people aged 15 years and above, rate their own health as fair or poor. This is a slight increase (1%) over the 10-year period. 13% of adults in Mount Gambier are estimated to have experienced high or very high levels of psychological distress, an increase from 11.7% in 2007/2008 survey. This is comparative with levels in regional South Australia.

Residents reported high levels of community connectedness in 2014, with 94.2%, feeling able to get support in times of crisis. An increase from 90.2% in 2010.

The level of volunteering can indicate the cohesiveness of the community and how readily individuals are able to contribute to that community. In 2016, 22.1% of Mount Gambier's population (over 15 years of age) reported as being involved in volunteer work. This is a similar contribution to the community by volunteers as recorded in 2011 of 22.2%.

In 2014, over 30% of people 18 years older were providing support to a family member or relative outside of their household. Unpaid assistance from carers, 15 years and over, for people with a disability was provided by 11.8% of the local population in 2016.

BURDEN OF DISEASE

In 2017/2018, admissions for potentially preventable conditions totalled 900 people which equates to 3,059 people per 100,000 population. The highest age bracket for preventable hospital admissions was 65 years of age and over and the lowest was in the 15 - 24 year old age group.

Avoidable mortality statistics for Mount Gambier in 2013/2014 resulted in men (134) nearly doubling women (73) with cancer being the highest cause. There were 61 cases of potentially preventable hospitalisation from vaccine preventable conditions in 2017/2018. Admissions to hospital for acute dental conditions during 2017/2018 was 116 persons.

UNINTENTIONAL INJURIES

This category represents unintentional injuries including; preventable hospital admissions due to road traffic accidents, falls, fire/burns/ scalds, striking/crushing accidents and other transport accidents. The rate of admissions for these avoidable conditions in Mount Gambier was 5% lower than Regional SA overall, during 2016/2017.

DIABETES MELLITUS

Type 2 Diabetes in Mount Gambier has an estimated prevalence of 4.7% of the population, similar to regional South Australia overall in 2014/2015. In Mount Gambier in 2017/2018, 1,296 people were being treated which is 4.7% of the population.

ALCOHOL AND OTHER DRUGS

4,186 people die from alcohol related injuries, illness and accidents and an estimated 144,000 people are hospitalised due to alcohol every year in Australia.

Legislation in many states including SA and NSW prohibits the supply of alcohol to young people without parental permission. However high levels of alcohol consumption occur both in the home and the home of others.

Tobacco smoking is the greatest single cause of premature death and a leading preventable cause of morbidity in Australia. In the National Health Survey 2017/2018, Mount Gambier's smoking rate for 18 year old's and over was estimated at 14.7%, representing a drop from 22.7% over the ten year period.

However, the rate of pregnant women who reported smoking during pregnancy was still almost a fifth (18.1%) of pregnant woman surveyed. Despite this, both sets of statistics are notably lower than the statistics for regional South Australia.

Planet Youth is an evidence-based prevention program from Iceland, internationally renowned for producing significant reductions in alcohol and other drug use among young people. Data is collected through a survey of year 10 school students questioning family structure, parental and peer support, structured and unstructured activities and pastimes, substance use and academic achievements. The Limestone Coast results from 2019 are indicated below.

Young people with a peer group that drinks alcohol are more likely to also drink in comparison to young people whose friends do not drink alcohol.

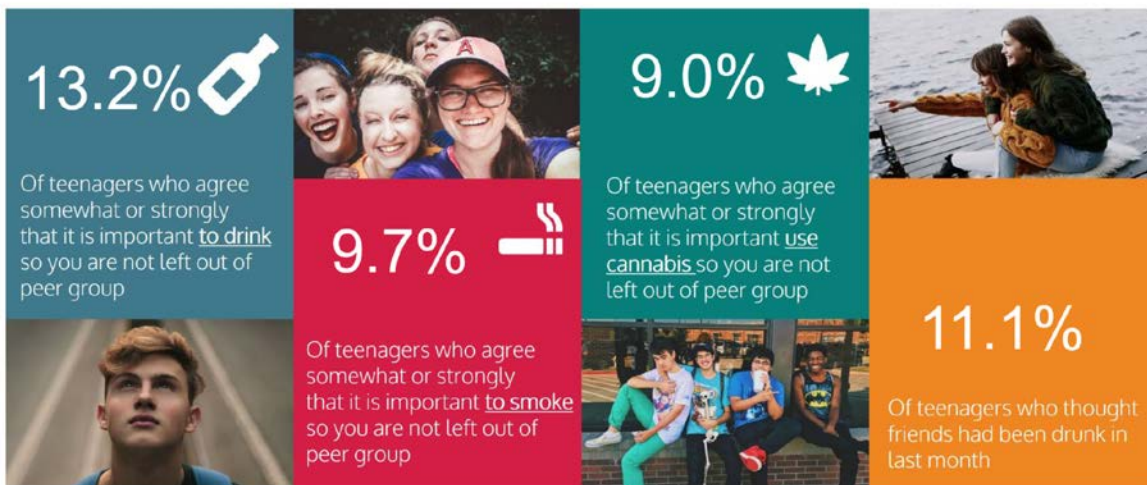
Among young people who drink sometimes or often, the two most common places they drank were at home or in the home of others.

Parents and older siblings are the major suppliers of alcohol to young people.

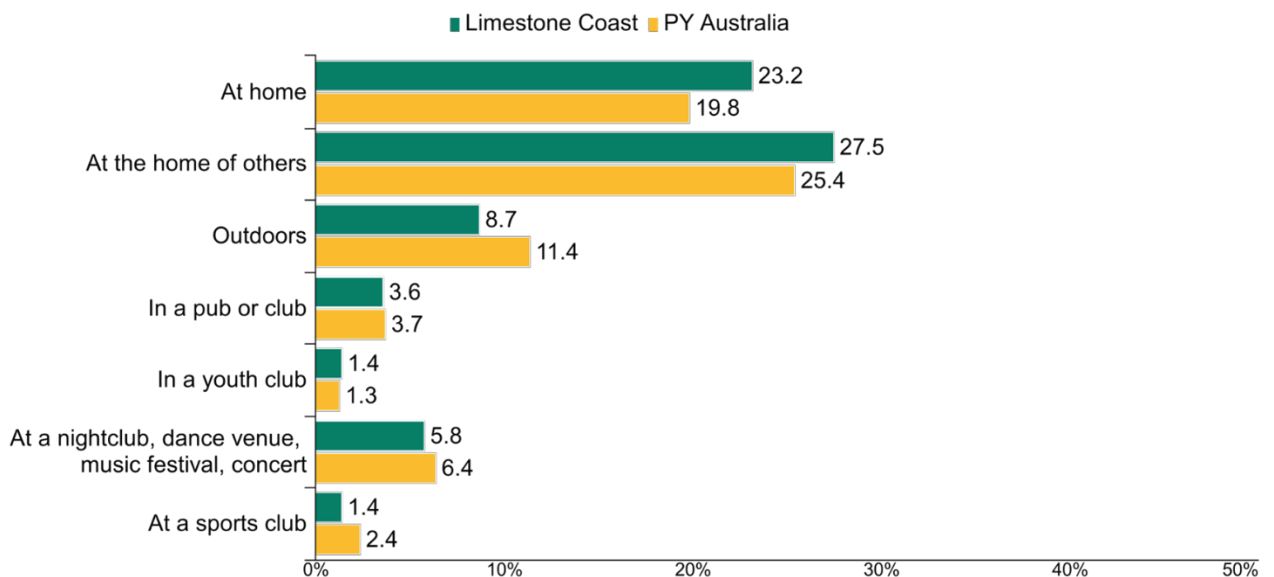
Substance use – Key Findings



Peer group effects - Key findings



Proportion of adolescents in Limestone Coast who drink alcohol sometimes or often in the following places:



OBESITY & OVERWEIGHT

The 2014/2015 National Health Survey Estimates Obesity in Mount Gambier to be over a third for males (35%) and females (38.1%). These figures are consistent with Regional SA overall, however, indicate a growing incident of obesity when compared with the previous survey in 2007/2008 (up from 20.1% & 17.7% respectively).

PHYSICAL INACTIVITY

Mount Gambier has an increasing estimated percentage for physical inactivity among adults. Data modelled from the 2014/2015 National Health Survey estimates 73.3% of adults are inactive, an increase from approximately 40.1% of adults in the 2007/2008 survey.

POOR NUTRITION & DIET

Only 45.8% of adults in Mount Gambier meet the recommended daily intake of two fruit servings per day, however two thirds of children 4 - 17 years old are estimated to meet the recommended fruit consumption.

MENTAL HEALTH

Mental health is a major contributor to the burden of disease including behavioural disorders, depression and suicide. Mental health is identified as a priority issue and acts as a determinant of health as mental health has the ability to influence many aspects of an individual's life such as homelessness, substance abuse and domestic violence. In 2017/2018, 255 persons were admitted to hospital for mental health related conditions.

Mental health problems were estimated to have affected 18.9% of males in 2014/2015 surveys compared to 10.7% in 2007/2008, and 20.8% for females, almost doubling from 10.6% in Mount Gambier. This is another risk factor that has seen a substantial increase from previous data collection.

SUICIDE

In 2019, total suicide deaths in South Australia was 251, an increase of 39 from 2018. Across Australia, total suicide deaths increased by approximately 300 from 3,000 in 2018 to 3,318 in 2019.

The Mount Gambier & Districts Suicide Prevention Network have developed an action plan in line with the South Australian Suicide Prevention Plan.

FOCUS AREAS

The following topics have been identified as focus areas affecting the public health of the Mount Gambier community. These focus areas have been identified using statistical research and local knowledge of the population profile, burden of disease and social determinants of health in the community. This will allow Council to focus its public health contribution and partnerships toward improving these areas over the duration of this five-year plan. They include (in no particular order):

- Poor Nutrition and Diet
- Obesity & Overweight
- Physical Inactivity
- Potentially Avoidable Hospital Admissions
- Degenerative & Mobility for the Aged
- Substance Abuse (tobacco, illicit drugs and alcohol)
- Mental Health
- Suicide Prevention
- Domestic Violence
- Delayed Early Childhood Development
- Environmental Sustainability
- Accessibility (Disability Access & Inclusion)

SUMMARY

Council currently undertakes all prescribed functions as listed under the SA Public Health Act 2011 and addresses each of the four key State Public Health Plan priorities.

Current work being undertaken by Council in various forms such as regulatory roles, major projects, provision of information, event promotion, support and delivery of public health programs comprehensively supports and promotes public health. The holistic approach to public health planning and implementation is consistent with the objectives of the SA Public Health Act.

The State Public Health Plan 2019-2024 identifies the following:

“This plan’s vision is for a South Australia where communities are friendly, safe and sustainable with well-designed places that support physical and mental health and wellbeing. This includes being able to walk or cycle to local services, easily access public transport to larger centres, make nutritious food choices and enjoy being active in parks and other recreational facilities. This vision also sees South Australia’s rich diversity celebrated, community activities accessible to everyone and residents participating and having a say in community life.” – State Public Health Plan – 2019-2024 - A Healthy, liveable and connected community for all South Australians.

The following is a summarised version of objectives which should be taken into consideration when implementing administration of the SA Public Health Act and influencing public health planning processes;

Promote: build stronger communities and healthier environments,
Protect: against public and environmental health risks and respond to climate change,
Prevent: chronic disease, communicable disease and injury, and
Progress: strengthen the systems that support public health and wellbeing.

OPPORTUNITIES IDENTIFIED

MONITORING CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE / INFORMATION ON PREVALENCE / ACTION FOR PUBLIC HEALTH.

Since the introduction of the requirement for Regional Public Health Plans, SA Health and the Local Government Association (LGA) have worked to build capacity and support the public health goals of local government. This has included the provision of various public health profiles of local government areas which have allowed focus areas to be identified.

These statistics can be collaborated with existing information sources utilised by Council to provide evidence-based application of broad operational activities for the most effective target of public health priority issues.

The following strategies show how the current activities in Council’s Strategic Management Plans are already influencing public health focus areas in the community.

Strategies have been segregated under four headings to show how they specifically align with the key priorities identified in the State Public Health Plan. Extracts from the City of Mount Gambier Strategic Plan 2020 – 2024 have been incorporated into each area with examples of how the current broad operational activities directly influence public health. This not only reflects Council’s current capacity in addressing focus areas within the community, it shows Council’s adaptive ability to apply projects as the community’s health needs evolve.

Maintaining our current strategic plans and operational activities will allow projects and services to be adapted as the community public health needs change. The identification of developing trends and focus areas for the public health of the Mount Gambier population will allow for an evidence-based approach in developing and implementing community health projects.

The City of Mount Gambier acknowledges the Limestone Coast Regional Public Health & Wellbeing Plan prepared by the following Councils located in the Limestone Coast Local Government Association (LCLGA):

- Tatiara District Council,
- Kingston District Council,
- District Council of Robe,
- Naracoorte Lucindale Council,
- Wattle Range Council, and
- District Council of Grant.

Current and potential partnerships for public health action have been identified for each focus area highlighted in this plan. When considering future work, partners should be considered to ensure programs and services are not duplicated and instead value added. A comprehensive list of potential partners and relevant focus areas for action can be found at the end of this document.

Promote: Build stronger communities and healthier environments

As outlined in the State Public Health Plan: “The environment where we live, learn, work and play have a major influence on our physical, social and emotional health and wellbeing across the life course”. The following projects are examples for City of Mount Gambier which fit within this State priority.

SPORT AND RECREATION CAPITAL WORKS PROGRAM GRANTS

The aim of the City of Mount Gambier Sport and Recreation Capital Works Program is to foster and assist in the development and/or capital renewal of sport and recreation infrastructure within the city. The development and renewal of this infrastructure promotes the long-term use of the facilities and encourages participation in our local sport and recreation activities.

LIBRARY SERVICES

The Mount Gambier Public Library is a vibrant hub that provides high quality services and facilities. The library is readily accessible and welcoming to all residents and recognises the diverse community it serves. Programs, resources and activities are provided for all ages and interests. Social connectedness and inclusion is supported by the Library; by acting as a meeting place, providing free access to the internet and volunteer opportunities. Examples of the wide range of services delivered for the community are:

- School holiday programs,
- Youth activities,
- STEAM programs (Science, Technology, Engineering, Arts and Mathematics),
- Author events,
- Lifelong learning opportunities,
- Digital literacy training,
- Under 5 early literacy programs, and
- A volunteer program.

COMMUNITY EVENTS

Various community events are organised or supported by Council throughout each calendar year. Most events are aligned with the focus areas highlighted in this Plan as well as community connectedness and social cohesion. Council has recently identified the need to deliver events that are inclusive and accessible to all people as part the Disability Access and Inclusion Plan (DAIP). Examples of such events are:

- Parkrun,
- Inside Line Downhill Mountain Bike race,
- Fringe Mount Gambier,
- Legends of the Lake Hill Climb,
- Blue Lake Fun Run, and
- Blue Lake Carols.

DISABILITY ACCESS AND INCLUSION

The City of Mount Gambier Disability Access and Inclusion Plan (DAIP) has been developed in consultation with the community and staff, to identify and address priority areas and create awareness of disability and equitable access and inclusion.

The plan outlines Council's commitment to the continuous review and development of information, services and facilities to ensure equitable access and inclusion for all.

Further to the DAIP, Council continues to demonstrate a commitment to providing well designed public spaces and developments that are safe, inclusive and accessible for all.

Through ongoing consultation and engagement, Council continues to work with the community to review and improve the environments where we live, learn and play. The valuable insights, learnings and relationships developed through consultations such as the Changing Places facility in 2018 have been integrated across other projects, departments and developments within Council such as the Community and Recreation Hub.

EARNING AND LEARNING

The City of Mount Gambier continues to adopt learning as a key theme and strategy in the current Strategic Plan. "Becoming an 'earning and learning' community" Council is driving the development of local career, education and entrepreneurship pathways that build skills to grow the economy, facilitate new businesses and provide exciting and relevant employment opportunities for all people as it transitions to an 'earning an learning' city.

PROMOTE

BUILD STRONGER COMMUNITIES AND HEALTHIER ENVIRONMENTS

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action
Our People	<p>1.1 Community based organisations and networks</p> <p>Community groups and networks develop and grow to achieve their aspirations.</p>	<p>1.1.1 Fostering and supporting community-based organisations.</p> <p>1.1.2 Supporting programs that allow the community groups to be more effective in achieving their goals.</p> <p>1.1.3 Developing a volunteer management plan to maximise the benefit of volunteering to the community for those who choose to donate their time to the Council.</p>	<ul style="list-style-type: none">• We will deliver our own volunteer management plan.
Our People	<p>1.2 Community growth</p> <p>We foster a sense of community by encouraging and supporting participation in community life.</p>	<p>1.2.1 Creating opportunities for existing and new businesses by being genuinely 'open for business' and ready for education, health and retirement opportunities.</p> <p>1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.</p>	<ul style="list-style-type: none">• We will implement our commitment outlined in the Small Business Friendly Council Charter.• Active representation on Community Groups.

Goal	Theme	Activity	Action
Our People	<p>1.3 Sense of Community</p> <p>The community grows in real terms at a rate that helps sustain and grow the services available within the City and for the region.</p>	<p>1.3.1 Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.</p> <p>1.3.2 Providing opportunities to enable the community to be supported and involved.</p> <p>1.3.3 Raising awareness of community accomplishments.</p>	<ul style="list-style-type: none"> • We provide a Small Wins Fund of \$25,000 that provides seed funding for community projects of up to \$2,000. • Provide in-kind support for community events eg. Fringe, New Year's Eve • Submission for awards eg. KESAB, Public Health Awards
Our People	<p>1.4 Care for the community:</p> <p>We will develop our service offering to the community to ensure all members have access to required levels of support.</p>	<p>1.4.1 Developing and delivering community safety initiatives that respond to local issues and concerns.</p> <p>1.4.2 Providing integrated services and facilities that encourage active living to improve health and wellbeing.</p> <p>1.4.3 Valuing and supporting our Boandik and multicultural communities.</p> <p>1.4.4 Planning, leading and facilitating high quality services to develop the potential of children and young people.</p> <p>1.4.5 Ensuring support services and recreational activities are accessible.</p>	<ul style="list-style-type: none"> • We will deliver the Community and Recreation Hub and will invest in ensuring that programs are available and accessible for the community. • Provide and maintain community facilities that encourage community health and wellbeing eg. Improvement to Parks and reserves, • Provision of community education programs eg. School Holiday Programs • Implementation of the Disability Access and Inclusion Plan • Deliver actions from the Reconciliation Action Plan

Goal	Theme	Activity	Action
Our Location	<p>2.1 Infrastructure development and managing our current assets:</p> <p>We will commence work on meeting the community's aspirations for future infrastructure development, whilst managing our existing infrastructure and assets in a manner that demonstrates the pride we take in our environment.</p>	<p>2.1.3 Consolidating, upgrading and seeking funding for a number of walking and cycling trails throughout the city, including the Rail Trail and the Crater Lakes precinct.</p>	<ul style="list-style-type: none"> • We will finish the Rail Trail within the first two years of the Strategic Plan and will invest in cross links in the last two years of the plan. • Develop a passive transport strategic plan. • Increase the number of passive transport routes.
Our Location	<p>2.4 Recognition of our indoor and outdoor sporting assets and our adventurous opportunities:</p> <p>We will work on capitalising on the delivery of the Community and Recreation Hub to highlight the opportunities for sporting and other community events in Mount Gambier and we will seek to leverage the adventure sports market through support to potential providers to develop activities, effective marketing and working with our partners to raise the profile of our City and region.</p>	<p>2.4.1 Seeking to hold at least six regional standard community or sporting events in the new Community and Recreation Hub annually.</p> <p>2.4.2 Continuing to hold six regional standard sporting events (or higher) at our outdoor facilities.</p> <p>2.4.4 Work in partnership with our sporting clubs to improve their sporting and clubhouse facilities and to help them take advantage of accommodation opportunities for groups.</p>	<ul style="list-style-type: none"> • We will hold six regional standard community or sporting events in the new Community Recreation Hub annually. • Provision of sport and recreation capital works program grants • Provide general advice for development applications to assist with compliance. • Attract one State / National event per annum.
Our Location	<p>2.5 Focusing on activation, revitalisation and placemaking in our CBD:</p> <p>We will look to create opportunity in our CBD for all year-round activation through effective placemaking and place shaping, making it a vibrant, cohesive and safe place.</p>	<p>2.5.2 Understanding the traffic impacts and the management of delivery needs within a more pedestrian friendly environment.</p>	<ul style="list-style-type: none"> • Review the CBD traffic management plan. • CBD Activation Plan.

Goal	Theme	Activity	Action
Our Diverse Economy	<p>3.2 Land use planning settings: Planning that provides for future economic and lifestyle changes and continued growth whilst protecting the natural environment.</p>	<p>3.2.3 Advocating and planning for road, train, airport and communications infrastructure that better connects us with the world.</p> <p>3.2.4 Working with operators to deliver a public transport network that connects people to essential services, leisure activities and employment.</p>	<ul style="list-style-type: none"> We will work with public transport providers to deliver a more relevant service to the city of Mount Gambier, including access to the new Community and Recreation Hub.
Our Diverse Economy	<p>3.3 Appealing and affordable housing for growth: We have appealing and affordable housing appropriate to incomes, aspirations and cultures to attract and retain new residents.</p>	<p>3.3.5 Being prepared to use our powers under the Local Nuisance and Litter Control Act and the Development Act to deal with unsightly premises to maintain the standard of residential amenity.</p>	<ul style="list-style-type: none"> Responding to and investigating complaints relating to maintaining the standard of residential, commercial and industrial amenity. Ensure compliance with relevant legislation including: Public Health Act.
Our Climate, Natural Resources, Arts, Culture and Heritage	<p>4.2 Open Space: We will ensure that future growth is planned in a manner that provides access to, and does not detract from, the community's environmental values</p>	<p>4.2.1 Prepare a Sport, Recreation and Open Space Strategy and masterplans for our key reserves enabling effective and efficient multiple uses and the improvement of facilities.</p> <p>4.2.2 Ensuring opportunities exist to access and experience natural areas.</p> <p>4.2.3 Enhancing and promoting environmental experiences to encourage the involvement of our residents and attract visitors.</p> <p>4.2.4 Seeking to improve connectivity between our reserves and the CBD by non-motorised forms of transport.</p>	<ul style="list-style-type: none"> We will deliver a Sport, Recreation and Open Space Strategy and Masterplans within the first year. Enhancements to three key reserves over the life of the plan in accordance with Council's Disability Access and Inclusion Plan (DAIP).

Goal	Theme	Activity	Action
Our Climate, Natural Resources, Arts, Culture and Heritage	<p>4.4 Recreational and cultural pursuits:</p> <p>We will ensure that community members are provided with opportunities for cultural growth and development through provision of innovative services and programs.</p>	<p>4.4.1 Delivering a network of safe and convenient walking trails and cycle paths linking relevant land uses and recreation opportunities.</p>	<ul style="list-style-type: none"> • We will finish the Rail Trail within the first two years of the Strategic Plan and will invest in cross links in the last two years of the plan. • Construct/install additional cycling paths. • Strengthening cultural capacity through programmed activities.

PROTECT: Protect against public and environmental health risks and respond to climate change

As outlined in the State Public Health Plan: “Healthy living environments contribute to public health outcomes such as improved food safety and water quality and the safe and effective disposal of waste.” The following projects are examples for City of Mount Gambier which fit within this State priority.

KESAB SUSTAINABLE COMMUNITY AWARDS

Each year Council enters the KESAB Sustainable Community Awards. It is an opportunity to showcase the great work that the community and Council are doing in the area of environmental sustainability. Council won the National Resource Recover and Waste Management category during the 2020 Australian Sustainable Communities Tidy Town awards.

WASTE EDUCATION STRATEGIES

Educational campaigns are conducted to encourage individuals to increase their sustainable use of resources. Waste education programs are delivered directly into schools and to community groups. During 2020 Council established the free Food Organics Green Organics (FOGO) collection to residential properties throughout the city and implemented the first bulky goods collection trial for the city area. Over 45% of the content of the average Mount Gambier rubbish bin is organic waste, mostly food waste. This results in hundreds of tonnes going to landfill each year, instead of being composted. The bulky waste trial has diverted over 330 tonnes, through over 1,200 collections.

ENVIRONMENTAL SUSTAINABILITY INITIATIVES

Council actively participates and advocates for environmental sustainability initiatives of importance such as Clean Up Australia Day, Earth Hour, Ride to Work Day, Walk to Work Day and National Recycling Week. Council encourages active involvement from the community and supports these annual events.

REUSE MARKET

The ReUse Market was opened in 2018, with patronage and support from the community at unexpectedly high levels. Residents have the opportunity to drop-off reusable items to the Waste Transfer Station for free, which are then resold through the ReUse Market. Since opening over 200 tonnes of waste have been diverted away from landfill.

WASTE SERVICES

When incorrectly disposed of, waste can cause public health issues. Council provides numerous waste services to alleviate this potential issue:

- Kerbside bin collections – General Waste, Recycling, FOGO (Food Organics Garden Organics).
- Bulky/Hard Waste on call collection trial.
- Waste Transfer Station – numerous items accepted free of charge.

FOOD SAFETY AND PUBLIC HEALTH PROMOTION AND PROTECTION

Council actively educates, regulates and assists businesses to meet compliance with relevant legislation. In 2019, City of Mount Gambier produced two publications to assist food business operators to navigate the fit-out and construction of a premise and the food safety operation of their food activity.



In collaboration with neighboring Councils, the regional Food Safety and the Hair, Beauty Skin Penetration newsletters are produced and distributed across the Limestone Coast which can be used as a free training tool by operators. These newsletters became a valuable source of communication for Council to provide updates to businesses during the COVID-19 pandemic.

Council supports registered training organisations in the provision of affordable and accessible food safety training for food handlers and subscribes to the Environmental Health Australia 'I'm Alert' online training platform to provide a free service for all users via the Council website. Authorised officers may commence enforcement of relevant legislation if community health is compromised, to prevent harm and injury. These preventative measures help reduce the burden on the medical system and the amount of time people are unable to go about their normal daily activities, including work and volunteering.

PROTECT

PROTECT AGAINST PUBLIC AND ENVIRONMENTAL HEALTH RISKS AND RESPOND TO CLIMATE CHANGE

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action
Our Diverse Economy	<p>3.5 Reusing, recycling and waste management:</p> <p>We will work with the community to ensure there is better understanding of the impacts and responsible options available for reuse, recycling and waste management, including investigations as to how the city and region can be more self-sufficient.</p>	<p>3.5.1 Seeking to procure or develop recycled or renewable materials for our services.</p> <p>3.5.2 Investing in sustainable waste management practices and progressive technology at the Council’s Caroline Landfill facility including methane collection and solar power options.</p> <p>3.5.3 Invest in education programs to reach everyone in the community to enhance understanding of options and actions.</p> <p>3.5.4 Continuing to invest in Council’s ReUse Market and the range of materials that Council accepts for recycling at the Waste Transfer Station.</p> <p>3.5.5 Working with partners across the Limestone Coast region to develop solutions to collective waste management and recycling issues, including an independent material recover option.</p>	<p>We will reduce our per capita tonnage of waste from the City going to the Caroline Landfill.</p> <p>We will be producing less waste and enabling greater tonnages of reuse, recycling and organic waste to be collected.</p> <p>Actively pursue the development of a regional waste facility.</p>

<p>Our Climate, Natural Resources, Arts, Culture and Heritage</p>	<p>4.1 Natural assets: We are effective at protecting and conserving the high-quality values of our natural environment.</p>	<p>4.1.1 Working in partnership with relevant organisations to ensure a sustainable environment.</p> <p>4.1.2 Protecting biodiversity for future generations and the creation of wildlife corridors through the Council's own works or in a new private development.</p> <p>4.1.3 Providing opportunities and funding for community involvement in projects aimed at developing environmental sustainability.</p>	<p>We will continue to fund community projects in the Crater Lakes and to develop a partnership with Cleland Wildlife Park and Glenelg Nature Trust.</p> <p>We will see a greater variety of native species, both flora and fauna, in the Crater Lakes precinct and better opportunities to engage the community in understanding our environment.</p>
<p>Our Climate, Natural Resources, Arts, Culture and Heritage</p>	<p>4.3 Planned reduction of our carbon footprint: Council will lead by example in the fields of sustainable development and resource efficiency</p>	<p>4.3.1 Managing water through conservation, reuse and water quality.</p> <p>4.3.2 Reducing the environmental impact of waste and maximising conservation of natural resource.</p> <p>4.3.3 Planning our response to climate change.</p> <p>4.3.4 Demonstrating Council's commitment to the environment by reducing our carbon emissions and increasing our use of renewable energy sources.</p>	<p>The Council will enter into agreements to provide more renewable energy from its assets.</p> <p>The community will see a reduction in our overall energy purchases and the implementation of improved sustainable energy supplies at the Caroline Landfill and the Community and Recreation Hub.</p>

PREVENT: Prevent chronic disease, communicable disease and injury

As outlined in the State Public Health Plan: “Preventable chronic and communicable diseases threaten our health, mental wellbeing and the productivity and vitality of our communities”. The following projects are examples for City of Mount Gambier which fit within this State priority.

COMMUNITY SHARPS PROGRAM

Council offers several pathways for the safe disposal of sharps within the community. Sharps disposal units are located in various public toilet facilities, in addition to a 24-hour collection unit located near the main entrance of the Mount Gambier Civic Centre. Council also subsidises the cost of purchasing sharps containers that meet the Australian Standards and the disposal of the subsequent hazardous waste.

IMMUNISATION

The City of Mount Gambier Council supports the provision of public immunisation sessions to assist in maintaining appropriate immunisation rates and health within the community. Immunisation sessions are held by the Country Health Connect – Limestone Coast Local Health Network, utilising Council facilities. The public vaccination sessions provide for the vaccination of children in accordance with the Australian Immunisation Schedule free of charge and provide the opportunity for adults to be vaccinated under a user pay system.

MOUNT GAMBIER COMMUNITY AND RECREATION HUB

The Community and Recreation Hub is a multi-purpose facility designed to be a community space, with facilities and activities for all ages and abilities including children, families, youth, community groups, recreational and organised sports and those with special needs.

This development will provide substantial year round indoor facilities, addressing many community needs including health and fitness and social inclusion.

ART GRANTS

Council endeavors to address a very important relationship which is being formed between the creative arts and health outcomes, and to generate deeper interest within the arts and health communities, as well as with the general public, about researching the complexities of engagement of arts and health. Namely, Council strongly believes that art-based interventions are highly effective in improving the overall wellbeing and the vitality of the community, by reducing adverse physiological and psychological outcomes.

At the Riddoch Arts and Cultural Centre as well as the Mount Gambier Library, Council is immersed in programs based on positive health effects of visual arts therapy and movement-based creative expression in projects such as virtual reality meditation & tai chi (in celebration of Mental Health Week). The precincts also embrace programs in expressive writing and music engagement.

Council is planning further research and presentation of projects exploring connections between art, technology, chronic diseases, injury and mental health; framing these connections not as particular problems on the fringes of society, but as overall social issues playing a big part in all of our lives. Some of these projects will include virtual reality & augmented reality. An example of an artistic research project that could be presented; is exploring the impact that touch has in promoting stimulation and emotional connection in dementia care.

BICYCLE FACILITIES

Council is dedicated to making cycling as accessible as possible to the community and has provided a number of different types of cycling infrastructure. These facilities include a national standard BMX track, a cycling velodrome, two new pump tracks, the rail trail bike path and the gradual identification of bike lanes within road reserves. It is anticipated that all of these facilities will provide a range of choice that appeals to both the novice rider and the professional to enable the community to embrace cycling.

The cycling facilities now available within the city help to promote a healthy and active lifestyle and are designed to be as accessible as possible to encourage all generations to enjoy an active outdoor lifestyle.

Mountain bike and cycling tourism has been identified as a growing tourism sector which enables people to escape on their bikes and explore the world. Mount Gambier is able to take advantage of the unique Crater Lakes area to offer a mountain bike experience which is unique to the city.

SPORT, RECREATION AND OPEN SPACE PLAN

Council is currently undertaking a process to commence the preparation of a Sport, Recreation and Open Space Plan which is a strategic approach to manage Council's sporting, recreation and open space facilities. It is anticipated that this strategy will guide the strategic direction for Council's open space areas and recreational facilities into the future.

The development and implementation of the plan is intended to provide a more strategic approach to property management with the anticipated benefit for the community being the ability to access a range of facilities aimed at different levels of outdoor activity, whether active or passive. This project is anticipated to commence in early 2021.

CITY HERITAGE WALKS

Council, upon advice from the City of Mount Gambier Heritage Committee undertook the development of a number of heritage walks throughout the city. Not only do these walks assist in raising community awareness of heritage conservation, they also help to promote the benefits of walking in the outdoors.

THE RAILWAY LANDS AND RAIL TRAIL WALKING AND CYCLING PATH

The Railway Lands and Rail Trail walking and cycling path project enhances Mount Gambier's central activity spaces by providing an easily accessible place that encourages active participation and passive recreation, through activities such as cycling, walking and playing. The Railway Lands provides integrated spaces for public gatherings, concerts, markets and celebrations and promotes social inclusion for a growing community. The Rail Trail walking and cycling path provides a shared cycling/walking path along a section of rail corridor that runs approximately ten kilometres east-west through the City of Mount Gambier Local Government Area.

The Railway Lands and the Rail Trail walk and cycle path offers health value via a shared path through the centre of Mount Gambier. It has become the city's most popular communal meeting spot; creating a common thread that connects the entire city both physically and socially.

The Railway Lands and the Rail Trail walk and cycle path offers health value as it provides a multipurpose community space and creates a sense of civic pride.

PARK AND STRIDE

The City of Mount Gambier introduced a branding project for the City in 2016 to encourage residents to walk instead of driving short distances in the central business area. The distance and time it would take to reach a destination by foot was identified on signs throughout the city. The aim of the project was to encourage a cultural change among residents towards a healthier lifestyle.

WORKS CONSTRUCTION PROGRAMS

In 2019/2020, Council invested \$338,000 in the construction of an additional 2.3 kilometres of concrete paths throughout the city, in addition to the maintenance of paved areas.

These projects form part of Council's 10 year rolling footpath program. In addition to the concrete paths Council also installed numerous new ramp openings as part of the footpath program to improve the safety of road crossing by the disabled, elderly and those with prams and spent approximately \$830,000 on resurfacing existing footpaths.

CHARTER FOR CHILDREN

The Mount Gambier Charter for Children is an important step in assisting us to become the most liveable city in Australia. The charter consists of nine aspirational principles which guide the work of Council, local businesses and services to assist our children to flourish in their earliest years.

ALCOHOL AND OTHER DRUGS

Council collaborates with the Substance Misuse Limestone Coast Local Drug Action Team to deliver the Planet Youth pilot program to the region. Planet youth is an evidence-based approach to increasing protective and preventative factors relating to substance use among adolescents. The Substance Misuse Limestone Coast deliver evidence based education programs such as Climate Schools through the Library. Council encourages and hosts 'smoke and alcohol free' community events.

PREVENT

PREVENT CHRONIC DISEASE, COMMUNICABLE DISEASE AND INJURY

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action & Target
Our People	1.5 Care for the community: We will develop our service offering to the community to ensure all members have access to required levels of support.	1.4.2 Providing integrated service and facilities to encourage active living to improve health and wellbeing.	<ul style="list-style-type: none">• We will deliver the Community and Recreation Hub and will invest in ensuring that programs are available and accessible to all in the community.• Implementation of the Disability Access and Inclusion Plan actions.
Our Climate, Natural Resources, Arts, Culture and Heritage	4.4 Recreational and cultural pursuits: We will ensure that community members are provided with opportunities for cultural growth and development through provision of innovative services and programs.	4.4.3 Adopting a Reconciliation Action Plan and working to implement it sensitively.	<ul style="list-style-type: none">• We will implement our first Reconciliation Action Plan.• We will seek more Boandik input and output in the arts, culture and heritage across our city including more public art and the use of Boandik art in more Council publications and exhibitions.

PROGRESS: Strengthen the systems that support public health and wellbeing

As outlined in the State Public Health Plan: “Strengthening collaborative efforts across the health system and across government, non-government, business and community will result in a planned and consistent approach to addressing public health issues. Partnerships are essential to achieving improved health and wellbeing”. The following projects are examples for City of Mount Gambier which fit within this State priority.

LIVING IN CHALLENGING CONDITIONS PROJECT

During 2020, Council took the opportunity to become involved with University of Adelaide Public Health students. As part of their studies, students would undertake a project for Council in a chosen public health topic. City of Mount Gambier commenced a project around challenging living conditions, with a focus on squalor and hoarding. It is envisaged this will be a long-term partnership, with part one of the project completed during 2020 being a literature review, looking at proactive city centric services that could be transferred into regional areas. Part two will be conducted going forward (in 2021), building on part one by beginning to develop sound principles and possible strategies for Council to implement.

ANNUAL NEIGHBOURHOOD ENGAGEMENT ACTIVITY

Generally centered around a public space or community reserve, Council annually undertakes a range of targeted strategic engagement activities to learn more about the needs and interests of pockets of the community. In response to the feedback received and themes identified, Council partners with key agencies and organisations to promote the availability of relevant key services, support and opportunities on a local level, increasing community connection and cohesion, enhancing community leadership and instilling greater community pride within a defined local neighbourhood.

AF SUTTON RESERVE COMMUNITY ENGAGEMENT PROJECT

The AF Sutton Memorial Park Neighbourhood Engagement Project engaged a neighbourhood surrounding a community reserve which, although once valued as a local meeting and recreational space for the surrounding community, had more recently been acknowledged to suffer from deteriorating facilities, vandalism and anti-social behaviour.

The AF Sutton Memorial Park Neighbourhood Engagement Project engaged almost 200 surrounding residents in articulating how they valued their neighbourhood and how Council could work with the community to make it an even better place to live or visit. The project empowered Council staff to work in partnership with local residents to make meaningful and efficient local improvements focusing on, but not limited to, the local reserve.

Through the delivery of a range of strategic community engagement activities, Council was not only able to prioritise a range of tangible improvements within the local reserve, surprisingly, there was also offers for help from neighbours. Furthermore, a range of additional local focus areas were highlighted in which Council was well-positioned to respond.

The project was awarded a commendation at the *Minister for Health and Wellbeing, Excellence in Public Health awards* in October 2020. This project will be used as an example when planning similar projects within Mount Gambier.

ADVOCACY

Council plays an advocacy role for our local community by petitioning State and Federal government, on a broad range of issues and services, such as: health services, education offerings, road safety, sustainable initiatives and innovation. This is often done in collaboration with industry and community groups.

RECONCILIATION ACTION PLAN (RAP)

Council's Reconciliation Action Plan (RAP) focusses on strengthening positive relationships, acknowledging and respecting Aboriginal and Torres Strait Islander cultures and providing opportunities to ensure our First Nations people have the same life opportunities as other Australians. Council's plan has been five years in the making, incorporating collaboration with Boandik Elders and community leaders to identify almost 80 deliverables over a period of two years. The plan has been endorsed by Reconciliation Australia as an 'Innovate' RAP.

CORPORATE ASSISTANCE TO VOLUNTEERING PROGRAM

Council has committed to providing ongoing assistance to a number of local services through a unique corporate volunteering program which connects staff to a range of key local service providers during times of need.

Initially developed as a direct response to volunteer shortages in local food-security services during COVID-19, Council provided emergency logistical assistance to Foodbank , Meals on Wheels and Spare Ya Change for Kids through deployment of staff and other resources to enable these services to continue to support the community.

This program not only supports local services, but also builds a direct relationship between Council staff and the community sector, increasing awareness and appreciation in this space.

PROGRESS

STRENGTHEN THE SYSTEMS THAT SUPPORT PUBLIC HEALTH AND WELLBEING

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action
Our People	<p>1.2 Community growth:</p> <p>We foster a sense of community by encouraging and supporting participation in community life.</p>	<p>1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.</p> <p>1.2.3 Working in partnership with service providers get them to select Mount Gambier as their location of choice for services provided for the South East of South Australia and South West Victoria.</p>	<ul style="list-style-type: none"> We will implement our commitment outlined in the Small Business Friendly Council Charter. Community Strengthening and Small Wins Grants.
Our People	<p>1.4 Care for community</p> <p>We will develop our service offering to community to ensure all members have access to required levels of support.</p>	<p>1.4.2 Providing integrated services and facilities that encourage active living to improve health and wellbeing.</p> <p>1.4.3 Valuing and supporting our Boandik and multicultural communities.</p> <p>1.4.4 Planning, leading and facilitating high quality services to develop the potential of children and young people.</p> <p>1.4.5 Ensuring support services and recreational activities are accessible.</p>	<ul style="list-style-type: none"> We will deliver the Community and Recreation Hub and will invest in ensuring that programs are available and accessible to all in community. From the day the Community and Recreation Hub opens a range of sporting and community activities will be subsidised to enable participation across community. In accordance with Council's Disability Access and Inclusion Plan (DAIP).

Goal	Theme	Activity	Action
Our Location	<p>2.1 Infrastructure development and managing our current assets:</p> <p>We will commence work on meeting the community's aspirations for future infrastructure development, whilst managing our existing infrastructure and assets in a manner that demonstrates the pride we take in our environment.</p>	2.1.1 Working with the community to ensure our CBD, health and education precincts, our streets and public spaces are safe, inviting and support a positive image of the City of Mount Gambier.	<ul style="list-style-type: none"> • We will finish the Rail Trail within the first two years of the Strategic Plan and will invest in cross links in the last two years of the plan. • Deliver infrastructure projects in accordance with Council's Disability Access and Inclusion Plan (DAIP).
	2.2 Regional collaboration:	2.2.4 Working with other local government areas to develop cross-regional plans and initiatives.	<ul style="list-style-type: none"> • Establish efficiencies with shared service delivery in the region. • Collaborate with the implementation of the Regional Rail Trails project.

In addition to the current strategies, various stakeholders have been identified to engage as potential partners in further projects undertaken/supported by Council

FOCUS AREAS	POTENTIAL PARTNERSHIPS FOR ACTION	POTENTIAL CONTRIBUTION
Poor Nutrition & Diet	SA Health Department Education and Child Development (DECD) AC Care Trial projects in schools regarding education and availability of healthy food - utilise local specialists Continue partnerships with volunteer based organisations – lobby for funding Health Care professionals Country Health Connect	<ul style="list-style-type: none"> • Funding assistance • Value add to existing programs • Use of educational/health promotion resources • Provide expert advice, specialist services Council is not equipped to deliver (GP's, Nurses, Councillors etc.) • Assistance with statistics to measure changes of focus areas during / after implementation of the first Regional Public Health Plan. Help to develop subsequent plans as required.
Obesity & Overweight	Department Planning Transport and Infrastructure See Partners in Poor Nutrition & Diet and Physical Inactivity focus areas. Sporting Clubs and fitness providers Limestone Coast Local Government Association – Be Active Officer/sporting Clubs Health Care professionals Country Health Connect	

Physical Inactivity	<p>Peak sporting bodies in Mount Gambier</p> <p>Department of Health - SA Health</p> <p>Department Planning Transport and Infrastructure</p> <p>Department Education and Child Development (DECD)</p> <p>SAPOL – fear of exercising outside</p> <p>Early Childhood, AC Care, Centacare, Lifeline – family trends and behaviors</p> <p>GP’s & gyms – education</p> <p>Country Health Connect</p>	
Potentially Avoidable Hospital Admissions	<p>LGAMLS - research common risks and trends - trips and falls</p> <p>Motor Accident Commission & SAPOL - driver safety</p> <p>Department Planning Transport and Infrastructure</p> <p>Self-assessed risk - early detection or home safety</p> <p>Health Care Professionals</p> <p>Mount Gambier and District Health Care Boards</p> <p>Country Health Connect</p>	
Degenerative & Mobility/Access for the Aged	<p>Partnerships with Aged Care and Supported Residential Facilities</p> <p>Advocate for Disability services - Department Communities Social Inclusion (DCSI)</p> <p>Dementia Australia</p> <p>Falls prevention program</p> <p>Department Planning Transport and Infrastructure</p> <p>Non-Government Organisations</p>	

FOCUS AREAS	POTENTIAL PARTNERSHIPS FOR ACTION	POTENTIAL CONTRIBUTION
Substance Abuse	State Government Department Education and Childhood Development Department Planning Transport and Infrastructure Drug and Alcohol Services of SA (DASSA) Uniting Communities Life Without Barriers General Practitioners/Allied Health Services Limestone Coast Drug Action Team Planet Youth Substance Misuse Limestone Coast Sporting Clubs Community Groups Non-Government Organisations	<ul style="list-style-type: none"> • Funding assistance • Value add to existing programs • Use of educational / health promotion resources • Provide expert advice, specialist services Council is not equipped to deliver (GPs, Nurses etc.) • Assistance with statistics to measure changes of focus areas during / after implementation of the first Regional Public Health Plan. Help to develop subsequent plans as required.
Mental Health	SA Health – service provision Mt Gambier Community and Service Directory The Junction Headspace/Uniting Communities Lifeboat Lifeline Migrant Resource Centre Sporting Clubs Community Groups Non-Government Organisations	

Suicide Prevention	<p>Mount Gambier & Districts Suicide Prevention Network</p> <p>StandBy</p> <p>Non-Government Organisations – Mental Health support</p> <p>Health Care Professionals</p> <p>Country Health Connect</p> <p>SA Health – Service Provision</p>	
Domestic Violence	<p>Limestone Coast Violence Against Women Collaboration</p> <p>Limestone Coast Domestic Violence Service</p> <p>SAPOL</p> <p>Department for Communities and Social Inclusion's</p> <p>Office for Women</p> <p>Department of Human Services</p> <p>Lifeline</p> <p>Mensline</p> <p>White Ribbon Australia</p> <p>1800RESPECT</p> <p>Kids Helpline</p>	

<p>Delayed Early Childhood Development</p>	<p>Mount Gambier AEDC Action Group Department for Education (DfE) Independent schools Non-Government Organisations Housing SA AC Care and Lifeline State Government – transport Melaleuca Hub North Gambier Hub Children’s Centre</p>	
<p>Environmental Sustainability</p>	<p>Chamber of Commerce Nature Glenelg Trust Community Action for Sustainability Green Industries SA Environment Protection Authority Department for Environment and Water Department for Infrastructure and Transport Schools Service clubs Community groups Local businesses Non-Government Organisations</p>	

<p>Accessibility (Disability Access Inclusion)</p>	<p>Limestone Coast Inclusion Reference Group Mission Australia NDIS Department for Education Aged Care Facilities Migrant Resource Centre ORANA Bedford Industries Non-Government Organisations (NGOs)</p>	
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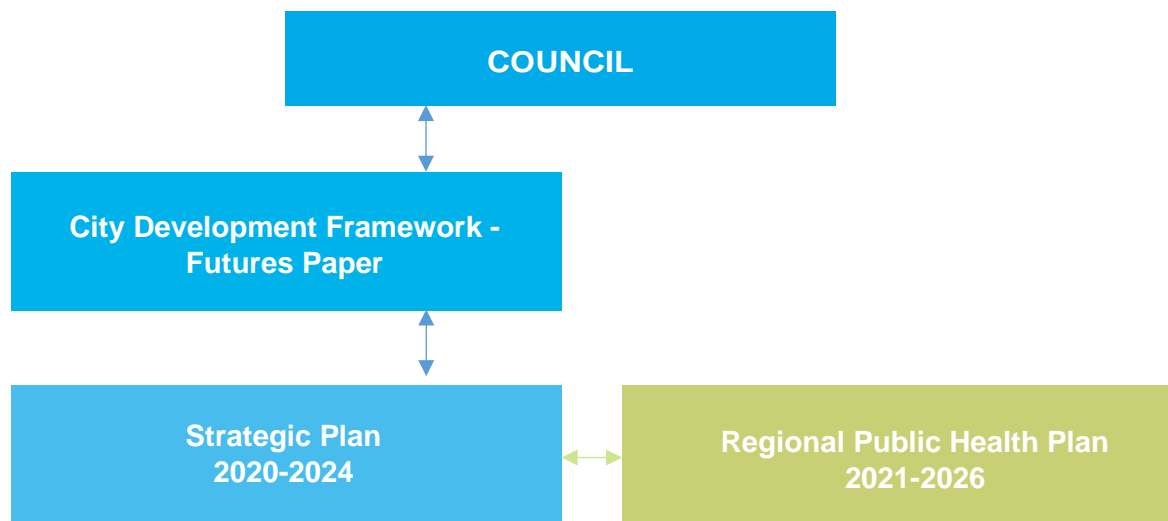
(NB: SA Health and LGA SA would be relevant partners to all focus areas).

IMPLEMENTATION

GOVERNANCE STRUCTURE

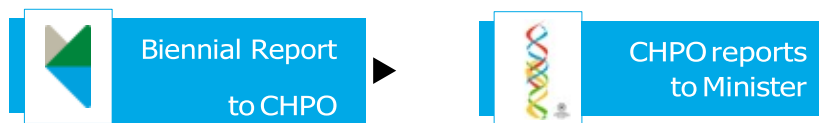
The Regional Public Health Plan sits below Council's future planning document, the Strategic Plan 2020-2024. Implementation of the plan will be monitored and recorded through Council's reporting structures.

The diagram below represents how the health plan will influence Council's decision making.



EVALUATION

The SA Public Health Act 2011 requires Council to report on the progress of implementing the Regional Public Health Plan every two years to the Chief Public Health Officer. In a reporting year, the report must be provided to the Chief Public Health Officer on or before 30 September. The report must relate to a reporting period of two financial years ending on 30 June in the reporting year. By using current operational activities and strategies to address priority issues and risks identified to our public's health, annual reporting on the strategic plan will allow for accurate data on Council's tasks undertaken to be recorded and reported transparently.



REVIEW

Council may amend a Regional Public Health Plan at any time; however, it must be reviewed at least once in every five years.

REFERENCES

Legislation

- South Australian Public Health Act 2011
- South Australian Public Health (General) Regulations 2013

Council's Plans and Supporting Documents

- City Development Framework, the Futures Paper
- City of Mount Gambier Strategic Plan
- Profile.id – Community profile – City of Mount Gambier Census Results

SA Health Support Material

- Summary of the State Public Health Plan
- State Public Health Plan 2019 – 2024
- Chief Public Health Officer's Report

Local Government Association (LGA) of South Australia

- Local Government Community Health and Wellbeing Toolkit

Additional Support Material

- SEIFA Index (Socio-economic Indexes for Areas)
- LCLGA Regional Health Plan
- Public Health Information Development Unit (PHIDU)

16.4 UNREASONABLE CONDUCT POLICY – REPORT NO. AR20/78760

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/78760
CM9 Reference:	AF19/413
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report presents for consideration an Unreasonable Conduct Policy based on the SA Ombudsman model policy for identifying and managing unreasonable customer behaviours.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented.



TYPE OF REPORT

Corporate

BACKGROUND

From time to time the Council administration has necessity to engage with customers that display unreasonable behavioural conduct.

In the past, behavioural incident reporting has been implemented to record and act on physical or verbal abuse type behaviours by Council customers, however the SA Ombudsman and best practice organisations recognise that unreasonable behaviour can include other conduct that results in an unreasonable and disproportionate application of resources towards a single customer or matter.

In a local government context Council resources are a community resource, with the diversion of such resources toward dealing with unreasonable conduct needing to be balanced with addressing other strategic priorities and objectives.

A draft Unreasonable Conduct Policy has been prepared (Attachment 1) based on the SA Ombudsman Model Policy and includes (at pages 18-21) background information on the purpose and important points and caveats for an unreasonable conduct policy.

In preparing the draft policy regard has been given to the SA Ombudsman's Model Policy use of the term 'Unreasonable Complainant Conduct' noting that not all unreasonable conduct arises from complaints/complainants but can be associated with any customer or matter dealing with Council. The policy title and content have been adjusted to reflect this.

PROPOSAL

It is proposed that Council consider and adopt an Unreasonable Conduct Policy as attached to this report (Attachment 1) and implement across the organisation, including the review and adoption of a suitable 'case management system' as referenced throughout the draft policy.

LEGAL IMPLICATIONS

Council has a responsibility to conduct itself in accordance with legislation relevant to any particular matter of business. This Policy and its application will not undermine customers rights as prescribed by legislation, but will operate alongside such rights to ensure that Councils administrative resources can be appropriately allocated to efficiently and equitably deliver the services of Council.

STRATEGIC PLAN

The Unreasonable Conduct Policy supports the 'values based' and 'effective' principles of Goal 5 'Our Commitment' in Council's Strategic Plan 2020-2024.

COUNCIL POLICY

The Unreasonable Conduct Policy should be read in conjunction with Council's [Request for Service and Complaint Policy C200](#) and [Internal Review of Council's Decisions Policy C290](#).

ECONOMIC IMPLICATIONS

The economic implications associated with this policy are the more efficient and effective use of Council administrative resources, through managing the disproportionate diversion of such resources in dealing with unreasonable conduct.

ENVIRONMENTAL IMPLICATIONS

n/a

SOCIAL IMPLICATIONS

This policy will have a perceived impact on some customers where their (unreasonable) conduct triggers warning or a change/restriction in access to the services of Council.



The provisions of the Unreasonable Conduct Policy, particularly those that restrict service, are to be applied as a matter of last resort where a customer does not alter their own conduct following a warning that such conduct is unreasonable.

The policy provisions should have no impact whatsoever on customers that engage with Council in a reasonable and responsible manner.

It might be anticipated that some customers to which the Unreasonable Conduct Policy is applied will be further aggrieved by the policy itself and display further unreasonable conduct as a result. In such situations consideration may be given to using alternative dispute resolution strategies such as mediation or conciliation, if it anticipated that such measures might result in an improved situation.

CULTURAL IMPLICATIONS

n/a

RESOURCE IMPLICATIONS

As noted under 'Economic Implications' the resource implications associated with this policy are the more efficient and effective use of Council administrative resources, through managing the disproportionate diversion of such resources in dealing with unreasonable conduct.

VALUE FOR MONEY

As noted above, the value proposition associated with this policy is the reduced diversion of administrative resources allocated toward dealing with unreasonable conduct.

RISK IMPLICATIONS

The risk implications associated with this policy include:

Public Relations/Political – the risk that through 'managing' unreasonable conduct that Council is being 'heavy handed' or 'gagging' certain customers through their restricted or managed engagement with Council. The emphasis in this regard should first be on the unreasonable conduct displayed that leads to such management or restriction of access to the services of Council.

Work Health and Safety – certain conduct falling within the definition of 'unreasonable conduct' under this policy, and not limited to verbal or physical conduct, is of the kind that could reasonably be expected to lead to industrial relations issues if allowed to continue unchecked. The responsibility to provide a safe workplace makes it necessary to implement measures to manage such unreasonable conduct.

Other risks and benefits have been addressed under specific report headings.

EQUALITIES AND DIVERSITY IMPLICATIONS

The Unreasonable Conduct Policy includes specific provision for the recognition of and use of discretion to suit a customer's personal circumstances, level of competency, literacy skills etc.

Accordingly, it is expected that more than one strategy may need to be used to ensure appropriateness and efficacy in individual cases.

ENGAGEMENT AND COMMUNICATION STRATEGY

Due to the nature of the Unreasonable Conduct Policy relating to the behaviours displayed by individuals in particular situations dealing with Council, it is proposed that communication of policy expectations be on a case by case basis directly with such individuals.

It is intended that the basic conduct expectations will be displayed in public spaces within Council facilities.

As with all Council policies, the Unreasonable Conduct Policy will be published on the Council website and will be available to view or purchase from the Council's principal office.



IMPLEMENTATION STRATEGY

In anticipation of favourable endorsement Council's Management Team have convened a Project Group comprising the Manager Governance and Property, Manager Organisational Development, Library Manager and Team Leader Customer Experience.

This Project Group will oversee the implementation of the policy, including the identification and recommendation of a suitable case management system, and staff training to assist the identification and recording/reporting of incidents of unreasonable conduct.

CONCLUSION AND RECOMMENDATION

Having considered the sound organisational reasoning for an Unreasonable Conduct Policy this report recommends the adoption of the draft policy as provided (**Attachment 1**).

ATTACHMENTS

1. Draft Unreasonable Conduct Policy [↓](#)



 City of Mount Gambier	COUNCIL POLICY		Version No:	1
	UNREASONABLE CONDUCT POLICY		Issued:	December 2020
			Next Review:	December 2023

1. INTRODUCTION

1.1 Statement of support

The City of Mount Gambier is committed to being accessible and responsive to all customers who approach our office for assistance, service and/or with a complaint. At the same time the success of our office depends on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the requests we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, the City of Mount Gambier will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

All City of Mount Gambier staff are authorised and expected to implement the strategies provided in this policy.

2. OBJECTIVES

2.1 Policy aims

This policy has been developed to assist all staff members to better manage unreasonable customer conduct ('UCC'). Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
- The strategies provided in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* ('practice manual') including the strategies to change or restrict customer access to our services.
- Alternative dispute resolution strategies to deal with conflicts involving unreasonable behaviours toward members of our organisation.
- Legal instruments such as trespass laws/legislation to prevent individuals from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.

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 City of Mount Gambier	COUNCIL POLICY UNREASONABLE CONDUCT POLICY	Version No:	1
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- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a customer's access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying customers about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

3. DEFINING UNREASONABLE CUSTOMER CONDUCT

3.1 Unreasonable customer conduct

Most customers act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their matters of concern.

However in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their matters of concern.

When customers behave in these ways we consider their conduct to be 'unreasonable'.

Unreasonable customer conduct ('UCC') is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and customers or the customer themselves.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

3.2 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.

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- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their matters of concern.
- Reframing a request in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their matter – internal and external forum shopping.

For more examples of unreasonable persistence see pages 39 – 43 of the practice manual.

3.3 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their matter, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, General Manager or Chief Executive Officer personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances - eg for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

For more examples of unreasonable demands see pages 50 – 54 of the practice manual.

3.4 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with our organisation, staff, or systems and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of concern or explaining how they relate to the core issues being dealt with – only where the customer is clearly capable of doing this.
- Providing little or no detail when raising a matter of concern or presenting information in 'drips and drabs'.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.

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- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

For more examples of unreasonable lack of cooperation see pages 64 – 65 of the practice manual.

3.5 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence
- are not supported by any evidence and/or are based on conspiracy theories
- lead a customer to reject all other valid and contrary arguments
- are trivial when compared to the amount of time, resources and attention that the customer demands
- are false, inflammatory or defamatory.

For more examples of unreasonable arguments see pages 69 – 71 of the practice manual.

3.6 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of our staff, other service users or the customer themselves. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- Harassment, intimidation or physical violence.
- Rude, confronting and threatening correspondence.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- Stalking (in person or online).
- Emotional manipulation.

For more examples of unreasonable persistence see pages 77 – 85 of the practice manual.

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All staff should note that the City of Mount Gambier has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy, in accordance with our duty of care and occupational health and safety responsibilities, and will be reported to SA Police.

4. ROLES AND RESPONSIBILITIES

4.1 All staff

All staff are responsible for familiarising themselves with this policy as well as the *Individual Rights and Mutual Responsibilities of the Parties* in Appendix A.

Staff are encouraged to explain the contents of this document to customers who engage in UCC or exhibit the early warning signs for UCC. See pages 16 - 18 of the practice manual.

Staff are also encouraged and authorised to use the strategies and scripts provided in Part 5 of the practice manual to manage UCC, in particular:

- Strategies and script ideas for managing unreasonable persistence: pages 39 – 48.
- Strategies and script ideas for managing unreasonable demands: pages 50 – 63.
- Strategies and script ideas for managing unreasonable lack of cooperation: pages 64 – 68.
- Strategies and script ideas for managing unreasonable arguments: 69 – 76.
- Strategies and script ideas for managing unreasonable behaviours: pages 77 – 88.

However, it must be emphasised that any strategies that effectively change or restrict a customer's access to our services must be considered at the General Manager level or higher as provided in this policy.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) into the adopted case management database within 24 hours of the incident occurring.

Staff are also to report relevant UCC incidents to the relevant Manager using the Sample UCC incident form in Appendix B. The types of incidents to be reported to a Manager for immediate consideration will be identified in the implementation of this policy.

4.2 General Managers

The relevant General Manager, in consultation with relevant staff, has the responsibility and authority to change or restrict a customer's access to our services in the circumstances identified in this policy. When doing so they will take into account the criteria in Part 7.2 below (adapted into a checklist in Appendix C) and will aim to impose any service changes/restrictions in the least restrictive ways possible. Their aim, when taking such actions will not be to punish the customer, but rather to manage the impacts of their conduct.

When applying this policy the General Manager will also aim to keep at least one open line of communication with a customer. However, it is recognised that in extreme situations all forms of contact may need to be restricted for some time to ensure the health and safety and security of our staff and/or third parties.

The General Manager is also responsible for recording, monitoring and reviewing all cases where this policy is applied to ensure consistency, transparency and accountability for the application of this policy. They will also manage and keep a file record of all cases where this policy is applied.

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4.3 Managers

All Managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the practice manual. Managers are also responsible for ensuring compliance with the procedures identified in this policy and ensuring that all staff members are trained to deal with UCC – including on induction.

Following a UCC and/or stressful interaction with a customer Managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Managers will also ensure that staff are provided with proper support and assistance including medical and/or police assistance and support through programs such as Employee Assistance Program (EAPS), if necessary.

Depending on the circumstances Managers may also be responsible for arranging other forms of support for staff which are detailed in Part 12 of this policy.

5. RESPONDING TO AND MANAGING UCC

5.1 Changing or restricting a customer's access to our services

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to customers by restricting:

Who they have contact with – eg limiting a customer to a sole contact person/staff member in our organisation.

What they can raise with us – eg restricting the subject matter of communications that we will consider and respond to.

When they can have contact – eg limiting a customer's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.

Where they can make contact – eg limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.

How they can make contact – eg limiting or modifying the forms of contact that the customer can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

When using the restrictions provided in this section we recognise that discretion will need to be used to adapt them to suit a customer's personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

5.2 Who – limiting the customer to a sole contact point

Where a customer tries to forum shop internally within our organisation, changes their issues of concern repeatedly, reframes their concerns, or raises an excessive number of concerns it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their concern(s) and interactions with our office. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance – as needed. Also, the General Manager will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

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Customers who are restricted to a sole contact person will however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – eg they go on leave or are otherwise unavailable for an extended period of time.

5.3 What – restricting the subject matter of communications that we will consider

Where customers repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a concern/issue that has already been comprehensively considered and/or reviewed (at least once) by our office, we may restrict the issues/subject matter the customer can raise with us/we will respond to. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further in which case, we may do so on our 'own motion'.
- Restrict the customer to one concern/issue per month. Any attempts to circumvent this restriction, for example by raising multiple concerns/issues in the one letter may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further UCC incidents.

5.4 When – limiting when and how a customer can contact us

If a customer's telephone, written or face-to-face contact with our organisation places an unreasonable demand on our time or resources because it is overly lengthy (eg disorganised and voluminous correspondence) or affects the health safety and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the customer can interact with us. This may include:

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews. For example:
 - Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
 - Lengthy written communications may be restricted to a maximum of 3 typed or written pages, single sided, font size 12 or it will be sent back to the customer to be organised and summarised – This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so.
 - Limiting face-to-face interviews to a maximum of 30 minutes.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the nature(s) of the service(s) provided we may limit:
 - Telephone calls to [1] every month.
 - Written communications to [1] every month.
 - Face-to-face interviews to [1] every month.

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- For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:
 - Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues identified in their matter of concern.
 - Restrict the frequency with which customer can send emails or other written communications to our office.
 - Restrict a customer to sending emails to a particular email account (eg city@mountgambier.sa.gov.au) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

Writing only restrictions

When a customer is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only
- Email only to a specific staff email or city general office email account
- Fax only to a specific fax number
- Some other relevant form of written contact, where applicable.

If a customer's contact is restricted to 'writing only', the General Manager will clearly identify the specific means that the customer can use to contact our office (eg Australia Post only). Also if it is not suitable for a customer to enter our premises to hand deliver their written communication, this must be communicated to them as well.

Any communications that are received by our office in a manner that contravenes a 'write only' restriction will either be returned to the customer or read and filed without acknowledgement.

5.5 Where – limiting face-to-face interviews to secure areas

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

These restrictions may include:

- Restricting access to particular secured premises or areas of the office – such as the reception area or secured room/facility.
- Restricting their ability to attend our premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- Allowing them to attend our office on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
- Banning the customer from attending our premises altogether and allowing some other form of contact – eg 'writing only' or 'telephone only' contact.

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Contact through a representative only

In cases where we cannot completely restrict our contact with a customer and their conduct is particularly difficult to manage, we may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the customer but must be approved by the General Manager.

When assessing a representative/support persons suitability, the General Manager should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the customer. If the General Manager determines that the representative/support person may exacerbate the situation with the customer the customer will be asked to nominate another person or we may assist them in this regard.

5.6 Completely terminating a customer's access to our services

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager and the Chief Executive Officer may decide that it is necessary for our organisation to completely restrict a customer's contact/access to our services.

A decision to have no further contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – eg entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases the customer will be sent a letter notifying them that their access has been restricted as outlined in Part 7.4 below.

Such instances will also be reported to SA Police.

A customer's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a customer.

For more information, about the types of circumstances where legal mechanisms may be used to deal with UCC, please see:

Unauthorised entry onto agency premises – applying the provisions of the Inclosed Lands Protection Act 1901 (NSW)

Orders to address violence, threats, intimidation and / or stalking by complainants.

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6. ALTERNATIVE DISPUTE RESOLUTION

6.1 Using alternative dispute resolution strategies to manage conflicts with customers

If the General Manager and Chief Executive Officer determine that we cannot terminate our services to a customer in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild our relationship with them.

If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the customer is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

7. PROCEDURE TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A CUSTOMER'S ACCESS TO OUR SERVICES

7.1 Consulting with relevant staff

When the relevant Manager receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- The circumstances that gave rise to the UCC/incident.
- The impact of the customer's conduct on our organisation, relevant staff, our time, resources, etc.
- The customer's responsiveness to the staff member's warnings/requests to stop the behaviour.
- The actions the staff member has taken to manage the customer's conduct, if any.
- The suggestions made by relevant staff on ways that the situation could be managed.

7.2 Criteria to be considered

Following a consultation with relevant staff the relevant Manager will search the adopted case management system for information about the customer's prior conduct and history with our organisation. They will also will consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.

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- Whether changing or restricting access to our services will have an undue impact on the customer's welfare, livelihood or dependents etc.
- Whether the customer's personal circumstances have contributed to the behaviour? For example, the customer is a vulnerable person who is under significant stress as a result of one or more of the following:
 - homelessness
 - physical disability
 - illiteracy or other language or communication barrier
 - mental or other illness
 - personal crises
 - substance or alcohol abuse.
- Whether the customer's response/ conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the customer's contact/access to our services.

Once the Manager has considered these factors they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the customer's conduct which may include one or more of the strategies provided in the practice manual and this policy.

See Appendix C – Sample checklist for General Managers when deciding to modify or restrict a customer's access.

7.3 Providing a warning letter

Unless a customer's conduct poses a substantial risk to the health and safety of staff or other third parties, the relevant Manager will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- Specify the date, time and location of the UCC incident.
- Explain why the customer's conduct/ UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- Provide clear and full reasons for the warning being given
- Include an attachment of the organisation's ground rules and / or briefly state the standard of behaviour that is expected of the customer. See Appendix A.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the Manager or preferably the General Manager/Chief Executive Officer.

See Appendix D – Sample warning letter.

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7.4 Providing a notification letter

If a customer's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the General Manager or Chief Executive Officer has the discretion to send a notification letter immediately restricting the customer's access to our services (without prior written warning).

This notification letter will:

- Specify the date, time and location of the UCC incident(s).
- Explain why the customer's conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the customer.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the General Manager or Chief Executive Officer.

See Appendix E – Sample letter notifying customers of a decision to change or restrict their access to our services.

7.5 Notifying relevant staff about access changes/restrictions

The General Manager will notify relevant staff about any decisions to change or restrict a customer's access to our services, in particular reception and security staff in cases where a customer is prohibited from entering our premises.

The General Manager will also update the adopted case management system with a record outlining the nature of the restrictions imposed and their duration.

7.6 Continued monitoring/oversight responsibilities

Once a customer has been issued with a warning letter or notification letter the General Manager will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular customer to ensure that they are complying with the restrictions/the arrangement is working.

If the General Manager determines that the restrictions have been ineffective in managing the customer's conduct or are otherwise inappropriate, they may decide to either modify the restrictions, impose further restrictions or terminate the customer's access to our services altogether.

8. APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

8.1 Right of appeal

Customers are entitled to one appeal of a decision to change/restrict their access to our services.

This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the customer's access. This staff member will consider the customer's arguments along with all relevant records regarding the customer's past conduct. They

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will advise the customer of the outcome of their appeal by letter which must be signed off by the Chief Executive Officer. The staff member will then refer any materials/records relating to the appeal to the Manager Organisational Development to be kept in the appropriate file.

If a customer continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

9. NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO OUR SERVICES

9.1 Recording and reporting incidents of non-compliance

All staff members are responsible for recording and reporting incidents of non-compliance by customers. This should be recorded in a file note in the adopted case management system and a copy forwarded to the General Manager who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

10. PERIODIC REVIEWS OF ALL CASES WHERE THIS POLICY IS APPLIED

10.1 Period for review

All UCC cases where this policy is applied will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

10.2 Notifying the customer of an upcoming review

The General Manager will invite all relevant customers to participate in the review process unless they determine that this invitation will provoke a negative response from the customer (ie further UCC). The invitation will be given, and the review will be conducted in accordance with the customer's access restrictions (e.g. if contact has been restricted to writing only then the invitation to participate will be done in writing).

See Appendix F – Sample letter notifying a customer of an upcoming review.

10.3 Criteria to be considered during a review

When conducting a review the General Manager will consider:

- Whether the customer has had any contact with the organisation during the restriction period.
- The customer's conduct during the restriction period.
- Any information/arguments put forward by the customer for review.
- Any other information that may be relevant in the circumstances.

The General Manager may also consult any staff members who have had contact with the customer during the restriction period.

Note – Sometimes a customer may not have a reason to contact our office during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted our organisation during their restriction period (apparent compliance with our restriction)

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may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

See Appendix G – Sample checklist for reviewing an access change/restriction.

10.4 Notifying a customer of the outcome of a review

The General Manager will notify the customer of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been taken into account during the review.
- Explain the decision/outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction the review letter will **also**:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the relevant Manager who the customer can contact to discuss the letter.
- Be signed by the General Manager or Chief Executive Officer.

See Appendix H – Sample letter advising the customer of the outcome of a review.

10.5 Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this policy, the General Manager is responsible for keeping a record of the outcome of the review, updating the adopted case management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

See Parts 4.2 and 7.5 above.

11 MANAGING STAFF STRESS

11.1 Staff reactions to stressful situations

Dealing with customers who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need help of all City of Mount Gambier staff to identify stressful incidents and situations.

As a result, all staff have a responsibility to notify relevant supervisors/senior managers of UCC incidents and any stressful incidents that they believe require management involvement.

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11.2 Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program – a free, confidential counselling service.

Further information on service providers and contact details to make an appointment are available on the staff Intranet and notice boards.

12 OTHER REMEDIES

12.1 Compensation for injury

Any staff member who suffers injury as a result of aggressive behaviour from customers is entitled to make a workers' compensation claim. Human Resources will assist wherever possible in processing claims. If you are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

12.2 Compensation for damage to clothing or personal effects

Where damage is suffered to clothing or personal effects as a result of aggression by a customer, compensation or replacement may be sought.

12.3 Legal assistance

If a staff member is physically attacked, or is a victim of employment generated harassment and the police do not lay charges, the Chief Executive Officer will consider providing reasonable legal assistance if the staff members wishes to take civil action.

12.4 Threats outside the office or outside working hours

Where threats are directed at a particular staff member and it appears those threats may be carried out outside normal working hours or outside the office, the staff member will receive the support of the office. Requests for such assistance should be made to the General Manager or Chief Executive Officer.

12.5 Escorts home

When a staff member fears for their safety following a threat from a customer, another staff member may accompany them home or the office can meet the cost of the staff member going home in a taxi. Ask the relevant Manager for more information.

12.6 Telephone threats on home numbers

If a staff member or their family have been harassed by telephone at their home and they believe it is connected with their employment they may apply to have the office meet the cost of having their telephone number changed and/or made silent. The staff member should also contact their telephone carrier, as they may provide an interception/monitoring service.

If assistance is approved, the City of Mount Gambier will meet the cost incurred for a period up to 12 months. Once approval is given, the staff member is responsible for making the necessary arrangements and will be reimbursed after producing a paid account.

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Applications for reimbursement must be approved by the Chief Executive Officer.

12.7 Other security measures

If other security measures are necessary, the office will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

13. TRAINING AND AWARENESS

The City of Mount Gambier is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with customers in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis in particular, on induction.

14. OMBUDSMAN MAY REQUEST COPIES OF OUR RECORDS

The City of Mount Gambier will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year.

This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

15. REVIEW & EVALUATION

This Policy is scheduled for review by Council in November 2022; however, will be reviewed as required by any legislative changes which may occur.

All staff may forward any suggestions they have in relation to this policy to the Manager Organisational Development, who along with the Management Team will review it biennially (every 2 years).

17. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au.

Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.



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File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999 Workplace Health and Safety Act 2012 (SA) Workplace Health and Safety Regulations 2021 (SA)
Reference: Strategic Plan 2020-2024	Our People Our Commitment
Related Policies:	Request for Service and Complaint Policy - C200
Related Procedures:	Occupational Health and Safety Principles Administrative Procedure – Acknowledging and Responding to Customer Feedback and Request for Service Administrative Procedure – Employee Assistance Program
Related Documents:	Managing Unreasonable Complainant Conduct Practice Manual - 2nd Edition

DOCUMENT DETAILS

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Background

In 2006 the Australasian Parliamentary Ombudsman began a collaborative project on Managing Unreasonable Complainant Conduct ('UCC'). The focus of this project has been to develop clear and practical strategies to help organisations and their staff manage their interactions with complainants whose conduct is identified as unreasonable.

One of the key principles and messages underlying the Ombudsman project has been the idea that to effectively manage UCC organisations need to recognise that dealing with it is a core part of complainant handling work. As such UCC must be treated as a priority and given adequate resources, including being supported by clear policies and procedures.

Accordingly, since the publication of the first edition of the Ombudsman *Managing Unreasonable Complainant Conduct Practice Manual* in 2009 a number of public organisations have taken steps to develop policies and procedures to assist and support their staff in this regard. While this appears to have led to a general improvement in how UCC is managed, Ombudsman offices across Australasia have observed significant variations in the level of detail and contents of these policies, as well as a general lack of formal procedures to support them.

For example, we have found some policies do not adequately define the roles or responsibilities of frontline officers and senior managers to take action in relation to UCC. They do not distinguish between the strategies that frontline officers are authorised to use and those that must be considered and acted on at a senior management level – eg those that seek to change or restrict a complainant's ability to access their services. Other policies do not provide/are not supported by any procedures for recording or reporting UCC incidents and do not provide guidance on the type of criteria that should be considered when restricting a complainant's access to services. They also fail to identify any systems or processes for reviewing such restrictions and do not include strategies on how staff can deal with complainants who do not comply with these types of restrictions.

As a result, as Stage 2 of the UCC project has progressed, the Parliamentary Ombudsman have identified a number of situations where unclear and/or informal policies and procedures have led to a range of administrative problems and inconsistencies in how UCC is managed. See for example: [Commonwealth Ombudsman, Unreasonable customer conduct and 'write only' policy.](#)¹

Purpose

The model policy has been developed to clarify the Ombudsman policy recommendations in relation to the management of UCC. It attempts to provide a robust, standardised and consistent model policy and procedure that organisations can use to inform and support their policy development processes. We recommend that all organisations – whether they are in the process of developing a UCC policy and procedure or already have an existing one(s) – take time to review this document to ensure their policies and procedures are fair and consistent, and compliant with Ombudsman's suggested approach.

At the same time it should be noted that this document is only a guide. Each organisation will need to decide how best to implement the information contained in it to suit their own circumstances and existing organisational systems and protocols.

¹ Commonwealth Ombudsman 2010, *Department of Human Services, Child Support Agency, Unreasonable customer conduct and 'write only' policy*, Report no 14/2010, Canberra.

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Important points and caveats

Policy and procedure to be in writing

To ensure transparency, accountability, fairness and consistency in the management of UCC, it is essential for an organisation to have a written UCC policy and procedure(s) for its staff. A written policy and procedures will ensure that staff are aware of their roles and responsibilities and have clear guidance and authority to deal with UCC on a daily basis. A written policy and procedure will also provide a reference point for all complainants whose conduct is managed in accordance with it, as well as review bodies, courts or tribunals that may subsequently be tasked with reviewing their application.

Contents of a UCC policy

A robust and comprehensive UCC policy should include the following basic features:

- Clear guidance about the authority vested in frontline staff and senior management to respond to and manage UCC, including taking action to restrict a complainant's access to services.
- An explanation of the types of circumstances where it might be appropriate to change or restrict a complainant's access to services and the procedures that should be followed when doing so.
- A range of possible service restrictions (not just 'write only' restrictions) that staff can use to manage UCC.
- Guidance about the types of factors that should be taken into account when deciding to change or restrict a complainant's access to services.
- Procedures for communicating with complainants about decisions to change or restrict their access, including the use of template letters.
- A centralised system for recording and reporting details of complainants with service restrictions to assist with ongoing management and review of these cases.
- A standardised process for reviewing decisions to change or restrict access – including fixed time periods and criteria for review, and a presumption that any restriction will be lifted unless there is a clear need for it to continue.

In addition, national organisations and/or those with multiple offices should standardise their UCC policies to ensure overall consistency in how UCC is dealt with in each office. This is particularly important for managing situations where complainants attempt to forum shop from one office to the next or have legitimate reasons for having contact with more than one office – eg Centrelink.

See Part 2.1 – policy and procedure.



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Avoiding misuses and overuses of UCC policies

Organisations also need to take steps to ensure that their UCC policies are applied cautiously and sparingly. The Ombudsman's approach and UCC policies, in general, should never be seen as a quick solution for dealing with complainants who are angry or frustrated or who are viewed as being annoying or a nuisance. They are intended to be applied in cases where UCC is in fact an issue – that is in cases where a complainant's conduct raises the types of safety, resource and equity issues identified in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* and supporting documents. For most organisations these cases are likely to be very few in number.

Organisations should also take steps to ensure their UCC policies are applied in the least restrictive ways possible. They should never be applied in ways that go beyond what is appropriate and necessary to manage a complainant's conduct and must always be proportionate to the complainant's personal circumstances. The aim when applying such policies should not be to punish the complainant but rather to manage the impacts of their conduct.

For example, it would be inappropriate for an organisation to restrict a complainant's access to 'writing only' if that complainant is not proficient in English, is illiterate or vision impaired. It would be equally inappropriate to impose access restrictions in ways that would limit a complainant's ability to exercise a right that has been provided to them by statute.

To guard against misuses or overuses of UCC policies, we strongly suggest that all organisations should implement effective systems for:

Recording and reporting all UCC incidents – this includes ensuring that their staff are well trained in appropriate and consistent record keeping practices and ensuring they have in place a centralised case management system where UCC incidents can be easily recorded and accessed.

A good case management system – that is capable of delivering timely and accurate information about complainants and their complaints – is essential for the proper management of UCC, particularly if a complainant's ability to interact with the organisation has been modified or restricted as a result of their behaviour. It can facilitate the sharing and dissemination of information among staff and ensure consistency in the approaches taken.

A well implemented case management system is:

- easily accessible and searchable
- capable of being easily updated with contemporaneous information
- contains information and documentation relating to all complaints and complainants
- includes a system of alerts and notifications that promptly alert staff to any access changes or restrictions along with contextual information (in summary form) of the nature and reasons for those restrictions
- includes a tracking system for monitoring incidents of UCC and their progress.
- Also, staff need to be clearly advised about whom, within the organisation, they should report UCC incidents to, as well as the proper procedure(s) for doing so.

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Tracking and monitoring all uses of their policies – one staff member [eg a *nominated senior manager*] should be responsible for tracking and monitoring all uses of their UCC policy to ensure that it is being applied consistently, appropriately and effectively and that UCC cases are reviewed at appropriate intervals.

Reviewing all cases where their policies are used – all uses of their UCC policies should be reviewed at regular intervals to ensure that they continue to be necessary, appropriate and effective in the circumstances.

See Parts 4, 7.6, 9, and 10 of the attached Policy.

Handling complaints in ways that will not trigger or exacerbate UCC

Organisations must acknowledge that sometimes they and their staff get it wrong and can, in fact, trigger or exacerbate UCC. Mistakes can be made, complaints/cases can be mishandled, processes and procedures can be overly complex or unresponsive to the needs of certain complainants, and delays may occur. In these circumstances, and in any circumstance where an organisation contributes to a complainant's unreasonable conduct, they should immediately rectify the problem – including providing the complainant with an apology. For further advice on making apologies, see: Apologies – A practical guide, NSW Ombudsman, March 2009).

If remediation does not work and the organisation's relationship with the complainant breaks down, it may be necessary to organise alternative dispute resolution approaches – such as conciliation – to resolve the issue and rebuild the relationship with the complainant to the extent possible.

See Part 6 of the attached Policy.



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Appendix A

Individual Rights and Mutual Responsibilities of Parties

In order for the City of Mount Gambier to ensure that all complaints are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties involved in relation to unreasonable conduct.

Individual rights

Customers have the right:

- to raise concerns and to express their opinions in ways that are reasonable, lawful and appropriate
- to a fair and impartial assessment and, where appropriate, investigation of their concerns based on the merits of the case
- to a fair hearing
- to be informed in at least general terms about the actions taken and outcome of their concerns
- to be given reasons that explain decisions affecting them
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the right:

- to determine whether, and if so how, concerns will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from customers
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a customer concerns
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a customer.

Subjects of customer concerns have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by staff of the City of Mount Gambier
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.



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Mutual responsibilities

Customers are responsible for:

- clearly identifying to the best of their ability their issues of concern, or asking for help from the staff of the City of Mount Gambier to assist them in doing so
- providing to the best of their ability the City of Mount Gambier with all the relevant information available to them at the time of raising concerns
- being honest in all communications with the City of Mount Gambier
- informing the City of Mount Gambier of any other action they have taken in relation to their concerns
- cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their concerns
- treating staff of the City of Mount Gambier with courtesy and respect.

If customers do not meet their responsibilities, the City of Mount Gambier may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

The City of Mount Gambier has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a concern or to have further dealings with the customer. In certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to customers who need help to raise their concerns and, where appropriate, during the investigation process
- dealing with all concerns, customers and people or organisations the subject of concern professionally, fairly and impartially
- giving customers or their advocates a reasonable opportunity to explain their concerns, subject to the circumstances of the case and the conduct of the customer
- giving people or organisations the subject of concern a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping customers informed of the actions taken and the outcome of their concerns
- giving customers reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- treating customers and any people the subject of concerns with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that customers are not subjected to any detrimental action in reprisal for raising their concerns
- giving adequate warning of the consequences of unacceptable behaviour.

If the City of Mount Gambier or its staff fail to comply with these responsibilities, customers may further raise their concern with the Chief Executive Officer or the SA Ombudsman.

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Subjects of customer concerns are responsible for:

- cooperating with the staff of the City of Mount Gambier who are assigned to handle the concerns, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession to the City of Mount Gambier or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with City of Mount Gambier and its staff
- treating the staff of the City of Mount Gambier with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the customer in reprisal for them raising concerns

If subjects of a customer concern fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

The City of Mount Gambier is responsible for:

- having an appropriate and effective request for service and complaint handling system in place for receiving, assessing, handling, recording and reviewing requests for service and complaints
- ensuring that all customer concerns are dealt with professionally, fairly and impartially
- ensuring that staff treat all parties to a customer concern with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a concern is based on sound reasoning and logically probative information and evidence
- finalising matters of concern on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies/procedures/practices to ensure that customers are not subjected to any detrimental action in reprisal for raising their concerns
- giving adequate consideration to any privacy implications that may arise in the handling of customer concerns and the conduct of investigations.

If the City of Mount Gambier fails to comply with these responsibilities, customers may complain to the Chief Executive Officer or the SA Ombudsman



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Appendix B

Sample UCC incident form This form should only be completed if you encounter unreasonable customer conduct and consider that steps may need to be taken to change or restrict a customer's access to services provide by our organisation.

You must complete this form and send it electronically or by hand to the General Manager within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the customer's conduct.

Date: _____ Case officer's name: _____

Name of customer: _____ Customer's case file number: _____

Details of the customer's conduct/incident including whether emergency services were contacted:

Why do you consider this conduct to be unreasonable? For example – has it occurred before/repeatedly, caused significant disruptions to our organisation, has or could raise significant health and safety issues for our staff or other persons.

What action, if any, have you taken to deal with/manage the customer's conduct? For example – warning the customer 'verbally' about their conduct, other/previous attempts to manage the behaviour etc.

What do you think should be done to effectively manage the customer's conduct? Note – the final decision on the appropriate course of action will be made by the General Manager.

Is there any other information that might be relevant to this case? If necessary, attach any supporting documentation.



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Appendix C

Sample checklist for the General Manager to consider when deciding to modify or restrict a customer's access

- I have received a signed and completed incident form from the case officer(s) involved (attach copy).
- I have spoken with relevant case officer(s) to obtain further information, as needed.
- I have reviewed the customer's record and all the relevant information in it.
- I have referred to and considered Part 7.2 Criteria to be considered which includes an assessment of the following:

- The merits of the customers case

- The customer's circumstances

- Jurisdictional issues

- Proportionality

- Organisational or case officer responsibility

- Responsiveness, including previous conduct

- Case officer's personal boundaries

- Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)



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Along with the case officer concerned and any other relevant officers, I have considered all reasonable options for managing the customer’s conduct, including those that do not involve restricting their access to our services.

The customer has been warned about their conduct in writing, and the letter has been signed by the Manager, General Manager or Chief Executive Officer.

The customer has been advised in writing of our decision to restrict their access to our organisation, and the letter has been signed by the Chief Executive Officer.

I have made a record of my assessment and decision about the customer’s conduct and all relevant staff members have been notified of my decision.

An electronic alert has been created in the adopted case management system that notifies any staff dealing with this customer of the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the customer (including who they should direct any communications from the customer to).

Date: _____ Signature: _____

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Appendix D

Sample warning letter

[To be signed by the CEO or General Manager]

Our reference: [reference]

Contact: [case officer]

Telephone: [number]

[Date]

[Name of customer]

[Address of customer]

Dear [name of customer]

Your contact with the City of Mount Gambier

You recently had [state the form of contact – e.g. telephone, written or face-to-face] with staff at my office on [date]. [During/In that telephone call/appointment/letter,] I understand that you [explain the nature of the conduct that has caused the organisation to be concerned].

We consider this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that my staff consider to be unreasonable, we will impose restrictions on your contact with our office. This may involve restricting your contact to [apply the relevant option(s)]:

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post [if online or other written communications are preferred then explain].
- 'Telephone contact only' – this means that you will only be able to contact us by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of our staff.

Or any other restriction that we consider to be appropriate in the circumstances.

I have attached a copy of a document called [Individual rights and mutual responsibilities of the parties] for your reference. We expect everyone who deals with this office to act in the ways described in this document.

If you have any questions about this letter, contact [provide name and phone number of the General Manager].

Yours sincerely,

Manager / General Manager / Chief Executive Officer

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Appendix E

Sample letter notifying a customer of a decision to change or restrict their access to our services
[To be signed by the CEO or General Manager]

Our reference: [reference]
Contact: [case officer]
Telephone: [number]

[Date]

[Name of customer]
[Address of customer]

Dear [name of customer]

Decision to restrict your contact with the City of Mount Gambier

It has come to my attention that you [describe the nature of the unreasonable conduct and its impact – e.g. if the customer has been sending emails to several members of my staff on a daily basis...]

I understand that my staff have previously told you that we consider this conduct to be unreasonable and unwarranted.

I also wrote to you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with my organisation. At the time I also attached a copy of our [Individual rights and mutual responsibilities of the parties] which outlines your responsibilities as a customer.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with my organisation. I therefore give you notice that from [date], and with the exception(s) detailed below, my organisation will only accept communication from you [identify permissible form of contact, if any].

What this means

This means that you are only to contact our organisation using [describe the restriction in further details]. Any communications that do not comply with this restriction will be [describe what will happen – e.g. phone calls will be terminated immediately or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc].

[Note: the customer should be clearly informed how they can contact the organisation and how the organisation will contact them].

Your existing concerns (if applicable)

This organisation currently has one file open in your name. This relates to [state the subject of concern and describe concern]. This file is being handled by [name of officer and position title]. While you are able to contact [name of officer] [state nature of contact – e.g. by email] about this specific matter, all other contact with my organisation, including any future concerns, must be [state restriction – e.g. in writing through Australia Post] [provide contact details – e.g. address of organisation where post can be sent].

Review of this decision

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My decision to restrict your contact with this organisation is effective immediately and will last for [3 months/6 months/12 months]. At that time we will review your restriction and decide if it should be maintained, amended or withdrawn.

I take these steps with the greatest reluctance, but [state reason for restriction – e.g. the equity and safety of other customers and my staff], leaves me no alternative.

If you have any questions about this letter, you can contact [provide name and phone number of the General Manager].

Yours sincerely,

Chief Executive Officer / General Manager

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Appendix F

Sample letter notifying a customer of an upcoming review
[To be signed by the CEO or General Manager]

Our reference: [reference]
Contact: [case officer]
Telephone: [number]

[Date]

[Name of customer]
[Address of customer]

Dear [name of customer]

Upcoming review of the decision to restrict your contact with [name of organisation]

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with our office. As advised in our letter dated [date], we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to [apply the relevant option(s)]:

- make submissions in writing through Australia Post [include contact person's name and address]
- schedule a face-to-face interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]
- schedule a telephone interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]

In your letter, you should include information that would be relevant to our review. This includes information about [.....]/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by [time and date]/you should confirm your interview with [name of case officer] by [time and date]. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision. If you have any questions about this letter, you can contact [provide name and phone number of the nominated senior manager].

Yours sincerely,
Chief Executive Officer / General Manager

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Appendix G

Sample checklist for reviewing a decision regarding an access change/restriction

- The customer has been sent a letter notifying them of the review.
- The customer will/will not participate in the review.
 - the customer has/has not scheduled a face-to-face interview
 - the customer has/has not made written submissions
 - the customer has/has not scheduled a telephone interview
- I have reviewed all the information in the adopted case management system from the last 12 months [or relevant period of the restriction] about the customer's:
 - contact with the office (explain form of contact)

 - conduct during that contact (explain if conduct reasonable or unreasonable)

- I have spoken with the case officers who have had contact with the customer during the last 12 months about the customer's conduct during that period.
- I have considered the arguments/statements made by the customer, including the impact of the restrictions on them (explain customer's position, including if their circumstances have changed etc.) Note: if the customer is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.

- I have considered whether there are other more reasonable/suitable options for managing the customer's conduct, including those that do not involve restricting their access to our services (list all that apply).

- I consider that the restriction should be (explain):
 - maintained – e.g. because conduct has continued, is likely to continue, is disproportionate removed – e.g. because the customer has complied with the restrictions etc.
 - amended – e.g. because the customer's circumstances have changed and the current restriction is no longer appropriate.

- I have discussed my decision with other relevant officers
- The customer has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the CEO.
- The adopted case management system has been updated to reflect my decision.

Date: _____ Signature: _____

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Appendix H

Sample letter advising the customer of the outcome of a review
[To be signed by the CEO or General Manager]

Our reference: [reference]
Contact: [case officer]
Telephone: [number]

[Date]

[Name of customer]
[Address of customer]

Dear [name of customer]

Review of your contact with the City of Mount Gambier

I am writing about a review that was undertaken by my organisation on [date] concerning your contact with this office. I understand that you [participated/did not participate] in that review.

Process of review

During the review you were given an opportunity to [explain in general terms how the review what undertaken].

Considerations

After your [interview/reading your submissions], we considered the concerns and suggestions raised in your [interview/letter, etc.], particularly your concerns about [include information that would be relevant – e.g. the customer said their circumstances had changed]. We also reviewed our records of your conduct and contact with our office over the last 12 months. Our records showed that [provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to four times a day, throughout the period of your restriction].

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to [state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

Decision

[apply if relevant]: Due to [explain reasoning for the decision – e.g. the number of emails that you have sent to our organisation in the last 12 months and] I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to [explain reasoning for the decision I consider it necessary to amend the restrictions on your access to better suit your personal circumstances [explain, including providing clear instructions on how the customer is to contact us and how we will contact them]. The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may [explain how the complainant can notify of the change].

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[apply if relevant]: Due to [explain reasoning for the decision] I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

If you have any questions about this letter, you can contact [provide name and phone number of the General Manager].

Yours sincerely

Chief Executive Officer / General Manager



16.5 COUNCIL / REGIONAL ASSESSMENT PANEL – REPORT NO. AR20/78763

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/78763
CM9 Reference:	AF19/413
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	A report seeking endorsement for the City of Mount Gambier to join a Regional Assessment Panel in conjunction with the District Councils of Grant and Robe and Wattle Range Council.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council approach the District Councils of Grant and Robe and Wattle Range Council seeking to participate in the formation of a Regional Assessment Panel.
3. Council endorse the Memorandum of Understanding based upon Option B being the preferred constitution.



TYPE OF REPORT

Other

BACKGROUND

Council last considered its participation in a Regional Assessment Panel with the District Council of Grant, Wattle Range Council and the District Council of Grant at its meeting held on 20 October 2020. At this time Council determined:

1. *That Council Report No. AR20/63299 titled 'Regional Assessment Panel Memorandum of Understanding' as presented on 20 October 2020 be noted.*
2. *Council continue on with its own Council Assessment Panel.*
3. *Council advise the other 3 Councils it no longer wishes to be part of the Regional Assessment Panel.*
4. *Council review the Terms of Reference of the Council Assessment Panel to reflect the operations of the future Council Assessment Panel."*

Council has also previously considered this matter at its meeting held on 21 July 2020 when it considered a proposed model for a Regional Assessment Panel prepared for the four councils in the Lower Limestone Coast. At this meeting Council determined:

1. *That Council endorse the Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models as presented with Report No. AR20/38060.*
2. *That the Chief Executive Officer (or delegate/s) be authorised to finalise any administrative arrangements necessary to reach agreement between the proposed member Councils on Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models, provided that any further amended details are based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.*
3. *That the Chief Executive Officer be authorised to approach the Minister to seek the establishment of a Regional Assessment Panel and to prepare a cost sharing / resourcing agreement between the member Councils the outcome of which to be the subject of a future report to Council.*
4. *That the Regional Assessment Panel should include an Elected Member from the City of Mount Gambier and this appointment be until the next local government election.*
5. *That the functioning of the Regional Assessment Panel be subject to review after 18 months of operation."*

It should be noted that, with the exception of resolution 4 from October 2020 relating to a review of the Terms of Reference of the Council Assessment Panel, all of the abovementioned July and October resolutions were rescinded at the Council meeting held on 17 November 2020.

Preceding this, at the Economic and Environment Committee Meeting held on 2 March 2020 and subsequent Council meeting on 17 March 2020 Report No. AR20/10881 titled '*Joint Planning Board for the Limestone Coast Region*' was considered and Council resolved as follows:

1. *That Economic and Environment Committee Report No. AR20/10881 titled 'Joint Planning Board for the Limestone Coast Region' as presented on 02 March 2020 be noted.*
2. *That Council endorses the draft Joint Planning Board Agreement (at attachment 1) and agrees that the Mayor and Chief Executive Officer execute the agreement on behalf of the City of Mount Gambier.*
3. *That the Mayor be the City of Mount Gambier representative on the Joint Planning Board, with the Deputy Mayor appointed as a proxy."*



PROPOSAL

The seven Council's within the Limestone Coast, through the Chief Executive Officer's are still discussing the progression of a Joint Planning Board to undertake the strategic planning processes for the Limestone Coast on a Regional basis.

However, with the transition to the Planning, Development and Infrastructure Act, 2016, and regional 'Phase 2' Council's now live in the new system, Council's have had to make decisions to ensure the Phase 2 regional Councils are still able to operate and continue with the assessment of Development Applications.

The implementation of the Planning, Development and Infrastructure Act 2016 requires Council's to have an accredited Assessment Manager and an Assessment Panel with Members also with recognised experience and accreditation.

At this time, it is anticipated the City of Mount Gambier will go live in the new system in either March or July 2021. The go live date for Phase 3 Councils, incorporating the City of Mount Gambier, other provincial cities and Metropolitan Adelaide Councils has yet to be announced by the State Government.

Currently the City of Mount Gambier has an assessment panel appointed by Council, which satisfies the requirements of the PDI Act. However, Council has actively participated in discussions with the Limestone Coast Local Government Association and other Limestone Coast Councils regarding the creation of a Joint Planning Board including the creation of an assessment panel by the Joint Planning Board.

In addition to discussions regarding the formation of a Joint Planning Board, there have been discussions between Councils within the region regarding the possibility of creating Regional Assessment Panels, in particular as some Council's with the Region:

- Do not currently have an assessment manager and appropriately accredited planning professionals
- Members on existing Council Assessment Panel's may not meet the appropriate accreditation requirements; and
- Council's, including the City of Mount Gambier, have trouble attracting suitably qualified and accredited professionals to sit as Members of an assessment panel.

The Tatiara District Council, Naracoorte Lucindale Council and The District Council of Kingston have investigated the formation of an Upper Limestone Coast Regional Assessment Panel. The City of Mount Gambier was invited to join and actively participated in discussions with the District Council of Grant, Wattle Range Council and the District Council of Robe representatives investigating the formation of a Lower Limestone Coast Regional Assessment Panel.

When considering the changes introduced by the PDI act the benefits of forming a regional assessment panel with the other lower Limestone Coast Councils include:

Cost Sharing.	Anticipated costs may decrease as the costs are shared between four Councils. A basic assumption is that costs to operate a regional assessment panel are unlikely to exceed Council's cost to operate it's own CAP
Fewer meetings	If less applications are required to be considered by an assessment panel, meetings can be scheduled less frequently with meetings cancelled if there are no applications to be considered.

The City of Mount Gambier is currently able to continue to operate its Council Assessment Panel in its current format as the panel members meet the accreditation criteria and Council employees a number of planning professionals, two of who meet the accreditation criteria for an assessment manger.



However, in the longer term a risk for Council is that there may be a problem to maintain the operation of the panel and continue to attract suitably accredited panel members as well as employ suitably qualified planning professionals. If Council does not join in with other Council's within the region to participate in the formation of a regional assessment panel, it may be difficult to become involved at a later time if it became necessary to do so.

Should Council delay joining in discussions to form a regional assessment panel, Council would also not be able to have input into the formation of the panel, its terms of reference and operating protocols and procedures.

The PDI Act also enables the Minister to appoint a Regional Assessment Panel (RAP). A further risk Council may expose itself to is being instructed by the Minister to join in the establishment of a RAP should the Minister determine it would be appropriate for Council to do so when it's surrounding and nearby Councils are being proactive in forming a RAP.

The PDI Act provides the Minister a variety of powers to form a panel and override a Council's decision in a number of ways. These include through the establishment of a regional assessment panel or the substitution of a local assessment panel in lieu of Council's Assessment Panel. (Sections 84 and 86 of the PDI Act, 2016).

LEGAL IMPLICATIONS

The Development Act 1993 is being replaced by the Planning, Development and Infrastructure (PDI) Act 2016 through a transitional period towards the full implementation of the PDI Act, 2016 which is anticipated to be completed in early 2021.

The Planning, Development and Infrastructure Act 2016 introduced amendments to the assessment process for Development Applications and the role of Council Assessment Panels. This report covers the ability for Councils to work together and form a Regional Assessment Panel.

STRATEGIC PLAN

The implementation of the Planning, Development and Infrastructure Act 2016 provides opportunities for Council in the implementation of it's Strategic Plan 2020-2024 and is anticipated to provide benefits for Our People, Our Location, Our Diverse Economy and Our Climate, Natural Resources, Arts, Culture and Heritage.

Specifically the implementation of the PDI Act has links with the following goals and objectives:

Our People	1.2.1, 1.2.3, 1.4.2, 1.4.4
Our Location	2.1.1, 2.2.4, 2.2.5
Our Diverse Economy	3.1.2, 3.2.1, 3.2.2, 3.3 2
Our Climate, Natural	4.1.1, 4.2.4, 4.4.1

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

An efficient and effective decision making process will provide certainty to developers and will assist to foster and encourage development within the region.

ENVIRONMENTAL IMPLICATIONS

A well coordinated and collaborative decision making process will help to ensure the protection of the environment through the management of environmental issues from a regional perspective.



SOCIAL IMPLICATIONS

A well managed and delivered decision making process will provide certainty and clarity to the community.

CULTURAL IMPLICATIONS

Like Social Implications, a regional approach to the decision making process will help to provide opportunities for cultural recognition.

RESOURCE IMPLICATIONS

This provides an opportunity for Council to share resources, experience, knowledge and expertise with Councils within the region through regional collaboration.

This also provides an opportunity to share costs and make savings through the minimisation of costs to operate one Regional Assessment Panel in lieu of four separate Council Assessment Panels.

VALUE FOR MONEY

As identified above the operation of one Regional Assessment Panel in lieu of four separate Council Assessment Panels provides better value for money for each Council.

Money would be provided through the budget for the existing Council Assessment Panel.

The establishment of a Regional Assessment Panel would be undertaken via the required process identified within the Planning, Development and Infrastructure Act 2016 in consultation with the Minister.

RISK IMPLICATIONS

If Council chooses to wait and see and not participate in the formation of a Regional Assessment Panel with it's neighbouring Council's:

- It may lose the opportunity to achieve costs savings in the operation of an assessment panel
- Council may have trouble retaining and securing appropriately accredited panel members and planning professionals
- It may be difficult to join an already established RAP at some time in the future
- Council will lose the opportunity to negotiate and have input on the terms of reference, operating protocols and procedures of the RAP
- Council may be instructed by the Minister to join a RAP

EQUALITIES AND DIVERSITY IMPLICATIONS

The formation of a Regional/Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

ENGAGEMENT AND COMMUNICATION STRATEGY

The formation of a Regional/Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

IMPLEMENTATION STRATEGY

The formation of a Regional/Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

CONCLUSION AND RECOMMENDATION

It is recognised that the City of Mount Gamier is currently in a position where it can continue to operate its own assessment panel. On this basis Council can choose to wait and see what changes occur as the new planning system is implemented.

If Council chooses to wait and see:



- It may lose the opportunity to achieve costs savings in the operation of an assessment panel
- Council may have trouble retaining and securing appropriately accredited panel members and planning professionals
- It may be difficult to join an already established RAP at some time in the future
- Council will lose the opportunity to negotiate and have input on the terms of reference, operating protocols and procedures of the RAP
- Council may be instructed by the Minister to join a RAP

On this basis it is suggested Council be proactive and continue to work with the District Council of Grant, Wattle Range Council and the District Council of Robe to form a Regional Assessment Panel for the Lower Limestone Coast, based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.

Having received the report detailing anticipated deficiencies with the continuation of a Council Assessment Panel and considered the benefits of a regional model, this report recommends the establishment of a Limestone Coast Southern Regional Assessment Panel and associated administration with a Membership as proposed by Option B within the proposed Memorandum of Understanding (**Attachment 1**).

ATTACHMENTS

1. Attachment to report AR20/63299 (Title: Regional Assessment Panel - Memorandum of Understanding) [↓](#)



Limestone Coast Southern Regional Assessment Panel**Memorandum of Understanding (MOU)****BETWEEN**

Wattle Range Council, District Council of Grant, District Council of Robe and City of Mount Gambier
(together, "the Councils")

Dated:**RECITALS**

- A. The Councils have determined that the creation of a Regional Assessment Panel for the combined areas of the Wattle Range Council, District Council of Grant, District Council of Robe and City of Mount Gambier to be known as the Southern Limestone Coast Regional Assessment Panel (Panel), would be an effective way to pool resources and satisfy the requirements of the Planning, Development and Infrastructure Act 2016 (PDI Act), the Planning, Development and Infrastructure (General) Regulations 2017, and the Planning and Design Code in regional South Australia.
- B. The Councils acknowledge the work of previous Council Assessment Panels and local Assessment Managers and are committed to maintaining the highest degree of effective local decision making and delegation in a regional panel.
- C. Section 84(1)(c)(ii)(A) of the PDI Act provides for the Minister to constitute a Regional Assessment Panel where 2 or more councils request the Minister to do so in relation to their combined areas.
- D. The Councils have agreed to enter into this MOU acknowledging their intent to request the Minister to constitute the Panel, and to otherwise facilitate the constitution and operation of the Panel on the terms and conditions which follow.

1. ABOUT THIS MOU

- 1.1 The purpose of this MOU is:
 - 1.1.1 to acknowledge the intent of the Councils to request the Minister to constitute the Panel;
 - 1.1.2 to provide an agreed model for the constitution of the Panel for the Minister's consideration; and
 - 1.1.3 upon the constitution of the Panel, to govern the sharing of costs, information sharing, resourcing and other matters relevant to the administration of the Panel as expressed in this MOU and subject at all times to the PDI Act.
- 1.2 The Councils agree to work co-operatively in good faith to ensure that the Panel is constituted by the Minister, and thereafter to support the Panel and to facilitate its ongoing operation.
- 1.3 The Councils acknowledge that there is no express ability to "withdraw" from the Panel provided in the PDI Act at this time.

2. RELATIONSHIP OF THE COUNCILS

- 2.1 Each Council must act fairly, reasonably, diligently and in good faith in performing its obligations under this MOU.



- 2.2 The relationship between the Councils under this MOU is one of cooperation and support for the constitution of the Panel and its operation.
- 2.3 The relationship between the Councils is limited to the purposes of this MOU and the constitution and management of the Panel under the PDI Act, and is not to be construed as a partnership, joint venture, principal and agent, trust, fiduciary or any other special relationship.
- 2.4 The Councils acknowledge and agree that this MOU does not create any substantive rights or liabilities on the part of the Councils.
- 2.5 The Councils acknowledge that notwithstanding the intentions of the Council, that the Minister may not agree to constitute the Panel on the basis of this MOU, but that certain terms may be added, removed or varied at the Minister's discretion.

3. TERM

- 3.1 This MOU will be effective from the date of its execution by the Councils for a period of two years. An initial oversight review will be undertaken by Council CEO's six months into the operations of the MOU. The MOU shall be reviewed and varied by agreement of the Councils on every 12 month anniversary following constitution of the Panel.

4. TERMINATION

- 4.1 This MOU will terminate:
- 4.1.1 upon the notice constituting the Panel being revoked by the Minister pursuant to Section 84(1)(j) of the PDI Act; or
- 4.1.2 upon the notice constituting the Panel being varied by the Minister pursuant to section 84(1)(j) of the PDI Act and a replacement MOU or agreement for the varied Panel being executed such that this MOU is rendered obsolete.

5. CONSTITUTION OF THE PANEL

- 5.1 Subject at all times to the PDI Act, the Councils agree to request that the Minister constitute the Panel in the following manner:

Option A

that the area of the Panel comprise the entire areas of the Councils;

that the Panel comprise up to five (5) members being:

- (a) the Presiding Member appointed in accordance with paragraphs 5.1.2
and
- (b) up to four (4) members appointed in accordance with paragraph 5.1.4, one of which will be an elected member from one of the Councils.

Option B

that the area of the Panel comprise the entire areas of the Councils;

that the Panel comprise up to five (5) members being:

- (c) the Presiding Member appointed in accordance with paragraphs 5.1.2
and
- (d) up to Four (4) and members appointed in accordance with paragraph 5.1.4



- 5.1.2 that the members of the Panel be appointed by a Recruitment Panel constituted by the Chief Executive Officer or delegate of each Council, together with the Assessment Manager (**Recruitment Panel**).
- 5.1.3 The Recruitment Panel will appoint the Presiding Member taking into account the following requirements:
- (a) the Presiding Member must be an accredited professional;
 - (b) the Presiding Member must be a fit and proper person with reasonable knowledge of the operation and requirements of the Act and
 - (c) the Presiding Member must not be an elected member or an officer of any of the Councils.
- 5.1.4 The Recruitment Panel will appoint up to:
- Option A**
- The Recruitment Panel will appoint up to four (4) (or whatever number of appointments are required at the time) Panel Members, that are not the Presiding Member, taking into account the following requirements:
- (a) one Panel Member will be an elected member of any of the Councils;
 - (b) the remaining Panel Members must not be an officer or elected member of any of the Councils and must be an accredited professional to a minimum of Planning Level 2.
 - (c) each Panel Member must be a fit and proper person to be a member of the Panel;
 - (d) where possible, Panel Members should be representative of the Council areas covered.
- Option B**
- The Recruitment Panel will appoint up to four (4) (or whatever number of appointments are required at the time) Panel Members, that are not the Presiding Member, taking into account the following requirements:
- (a) Panel Members must not be an officer or elected member of any of the Councils and must be an accredited professional to a minimum of Planning Level 2.
 - (b) each Panel Member must be a fit and proper person to be a member of the Panel;
 - (c) where possible, Panel Members should be representative of the Council areas covered.
- 5.1.5 the term of office of each Panel Member will be two (2) years and may be extended for any or all members at the discretion and by agreement of the Councils.
- 5.1.6 the conditions of appointment of Panel Members will be determined by agreement of the Councils.
- 5.1.7 The Recruitment Panel may appoint up to two deputy members at its discretion.



- 5.2 The office of a member of a panel member will become vacant if the member:
- 5.2.1 is removed from office by the Councils or Minister due to a breach of the Code of Conduct adopted by the Minister under Schedule 3 of the Act;
 - 5.2.2 Is removed from office by the Councils due to:
 - (a) Misconduct or neglect of duty;
 - (b) Incapacity to carry out duties satisfactorily;
 - (c) Failure to carry out duties in accordance with Section 91 of the Act;
 - 5.2.3 resigns by written notice to the Councils;
 - 5.2.4 dies;
 - 5.2.5 completes a term of office and is not re-appointed;
 - 5.2.6 becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - 5.2.7 is convicted of an indictable offence punishable by imprisonment.

6. HOST COUNCIL

A host Council shall be determined and operate as the lead Council for a period of 12 months. The host Council will be responsible for all aspects of the management of the Regional Assessment Panel including administration support, fee payments and other relevant financial management considerations.

The role of the host Council will be shared on a 12 monthly basis, on a financial year rotation, or part thereof in the first year, by those Councils with sufficient staffing, or resourcing capacity to undertake the role.

- 6.1 Subject to the Panel determining otherwise, the location of all Panel meetings will be determined by the Host Council, taking into account the origin of applications to be considered by the Panel.

7. COSTS AND EXPENSES

- 7.1 Subject to the scheme set out in the notice issued under s84(1)(a) of the PDI Act and except as otherwise expressed in this MOU;
- 7.1.1 each Council will contribute one quarter of the total expenses of the foundation costs of setting up the Panel, including but not limited to, the costs associated with advertisements for expressions of interest for new members, notices and establishment costs of the Panel.
 - 7.1.2 Each Council will contribute to the operational costs of the Panel including notices, refreshments if required, remuneration and sitting fees of Panel members. Operational costs will be allocated on a use basis, should a Council not have a matter before a particular RAP meeting then no costs will be allocated to that Council for that meeting.
 - 7.1.3 All Councils will be responsible for an equitable share of costs associated with all training and accreditation requirements of Panel members.
 - 7.1.4 the contribution payable by the Councils for the costs associated with the Panel set out in paragraphs 7.1.1, 7.1.2 and 7.1.3 shall be reviewed and varied by agreement of the Councils on every 12 month anniversary following constitution of the Panel.
- 7.2 Each Council shall be individually responsible for the cost and conduct of any claim, expense or Court proceedings arising from a decision of the Panel made in respect of a development application in that Council's area.



- 7.3 The Host Council shall be responsible for making payment of the shared expenses outlined in clause 7.1.1, 7.1.2 and 7.1.3. Upon doing so, the Host Council will invoice the other three Councils for the relevant total cost of the expenses and the invoice shall be paid within one month of the date of the invoice. Councils will be invoiced every six months.
- 7.4 If any Panel Member (including the Presiding Member) resigns or is no longer a member for any reason, the Councils shall be equally responsible for administrative costs associated with replacing that member.
- 7.5 A Council may individually obtain legal advice in relation to the performance of this MOU or the conduct of the Panel and/or a Panel Member or in the assessment of a development application to be determined by the Panel. In doing so, that Council will be responsible for any legal expenses incurred, unless the Councils have previously agreed in writing that legal advice was required and that the associated legal expenses would be shared equally between the Councils.

8. ASSESSMENT MANAGER

- 8.1 The Councils may nominate a person to be Assessment Manager which position shall ultimately be appointed in accordance with the PDI Act.
- 8.2 The costs and expenses of the Assessment Manager shall be split equally between the Councils, only to the degree that there are additional costs incurred by the employing Council.
- 8.3 The Assessment Manager:
- 8.3.1 may delegate the assessment of all applications to officers of the Council in whose area the development application is located, or lodged so that development applications are assessed by officers of the Council to whose area the application relates. An exception to this will be where a Council does not have an Officer with appropriate qualifications or experience to undertake the assessment.
- 8.3.2 may delegate the assessment of any applications to:
- (a) an officer of a Council in whose area the development application is not located;
or
- (b) another person permitted by the PDI Act if the Council in whose area the development application is located or lodged does not have an officer to whom the application can be delegated (because of for example resourcing relating to leave, qualifications or skills) such that a development application may be assessed by officers of a council to whose area the application does not relate, or such other permitted person.
- 8.4 A Council in whose area a development application is located is responsible for the cost and conduct of any claim, expense or Court proceedings arising from decisions made by the Assessment Manager or a delegate of the Assessment Manager.



9. CONFIDENTIALITY

- 9.1 Subject to the provisions of the *Freedom of Information Act 1991*, a Council must not, without the prior written consent of the other Councils, use or disclose confidential information regarding any other council which it has obtained through the operation of the Panel.
- 9.2 A Council will not use any confidential information provided to it pursuant to this MOU other than to discharge its obligations in accordance with the MOU.

10. INDEMNITIES AND GUARANTEES

- 10.1 Each Council agrees to indemnify the remaining Councils for any losses, actions, damages, costs and expenses that arise from or are the result of the failure of that Council to perform any of its obligations under this MOU.
- 10.2 In circumstances where the Councils become liable as a result of the conduct of a member of the Panel, any or all of the Councils may liaise with the Mutual Liability Scheme.

11. DISPUTE RESOLUTION

- 11.1 It is the intention of the Councils to amicably and in good faith settle any dispute that arises out of the performance of this MOU, by way of discussion and negotiations between the relevant Chief Executive Officers of the Councils.
- 11.2 Where a dispute has arisen, it shall be referred to the Chief Executive Officers of the Councils who, if they cannot reach agreement, will refer the matter to their respective Council for determination.

12. GENERALAmendment

- 12.1 This Agreement can only be amended, modified, varied, released or discharged by the written agreement of each council and subject to the PDI Act.

Governing Law

- 12.2 The laws of South Australia apply to the performance of this MOU.

Entire Agreement

- 12.3 Subject to the PDI Act and any applicable regulations and other instruments under the PDI Act this MOU constitutes the full extent of terms that have been agreed to by the Councils in relation to the establishment and ongoing operation of the Panel.
- 12.4 This MOU is intended to supersede any previous arrangements, agreements, correspondence, tenders, representations, proposals, understandings and communications that were entered into and/or made by the Councils (whether orally or in writing) in regards to the establishment and ongoing operation of the Panel.

Interpretation

In this MOU:

- 12.5 any terms which are defined in the PDI Act or regulations or in any instruments under that Act or regulations are assigned the meaning in the Act, regulations or instrument;
- 12.6 headings do not affect interpretation;
- 12.7 singular includes plural and plural includes singular;



- 12.8 a reference to any statute or subordinate legislation includes all statutes and subordinate legislation amending, consolidating or replacing the statute or subordinate legislation referred to; and
- 12.9 the requirements of this MOU are to be construed as additional to any requirements upon any party under the PDI Act or any other legislation.

EXECUTED AS A MEMORANDUM OF UNDERSTANDING

Signed for and on behalf of
WATTLE RANGE COUNCIL
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name

Signed for and on behalf of
DISTRICT COUNCIL OF GRANT
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name

Signed for and on behalf of
DISTRICT COUNCIL OF ROBE
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name



Signed for and on behalf of
CITY OF MOUNT GAMBIER
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name



ADOPTION AND AMENDMENT HISTORY

<i>Date</i>	<i>Authorised by</i>	<i>Minute Reference</i>
August 2024		Next review
	CEOs of	



16.6 REVIEW - COUNCIL ASSESSMENT PANEL – REPORT NO. AR20/79655

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/79655
CM9 Reference:	AF19/413
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	Review of the Membership of the Council Assessment Panel
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/79655 titled 'Review - Council Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council:
 - (i) Seek nominations/Expressions of Interest from Elected Members to be appointed to the Council Assessment Panel, with the successful Member commencing this role at the meeting scheduled to be held on Thursday 17th December, 2020.
 - (ii) Call for nominations/Expressions of Interest to fill the four Independent Member positions on the Council Assessment Panel.



TYPE OF REPORT

Legislative

BACKGROUND

Pursuant to Section 83 of the Planning, Development and Infrastructure Act 2016, Council must establish a Council Assessment Panel (CAP). The role of the CAP is to make decisions on development applications delegated to it and advise Council on development assessment trends and issues as they arise.

At the Special Statutory Council Meeting held on Thursday 22nd November, 2018 Council resolved that Cr Jenner be appointed as the Elected Member to the Council Assessment Panel.

Council at it's meeting held in January, 2019 considered the membership of the CAP and determined:

“(a) That Council Report No. AR18/53283 titled ‘Council Assessment Panel – Appointment Of Members (2019-2021)’ as presented to the Council on 15 January 2019 be noted.

(b) That Council:

- i. Appoint three (3) Independent Members to the Council Assessment Panel – Mr Mark Teakle, Mr Ian Von Stanke and Mr Peter Seebohm to the Council Assessment Panel for its term commencing in February 2019.*
- ii. Appoint Mr Ian Von Stanke as the Presiding Member of the Council Assessment Panel, for its term commencing in February 2019.*
- iii. Council seek interest from people with relevant qualifications to fill the remaining vacancy on the Council Assessment Panel.*
- iv. Adopt the Terms of Reference for the Council Assessment Panel as attached to Report No. AR18/53283 (Attachment 1).*
- v. Note the Code of Conduct (Attachment 2) to be observed by Council Assessment Panel Members under Schedule 3 of the Planning, Development and Infrastructure Act 2016.*
- vi. Council write to Ms Liz Travers, inaugural member of the City of Mount Gambier CDAP/CAP, to thank her for her invaluable contribution to the CDAP/CAP as both an Independent Member and as a long-serving Presiding Member.*
- vii. In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008, as contained in the Instrument of Delegation (Attachment 3 Schedule I) Council Assessment Panel Delegations are hereby delegated to the Council Assessment Panel from 21st February 2019. This is subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.*

Further, Council resolved at it's meeting held on 20 October 2020, amongst other things that were subsequently rescinded at the 17 November 2020 Council meeting, that:

- 4. Council review the Terms of Reference of the Council Assessment Panel to reflect the operations of the future Council Assessment Panel.”*

The term of membership for the Council Assessment Panel is two years. The term of the current Council Assessment Panel membership expires in February, 2021. The current independent members of the CAP are:

- Mr Ian Von Stanke (Presiding Member)



- Mr Peter Seebohm
- Mr Mark Teakle; and
- One vacancy

Council has previously called for nominations to fill the current vacancy of the CAP on two separate occasions, with no nominations being received.

PROPOSAL

The implementation of the Planning, Development and Infrastructure Act 2016 requires Council's to have an accredited Assessment Manager and an Assessment Panel with Members also with recognised experience and professional accreditation.

Currently the City of Mount Gambier has an assessment panel appointed by Council, which satisfies the requirements of the PDI Act.

The term of membership for the Council Assessment Panel is two years with the current term of the Council Assessment Panel membership expiring in February, 2021.

Council's Elected Member appointed to the CAP will also have completed a two year term on the CAP in November this year. This report now recommends that Council invite nominations and/or Expressions of Interest from Elected Members to be appointed to the Council Assessment Panel for a two year term, expiring in November 2022, which will coincide with the next Local Government Elections.

The Planning, Development and Infrastructure Act 2016 enables the membership of the CAP to be no more than 5 members, only 1 of which may be a member of a Council.

With the expiry of current membership terms and recent deliberations in relation to the establishment and membership of a Regional Assessment Panel, including the position of other regional Councils that no Elected Members be appointed to a Regional Assessment Panel and Council resolving to review the Terms of Reference for it's CAP, Council may now wish to reconsider section 2.1 of the Terms of Reference of it's CAP and whether it seeks to retain the mandatory requirement for an Elected Member on the CAP or remove the mandatory provision for an Elected Member to be appointed to the CAP.

A copy of the CAP Terms of Reference, Meeting Procedures and Code of Conduct are attached to this report for Members information and review.

As the current term of membership for the Independent Members of the CAP expires in February 2021, and Elected Member two year appointment expired in November/December 2020, it is proposed that Council commence the process to call for Expressions of Interest for membership of the CAP.

LEGAL IMPLICATIONS

The Development Act 1993 is being replaced by the Planning, Development and Infrastructure (PDI) Act 2016 through a transitional period towards the full implementation of the PDI Act, 2016 which is anticipated to be completed in early 2021.

The Planning, Development and Infrastructure Act 2016 introduced amendments to the assessment process for Development Applications and the role of Council Assessment Panels. This report covers the ability for Council to continue with the decision making/assessment process of Development Applications including those applications identified as being the type that must be determined by a Council Assessment Panel and/or a Regional Assessment Panel.



STRATEGIC PLAN

The implementation of the Planning, Development and Infrastructure Act 2016 provides opportunities for Council in the implementation of its Strategic Plan 2020-2024 and is anticipated to provide benefits for Our People, Our Location, Our Diverse Economy and Our Climate, Natural Resources, Arts, Culture and Heritage.

Specifically the implementation of the PDI Act has links with the following goals and objectives:

Our People	1.2.1, 1.2.3, 1.4.2, 1.4.4
Our Location	2.1.1
Our Diverse Economy	3.1.2, 3.2.1, 3.2.2, 3.3 2
Our Climate, Natural	4.1.1, 4.2.4, 4.4.1

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

An efficient and effective decision making process will provide certainty to developers and will assist to foster and encourage development within the City.

ENVIRONMENTAL IMPLICATIONS

A well coordinated and collaborative decision making process will help to ensure the protection of the environment through the management of environmental issues within the City.

SOCIAL IMPLICATIONS

A well managed and delivered decision making process will provide certainty and clarity to the community.

CULTURAL IMPLICATIONS

Like Social Implications, a well managed approach to the decision making process will help to provide opportunities for cultural recognition.

RESOURCE IMPLICATIONS

Current resource implication regarding CAP Members payments, administrative expenses and travel allowances to remain as currently identified within the budget.

VALUE FOR MONEY

This is a legislative requirement.

RISK IMPLICATIONS

Council must have a Council Assessment Panel and/or Regional Assessment Panel to determine Development Applications that must be determined by a CAP/RAP.

If Council does not have a CAP/RAP it will be unable to undertake its statutory responsibility to assess Development Applications.

EQUALITIES AND DIVERSITY IMPLICATIONS

The formation of a Regional/ Council Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement. When seeking nominations for members Council will seek to achieve diversity in the panel membership.

ENGAGEMENT AND COMMUNICATION STRATEGY

The formation of a Regional/Council Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.



IMPLEMENTATION STRATEGY

The formation of a Regional/Council Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

CONCLUSION AND RECOMMENDATION

The term of membership for the Council Assessment Panel is two years with the current term of the Council Assessment Panel membership expiring in February, 2021.

Council's Elected Member appointed to the CAP will also have completed a two year term on the CAP in November of this year.

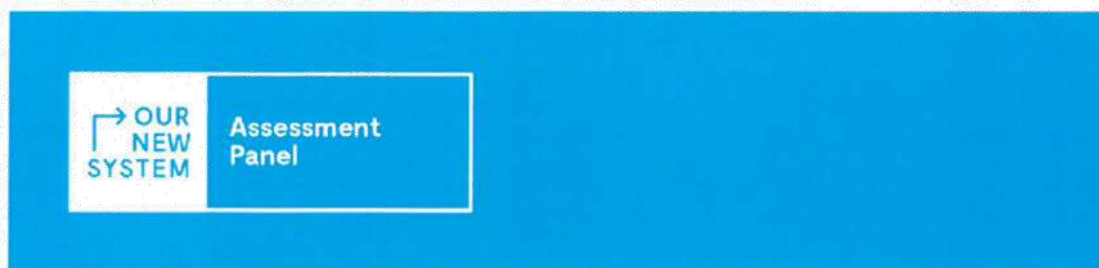
Council is now able to review the Terms of Reference and membership for the Council Assessment Panel and is recommended to commence a call for Nominations/Expressions of Interest to fill positions for an upcoming term.

ATTACHMENTS

1. Council Assessment Panel - Code of Conduct [↓](#)
2. Council Assessment Panel - Terms of Reference [↓](#)
3. City of Mount Gambier Council Assessment Panel Meeting Procedures - February 2020 [↓](#)



Attachment 2 (AR17/35078) Strategic Standing Committee Item 5.13



Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

(1) *It is expected that a person or body that—*

- (a) seeks to obtain an authorisation under this Act; or*
- (b) performs, exercises or discharges a function, power or duty under this Act; or*
- (c) takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
- (d) act in a cooperative and constructive way; and*
- (e) be honest and open in interacting with other entities under this Act; and*
- (f) be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

(2) Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must—

(a) exercise professional care and diligence; and

(b) act honestly and in an impartial manner; and

(c) be responsible and accountable in its conduct; and

(d) comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.

(3) The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.

(4) The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must respect the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manager and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.



Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and



- e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.





**City of Mount Gambier Council
Assessment Panel**

TERM OF REFERENCE

Adopted by the City of Mount Gambier at its meeting held on
19th September, 2017.



**City of Mount Gambier Council Assessment Panel
Terms of Reference
Applicable from 1 October 2017**

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1.	Background	1.
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1. BACKGROUND

- 1.1 The City of Mount Gambier Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Mount Gambier (**the Council**) on 19 September 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

2. MEMBERSHIP OF CAP

Appointment of Members

- 2.1 The CAP will be constituted of 5 Members (**CAP Members**), to be appointed by the Council, comprising:
 - 2.1.1 one Member of the Council (**Council Member**);
 - 2.1.2 4 Independent Members (**Independent Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
 - 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
 - 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
 - 2.3.3 in relation to the Council Member, the candidate's experience in local government;
 - 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
 - 2.3.5 that gender diversity among CAP Members is desirable;
 - 2.3.6 such other matters as the Council considers relevant.

Appointment of Deputy Members

- 2.4 The Council must appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.



- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10 The Council will call for expressions of interest for appointment of CAP Members.

Presiding Member and Acting Presiding Member

- 2.11 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14 A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.16 Subject to clause 5, Independent Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.17 Subject to clause 5, the Council Member will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.18 Deputy Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.



2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.

3. VACANCY IN MEMBERSHIP

3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.

3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.

3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.

3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. CONDITIONS OF APPOINTMENT

4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.

4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.

4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.

4.3.1 Sitting fees (including GST):

• Independent Presiding Member	\$250
• Other Independent Members	\$200
• Council Member appointees	\$200
• Council Officer appointees	NIL*

(the above sitting fees are for formal ordinary meetings of a Panel which are likely to be monthly when a substantial majority of the CAP business will be conducted)

4.3.2 Should it be necessary to convene formal special meetings of a Panel then the likely sitting fees will be as follows on the basis of the lesser number of items on the agenda:

• Independent Presiding Member	\$60
• Other Independent Members	\$50
• Council Member appointees	\$50
• Council Officer appointees	NIL*

4.3.3 Where the meeting does not require the attendance of Members in person and can be undertaken by phone link up due to a small agenda



and the minor nature of items for discussion and no site inspection is necessary the sitting fees be as follows:

- Independent Presiding Member \$60
- Other Independent Members \$50
- Council Member appointees \$50
- Council Officer appointees NIL*

****Special Note: It is not the intention of the Council to appoint any Council Officers to any Panel.***

- 4.3.4 Travel reimbursement of 57.8 cents per kilometer may be available upon application to Council should a member of the Council Development Assessment Panel not be a resident within the City of Mount Gambier and the District Council of Grant.
- 4.3.5 A review of the sitting fees and expenses etc. will be undertaken within 6 months of the formation of the new Panel.
- 4.3.6 Invoices seeking payment for attendance at a meeting of the Council Development Assessment Panel shall be submitted regularly, on a monthly basis, after the meeting of the Council Development Assessment Panel for that month.
- 4.3.7 It is the view of the Councils that the sitting fees referred to above are sufficient to be inclusive of:
 - (a) view of all sites to be considered (and related travel costs);
 - (b) review of the agenda for each meeting;
 - (c) assessment of the applications against the provisions of the Development Plan;
 - (d) attendance at every Panel meeting;
 - (e) discussions with Council Officers, at the DAP meeting, regarding alternate recommendations or queries in relation to agenda items.

4.4 Upon the commencement of Section 83(1)(c) of the Act:

- 4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act;
- 4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. REMOVAL FROM OFFICE

5.1 A CAP Member will automatically lose office where:

- 5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;



- 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;
 - 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
- 5.2.1 a breach of a condition of his or her appointment as a CAP Member;
 - 5.2.2 misconduct;
 - 5.2.3 a breach of any legislative obligation or duty of a CAP Member;
 - 5.2.4 neglect of duty in attending to role and responsibilities as a CAP Member;
 - 5.2.5 a failure to carry out satisfactorily the duties of his or her office;
 - 5.2.6 a breach of fiduciary duty that arises by virtue of his or her office;
 - 5.2.7 inability to carry out satisfactorily the duties of his or her office.
 - 5.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP Member previously having resolved to grant a leave of absence to the CAP Member;
 - 5.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so;
 - 5.2.10 for any other reason the Council considers appropriate.
- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1 give written notice to the CAP Member of:
 - 5.4.1.1 its intention to remove the CAP Member from office pursuant to clause 5.2;
 - 5.4.1.2 the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,
- not less than 7 days before the meeting of the Council at which the matter is to be considered.



- 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines;
- 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

28 August 2017
Ref. AR17/33514





**City of Mount Gambier Council
Assessment Panel**

MEETING PROCEDURES

Valid from 20th February 2020.



**City of Mount Gambier Council Assessment Panel
Meeting Procedure
Applicable from 20th February 2020**

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City of Mount Gambier Council Assessment Panel

Meeting Procedures

Adopted for the CAP for application from 20th February 2020

These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the *Planning, Development and Infrastructure (General) Regulations 2017 (Regulations)*.

1. CAP MEETINGS

ORDINARY MEETINGS

- 1.1 Ordinary meetings of the City of Mount Gambier Council Assessment Panel (**CAP**) will be held on the third Thursday of each month, unless there are no items to be considered, in which case no meeting will be held.
- 1.2 Meetings will commence at 5:45pm, unless earlier or later commencement times are arranged to facilitate inspections of land the subject of current, past or future applications before the Panel.
- 1.3 Meetings will ordinarily be held at the Civic Centre, 10 Watson Terrace, Mount Gambier. However, the Assessment Manager, in consultation with the Presiding Member, may arrange an alternative venue should the circumstances warrant.
- 1.4 All Members must attend meetings in person. No Member shall attend a meeting by telephone or video link, or any other electronic means.
- 1.5 Notice of an ordinary meeting will be given to all CAP Members not less than 3 clear days prior to the holding of the meeting in accordance with clause 1.6.
- 1.6 Notice of a meeting of the CAP must:
 - 1.6.1 be in writing;
 - 1.6.2 set out the date, time and place of the meeting;
 - 1.6.3 be signed by the Assessment Manager;
 - 1.6.4 contain or be accompanied by the full agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - 1.6.5 be given to a CAP Member by electronic means to the email address nominated by the Member.
- 1.7 A notice that is not given in accordance with clause 1.6 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.



- 1.8 A copy of the full agenda for all meetings of the CAP (excluding the attachments to reports) will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.9 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.
- 1.10 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 1.11 A meeting may, at the request of a CAP Member or the Assessment Manager, break for a specified time period as determined by the CAP.
- 1.12 Meetings of the CAP shall be conducted in public except where the Panel may exclude the public pursuant to Regulation 13(2) of the Regulations.

SPECIAL MEETINGS

- 1.13 The Presiding Member may, by delivering a written request to the Assessment Manager, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.14 On receipt of a request pursuant to clause 1.13, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least two days before the commencement of the special meeting.
- 1.15 An Assessment Manager may require a special meeting of the CAP to be held. Members must be advised of the special meeting in accordance with the procedures set out in clauses 1.5 and 1.6.

2 DEPUTY MEMBERS

- 2.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member, Assessment Manager or a member of Council staff who has been nominated by the Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause 2.1 is given, the Presiding Member may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 2.3 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

3 ADDITIONAL MEMBERS

- 3.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the *Planning, Development and Infrastructure Act 2016 (Act)*.



- 3.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where he or she considers the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or, during the transition to the Act, the *Development Act 1993*).
- 3.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 1.4, highlighting the item(s) the Additional Member is required to consider.
- 3.4 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

4 COMMENCEMENT OF MEETINGS

- 4.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 4.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.
- 4.3 If at the expiration of ten minutes from the commencement time specified in the notice of the meeting a meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 4.4 In the event that the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

5 DEFERRAL OF ITEMS

- 5.1 Any request from an applicant (or their representative) to defer an item listed on the CAP agenda after the agenda has been sent to CAP Members but before the meeting, must be in writing and sent to the Assessment Manager. The decision to permit a deferral will be made by the Presiding Member at his or her discretion in consultation with the Assessment Manager.

6 HEARING OF REPRESENTATIONS

- 6.1 The Assessment Manager may in his or her discretion exclude:
- 6.1.1 a representation or response to representation(s) which is received out of time;
 - 6.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
 - 6.1.3 a representation or response to representation(s) which is otherwise invalid.



- 6.2 In relation to each application to be considered and determined by the CAP:
- 6.2.1 a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 6.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by spokesperson.
 - 6.2.2 Where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by spokesperson;
 - 6.2.3 Where no representors appear, an applicant (or their spokesperson) will only be entitled to appear before the CAP at the discretion of the Presiding Member.
- 6.3 CAP Members may question and seek clarification from representors and applicants at the conclusion of their address to the CAP.
- 6.4 Where representors and/or applicants are to be heard by the Panel, this will occur at the commencement of the consideration of each relevant agenda item and not *en bloc*.
- 6.5 Representors will be allocated 5 minutes to address the CAP and the applicant will be allocated 10 minutes to respond, unless otherwise determined by the Presiding Member.
- 6.6 Where two or more persons have nominated a spokesperson to support their representations the Presiding Member will determine the allocated time that the spokesperson will have to address the CAP.
- 6.7 Where representors are addressing the CAP on a common issue or issues, the CAP may request such representors to address the CAP in a group, rather than individually.
- 6.8 Representors will not be allowed a further opportunity to address the CAP once applicants have concluded their response.
- 6.9 Representors and applicants will not be allowed a further opportunity to address the CAP at any subsequent meeting of the CAP to consider the matter, unless the application has been re-notified, or otherwise at the discretion of the Presiding Member. However, the Presiding Member may allow CAP Members to address questions to the application or representors, who must limit their responses to the questions raised.
- 6.10 Representors and applicants shall not raise new material that has not been raised in their written submissions when they appear before the CAP, except at the discretion of the Presiding Member.
- 6.11 After hearing from an applicant and / or representors, the CAP will discuss the application, including discussing any new information which has been received. The CAP may seek clarification from the Assessment Manager and any Council Planning Staff in attendance on any matter.
- 6.12 Individual Elected Members of the City of Mount Gambier do not have a right to be heard by the CAP unless they have made a representation as a private citizen which has not been excluded by the Assessment Manager pursuant to clause 6.1, or have been appointed by a representor to speak on their behalf.



- 6.13 Should a CAP Member receive by direct post, fax, email or any other means, information in relation to a development application current being assessed (or a proposal likely to be assessed) by the CAP, the CAP Member must immediately forward the information to the Assessment Manager. The Panel Member should not acknowledge receipt of the information and must not enter into discussion with the sender in relation to any matters contained within the information received. If a CAP Member receives such information, he or she must disclose this fact to the meeting of the CAP at which the application is being considered.

7 SITE INSPECTIONS

- 7.1 Site inspections by the CAP to sites that are the subject of past, current or future applications before the CAP will be determined by the Assessment Manager upon request to the Assessment Manager from any member of the CAP,
- 7.2 The Assessment Manager shall be present at all site inspections undertaken by the CAP.
- 7.3 The CAP will not hear from any party during a site inspection.
- 7.4 Site inspections undertaken by members of the CAP must be undertaken in accordance with the Code of Conduct adopted by the Minister pursuant to Schedule 3 of the Act, applicable to CAP Members (**Code of Conduct**).

8 INFORMATION PROVIDED FOLLOWING PREPARATION OF THE MEETING AGENDA

- 8.1 Additional information submitted at the Panel meeting will be considered by the Panel only at the discretion of the Presiding Member. The Panel may defer consideration of the application to enable a full and proper assessment of any further information which the Presiding Member has decided the Panel will take into consideration to be made.
- 8.2 Should an applicant or representor wish to raise additional information, it should be sent to Council marked to the attention of the Assessment Manager at least 5 business days prior to the CAP meeting at which the matter will be considered
- 8.3 The Presiding Member shall determine whether additional information received pursuant to clause 8.2 above shall be considered by the CAP.
- 8.4 Any material to be considered by the CAP pursuant to clause 8.3 above must be provided to the applicant and/or representors (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member
- 8.5 The CAP may defer consideration of the application to enable full and proper assessment of the additional information, or the completion of the requirements in clause 8.4 above.



9 DECISION MAKING

- 9.1 The CAP shall have regard to the relevant provisions in the correct consolidation of the City of Mount Gambier Development Plan, or when repealed and replaced by the the Planning and Design Code (**Code**), the relevant provisions of the correct consolidation of the Code, when making decisions on applications, and shall also have regard to relevant issues raised in any written and / or verbal representations.
- 9.2 In relation to each application it considers, the CAP must:
- 9.2.1 determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination; and
 - 9.2.2 provide reasons for granting or refusing Development Plan Consent and for the imposition of any conditions.
- 9.3 If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan Consent to the application.
- 9.4 Each Member present at a meeting of the CAP, including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a Member who is unable or unwilling to attend the meeting, is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 9.5 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by Members present at the meeting and entitled to vote.
- 9.6 All CAP members must participate in the decision of the CAP on each matter before it by making one vote.
- 9.7 Members of the CAP are unable to call for a division, nor can they submit any notice of motion to revoke or amend a previous decision of the CAP.
- 9.8 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.
- 9.9 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where he or she is, in the opinion of the Presiding Member:
- 9.9.1 behaving in a disorderly manner; or
 - 9.9.2 causing an interruption or disruption to the meeting.
- 9.10 The CAP shall make a determination (which may include deferral) in relation to each application before it, on the application as presented to it. The CAP shall not 'redesign' a proposal from an applicant.



- 9.11 The CAP may, at its discretion, defer a decision in relation to an application, subject to providing the Assessment Manager with reasoning for the deferral, which will be recorded in the minutes and communicated to the applicant and any representors.

10 MINUTES AND REPORTING

- 10.1 The CAP must ensure that accurate minutes are kept of all meetings.
- 10.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 10.3 The minutes will record:
- 10.3.1 the names of all Members present;
 - 10.3.2 the names of all Members from whom apologies have been received;
 - 10.3.3 the name and time that a Member enters or leaves the meeting;
 - 10.3.4 the name of every person who makes a representation;
 - 10.3.5 in relation to each application determined by the CAP:
 - 10.3.5.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
 - 10.3.5.2 the reasons for granting or refusing Development Plan Consent and for the imposition of any conditions; and
 - 10.3.5.3 where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
 - 10.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 10.3.7 a decision to exclude the public from attendance, including the reasons for such decision and the relevant provision(s) of Regulation 13(2) pursuant to which the decision was made;
 - 10.3.8 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
 - 10.3.9 any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (**Code of Conduct**), and the nature of the interest; and
 - 10.3.10 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- 10.4 The minutes shall not be formal minutes until adopted by the CAP at the next meeting of the CAP.
- 10.5 Upon adoption of the Minutes, the Presiding Member shall authorise the Minutes by signature and date of adoption on the Minutes.



11 PLANNING APPEALS

- 11.1 Should an appeal be lodged in the Environmental, Resources and Development Court in relation to a decision of the CAP, the CAP will determine whether to resolve the appeal by agreeing to a compromise proposal, or whether the matter should proceed to a hearing.

12 CONDUCT

- 12.1 If a CAP Member is of the view that they have a direct or indirect personal or pecuniary interest in relation to a matter before the Panel they shall make a disclosure clearly stating the nature of that interest to the CAP, in accordance with the Act and the Code of Conduct, and shall thereafter act in accordance with the Code of Conduct.

13 PLANNING POLICY

- 13.1 The CAP may, from time to time, consider trends, issues and other matters relating to planning or development that have become apparent or arisen through the assessment of development applications, and report to Council accordingly.

20th February 2020
Ref: AF19/488



16.7 LOCAL HERITAGE RESTORATION FUND 2020/2021 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS – REPORT NO. AR20/76850

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/76850
CM9 Reference:	AF19/413
Author:	Jessica Porter, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Summary:	As part of Council’s commitment to the conservation and management of the City’s heritage assets, a Local Heritage Restoration Fund has been established by Council. Council received a total of 13 applications for the 2020/2021 Local Heritage Restoration Fund. This report recommends that 12 applications be granted funding.
Strategic Plan Reference:	Goal 1: Our Community
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

- That People and Place Committee Report No. AR20/76850 titled ‘Local Heritage Restoration Fund 2020/2021 - Consideration of applications and distribution of funds’ as presented on 07 December 2020 be noted.
- That the Heritage Restoration Fund Grants for 2020/2021 be endorsed and funds distributed as follows:

PROPERTY	DESCRIPTION OF WORK	RECOMMENDED VALUE OF GRANT
85-87 Gray Street	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	1,700
17 Jardine Street	Replacement of damaged window	1,800
65 Bay Road	Repairs and update the verandah, replace existing timbers with new timber	1,800
1/29 Ferrers Street	Roofing and repairs	1,800
12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	1,800



9 Jardine Street	Restoration of and painting of front fence and verandah floor	300
1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	1,700
45 Crouch Street North	Restore verandah	1,700
58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	1,700
81 Bay Road	Repair and repaint exterior of building	1,800
30 Power Street	Removal and replacement of front fence (including painting)	1,800
36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	1,800
TOTAL		20,000

3. That Council Officers advise successful applicants of the outcome of their applications.



TYPE OF REPORT

Other

BACKGROUND

As part of Council's commitment to the conservation and management of the City's heritage assets, a Local Heritage Restoration Fund has been established by Council. Each financial year, the owners of a Local Heritage Place can apply to Council for a grant, to contribute towards conservation works on the property, which may include:

- Painting and repairs of woodwork and windows,
- Repair or replacement of heritage fences,
- Re-roofing and new gutters,
- Stonework restoration and salt damp repairs, and/or
- Verandah repairs or reconstruction.

Funding will be issued to successful applicants upon completion of the restoration/conservation works. All restoration/conservation works are required to be completed within six months of approval of the grant. In certain circumstances where works may be urgent, retrospective approval may be granted; and are subject to discussion with Council staff and Council's Local Heritage Advisor, to ensure that appropriate evidence is provided and works have been completed to a satisfactory standard. A copy of the Local Heritage Restoration Fund application criteria and information can be found as Attachment 2.

PROPOSAL

Council received a total of 13 applications for the 2020/2021 Local Heritage Restoration Fund. All the applications vary, in both conservation works proposed, and in value. A summary table of applicants and their proposed works and estimated cost of the project has been attached for the Members further information.

All of the applications for the Local Heritage Restoration Fund have been referred to Council's Local Heritage Advisor for consideration and recommendations as part of the consideration of the applications. In particular this helps to ensure that the funding money is allocated towards appropriate work proposed to be undertaken on the local heritage place.

LEGAL IMPLICATIONS

No legal implications for Council have been identified as part of the Local Heritage Restoration Fund.

STRATEGIC PLAN

Goal 1 - Our Community

Objective - Care for Our Community

1.4.6 Providing grant programs that assist the community in delivering services and projects that align with its aspirations

COUNCIL POLICY

There are no Council Policies or other Council strategies that directly link to the Local Heritage Restoration Fund.

ECONOMIC IMPLICATIONS

The 2020/2021 City of Mount Gambier Budget has allocated \$20,000 for the 2020/2021 Local Heritage Restoration Fund. The value of the grant is dependent on the number of applications



received and the budget allocation by Council. Generally the maximum amount of any grant available is \$2,000, although this amount can vary.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of the Local Heritage Restoration Fund.

SOCIAL IMPLICATIONS

The Local Heritage Restoration Fund enables owners of these properties to undertake work to help maintain and preserve Local Heritage Places for the benefit of the community.

CULTURAL IMPLICATIONS

The Local Heritage Restoration Fund provides a means to restore and preserve the City's Local Heritage Places.

Local Heritage Places satisfy one or more of the following criteria:

- it displays historical, economic or social themes that are of importance to the local area;
- it represents customs or ways of life that are characteristic of the local area;
- it has played an important part in the lives of local residents;
- it displays aesthetic merit, design characteristics or construction techniques of significance to the local area;
- it is associated with a notable local personality or event;
- it is a notable landmark in the area;
- in the case of a tree (without limiting a preceding paragraph) - it is of special historical or social significance or importance within the local area.

RESOURCE IMPLICATIONS

Money was allocated for the Local Heritage Fund as part of the 2020/2021 budget process with this money being allocated for this specific purpose. The ongoing continuation of this fund program is subject to Council's ongoing allocation of funding as part of its annual budget setting considerations.

Council's Development Services Team provide administrative support for this initiative.

VALUE FOR MONEY

In the past, Council has set a maximum amount of \$2,000 per grant. However, this amount has varied depending upon number of applications received and the types of restoration/conservation works to be completed.

The Local Heritage Fund continues to be well supported by owners of Local Heritage Places, with the full amount of the fund allocated each year.

RISK IMPLICATIONS

The Local Heritage Fund is considered to be a low risk program when considering the Application process, the payment of grants and the total value of the pool of money available for the grant.

Risks of the fund include:

- Money allocated to someone when they are not entitled to the funding
- Money allocated to work not integral to the local heritage listing of the place
- Money unable to be paid due to work not being undertaken in accordance with the application paperwork.

The process to consider applications received as part of the Local Heritage Fund, the guidelines for Applicants and the Application Forms are considered appropriate in managing the risks identified.



EQUALITIES AND DIVERSITY IMPLICATIONS

N/A.

ENGAGEMENT AND COMMUNICATION STRATEGY

Each year, owners of Local Heritage Places are invited to apply to Council for a grant to be used in relation to restoration and conservation works at their property. The owners of 125 Local Heritage Places within the City, were invited to apply the Local Heritage Restoration Fund, via correspondence sent in August 2020.

IMPLEMENTATION STRATEGY

All of the applications seeking a grant from the Local Heritage Restoration Fund were considered by Council's Local Heritage Advisor. A summary of the recommendations made by the Local Heritage Advisor, has been attached to this report.

Once Council has resolved to issue Local Heritage Grant Funds, successful applicants will be notified and will have until the end of the 2020/2021 Financial Year to complete their restoration works.

Upon notification of the completion works, Council Officers will visit the sites to confirm that the restoration works have been completed.

CONCLUSION AND RECOMMENDATION

The successful Applicants and the value of the grants as outlined in the recommendation of this report be endorsed and supported by Council.

ATTACHMENTS

1. 2020/2021 Local Heritage Restoration Fund Heritage Adviser Recommendations [↓](#)



2020/21 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

DATE APPLICATION RECEIVED	APPLICANT	PROPERTY	DESCRIPTION OF WORK	PROPOSED WORK MEETING GRANT CRITERIA	HERITAGE ADVISER COMMENTS	DEVELOPMENT APPROVAL REQUIRED	ESTIMATED COST	RECOMMENDED VALUE OF GRANT
02/09/2020	Darren and Tanya Coxon	55 Bay Road, Mount Gambier	Repair internal ceilings and cornice	No	Ceiling repairs been done to a good conservation standard but works are internal and have been completed. Retrospective work does not meet the criteria	No – interior works do not require DA	5,000	nil
06/10/2020	87 Gray St Pty Ltd	Lambert Lodge 85-87 Gray Street, Mount Gambier	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	No – no details provided	Support - subject to confirming details of work and estimated cost.	No- minor repairs do not require DA	?	1,700
08/10/2020	Ryan and Alana Creek	17 Jardine Street, Mount Gambier	Replacement of damaged window	Yes	Support. Existing window is not original and is intrusive.	Yes Replacement of windows requires DA. Recommend to provide details and include in pending DA.	6,050	1,800
15/10/2020	Sam Webster	65 Bay Rd, Mount Gambier	Repairs and update the verandah, replace existing timbers with new timber	Yes	Support Replacement of pine with hardwood is appropriate. Damp protection of joists will be required.	No- minor repairs do not require DA	14,764	1,800



2020/21 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

15/10/2020	Rowan Williamson	1/29 Ferrers Street	Roofing and repairs	Yes	Support in principle subject to submission of details of proposed roofing and repairs.	Yes Confirm if the proposed repairs are covered by the existing change of use consent.	76,697	1,800
16/10/2020	Chris & Natalie Walmsley	12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	No	Support for re-roofing and repainting of exterior of the existing heritage place. Subject to ensuring that the decorative pressed metal roof cresting is retained.	Yes Building works and reroofing. May be included in existing DA	375,220	1,800
16/10/2020	Robyn Glynn	9 Jardine Street	Restoration of/ painting of front fence and verandah floor	Yes	Support. Picket fence makes an important streetscape contribution	No- minor repairs do not require DA	605	300
16/10/2020	Fiona Lovett & Scott Longhurst	1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	Yes	Support –photographs show the scope and nature of works.	No- minor repairs with like for like materials does not require DA	5,570	1,700
16/10/2020	John & Wendy Pocock	45 Crouch Street North	Restore verandah	Yes	I have an appt for site consultation on 28 th October. Existing pavers are intrusive. Concrete substrate may need to be replaced.	Yes Building works	6,000	1,700
16/10/2020	Kristy & Ryan Turner	58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	No details provided – only application form provided.	Support Details on application form are sufficient to assess the grant application.	No- minor repairs do not require DA	2,500	1,700



2020/21 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

16/10/2020	Andrew Buchalka	81 Bay Road	Repair and repaint exterior of building	Yes Note – no colour scheme has been provided.	Support Existing paintwork is in poor condition.	No- minor repairs do not require DA	Average cost of quotes 20,247	1,800
20/10/2020	S & F Baggio	30 Power Street	Removal and replacement of front fence (including painting)	Received after due date	Support Picket fence makes an important streetscape contribution	Yes Replacement / new fence require DA	24,650	1,800
20/10/2020	CR & KL Ind	36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	Received after due date	Support Details are provided in the change of use DA.	Yes. This work is be included by the existing DA for change of use.	8,000	1,800
Total								20,000

Mt Gambier Local Heritage Fund

Assessment and recommendations provided by Richard Woods, Limestone Coast Heritage Adviser on 26.10.2020



**MINUTES OF CITY OF MOUNT GAMBIER
REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 8 DECEMBER 2020 AT 5.30 P.M.**

PRESENT: Cr Ben Hood (Presiding Member), Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Sonya Mezinec, Cr Frank Morello, Cr Steven Perryman (entered at 5:36 pm)

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer General Manager City Infrastructure Executive Administrator City Infrastructure	- Ms B Cernovskis - Mr N Serle - Ms S Wilson
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1 ACKNOWLEDGEMENT OF COUNTRY

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.

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

That the apology from Mayor Lynette Martin be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Christian Greco

That the minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 November 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

The Presiding Member sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to hold further discussion of the names presented by the Community.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 5:35 pm

Cr Steven Perryman entered the meeting at 5:36 pm

The Presiding Member determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 5:45 pm

5.1 COMMUNITY AND RECREATION HUB - NAME CONSULTATION

MOTION

Moved: Cr Max Bruins

Seconded: Cr Steven Perryman

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Wulanda
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Recreation and Convention Centre

AMENDMENT

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Mount Gambier CORE
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Recreation and Convention Centre

The Amendment was put and

LOST

The original Motion was put

COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Cr Steven Perryman

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Wulanda
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
 - (a) Recreation and Convention Centre

CARRIED

6 CONFIDENTIAL ITEMS

6.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 29/11/2020 – REPORT NO. AR20/80910

COMMITTEE RESOLUTION

Moved: Cr Sonya Mezinec

Seconded: Cr Christian Greco

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Regional Sport and Recreation Centre Committee orders that all members of the public, except Councillors B Hood, M Bruins, C Greco, P Jenner, S Mezinec, F Morello and S Perryman; Council Officers B Cernovskis, N Serle and S Wilson and Consultants N Argyros and A Thorstenson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.1 AR20/80910 Project Control Group (PCG) Progress Report - As at 29/11/2020.

The Regional Sport and Recreation Centre Committee is satisfied that, pursuant to section 90(3) (b), (d) and (k) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- tenders for the:
 - supply of goods, or
 - the provision of services, or

- the carrying out of works

The Regional Sport and Recreation Centre Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because specifically, the present matter relates to the execution of a signed contract between Council and Badge for the construction of the Mount Gambier Community and Recreation Hub.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 6.1 AR20/80910 Project Control Group (PCG) Progress Report - As at 29/11/2020 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until that the item be reviewed 12 months after successful execution of the contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

7 MEETING CLOSE

The Meeting closed at 6:24 pm

The minutes of this meeting were confirmed at the Regional Sport and Recreation Centre Committee held on 9 February 2021.

.....
PRESIDING MEMBER

17.2 COMMUNITY AND RECREATION HUB - NAME CONSULTATION – REPORT NO. AR20/78193

Committee:	Regional Sport and Recreation Centre Committee
Meeting Date:	8 December 2020
Report No.:	AR20/78193
CM9 Reference:	AF18/175
Author:	Heidi Gajic, Community Development and Engagement Officer
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	Overview of community consultation to determine preferred name of the Community and Recreation Hub for Council endorsement.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
 - (a)
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
 - (a)



TYPE OF REPORT

Corporate

BACKGROUND

At the Council meeting on 21 May 2019, Council resolved to undertake an engagement program to invite the community to submit their ideas for a name of the new facility.

Following two rounds of consultations a total of 162 name submissions were received and presented to Council for review and shortlisting of up to 5 names within the endorsed criteria to proceed to community vote.

At the Council meeting on 20 October 2020, Council resolved:

Resolution 2020/297

1. That Regional Sport and Recreation Centre Committee Report No. AR20/66615 titled 'Community and Recreation Hub - Name Consultation' as presented on 13 October 2020 be noted.

2. That the following names be presented to the community for a vote to decide the name of the new facility

(i) Wulanda

(ii) Berrin

(iii) Mount Gambier CORE

3. That the following terms be presented to the community for consultation to guide and inform the suffix (extended title) of the new facility:

(i) Convention and Recreation Centre

(ii) Community, Sport and Recreation Hub

(iii) Sport, Recreation and Entertainment Centre

PROPOSAL

Community consultation commenced on Friday 23 October 2020 and concluded Friday 13 November 2020, incorporating a feedback period of 22 days.

Members of the community were invited to select their preference for a name and recommendation for an extended title for the facility by completing a feedback form available at:

- Online at Have Your Say Mount Gambier – www.haveyoursaymountgambier.com.au/CaRH
-



The consultation period resulted in the following awareness and participation:

Promotional Activity:

Date	Method	Reach
	3 social media story posts (Facebook & Instagram)	
23 October	Facebook post	Reach: 7767 Engagements: 2750 Comments: 47 Shares: 3
	Media release - Newsroom	Page views: 143
4 November	Advertisement – Lifestyle1	
5 November	Facebook post	Reach: 7889 Engagements: 2177 Comments: 29 Shares: 5
6 November	Advertisement – The Border Watch	
12 November	Advertisement – SE Voice	

Engagement Activity:

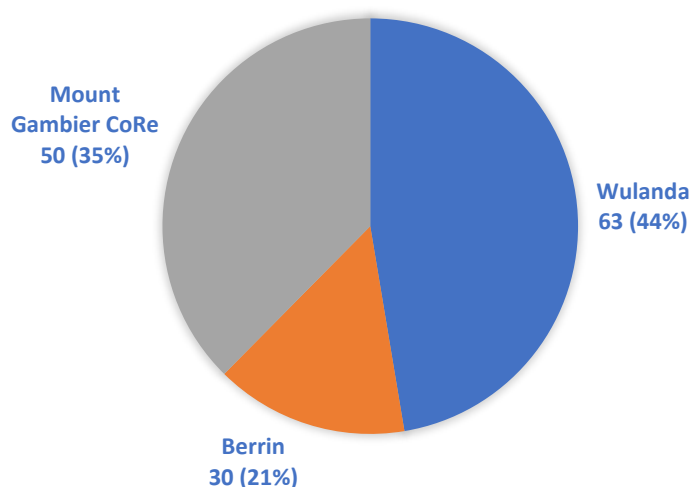
Have Your Say

- 751 visits to the Have Your Say - Community and Recreation Hub page
- 75 New Have Your Say registrations
- 143 submissions

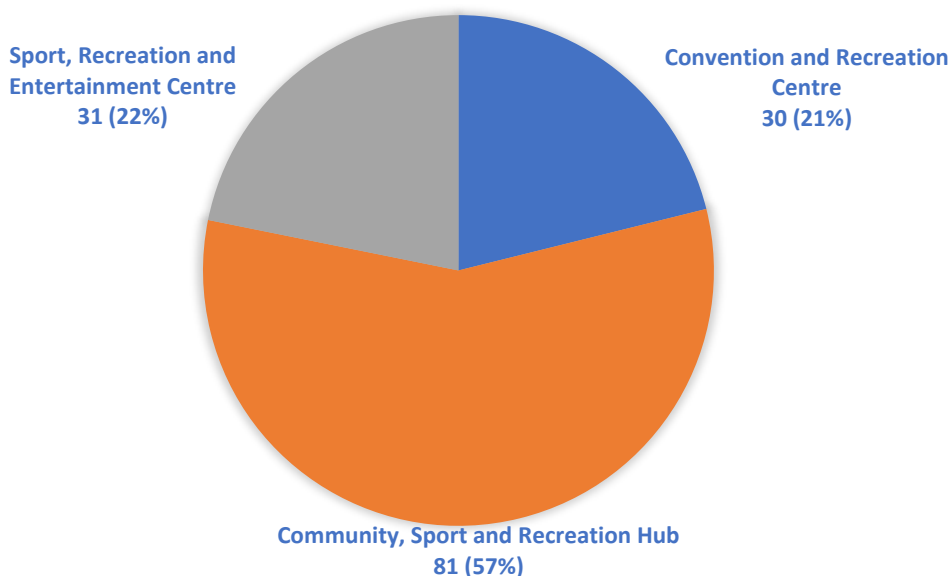
Community consultation results:

Total submissions: 143

Q1. Please select your preferred name for the new facility.



Q2. Please select your preferred extended title to accompany the name you selected in question 1



As the most significant recreational facility in our region with state-of-the-art aquatic, fitness, sports, cultural, youth, café and crèche facilities it is important that the facility have a name and brand that reflects the aspirations of the community for the facility to be a place that people want to visit, experience and return to.

LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN

The development of the Community and Recreation Hub is a key deliverable within the Strategic Plan 2020-2024 supporting the ongoing health and wellbeing of our community.

1.1.4 Improve our accommodation offering for community groups, whilst reducing total number of Council managed facilities, including investigations into a community group hub (complementary to the Community and Recreation Hub), the co-location of community groups and future sharing of facilities.

1.3.2 Providing opportunities to enable our community to be supported and involved.

1.4.2 Providing integrated services and facilities that encourage active living to improve health and wellbeing.

1.4.3 Valuing and supporting our Boandik and multicultural communities.

1.4.4 Planning, leading and facilitating high quality services to develop the potential of children and young people.

1.4.5 Ensuring support services and recreational activities are accessible.

2.4.1 Seeking to hold at least six regional standard community or sporting events in the new Community and Recreation Hub annually.

COUNCIL POLICY

Community consultation completed in accordance with the City of Mount Gambier P195 Community Consultation and Engagement Policy - <https://s3-ap-southeast-2.amazonaws.com/cm3-public-assets/general-images/P195-Community-Consultation-and-Engagement-Policy.pdf>

ECONOMIC IMPLICATIONS

As per the Strategic Plan 2020-2024

ENVIRONMENTAL IMPLICATIONS

As per the Strategic Plan 2020-2024

SOCIAL IMPLICATIONS

As per the Strategic Plan 2020-2024

CULTURAL IMPLICATIONS

As per the Strategic Plan 2020-2024

RESOURCE IMPLICATIONS

Nil

VALUE FOR MONEY

Value will be determined via the tender process in accordance with Councils Procurement Policy and procedures.

RISK IMPLICATIONS

Nil

EQUALITIES AND DIVERSITY IMPLICATIONS

In line with Council's Reconciliation Action Plan the Bunganditj Language Reclamation Committee were invited to submit suggestions for the name referencing Bunganditj language and review the significant number of the community submissions that referenced First Nations languages, providing their support for a selection of appropriate Bunganditj names.

ENGAGEMENT AND COMMUNICATION STRATEGY

Members of the community without internet access were encouraged to visit the Library for assistance to lodge their online submission.

IMPLEMENTATION STRATEGY

Following the confirmation of the name the tender process to secure the branding for the facility will commence.

CONCLUSION AND RECOMMENDATION

Having concluded the engagement period on preferred names and extended titles for the Community and Recreation Hub facility, this report recommends Wulanda as the facility name as identified through the community consultation (44%) and community recommendations on the suffix (extended tile) be presented to Council for consideration and endorsement.

ATTACHMENTS

Nil

