City of
Mount Gambier

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14 February 2019

MAYOR
COUNCILLORS
CITY OF MOUNT GAMBIER

1. **NOTICE** is given that a meeting of the Council of the City of Mount Gambier will be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier **on Tuesday, 19 February 2019 at 6.00 p.m.**

2. **NOTICE** is given that the Standing Committees (Committee Room and Level 1 Conference Room) and Council Assessment Panel (Level 1 Conference Room) will meet at the Civic Centre, 10 Watson Terrace, Mount Gambier on the days and dates as follows:

Strategic Standing Committee	**Tuesday, 12 March 2019**
Operational Standing Committee	**Tuesday, 12 March 2019**
Council Assessment Panel	**Thursday, 21 March 2019**

An agenda for the meeting is enclosed.

Mark McSHANE
CHIEF EXECUTIVE OFFICER

AF18/473

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AGENDA OF ORDINARY COUNCIL MEETING

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 19 February 2019 at 6.00 p.m.

PRESENT Mayor Lynette Martin OAM

Cr Ben Hood
Cr Steven Perryman
Cr Sonya Mezinec
Cr Kate Amoroso
Cr Max Bruins
Cr Christian Greco
Cr Paul Jenner

COUNCIL OFFICERS	Chief Executive Officer	-	Mr G Maxwell
	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	Manager Executive Administration	-	Mr M McCarthy
	Manager Development Services	-	Mrs T Tzioutziouklaris
	Media and Communications Coordinator	-	Ms S McLean
	Administrative Officer Executive Support	-	Mrs M Telford

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

1. APOLOGY(IES)

Apology(ies) received from Cr Frank Morello

That the apology from Cr Morello be received.

Moved: Seconded:

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 15 January 2019
Special Meeting held on 23 January 2019

That the minutes of the Ordinary Council meeting held on 15 January 2019 and the minutes of the Special Meeting held on 23 January 2019 as attached be confirmed as accurate records of the proceedings of the meetings.

Moved: Seconded:

4. MAYORAL REPORT - Ref. AF11/881

That the Mayoral report made on 19 February 2019 be received.

Moved: Seconded:

5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Member
……..
……..

That the reports made by Councillors on 19 February 2019 be received.

Moved: Seconded:

6. QUESTIONS WITH NOTICE

6.1. Cr Amoroso presented the following questions on notice:

(i) Does the Local Government Act 1999 or any City of Mount Gambier Council policy prevent Elected Members from speaking to media on any particular Council issue, as long as it is expressed to be their own personal point of view?

(ii) When an Elected Member is speaking to the media and expressing their own personal point of view about a council matter and not speaking on behalf of the Council, under the Local Government Act 1999, is the Mayor able to stop an Elected Member from speaking to the media?

(iii) How much would it cost the City of Mount Gambier Council to livestream Council Meetings through the Council's facebook page?

6.2. Cr Bruins presented the following question on notice:

(i) Have Council previously investigated the "My Local Services" app and passed a motion not to make the app available for use by residents of the City of Mount Gambier?

6.3. Cr Bruins presented the following question on notice:

(i) Can the Presiding member of the CEO Selection and Recruitment committee provide an update to council as to the committee's progress in relation to the recruitment of a replacement CEO for the City of Mount Gambier?

6.4. Cr Perryman asked Questions of the Chief Executive Officer at the December Council Meeting and followed these questions up at the January Council Meeting.

Please note responses and documents as follows were provided to all Councillors on the respective dates:

(i) 21/12/2018 - Email from Michael McCarthy to all Members - AR18/53744 - Memo - Committee Member Record Keeping Requirements.

(ii) 25/01/2019 - Memo 1.3 Friday Edition - AR19/3660 - Memo - Records Management Obligations.

(iii) 08/02/2019 - Memo 1.7 Friday Edition - AR19/5549 - Memo - Communications and Contractors, Subcontractors and Developers.

The questions asked are contained within the 3 attached memos.

7. QUESTIONS WITHOUT NOTICE

8. PETITIONS

Nil

9. DEPUTATIONS

Nil

10. NOTICE OF MOTION TO RESCIND OR AMEND

10.1 Strategic Management - Council and Committee Policies Review and Development - AF18/56

To provide a process and timeline for the review of Council Policies C305, M240 and M405, and taking into consideration the other strategic priorities of Elected Members, I Mayor Martin, give notice of the following motions to rescind and replace Resolutions passed at the 15 January Council meeting:

(a) That the resolutions associated with Items 15.1, 15.2 and 15.3 as passed at the 15 January 2019 Council Meeting be rescinded

15.1 Review of Council Policy C305

(a) A report be prepared following consultation with Councillors referencing the impact of guiding documents on the current policy, the outcome the review is seeking to achieve and the restrictions of Council Policy C305 Caretaker Policy.

(b) The matter be referred to the Strategic Standing Committee for further consideration.

15.2 Review of Council Policy M240

(a) The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information and submit recommendations on any proposed amendment to Council.

15.3 Review of Council Policy M405

(a) The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowances and Benefits and submit recommendations on any proposed amendment to Council.

(b) That Council conduct a review of existing Council Policies C305, M240 and M405 as follows:

- Members refer to policy review documentation as circulated by email dated 18/01/2019.
- Members provide feedback on Council Policies C305, M240 and M405 to the Manager Executive Administration by 29 March 2019.
- Re-drafted Policies C305, M240 and M405 and any relevant commentary based on Member feedback be re-circulated to Members by 26 April 2019.
- Members provide any further feedback on re-drafted policies by 17 May 2019.
- Re-drafted policies and covering report be prepared for presentation to and consideration at the June 2019 Strategic Standing Committee meeting.

Moved: Seconded:

11. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83

17/01/2019	Community and Recreation Hub Survey Outcome
31/01/2019	Community and Recreation Hub Next Steps

Records of proceedings are attached.

That the Record of Proceedings for the Community and Recreation Hub Survey Outcome and the Community and Recreation Hub Next Steps Workshops held 17 January 2019 and 31 January 2019 be received and the contents noted.

Moved: Seconded:

12. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903

Nil submitted.

13. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228

Items referred to the Council Meeting held 15 January 2019 and 23 January 2019

That the Action Items referred to the Council Meeting held 15 January 2019 and 23 January 2019 be received.

Moved: Seconded:

14. COMMITTEE MINUTES AND RECOMMENDATIONS

14.1. Minutes of Strategic Standing Committee - 11 February 2019

That the minutes of the Strategic Standing Committee meeting held 11 February 2019 as attached be noted.

Moved: Seconded

14.2. ARC Project: Local Government and Housing in the 21st Century - Report No. AR19/4141

(a) That Strategic Standing Committee Report No. AR19/4141 titled '*ARC Project: Local Government and Housing in the 21st Century*' as attached be noted.

Moved: Seconded:

14.3. Policy Review - D140 - Development Act - Delegations - Report No. AR19/4146

(a) That Strategic Standing Committee Report No. AR19/4146 titled '*Policy Review - D140 - Development Act - Delegations*' as attached be noted.

(b) That *Council Policy D140 - Development Act - Delegations* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.

Moved: Seconded:

14.4. Policy Review - D160 - Development Act - Inspection and Copying of Documents - Report No. AR19/4152

(a) That Strategic Standing Committee Report No. AR19/4152 titled '*Policy Review D160 - Development Act - Inspection and Copying of Documents*' as attached be noted.

(b) That Council Policy *D160 - Planning - Development Act - Inspection and Copying of Documents* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.

(c) That an additional dot point be added to part 3.5 of Council Policy D160 - Development Act - Inspection and Copying of Documents to include photographed.

Moved: Seconded:

14.5. Minutes of Operational Standing Committee - 12 February 2019

That the minutes of the Operational Standing Committee meeting held 12 February 2019 as attached be noted.

Moved: Seconded

14.6. Registration of Easement - Development Lot 702, Attamurra Estate - Report No. AR19/2314

(a) That Operational Standing Committee Report No. AR19/2314 titled '*Registration of Easement - Development Lot 702 Attamurra Estate, Kooyonga Court*' as presented to the Operational Standing Committee on 19 February 2019 be noted.

(b) That consent be granted to register an easement on Lot 702 (Development Lot) in Certificate of Title Volume 6116 Folio 196 for drainage purposes in favour of the City of Mount Gambier.

(c) The Mayor and the Chief Executive Officer be authorised to execute and affix the common seal of the City of Mount Gambier to any necessary documentation associated with resolution (b) of Operational Standing Committee Report No. AR19/2314.

Moved: Seconded:

14.7. Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green' Report No. AR19/4505

(a) That Operational Standing Committee Report No. AR19/4505 titled '*Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green"* as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That Council receive and note the deputation of 12/02/2019.

(c) That Greenline design no 8 is Council's preferred option due to complementing the character of the area.

(d) The Mount Gambier Bowls Club provide a formal costed submission for the Greenline design no 8 option to be referred to the 2019/2020 budget workshops for discussion.

Moved: Seconded:

14.8. WIN TV John Watson Drive – Grant of Easement – Report No. AR19/4503

(a) That Operational Standing Committee Report No. AR19/4503 titled '*WINTV John Watson Drive – Grant of Easement*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That an independent valuation be obtained to determine an appropriate market value for the consideration value of the grant of easement referred to Operational Standing Report AR19/4503 in resolution (b).

Moved: Seconded:

14.9. Pioneers Basketball Inc. – Update Report and Request for Assistance - Report No. AR19/4376

(a) That Operational Standing Committee Report No. AR19/4376 titled 'Pioneers Basketball Inc. – Update Report and Request for Assistance' as attached be noted.

(b) Defer decision to Council meeting on 19/02/2019

Moved: Seconded:

14.10. Schedule of Fees and Charges – 2019/2020 - Report No. AR19/4412

(a) That Operational Standing Committee Report No. AR19/4412 titled '*Schedule of Fees and Charges – 2019/2020*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That Council adopt all recommended of fees and charges identified in the "Schedule of Fees and Charges – 2019/2020" as presented in Operational Standing Committee Report AR19/4412 noting that:

(i) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges – 2019/2020" will come into effect on 1 July 2019.

(ii) Council may see fit to amend any fee or charge as circumstances arise or change.

(iii) Council Administration are authorised to update the "Schedule of Fees and Charges – 2019/2020" with any statutory fees and charges updates as referenced in the relevant Acts, without needing to return to Council for approval.

Moved: Seconded:

14.11. Community Plan - Quarterly Summary KPI Report - December 2018 - Report No. AR19/4282

(a) Operational Standing Committee Report No. AR18/4282 titled '*Community Plan - Quarterly Summary KPI Report - December, 2018*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) The Community Plan Quarterly Summary KPI Report December 2019 be received and endorsed by Council.

(c) Noting that a staff cultural survey has not been carried out for some time a staff cultural survey be referred to the 2019/2020 budget.

Moved: Seconded:

14.12. Works in Progress - City Infrastructure Report No. AR19/2979

(a) That Council Report No. AR19/2979 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

Moved: Seconded:

14.13. On Street Parking – Jubilee Hwy East – Attamurra Rd – Implementation of No Stopping Zones

(a) That Operational Standing Committee Report No. AR19/2976 titled 'On street parking – Jubilee Hwy East – Attamurra Rd – Installation of no stopping zones' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) The Traffic Impact Statement attached to the Operational Standing Committee Report be endorsed by Council;

(c) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Prohibited Area
NO STOPPING
1.1.504

JUBILEE HIGHWAY EAST (NORTHERN HALF)-78 metres west of the intersection with Attamurra Road

Prohibited Area NO STOPPING
1.1.505

JUBILEE HIGHWAY EAST (NORTHERN HALF)-66 metres east of the intersection with Attamurra Road

To be effective on the installation of appropriate signage

Moved: Seconded:

14.14. Infrastructure - Liaison - SA Power Networks (formerly ETSA) Utilities Liaison Ref. AF11/2545

(a) Council notes the extensive damage done to street trees as a result of recent pruning undertaken by SA Power Networks.

(b) Council write to SA Power networks expressing its disappointment in the contractors performance and the severe pruning which has diminished the amenity and visual appearance of Mount Gambier streets.

(c) Mrs Alexandra Lewis, Stakeholder Engagement Lead from SA Power Networks, be invited to attend a future meeting of the Operational Standing Committee of the Corporation of the City of Mount Gambier to discuss how street tree pruning can be better managed in future rounds of their pruning program.

(d) The General Manager of Infrastructure prepare a presentation (including photos) for the meeting with Mrs Lewis.

Moved: Seconded:

14.15. Financial Management - Budgeting - Annual Budget Preparation - 2018/2019 Financial Year Ref. AF18/108

(a) Council notes that the total budget for employees in the 2018/19 budget shows an increase of approximately $1,000,000.00 (one million dollars) more than the 2017/18 actual figures.

(b) Council notes that the total budget for contracts (and other associated items) in the 2018/19 budget shows an increase of approximately $1,000,000.00 (one million dollars) more than the 2017/18 actual figures.

(c) The CEO prepare a detailed and itemised report of spending in the last four years of these budget line items in order to show

i. Where council employee costs have altered and why;

ii. Where contractor costs have altered and why;

iii. Which additional positions have been created or made redundant;

iv. Any other relevant matters

Moved: Seconded:

14.16. Infrastructure - Advice - Power Line Environment Committee (PLEC) Circulars and Advice Ref. AF/1196

(a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier for a five stage plan within the City of Mount Gambier for the Power Line Environment Committee 'PLEC' Scheme.

(b) The 5 stage plan to be costed and presented to the Operational Standing Committee at its March meeting so that it can be considered as part of the 2019/20 budget process.

(c) The PLEC committee be invited to meet with the Operational Standing Committee, and undertake an inspection of proposed stages identified in the said report.

Moved: Seconded:

14.17. GOVERNANCE - Committees - Standing Committee - Operational Committee Ref. AF11/867

(a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier outlining:

i. Personnel deficits within the Infrastructure Department of Council;

ii. Areas where costs may be reduced by having work undertaken by Council work crews rather than by contractors;

iii. Areas where operations may be made more streamlined, efficient or practical by reallocating resources from other departments to the Infrastructure Department.

Moved: Seconded:

14.18. Economic Development - Liaison - Regional Development Australia Limestone Coast RDALC Liaison Ref. AF11/343

(a) Notes the announcement of a study commissioned by the Commonwealth Scientific and Industry Research Organisation (CSIRO) and Regional Development Australia Limestone Coast (RDALC) into the merit of re-activating freight rail services on the Mount Gambier to Heywood and Mount Gambier to Woolsley lines.

(b) Adopt a position that a "Northern Rail Bypass" be established prior to the resumption of rail freight services in the Limestone Coast.

(c) Obtain and distribute to Councillors a copy of the 'Lander Report' on freight rail in the South East of South Australia, commissioned by RDALC or it's processor circa 2005 – 2009.

(d) Write to the CSIRO and RDALC:

i) informing of the significant investment in and development of community infrastructure of the rail corridor in recent years; and

ii) raising concern about the impact of a return of freight rail through Mount Gambier: and

iii) asking what, if any, consideration is given in the project brief for use of the existing railway easement through the boundaries of the City of Mount Gambier and the effect of freight rail on the community; and

iv) asking what, if any, consideration is given in the project brief to the establishment of rail loading facilities/service yards to the north and east of the City as has been the subject of previous discussions between the Corporation of the City of Mount Gambier and the South Australian Department of Transport, and also as part of previous studies into freight rail services in the Limestone Coast Region.

v) Suggesting the study consider establishment of a new rail easement to the north-east of the city.

(e) Council urgently seek a briefing with RDA and other stakeholders regarding the parameters of their study to gain an understanding of the scope and practicalities of this investigation

Moved: Seconded:

14.19. Minutes of Council Assessment Panel - 17 January 2019

That the minutes of the Council Assessment Panel meeting held 17 January 2019 as attached be noted.

Moved: Seconded:

15. COUNCIL REPORTS

Council Reports commence on the following page.

15.1. Attendance at 2019 LGA Showcase and Ordinary General Meeting - Report No. AR19/2917

COMMITTEE	Council
MEETING DATE:	19 February 2019
REPORT NO.	AR19/2917
RM8 REFERENCE	AF11/933
AUTHOR	Lynne Dowling
SUMMARY	Council representation at 2019 LGA Showcase and Ordinary General Meeting
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

(a) That Council Report No. AR19/2917 titled '*Attendance at 2019 LGA Showcase and Annual General Meeting*' as presented to the Council on 19 February 2019 be noted.

(b) That the Mayor be appointed as the delegate to represent Council at the 2019 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 11 April 2019 and Friday 12 April 2019 at the Adelaide Entertainment Centre, 98 Port Road, Hindmarsh, accompanied by the CEO, with all associated costs to be met by Council.

(c) Deputy Mayor Cr Sonya Mezinec be appointed proxy delegate to represent Council should the Mayor not be able to attend.

(d) The Local Government Association be advised Council does not wish to submit any notice of motions.

(e) Councillors (to be determined at the meeting) be registered to attend the 2019 LGA Showcase and Ordinary General Meeting, with all associated costs to be met by Council.

Moved: Seconded:

Background

Council represents the community at the LGA Showcase and Ordinary General Meeting each year.

Discussion

The Mayor and Chief Executive Officer attend as Council representatives, with the Mayor appointed as voting delegate.

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

As has been the previous practice, 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 Council's focus being on providing access to all Elected Members via attendance rotation over the Council term.

Council has submitted an Expression of Interest to participate in the Showcase, with a presentation and display booth on the Reuse Market and related sustainability matters. If successful two Council Officers will be attending the Showcase to support the Display Booth.

Conclusion

Council supports representation at the 2019 LGA Showcase and Ordinary General Meeting.

Attachments

Nil

Lynne DOWLING
CEO & MAYORAL EXECUTIVE SUPPORT

Mark McSHANE
CHIEF EXECUTIVE OFFICER

21 January 2019
LD

15.2. Elected Members Comments to Media - Report No. AR19/6373

COMMITTEE	Council
MEETING DATE:	19 February 2019
REPORT NO.	AR19/6373
RM8 REFERENCE	AF11/901
AUTHOR	Michael McCarthy
SUMMARY	A report providing detailed response to a question with notice received from Cr Amoroso on comments by Elected Members.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

(a) That Council Report No. AR19/6373 titled '*Elected Members Comments to the Media*' as presented to the Council on 19 February 2019 be noted.

(b) That Council Members refer to the resources published on the Local Government Association website and provided by the Administration in relation to the Member Code of Conduct.

(c) That a Member Code of Conduct session be scheduled with LG Training or Council's legal providers to update Members on the various matters and implications associated with Member conduct and breaches of the behavioural standards.

Moved: Seconded:

Background

By written question on notice Cr Amoroso asked the following questions for response at the Council meeting to be held on Tuesday 19 February 2019:

1) *Does the Local Government Act 1999 or any City of Mount Gambier Council policy prevent Elected Members from speaking to media on any particular council issue, as long as it is expressed to be their own personal point of view?*

2) *When an Elected Member is speaking to the media and expressing their own personal point of view about a council matter and not speaking on behalf of the council, under the Local Government Act 1999, is the Mayor able to stop an Elected Member from speaking to the media?*

This report presents commentary and answers to the questions posed by Cr Amoroso.

Members are also referred to the various induction information provided following the 2018 Local Government elections, the information provided by the Local Government Association to all election candidates, and content of the Mandatory Member training Modules 1-4.

Discussion

Section 63 of the Local Government Act 1999 in relation to Code of Conduct for Members provides:

1) *The Governor may, by regulation, prescribe a code of conduct to be observed by the members of all councils.*

2) *Council members must observe the code of conduct*

The Code of Conduct prescribed in accordance with Section 63 was published in the SA Government Gazette on 29 August 2013 and is provided as an attachment to this report (Attachment 1)

The *Code of Conduct for Council Members* consists of the following parts:

- Part 1 – Principles (Higher principles – Overarching statement)

This part does not constitute separate enforceable standards of conduct

- Part 2 – Behavioural Code

Behaviour considered essential to upholding the principles of good governance in Councils

- Part 3 – Misconduct

Failure by a Council member to comply with this Part constitutes misconduct.

- Appendix – Criminal Matters

Matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members

Relevant to the questions posed in relation to speaking to the media on Council related issues the Code of Conduct for Council Members provides:

Council members must:

2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council.
2.6 Comply with all Council policies, codes and resolutions.

Council has adopted *Policy M130 – Media Statements on behalf of Council* (Attachment 2). The policy provisions contained in Policy M130 are as follows:

> *Statements to the media for and on behalf of Council, are only to be made by the Mayor or Chief Executive Officer, or another Member or employee authorised by the Mayor or Chief Executive Officer to make any statement.*
>
> *The Mayor or Chief Executive Officer are empowered to respond publicly from time to time to any letters to the editor, editorial statements and/or any articles in the media generally, which are inaccurate or unbalanced and which warrant a correction, further explanation or the provision of other relevant details.*
>
> *The response shall be for the express purpose of providing to the public an accurate statement regarding the correct position of Council*
>
> *This Policy does not prevent individual Council Members expressing their own personal point of view on any particular Council issue provided their comments are prefaced as being personal views and not necessarily the views of Council.*

Neither the *Code of Conduct for Council Members* or *Policy M130 – Media Statements on behalf of Council* prohibit the expression of a Members own personal views on any particular Council issue provided such views are clearly prefaced as being a private view and not that of the Council.

Notwithstanding the above, consideration by a Member to expressing personal views on a Council decision or any matter related to the business of Council should include consideration of other behavioural expectations as contained in the Code of Conduct for Council Members.

Code of Conduct Part 2 – Behavioural Code:

In addition to the obligation to ensure that personal comments clearly indicate that they are a private view and not that of Council, other behaviours in Part 2 of the Code of Conduct that Council Members must follow include:

General Behaviour
2.2 Act in a way that generates community trust and confidence in the Council
2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people
2.4 Show respect for others if making comments publicly

Responsibilities as a Member of Council
2.6 Comply with all Council policies, codes and resolutions
2.7 Deal with information received in their capacity as Council Members in a responsible manner
2.8 Endeavour to provide accurate information to the Council and to the public at all times

Relationship with fellow Council Members
2.9 Endeavour to establish and maintain a respectful relationship with all Council Members, regardless of differences of views and opinions
2.10 Not bully or harass other Council Members

Relationship with Council Staff

2.11 Not bully or harass Council staff

These above behaviours may all be potentially breached by Member's comments on Council decisions or matters relating to Council decisions, depending on the circumstances and the comments made, irrespective of whether they are presented as a personal view and/or intentional.

Distinguishing between actions/comments as an elected public official and as a private citizen:

It is important to acknowledge that the public perception of an Elected Member may not easily distinguish between actions and comments made in their official capacity or in their capacity as a private citizen. The behavioural expectation that Members clearly indicate that personal comments are a private view and not that of the Council is an indication that the profile of an elected official is presumed to transcend their private identity.

The forum in which a public comment is made and the manner in which a Member represents themselves can also contribute to whether a comment might be considered private or representing Council. For instance, a comment made on Facebook using an account named 'John Smith – City Councillor' may quite reasonably be viewed as being made in the capacity as a Councillor irrespective of any statement to the contrary. Similarly, a statement published in traditional media attributed to 'Councillor John Smith' would equally be viewed as representing Council.

Under the Code of Conduct for Council Members it is the personal responsibility of a Member to ensure familiarity and compliance with the standards in the Code at all times. Accordingly, it is not the responsibility of the media platform or publisher to ensure that personal statements are clearly indicated as a private view, and misrepresentation of a Member's statements would not be a defense to an alleged breach, although such circumstances might result in a lesser penalty being imposed upon the finding of an unintentional breach.

Mayor's Role in Code of Conduct matters:

The Mayor, as the Principal Member of the Council has a role to play in the conduct of Council Members including media and public statements on Council decisions and matters relating to Council business.

The Principal Member is identified in:

- s58 of the Local Government Act 1999 as the principal spokesperson of the Council;
- clause 2.18 of the *Code of Conduct for Council Members* (together with the Chief Executive Officer or nominated delegates) as the position to whom complaints about behavior alleged to have breached the behavioural code should be brought to the attention of;
- clause 5.1 of *Council Policy M265 Complaints Handling* as the position that will initially deal with a complaint received in relation to the behavior of a Council Member.

As the Principal Member the Mayor also has a leadership role for the Council and Council membership.

Relevant to the second question raised, this leadership role may reasonably extend to sharing an opinion, advice and suggestions to other Council Members on any actual or proposed behaviour, including comments to the media or other public comments on Council decisions or matters relating to the business of Council.
Such actions by the Mayor might be considered as being an active attempt to assist Members in avoiding any unintentional behavioural code breach and inadvertent impact on the public image of Council that may undermine and distract other affirmative activities of the Council.

However, the Mayor has no statutory right or obligation to stop another Council Member from speaking to the media and/or expressing their own personal point of view about any matter, noting that the Mayor would deal initially with any complaint of an alleged breach of the behavioural code.

It is also worth noting that the reason and purpose of having a principal spokesperson and authorised statements on behalf of Council is to ensure that factually correct and consistent messaging is provided to the community on Council decisions and Council related matters, which without an appropriate level of control and oversight can result in misinformation and misinterpretation on Council's official position on any particular matter.

Conclusion

It summary the short answers to both Questions raised by Cr Amoroso are 'No', noting that Council Members have a range of responsibilities, obligations and restrictions imposed by the Local Government Act 1999 and supporting Regulations, Codes and Council Policies.

It is also worth noting that a finding of a breach of the behavioural code standards by a Council Member must be the subject of a report to a public meeting of Council, and that repeated or sustained breaches of the behavioiural code by the same Member may be referred, by resolution of the Council, to the relevant authority (i.e the Office of Public Integrity/Independent Commissioner Against Corruption) as a breach of Part 3 (Misconduct) of the Code of Conduct for Council Members.

Attachments

Attachment 1 (AR17/5310): Code of Conduct for Council Members
Attachment 2 (AR11/4222[v2]): Council Policy M130 Media Statements on behalf of Council

Michael McCARTHY
MANAGER EXECUTIVE ADMINISTRATION

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

12 February 2019
MMcC

16. MOTION(S) - With Notice

Cr Amoroso gave notice that she intended to move the following motion:

16.1. Strategic Management - Council and Committee Policies - Review and Development - AF18/56

(a) Council amends the Conduct of Meetings (s92 Code of Practice s90(8a) Policy and inserts the following:

"Council will livestream all ordinary council meetings through a preferred platform of the administration's choosing."

(b) Council amends the Conduct of Meetings (s92 code of practice s90(8a) Policy and deletes the following: "The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Members be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting."

(c) Council allows the administration 2 months to prepare for these changes and to have the first meeting livestreamed by the May 14th council meeting.

(d) Any other changes that are needed to be made to the Conduct of Meetings (s92 code of p*ractice s90(8a)* Policy to allow livestreaming to be made are to be brought back to the full council by the way of an information report.

Moved: Seconded:

Cr Bruins gave notice that he intended to move the following motion:

16.2. Property Management - Enquiries - AF11/2421

(a) That a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.

(b) That the report detail the following information on each property:

- Address
- Current/past use
- Zoning
- Current lease/licence/occupation arrangements to external parties (if applicable)
- Current Valuer-Generals Capital Value
- any other information the Administration considers relevant

(c) The report be presented to the March meeting of the Strategic Standing Committee to identify properties that may be surplus to Council's operational requirements and potentially suitable for sale or alternate use.

Moved: Seconded:

Cr Amoroso gave notice that she intended to move the following motion:

16.3. Health Management - Advocating - Rehabilitation Services - Ref. AF15/362

(a) the City of Mount Gambier Council write to the Federal Minister for Health the Hon. Greg Hunt in support of the actions taken by our Local Member for Barker, Tony Pasin MP calling on them to open up the $20 million Federal grant funding for assisting with drug rehabilitation services to ensure Mount Gambier has the opportunity to apply and benefit from this funding.

Moved: Seconded:

Cr Jenner gave notice that he intended to move the following motion:

16.4. Animal Management - South East Animal Welfare League - Ref. AF11/134

(a) Council request a tour of the South East Animal Welfare League facilities, to be held prior to the March meeting of the Operational Committee of the City of Mount Gambier;

(b) Council invite the President (or their representative) to attend the March meeting of the Operational Services Committee of the City of Mount Gambier to discuss the management of their operations;

(c) Copies of any reports, discussion papers, power point presentations or any other information relating to the existing South East AWL funding agreement and management of Council's responsibilities under the Dog and Cat Management Act be distributed to Councillors.

Moved: Seconded:

Cr Hood gave notice that he intended to move the following motion:

16.5. Schools, TAFE and University - Ref. AF11/1599

(a) That Council note Member for Mount Gambier Troy Bell MP's call for the implementation of a regional TAFE SA board;

(b) That the Mayor, on behalf of Council, write to the Minister for Education, Mr John Gardner MP and Department for Education Chief Executive, Mr Rick Persse outlining:

i. A call for the investigation into the implementation of a regional TAFE SA Board for the Limestone Coast.

ii. That through a regional board, vocational funding and infrastructure decisions would be made at a grassroots level and focused on training needs and courses that best suit the region's industries.

iii. That a regional board would ensure better training outcomes for local people.

Moved: Seconded:

17. MOTION(S) - Without Notice

18. CONFIDENTIAL ITEMS

18.1. Consideration for Exclusion of the Public

Item No. 18.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor L Martin, Councillors – K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and M Telford) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2015" to be considered in confidence.

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

Information the disclosure of which would involve the unreasonable disclosure of Information concerning the personal affairs of any person (living or dead), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
18.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Seconded:

18.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 18.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
18.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Seconded:

18.4. Consideration for Exclusion of the Public

Item No. 18.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor L Martin, Councillors – K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and M Telford) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2005" to be considered in confidence.

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

Information the disclosure of which would involve the unreasonable disclosure of Information concerning the personal affairs of any person (living or dead), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
18.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)

Moved: Seconded:

18.6. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 18.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
18.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Seconded:

18.7. Consideration for Exclusion of the Public

Item No. 18.8

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor L Martin, Councillors – K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and M Telford) be excluded from the meeting in order for the Agenda Item (Illegal development - Mr RKH Pearson (Amberich Pty Ltd)) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
18.8	Illegal Development – Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)(f)

Moved: Seconded:

18.9. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 18.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
18.8	Illegal Development - Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)and (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once every 12 months.

Moved: Seconded:

Meeting closed at p.m.

AR19/5129

19. REPORT ATTACHMENTS

Report attachments commence on the next page.

MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 15 January 2019 at 6.00 p.m.

PRESENT Mayor Lynette Martin OAM

Cr Ben Hood
Cr Steven Perryman
Cr Sonya Mezinec
Cr Kate Amoroso
Cr Max Bruins
Cr Christian Greco
Cr Frank Morello
Cr Paul Jenner

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Executive Administrative Officer	-	Mrs F McGregor

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

1. APOLOGY(IES)

Nil

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 18 December 2018.

That the minutes of the Ordinary Council meeting held on 18 December 2018 as attached be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Jenner Seconded: Cr Mezinec Carried

4. MAYORAL REPORT - Ref. AF11/881

- Serving of Christmas Meal – Sunset Community Kitchen
- Assistance with preparation of Community Christmas Lunch
- Welcome – Australian Baseball League Games
- Trophy Presentation at Mount Gambier Bowls Club
- Presentation of Awards to Mount Gambier Showjumping Carnival
- With CEO, meeting with Premier re Community Recreation Hub

That the Mayoral report made on 15 January 2019 be received.

Moved: Mayor Martin Seconded: Cr Morello Carried

5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Member	
Cr Amoroso	Sunset Kitchen, NZL Baseball vs Adelaide Bite, New Years Eve celebrations
Cr Bruins	Auckland vs Adelaide Baseball Game
Cr Hood	Vansittart Park New Years Eve
Cr Jenner	Sunset Community Kitchen, Mount Gambier Baseball Champions – not the evening event
Cr Morello	Fringe Mount Gambier

That the reports made by Councillors on 15 January 2019 be received.

Moved: Mayor Martin Seconded: Cr Mezinec Carried

6. QUESTIONS

6.1. With Notice

Nil submitted.

6.2. Without Notice

Nil submitted.

7. PETITIONS

Nil

8. DEPUTATIONS

Nil

9. NOTICE OF MOTION TO RESCIND

Nil

10. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83

08/01/2019	Limestone Coast Local Government Association (LCLGA) & Queen Elizabeth Park Trust (QEPT)

Records of proceedings were attached.

That the Record of Proceedings for the Limestone Coast Local Government Association (LCLGA) & Queen Elizabeth Park Trust (QEPT) Workshop held 8 January 2019 be received and the contents noted.

Moved: Cr Bruins Seconded: Cr Jenner Carried

11. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903

Nil submitted.

12. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228

Items referred to the Council Meeting held 18 December 2018.

That the Action Items referred to the Council Meeting held 18 December 2018 be received.

Moved: Cr Mezinec Seconded: Cr Hood Carried

13. COMMITTEE MINUTES AND RECOMMENDATIONS

13.1. Minutes of Audit Committee - 17 December 2018

That the minutes of the Audit Committee meeting held 17 December 2018 as attached be noted.

Moved: Cr Mezinec Seconded: Cr Greco Carried

13.2. Audit Committee Presiding Member - Report No. AR18/52050

(a) That Audit Committee Report No. AR18/52050 titled '*Audit Committee Presiding Member*' as presented to the Audit Committee on 17 December 2018 be noted.

(b) The term of office for the position of Audit Committee Presiding Member be 1 year.

(c) That Cr Mezinec be Presiding Member of the Audit Committee on and from 17 December 2018 subject to endorsement by Council.

Moved: Cr Mezinec Seconded: Cr Bruins Carried

13.3. Audit Committee Review of Terms of Reference – Report No. AR18/52054

(a) That Audit Committee Report No. AR18/52054 titled '*Audit Committee - Review of Terms of Reference*' as presented to the Audit Committee on 17 December 2018 be noted.

(b) That the Audit Committee Terms of Reference (AR18/51413[v6]) be adopted as attached to Audit Committee Report No. AR18/52054.

Moved: Cr Mezinec Seconded: Cr Perryman Carried

13.4. Quarter One Budget Review for Financial Year ending 30 June 2019 - Report No. AR18/50482

(a) That Audit Committee Report No. AR18/50482 titled '*Quarter One Budget Review for Financial Year Ending 30 June 2019*' as presented to the Audit Committee on 17 December 2018 be noted.

Moved: Cr Mezinec Seconded: Cr Morello Carried

13.5. Control Track Residual Risk Ratings October 2018 - Report No. AR18/43023

(a) That Audit Committee Report No. AR18/43023 titled '*Control Track Residual Risk Ratings October 2018*' as presented to the Audit Committee on 17 December 2018 be noted.

Moved: Cr Mezinec Seconded: Cr Jenner Carried

13.6. Integrated Planning and Budget Framework and Timeline - Report No. AR18/51484

(a) That Audit Committee Report No. AR18/51484 titled '*Integrated Planning and Budget Framework and Timeline*' as presented to the Audit Committee on 17 December 2018 be noted.

Moved: Cr Mezinec Seconded: Cr Hood Carried

13.7. Process Improvement - Internal Automation of Property Searches using Workflow - Report No. AR18/51564

(a) That Audit Committee Report No. AR18/51564 titled '*Process Improvement - Internal Automation of Property Searches using Workflow*' as presented to the Audit Committee on 17 December 2018 be noted.

Moved: Cr Mezinec Seconded: Cr Jenner Carried

13.8. Draft Procurement Framework and Administrative Procedure - Report No. AR18/50683

(a) That Audit Committee Report No. AR8/50683 titled '*Draft Procurement Framework and Administrative Procedure*' be noted.

(b) That the Procurement Framework and Administrative Procedure be marked as final subject to minor changes pending consultation with the Audit Committee and Management Executive Team.

Moved: Cr Mezinec Seconded: Cr Jenner Carried

13.9. Internal Financial Controls Procedure Manual - October 2018 Update - Report No. AR18/51334

(a) That Audit Committee Report No. AR18/51334 titled '*Internal Financial Controls Procedure Manual - October 2018 Update*' as presented to the Audit Committee on 17 December 2018 be noted.

Moved: Cr Mezinec Seconded: Cr Hood Carried

13.10. Minutes of Council Assessment Panel - 20 December 2018

That the minutes of the Council Assessment Panel meeting held 20 December 2018 as attached be noted.

Moved: Cr Jenner Seconded: Cr Bruins Carried

14. COUNCIL REPORTS

14.1. Policy Review - S140 Street Numbering - Report No. AR18/47301

COUNCIL RESOLUTION
(a) That Council Report No. AR18/47301 titled '*Policy Review - S140 Street Numbering*' as presented to the Council on 15 January 2019 be noted. (b) That Council hereby adopt Council Policy S140 - Street Numbering, as attached to this report.

Moved: Cr Morello Seconded: Cr Hood Carried

14.2. Review of Valuation and Rating System 2019/2020 Report No. AR18/47647

COUNCIL RESOLUTION
(a) That Council Report No. AR18/47467 titled '*Review of Valuation and Rating System 2019/2020*' as presented to the Council on 15 January 2019 be noted. (b) That the rating assumptions and directions referred to in this Report be used to prepare Council's draft Annual Business Plan and draft Budget for 2019/2020 for Council's future consideration.

Moved: Cr Morello Seconded: Cr Bruins Carried

14.3. Mount Gambier Community RSL Discretionary Rate Rebate Expiry 30/06/2019 - Report No. AR18/48423

REPORT RECOMMENDATION
(a) That Council Report No. AR18/48423 titled '*Mount Gambier Community RSL Discretionary Rebate to Cease 30/6/2019*' as presented to the Council on 15 January 2019 be noted. (b) That Council communicate with the Mount Gambier Community RSL and should the RSL wish to secure a further rebate of rates, the request be made to Council in writing before 1st February, 2019 and include evidence to support the request.

Moved: Cr Greco Seconded: Cr Amoroso

The Motion was put and declared LOST

Cr Greco requested a division

The declaration was then set aside.

Voting by Division being:

For the Motion	Against the Motion
Cr Greco	Cr Perryman
Cr Amoroso	Cr Hood
	Cr Mezinec
	Cr Jenner
	Cr Bruins
	Cr Morello

The Motion was put and LOST

14.4. WIN TV John Watson Drive – Grant of Easement - Report No. AR18/49656

COUNCIL RESOLUTION

(a) That Council Report No. AR18/49656 titled '*WIN TV John Watson Drive - Grant of Easement*' be noted.

(b) That an easement for a 'Right of Way' and car parking purposes be granted in favour of the WIN TV site at John Watson Drive (Lot 100 in DP 22115 CT5297/483 and Lot 5 in DP 6459 CT 5618/338) over portion of the adjacent Council owned (community) land (Section 78 in Hundred 420200 CT 5836/64) as shown in the plan attached to Report No. AR18/49656 for consideration as determined in accordance with resolution (c).

(c) That the grant of easement in resolution (b) be offered for consideration of $10,000 (+GST) noting the value estimate in Report No. AR18/49656 being less than $25,000.

(d) That the Chief Executive Officer and Mayor be authorised to prepare, execute and affix the Council Seal to any documentation necessary to give effect to the grant of easement and any associated administrative activities in accordance with resolution (b).

(e)	That the applicant be responsible for all costs and arrangements associated with the grant of easement and activities required by resolutions (b) - (d) including any expenses incurred by Council in association with the matter, with the exception of the engagement of a Valuer (if necessary) which shall be arranged by Council at the applicant's cost.

Moved: Cr Jenner Seconded: Cr Mezinec

Amendment

Cr Perryman moved:

(a) The matter be referred to Operational Services Standing Committee February Meeting.

Cr Amoroso seconded Carried

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To discuss the nomination for positions in Item 14.5

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6.49 p.m.

The Deputy Mayor 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 7.16 p.m.

14.5. Endorsement of Council Representatives to Outside Bodies and Organisations Report No. AR19/769

COUNCIL RESOLUTION	
(a)	That Council Report No. AR19/769 titled '*Endorsement of Council Representatives to Outside Bodies and Organisations*' as attached be noted.

(b) The number of nominations received not exceeding the available positions and there being no other nominations received, that the following are endorsed as Council's uncontested nominee/appointee to the following positions:

Advisory Groups:

Australia Day Awards Selection Panel
Cr Amoroso is endorsed as Council nominee for the Australia Day Awards Selection Panel Advisory Group.

Australia Day Breakfast
Cr Amoroso is endorsed as Council nominee for the Australia Day Breakfast Advisory Group.

Mount Gambier Community Mayor's Christmas Appeal
Cr Amoroso is endorsed as Council nominee for the Mount Gambier Community Mayor's Christmas Appeal Advisory Group.

Mount Gambier Christmas Parade
Cr Amoroso is endorsed as Council nominee for the Mount Gambier Christmas Parade Advisory Group.

Mount Gambier Youth (YAG)
Cr Amoroso is endorsed as Council nominee for the Mount Gambier Youth (YAG).

Seniors Month
Cr Amoroso is endorsed as Council nominee for the Seniors Month Advisory Group.

Joint Boundary Roads - with DC Grant
Cr Jenner is endorsed as Council nominee for the Joint Boundary Roads Advisory Group.

Mount Gambier Aquatic Centre Advisory Group
Cr Morello is endorsed as Council nominee for the Mount Gambier Aquatic Centre Advisory

Council External Positions

Queen Elizabeth Park Trust (QEPT)
There being 2 available position Cr Bruins and Cr Amoroso be endorsed as Council nominees for the Queen Elizabeth Park Trust.

National Disability Insurance Scheme Reference Group
Cr Amoroso is endorsed as Council nominee for the National Disability Insurance Scheme Reference Group.

Limestone Coast Violence Against Women Collaboration
Cr Amoroso is endorsed as Council nominee for the Limestone Coast Violence Against Women Collaboration.

Mount Gambier & District Airport (DC Grant s41) Committee
Cr Hood is endorsed as Council nominee for the Mount Gambier and District Airport (DC Grant s41) Committee.

Health Advisory Council
Cr Amoroso is endorsed as Council nominee for the Health Advisory Council

Tourism Mount Gambier
Cr Perryman is endorsed as Council nominee for Tourism Mount Gambier

LCLGA Committees / Working Groups

Roads & Transport Working Group
Cr Amoroso is endorsed as Council nominee for the LCLGA Roads and Transport Working Group.

Tourism Management Group
CEO nominated Officer is endorsed as Council nominee for the LCLGA Tourism Management Group.

Limestone Coast Economic Diversification Group
Cr Morello is endorsed as Council nominee for the Limestone Coast Economic Diversification Group.

Limestone Coast Climate Adaptation Committee
Cr Jenner is endorsed as Council nominee for the Limestone Coast Climate Adaptation Committee.

Regional Waste Management Steering Committee
Cr Jenner is endorsed as Council nominee for the Regional Waste Management Steering Committee.

Regional Sport and Recreation Advisory Group
Cr Amoroso is endorsed as Council nominee for the Regional Sport and Recreation Advisory Group.

LCLGA Outside Organisation Appointments

Green Triangle Freight Action Plan – Implementation Management Group
Cr Jenner and CEO nominated Officer is endorsed as Council nominee for the Green Triangle Freight Action Plan – Implementation Management Group.

Limestone Coast Community Services Roundtable
Cr Amoroso is endorsed as Council nominee for the Limestone Coast Community Services Roundtable.

Regional Development Australia Limestone Coast
Nominee: Cr Morello
Nominee: Cr Amoroso.

South East Zone Emergency Management Committee
CEO nominated Staff Member is endorsed as Council nominee for the South East Zone Emergency Management Committee

Limestone Coast Zone Emergency Centre Committee
Cr Hood is endorsed as Council nominee for the Limestone Coast Zone Emergency Centre Committee.

Limestone Coast Bushfire Management Committee
Cr Jenner is endorsed as Council nominee for the Limestone Coast Bushfire Management Committee.

Southern Border Fire Coordination Association
Cr Jenner is endorsed as Council nominee for the Southern Border Fire Coordination Association

(c) To be determined at the meeting (if/as determined by Council) for the following positions:

- Local Government Association of SA Board
- SAROC.

(d) The expiry or term of any appointment made in accordance with resolutions (b), and (c), shall be determined by the external appointing body and shall not extend beyond the next general or periodic City of Mount Gambier election except to give effect to legislative provisions or where a fixed term appointment has been made by the external appointing body in accordance with its own governing rules.

Moved: Cr Bruins Seconded: Cr Mezinec Carried

14.6. Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green' Report No. AR19/390

COUNCIL RESOLUTION

(a) That Council Report No. AR19/390 titled '*Mount Gambier Bowls Club Inc. - Vansittart Park - Proposed Canopy over "B Green*' as attached be noted.

(b) Council support in principle the Mount Gambier Bowls Club's proposal to erect a shelter over B Green.

(c) Council does not support the current plan.

(d) Council invite Members of the club to the Operational Standing Committee in February to discuss options for a more suitable proposal that compliments the character of the area and a plan moving forward.

Moved: Cr Greco Seconded: Cr Jenner Carried

14.7. South East Animal Welfare League Request for Additional Funding Report No. AR18/1952

COUNCIL RESOLUTION
(a) That Council Report No. AR19/52 titled '*South East Animal Welfare League Request for Additional Funding*' as presented to the Council on 15 January 2019 be noted. (b) That Council continue with the existing funding arrangements with the South East Animal Welfare League in conjunction with the District Council of Grant until the expiry of the agreement in June 2019. (c) That the South East Animal Welfare League be notified of the outcome in writing. (d) Matter be referred to Operational Standing Committee.

Moved: Cr Greco Seconded: Cr Jenner Carried

Pursuant to Division 3 - Conflict of Interest, Section *74(1)* of the Local Government Act 1999, Cr Hood informed the meeting of *a material* conflict of interest in Item 14.8:

> " I am a director of the Stand Like Stone Foundation, which as stated in the report, has requested to be considered for tenancy of the building discussed".

In accordance with section *74(1)* Cr Hood left the room at 7.33 pm

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss the options for 9 Penola Road Item 14.8

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7.34 p.m.

The Mayor 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 7.41 p.m.

14.8. Building Vacancy – 9 Penola Road Report No. AR18/53845

COUNCIL RESOLUTION
(a) That Council Report No. AR18/53845 titled '*Building Vacancy – 9 Penola Road*' as attached be noted. (b) that Council seek expression of interest from Not for Profit Community Groups for the vacant property at 9 Penola Road.

Moved: Cr Bruins Seconded: Cr Jenner Carried

Cr Hood resumed the meeting at 7.44 p.m.

Cr Perryman Conflict of Interest – perceived

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of *a perceived* conflict of interest in Item 14.9:

> *"I am a Board Member of Basketball Mount Gambier a stakeholder group represented on the Council Community Reference Group".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the perceived conflict of interest as follows:

> *"stay in chamber for debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

14.9. Outcome of Community and Recreation Hub Elector Survey Report No. AR19/530

COUNCIL RESOLUTION
(a) That Council Report No. AR19/530 titled '*Outcome of Community and Recreation Hub Elector Survey*' as presented to the Council on 15 January 2019 be noted. (b) Council formally thank previous Council for their commitment and vision to this project.

Moved: Cr Hood Seconded: Cr Jenner Carried

Having participated in the meeting in relation to Item 14.9 Cr Perryman voted in favour of the motion

14.10. South Australian Heritage Grants Program - Request To Waive Development Application Fees For Heritage Conservation Work Report No. AR19/191

COUNCIL RESOLUTION	
(a)	That Council Report No. AR19/191 titled '*South Australian Heritage Grants Program - Request To Waive Development Application Fees For Heritage Conservation Work*' as presented to the Council on 15 January 2019 be noted.
(b)	Council waive all fees associated with any Development Application submitted as part of a successful grant under the 2018-2019 and 2019-2020 Heritage Grants program of the State Government.
(c)	Council investigate opportunities to access this Grant funding as part of any proposed conservation work for its State Heritage listed buildings and/or areas.

Moved: Cr Greco Seconded: Cr Bruins Carried

14.11. Works in Progress - City Infrastructure Report No. AR19/10

COUNCIL RESOLUTION	
(a)	That Council Report No. AR19/10 titled '*Works in Progress - City Infrastructure*' as presented to the Council on 15 January 2019 be noted.

Moved: Cr Greco Seconded: Cr Jenner Carried

14.12. Pinehall Ave Footpath Construction – Project Details. Ref. AR19/21

COUNCIL RESOLUTION	
(a)	That Council Report No. AR19/21 titled *'Pinehall Ave footpath construction – Project details*' as presented to the Council on 15 January 2019 be noted.
(b)	That Council construct a shared 3.0m wide bitumen path along the section of Pinehall Ave (south side) from Suttontown Rd to Suttontown Primary School.

Moved: Cr Greco Seconded: Cr Mezinec Carried

14.13. By-Law Review Update - Report No. AR18/53849

COUNCIL RESOLUTION
(a) That Council Report No. AR18/53849 titled 'By-Law Review Update' as attached be noted. (b) That the commencement of Council By-Laws numbered 1-5 in November 2018 be noted. (c) That a further report be presented to consider area declarations and any other By-Law policy/general permission matters. (d) That Council Policy T110 Taxi Regulation be revoked.

Moved: Cr Morello Seconded: Cr Bruins Carried

14.14. Council Assessment Panel – Appointment of Members (2019-2021) - Report No. AR18/53283

COUNCIL RESOLUTION
(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.

Moved: Cr Jenner Seconded: Cr Amoroso Carried

Cr Greco left the meeting at 8.00 p.m.

14.15. Railway Station Building – Refurbishment Works - Report No. AR19/152

Cr Greco returned to the meeting at 8.02 p.m.

COUNCIL RESOLUTION	
(a)	That Council Report No. AR19/152 titled ***'****Railway Station Building – Refurbishment works*' as presented to the Council on 15 January 2019 be noted.
(b)	That Council adopt the Mount Gambier Railway Station restoration and adaptive re-use design report and associated plans - prepared by Habitable Places, as the design framework for any future restoration works to the Railway Station Building.
(c)	Further restoration works for external / internal works and the development of toilet facilities within the footprint of the Railway Station Building, as referred to in part a) above, be referred to future budget workshops for consideration.

Moved: Cr Morello Seconded: Cr Mezinec Carried

14.16. Policy Review – P415 Prudential Management Report No. AR19/406

COUNCIL RESOLUTION
(a) That Council Report No. AR19/406 titled '*Policy Review – P415 Prudential Management*' as attached be noted. (b) That Council hereby re-adopts Council Policy P415 – Prudential Management, as attached to Council Report No. AR19/406.

Moved: Cr Morello Seconded: Cr Bruins Carried

14.17. Lions Brass Band Festival Funding - Report No. AR19/1066

COUNCIL RESOLUTION
(a) That Council Report No. AR19/1066 titled '*Lions Brass Band Festival Funding*' as presented to the Council on 15 January 2019 be noted. (b) That Council endorses funding for the Lions Brass Band Festival for a three year period as follows • $10,000 for 2019 • $8,000 for 2020 • $8,000 for 2021 (c) That Council write to Mr Woodham acknowledging his significant ongoing contributions to the annual Christmas Parade and confirm the three year funding approval.

Moved: Cr Morello Seconded: Cr Greco Carried

14.18. Policy Review - S135 – STREETS – Naming of - Report No. AR18/53462

COUNCIL RESOLUTION
(a) That Council Report No. AR18/53462 titled '*Policy Review – S135 – Streets – Naming of*' as presented to the Council on 15 January 2019 be noted. (b) That the updated Council Policy '*S135 – STREETS – Naming of*' as attached to the Council Report No. AR18/53462 be adopted, with inclusion of the word migrants added as a dot point on page 2 section 3 item b under name sources iv in the policy.

(c)	The related documents to the Policy, AF14/25619 *Suggested Historical Street Names prominent people* and AF14/25616 *Suggested Historical Street Names Mayors and Alderman* be reviewed and a process for adding names to the lists be considered within 3 months.
(d)	Council adds the following related policy documents; - suggested historical street names of prominent migrants and suggested historical street names of prominent women.
(e)	Names be added to the new related documents, as per resolution (d) within 3 months.

Moved: Cr Morello Seconded: Cr Mezinec Carried

14.19. Policy Review - L230 - Planning - Licensed Premises - Report No. AR18/53454

COUNCIL RESOLUTION	
(a)	Strategic Standing Committee Report No. AR18/53454 titled 'Policy Review - L230 Planning - Licensed Premises' be received.
(b)	That the adopted Council Policy 'L230 - Planning - Licensed Premises' be updated on Council's website.

Pursuant to Division 3 - Conflict of Interest, Section *74(1)* of the Local Government Act 1999, Cr Perryman informed the meeting of *a material* conflict of interest in Item 14.20:

> "I am the licencee of a licenced premises via R4E Pty Ltd, otherwise known as the Presidential Motel".

Cr Perryman informed the meeting of the manner in which they intend to deal with the *material* conflict of interest as follows:

In accordance with section *74(1)* Cr Perryman left the room at 8.24 p.m.

Moved: Cr Morello Seconded: Cr Bruins

Cr Perryman returned to the meeting at 8.25 p.m.

14.20. Rotary Club of Mount Gambier West – Community Art/Literacy Project - Report No. AR19/1024

COUNCIL RESOLUTION
(a) That Council Report No. AR19/1024 titled 'Rotary Club of Mount Gambier West – Community Art/Literacy Project' as presented to the Council on 15 January 2019 be noted. (b) Council write to the Rotary Club of Mount Gambier West thanking them for their submission and acknowledging their foresight in seeking to visually retell a distinctively Mount Gambier story. (c) That the Rotary Club of Mount Gambier West be encouraged to engage an artist and resubmit alternate options. (d) That endorsement will be subject to achieving all necessary development approvals and State Heritage compliance. (e) That the proposal be supplied and installed at the cost of Rotary. (f) Council reserves the right to remove any infrastructure involved in this project should it become historically or culturally sensitive.

Moved: Cr Morello Seconded: Cr Hood Carried

14.21. Sport and Recreation Major Capital Works Program 2018/19 – Additional Application for Consideration - Report No. AR19/994

COUNCIL RESOLUTION
(a) That Council Report No. AR19/994 titled '*Sport and Recreation Major Capital Works Program 2018-19 – additional application for consideration*' as presented to the Council on 15 January 2019 be noted. (b) That Mount Gambier Golf Club Inc receive funding of $11,000 and budget lines 6530 and 6560 be adjusted in the next budget review. (c) The Mount Gambier Golf Club Inc be notified accordingly, advising that the provision and acquittal of funds will be subject to:

- all necessary land holder and development approvals being obtained; and
- all works being completed in accordance with all relevant legislative and compliance standards.

Moved: Cr Greco Seconded: Cr Bruins Carried

15. MOTION(S) - With Notice

15.1. STRATEGIC MANAGEMENT - Policy - Council and Committee Policies – Review of Council Policy C305 Caretaker Policy Ref. AF18/470

COUNCIL RESOLUTION
(a) The Operational Standing Committee undertake a review of Council Policy C305 Caretaker Policy and submit recommendations on any proposed amendment to Council.

Moved: Cr Perryman Seconded: Cr Jenner

Amendment

Cr Morello moved:

(a) A report be prepared following consultation with Councillors referencing the impact of guiding documents on the current policy, the outcome the review is seeking to achieve and the restrictions of Council Policy C305 Caretaker Policy.

(b) The matter be referred to the Strategic Standing Committee for further consideration.

Cr Mezinec seconded Carried

Cr Hood left the meeting at 8.48 p.m. and did not return.

15.2. STRATEGIC MANAGEMENT - Policy - Council and Committee Policies - Review Of Council Policy M240 Members Access To Information Ref. AF18/470

COUNCIL RESOLUTION
(a) The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information and submit recommendations on any proposed amendment to Council.

Moved: Cr Perryman Seconded: Cr Greco Carried

15.3. STRATEGIC MANAGEMENT - Policy - Council and Committee Policies - Review of Council M405 Members Allowances And Benefits Ref. AF18/470

COUNCIL RESOLUTION
(a) The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowances and Benefits and submit recommendations on any proposed amendment to Council.

Moved: Cr Perryman Seconded: Cr Greco Carried

15.4. PROPERTY MANAGEMENT - Maintenance - Council Property Maintenance - Reserves, Parks and Ovals Ref. AF11/1545

COUNCIL RESOLUTION
(a) That a Report be prepared on the area and extent of parks and gardens in the city, the presentation service level standards, and the seasonal resourcing requirements, to enable Council to consider whether any additional resources may be required into the future.

Moved: Cr Jenner Seconded: Cr Greco Carried

16. MOTION(S) - Without Notice

Nil

Mayor Martin thanked outgoing Chief Executive Officer Mr Mark McShane for his service to the community.

Meeting closed at 9.00 p.m.
AR19/2300

MINUTES OF SPECIAL COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on Wednesday 23 January at 6:00 p.m.

PRESENT	Deputy Mayor Sonya Mezinec		
	Cr Kate Amoroso		
	Cr Max Bruins		
	Cr Christian Greco		
	Cr Frank Morello		
	Cr Paul Jenner		
COUNCIL OFFICERS	Chief Executive Officer	-	Mr M McShane
	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	Media and Communications Coordinator	-	Ms S McLean

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

1. APOLOGIES

Apologies received from Mayor Lynette Martin OAM, Cr Ben Hood and Cr Steven Perryman

That the apology from Mayor Lynette Martin OAM, Cr Ben Hood and Cr Steven Perryman be received.

Moved: Cr Mezinec Seconded: Cr Jenner Carried

2. COUNCIL REPORTS

Council Reports commence on the following page.

2.1. Federal Government Regional Growth Fund Full Business Case Endorsement – Report No. AR19/2197

COUNCIL RESOLUTION
(a) That Council Report No. AR19/2197 titled '*Federal Government Regional Growth Fund Full Business Case Endorsement*' as presented to the Council on 23 January 2019 be noted. (b) That Council endorse the Regional Growth Fund Full Business Case. (c) That the Regional Growth Fund Full Business Case be lodged with the Federal Government by the due date of 25 January 2019.

Moved: Cr Greco Seconded: Cr Jenner Carried

2.2. Prudential Management Report – Community and Recreation Hub Special Council Report No. AR19/2697

COUNCIL RESOLUTION
(a) That Council Report No. AR19/2697 titled '*Prudential Management Report – Community and Recreation Hub*' as attached be noted. (b) That the Prudential Report for the Community and Recreation Hub as attached to Council Report No. AR19/2697 be received and noted. (c) Having considered the Prudential Report for the Community and Recreation Hub as attached to Council Report No. AR19/2697, Council acknowledges: • the report has been prepared by a person the Council reasonably believes qualified to address the prudential issues in s48(2) of the Local Government Act 1999; and, • the prudential issues, due diligence activities and project risks associated with the Community and Recreation Hub as contained in the Prudential Report; and, • the Risk Management and Evaluation Plan for the project as appended to the Prudential Report and the identified project risks and risk mitigation activities; and, • its proposed engagement with the project to completion subject to favourable:

- consideration of the result of the Community Survey on the project; and,
- Federal, State and Council funding arrangements for the full project cost; and,
- all development and other required project approvals being granted; and,
- all funding conditions and initial project milestones being met.

(d) That periodic project reports be presented to Council via the Community and Recreation Hub Committee for the duration of the project until the facility has been made fully operational and a final evaluation plan has been favourably received by Council including presentation of a Risk Management and Evaluation Plan report on at least a quarterly basis.

Moved: Cr Bruins Seconded: Cr Jenner Carried

Deputy Mayor Mezinec acknowledged and thanked Council staff for their effort with the large body of work associated with this project.

Meeting closed at 6.23 p.m.

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Memorandum

TO: MAYOR
COUNCILLORS

CC: CHIEF EXECUTIVE OFFICER

REF: AF11/2125

RE: **NON-ELECTED COMMITTEE MEMBER RECORD KEEPING REQUIREMENTS**

At the Council meeting on Tuesday night the following two questions (paraphrased) were posed regarding non-elected committee member record keeping requirements:

> Cr Perryman: In the past a process was in place to capture member records using EMRecords@mountgambier.sa.gov.au. Councillors are required to use Councillor/Member email, does same apply to community members of committees.
>
> Cr Jenner: Council Assessment Panel is the most senior body other than Council, need an answer as to whether record keeping requirements apply.

It is confirmed that Elected Members are obliged to use their Council provided email addresses for Council related correspondence and to comply with Council's Records Management Policy R180 and State Records Act requirements.

Council Policy R180, a memo from the Induction Folders/USB titled *'Council Member Records must be captured as Council Records/Capturing Member Records Notes'*, and an earlier memo with a Records Checklist are attached for Members information.

Initial enquiries indicate that the application of records management requirements to non-elected committee members is less clear.

Note:

> Section 62 (General Duties) and section 73-75B (Conflicts of Interest) of the Local Government Act 1999 apply to committees and committee members, there is no prescribed Code of Conduct for independent (non-elected) committee members nor are they considered to be Council volunteers.
>
> Non-elected committee members are not considered public officers under the ICAC Act unless the committee to which they are appointed has delegations.
>
> The Council Assessment Panel is established under the Planning, Development and Infrastructure and Development Acts and have separate panel member code of conduct provisions.

For some clarity these questions on record keeping requirements for non-elected committee members will be posed to the Local Government Association.

Further information will be provided to Members in the New year when a response is received.

Michael McCARTHY
MANAGER EXECUTIVE ADMINISTRATION
21st December 2018

City of Mount Gambier

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Memorandum

TO: MAYOR AND COUNCILLORS

REF: AF18/118, AR19/3660

RE: **RECORDS MANAGEMENT OBLIGATIONS**

Council's Records Management Policy R180 was last reviewed and adopted by Council in November 2017 and is next scheduled for review by November 2019. Council's Policy is modelled on the Local Government Association (LGA) Model Policy and covers Elected Members and staff.

This memo follows up on the queries raised at the December 2018 and January 2019 Council meetings regarding records management by persons who sit on a Council committee or advisory group other than Elected Members and staff. For example independent and community members.

Advice and/or information has been obtained from the Local Government Association (LGA), State Records Office, Independent Commissioner Against Corruption and the SA Ombudsman's Office. The advice / information states:

- The State Records Act 1997 (the Act):
  - Defines an official record to mean a record made or received by the council in the conduct of its business. The definition of an 'official record' and 'a record' appear following this memo and is an extract from the definitions section of the Act.
  - If community and/or independent members are undertaking business on behalf of Council, any records created / received will be an official record of the council and are to be managed in accordance with the State Records Act.
  - Committees are established to assist, provide advice, exercise powers / function / duties of council, when delegated to do so by council and as such, relevant email and other records traffic is part of the council's business conduct.
- ICAC 2013-2014 Annual Report includes a section on 'The use of private email to communicate official information.' This section of the annual report has been reproduced following this memo.
- The LGA model Policy is silent on the application of records management to non-Elected Members and council staff on council committees, including advisory bodies. The LGA advised to refer to the State Records Act 1997.
- The 2014 Ombudsman Report highlighted the importance of using official email addresses however, this only referenced Elected Members and staff.
- The Freedom of Information Act 1991 provides for public access to official documents and records held by an agency; to provide for the correction of public documents and records in appropriate cases; and for other purposes. A council is defined as an 'agency' under this Act.

The following extracts from the State Records Act 1997 and the ICAC Annual Report 2013-2014 define an 'official record', 'a record' and states the ICAC Commissioner's thinking on the use of private email to communicate official information.

Please contact me should there be any other queries regarding records management.

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

Extract from the State Records Act 1997 – Part 1 Section 3 Definitions

official record means a record made or received by an agency in the conduct of its business, but does not include—

(a) a record made or received by an agency for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or
(b) a record made by an agency as a draft only and not for further use or reference; or
(c) a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or
(d) a Commonwealth record as defined by the *Archives Act 1983* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
(e) a record that has been transferred to the Commonwealth;

record means—

(a) written, graphic or pictorial matter; or
(b) a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).

EXTRACT FROM THE ICAC ANNUAL REPORT 2013-2014

"USE OF PRIVATE EMAIL TO COMMUNICATE OFFICIAL INFORMATION

It has come to my attention that, in at least some government offices, personal email accounts might be used to convey official information between public officers, rather than through official government email facilities. This type of conduct appears to be mainly engaged in by some ministerial staffers.

It has been suggested that the reason for doing so is to avoid the requirement to disclose those emails where an application is made under the Freedom of Information Act 1991 ('FOI Act'). If it is the case that public officers are engaging in this kind of conduct to avoid the consequences of the FOI Act that conduct should cease immediately. It is a matter of concern that public officers would seek to circumvent a legislative scheme designed to enhance transparency in government decision making.

Such conduct might, at the least, amount to misconduct in public administration and be the subject of investigation and potential disciplinary action.

I am told that the FOI Act is often abused. If that is so that is a reason to address that Act. It is not a reason to frustrate the FOI Act. While it remains the law the spirit of the Act should be observed by all public officers.

Presumably those emails are not maintained in accordance with the State Records Act 1997 ('SR Act') (where that Act applies). The conduct therefore might also amount to an offence against section 17 of the SR Act. An offence against that section by a public officer while acting in his or her capacity as a public officer would amount to corruption in public administration under the ICAC Act."

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Memorandum

TO: MAYOR AND COUNCILLORS

REF: AF11/901, AR19/5549

RE: **CONFIDENTIAL INFORMATION - COMMUNICATION WITH CONTRACTORS, SUBCONTRACTORS AND DEVELOPERS**

The information in this memo is provided in response to a query raised by Cr Perryman.

"How is security of confidential information maintained when it is sent to a private unsecured server, outside of the secure council system to a developer or contractor/subcontractor?"

By way of background the query relates to communication with contractors, subcontractors and developers and how that is undertaken in circumstances where confidential information is exchanged.

My apology up front for the length of this memo. In responding to this query, clauses extracted from Council's standard template documents (e.g. contracts, request for tender) have been included to mitigate the need to redirect the reader to other sources of information (e.g. documents on Council's website) relevant to providing a response.

The majority of content relating to Council's procurement process when communicating with external parties (e.g. request for tender, expressions of interest, request for quotations) are not 'commercial in confidence' and are available to the public and available in the public domain (e.g. on Council's website and on a procurement portal). Where documents and communication is of a confidential nature, Council takes every effort to communicate, uphold and preserve confidentiality where Council has control over the communication (i.e. communication outbound from Council) including when communicating with external parties/entities (e.g. contractors/subcontractors, developers).

To support Council's procurement and contract management life cycle, including communicating with external parties (e.g. contractors, subcontractors and developers) the following confidentiality obligations are used:

1. **Council's request for tender document** contains the following standard wording specifying how Council will treat information. This wording is consistent with the Local Government Association model contract clause:

   Under Section B – Conditions of Tendering, Clause 3.2.2.4
   "Tenderers warrant that they have taken all reasonable steps to ensure that their Tenders are free of viruses or any other matter which would cause harm to the Council's website or systems."

   Under Clause 3.2.8. Copying Tenders
   "Tenderers must not use this RFT or the RFT Documents (including any attached technical and other written information supplied by the Council) for any purpose other than to prepare a Tender. This includes not copying this RFT or the RFT Documents (including any attached technical and other written information supplied by the Council) and providing a copy to any third party not involved in the preparation of a Tender.

Under Clause 3.4.4 Use of Sub-contractors
"Tenders must inform Council of any circumstances or relationships which will constitute a conflict or potential conflict of interest if the Tenderer is successful. If any conflict or potential conflict exists, the Tenderer must advise how it proposes to address this."

Under Clause 3.4.5. Ombudsman Act
"Tenderers should be aware that the Ombudsman Act 1972 (SA) has been amended so that the definition of "administrative act" under that Act includes an act done in the performance of functions under a contract for services with a Council. That Act also includes powers enabling the Ombudsman to investigate matters in the public interest. The Tenderer must ensure compliance with all obligations arising under that Act and any other applicable legislation."

Under Clause 3.4.6. Freedom of Information
*"Tenders should be aware that the Freedom of Information Act 1991 (SA) (**FOI Act**) gives members of the public rights to access documents of the Council. The FOI Act promotes openness in governance and accountability of government agencies and confers the public with a legally enforceable right to be given access to documents, including contracts entered into by the Council, except those contracts or provisions which should be kept confidential for public interest purposes, the preservation of personal privacy or are commercial in confidence."*

Under Clause 3.4.8. Tenderer's confidential information

3.4.8.1 *Subject to clauses 3.4.8.2 and 4, the Council will treat as confidential all Tenders submitted by Tenderers in connection with this RFT during the Tender process, the evaluation of Tenders and any negotiations with preferred Tenderers.*

3.4.8.2 *The Council will not be taken to have breached any obligation to keep information provided by Tenderers confidential to the extent that the information.*

(a) is disclosed by the Council to its advisers, officers, employees or subcontractors solely in order to conduct the RFT process or to prepare and manage any resultant agreement;

(b) is published in the agenda for an open meeting to consider and determine the outcome of the Tender process;

(c) is disclosed to the Council's internal management personnel, solely to enable effective management or auditing of the RFT process;

(d) *is disclosed by the Council to the responsible Minister;*

(e) *is authorised or required by law to be disclosed;*

(f) *is in the public domain otherwise than due to a breach of the relevant obligations of confidentiality; or*

(g) *is disclosed after the Council has either contracted with a Tenderer or terminated this RFT process."*

2. **Council's contract template** includes the following standard wording which is also consistent with the Local Government Association model contract template.

   a. Under Section 1 'Definitions and Interpretation'

"Confidential Information means any documentation or information of a confidential nature supplied by either of the parties to the other connection with this agreement and includes all specific, technical, manufacturing, performance, sales, financial. Commercial, contractual or marketing information possessed by each party, but specifically excludes any documentation or information which has been previously published or otherwise disclosed to the general public or is required to be disclosed by Law."

"Confidential Sections are those causes, Schedules and/or Annexures specified in Item 16 of the Schedule that are deemed to be confidential for the purpose of the FOI Act."

b. *"Clause 20 Confidential Information and Freedom of Information*

20.1 Each party agrees that it will not use any Confidential Information of the other party or allow any Confidential Information of the other party to be used for any purpose, except for the purposes of and in the manner contemplated by this agreement, and agreed that it will:

20.1.1 Keep confidential;
20.1.2 Take reasonable steps to ensure that the party's officers and employees do not disclose to a third party;
20.1.3 Maintain proper and secure custody of; and
20.1.4 Not use or reproduce in any form;

any Confidential Information belonging to the other party. Any departure from a party's obligations pursuant to this clause may only be with the written consent of the other party or as required by law or the terms of this agreement.

20.2. The Contractor / Supplier consents to any disclosures made as a result of the Council complying with its obligations under the FOI Act, subject to any legally required consultation.

20.2 Unauthorised disclosure of the Confidential Sections and their subject matter contained therein constitutes a breach of a party's obligations under this agreement."

c. *"Clause 20.4 ICAC*
The Contractor acknowledges and agrees that by entering into this agreement with the Council the Contractor will be considered to be a public officer for the purposes of the Independent Commissioner Against Corruption Act, 2012 (SA) (ICAC Act) and is obliged to comply with the ICAC Act and the Directions and Guidelines issued pursuant to the ICAC Act.

3. **Emails sent from Council** and by association forwarded by persons/companies external to Council (e.g. a contractor to a sub-contractor) include the following standard wording in the signature block:

Warning: this email is intended for the addressee(s) and may contain information that is confidential, subject to legal privilege, or protected by copyright. If you have received this is error, please notify the sender by reply email and delete this email from your system. You are not permitted to use, reproduce or disclose the contents of this email. No representation is made that this email is free of viruses. Virus scanning is recommended and is the sole responsibility of the recipient. Thank you.

4. **Council meetings** procedures include provision for managing confidential items.

5. **Council Policy R180 Records Management**

   Clause 6. Confidential Records

   "If an Elected Member or staff member believes that a record forwarded to Records staff for incorporation into the recordkeeping system is of a highly sensitive or confidential nature, he or she must advise Records of that view. It will be at the discretion of Records staff whether such information will then be treated as confidential and access restricted."

The above information supports the importance of Council's *Policy R180 Records Management* and compliance with the Policy. Council's Policy R180 meets Council's legislative responsibilities including the State Records Act 1997 and applies to all records as defined by the State Records Act including records of a paper, film and electronic nature.

Please contact me should there be any further queries regarding this memo.

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

8 February 2019

DESIGNATED INFORMAL GATHERING
COMMUNITY AND RECREATION HUB SURVEY OUTCOME
5:30 PM THURSDAY 17 JANUARY 2019

RECORD OF PROCEEDINGS
5:30 pm Thursday 17 January 2019
Committee Room, Level 4, Civic Centre
10 Watson Terrace, Mount Gambier

MEMBERS PRESENT:-	STAFF PRESENT:-
Cr Hood	Chief Executive Officer
Cr Perryman	General Manager City Growth
Cr Bruins	General Manager Community Wellbeing
Cr Amoroso	Strategic Project Officer
Cr Morello	Manager Executive Administration
Cr Greco	
Cr Mezinec	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Mayor Martin	

DISCUSSION:

Discussions regarding the Community and Recreation Hub Survey Outcome.

Discussion closed at 6:35 p.m.

DESIGNATED INFORMAL GATHERING
COMMUNITY AND RECREATION HUB NEXT STEPS
5:30 PM THURSDAY 31 JANUARY 2019

RECORD OF PROCEEDINGS
5:30 pm Thursday 31 January 2019
Committee Room, Level 4, Civic Centre
10 Watson Terrace, Mount Gambier

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Martin	General Manager City Growth
Cr Hood	General Manager Community Wellbeing
Cr Bruins	General Manager City Infrastructure
Cr Morello	General Manager Council Business Services
Cr Jenner	Strategic Project Officer

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Perryman	
Cr Greco	
Cr Mezinec	

DISCUSSION:

Discussions regarding the Community and Recreation Hub next steps.

Discussion closed at 7:45 p.m.

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
Council Meeting 15/01/2019					
Minutes - Audit Committee 17 December 2018	N/A	Exec. Admin.	13.01	That the minutes of the Audit Committee meeting held 17 December 2018 as attached be noted.	No Action
Audit Committee Presiding Member	AR18/52050	Pamela Lee	13.02	(a) That Audit Committee Report No. AR18/52050 titled 'Audit Committee Presiding Member' as presented to the Audit Committee on 17 December 2018 be noted (b) The term of office for the position of Audit Committee Presiding Member be 1 year. (c) That Cr Mezinec be Presiding Member of the Audit Committee on and from 17 December 2018 subject to endorsement by Council.	Completed
Audit Committee Review of Terms of Reference	AR18/52054	Pamela Lee	13.03	(a) That Audit Committee Report No. AR18/52054 titled 'Audit Committee - Review of Terms of Reference' as presented to the Audit Committee on 17 December 2018 be noted. (b) That the Audit Committee Terms of Reference (AR18/51413[v6]) be adopted as attached to Audit Committee Report No. AR18/52054.	Completed
Quarter One Budget Review - For Information	AR18/50482	Kahli and Jeroen	13.04	(a) That Audit Committee Report No. AR18/50482 titled 'Quarter One Budget Review for Financial Year Ending 30 June 2019' as presented to the Audit Committee on 17 December 2018 be noted.	No Action
Control Track Residual Risk Ratings October 2018	AR18/43023	Kahli Rolton	13.05	(a) That Audit Committee Report No. AR18/43023 titled 'Control Track Residual Risk Ratings October 2018' as presented to the Audit Committee on 17 December 2018 be noted.	No Action
Integrated Planning and Budget Framework - Consultation and Update	AR18/51484	Kahli Rolton	13.06	(a) That Audit Committee Report No. AR18/51484 titled 'Integrated Planning and Budget Framework and Timeline' as presented to the Audit Committee on 17 December 2018 be noted.	No Action
Process Improvement - Internal Automation of Property Searches using WorkFlow	AR18/37454	Leanne Little	13.07	(a) That Audit Committee Report No. AR8/50683 titled 'Draft Procurement Framework and Administrative Procedure' be noted. (b) That the Procurement Framework and Administrative Procedure be marked as final subject to minor changes pending consultation with the Audit Committee and Management Executive Team.	No Action
Draft Procurement Framework and Administrative Procedure	AR18/50683	Kahli Rolton	13.08	(a) That Audit Committee Report No. AR18/51334 titled 'Internal Financial Controls Procedure Manual - October 2018 Update' as presented to the Audit Committee on 17 December 2018 be noted.	No Action
Internal Financial Controls Procedure Manual – October 2018 U	AR18/51334	Kahli Rolton	13.09	(a) That Audit Committee Report No. AR18/51334 titled 'Internal Financial Controls Procedure Manual - October 2018 Update' as presented to the Audit Committee on 17 December 2018 be noted.	No Action
Minutes of Council Assessment Panel	N/A	Exec. Admin.	13.10	That the minutes of the Council Assessment Panel meeting held 20 December 2018 as attached be noted.	No Action
Policy Review - S140 Street Numbering	AR18/47301	Jo Scheidl	14.01	(a) That Council Report No. AR18/47301 titled 'Policy Review - S140 Street Numbering' as presented to the Council on 15 January 2019 be noted. (b) That Council hereby adopt Council Policy S140 - Street Numbering, as attached to this report.	Completed

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
Review of Valuation and Rating System 2019/2020	AR18/47467	Jo Scheidl	14.02	(a) That Council Report No. AR18/47467 titled 'Review of Valuation and Rating System 2019/2020' as presented to the Council on 15 January 2019 be noted. (b) That the rating assumptions and directions referred to in this Report be used to prepare Council's draft Annual Business Plan and draft Budget for 2019/2020 for Council's future consideration.	Completed
Mount Gambier Community RSL Discretionary Rate Rebate	AR18/48423	Pamela Lee	14.03	Motion Lost - No Action	No Action
WINTV Easement	AR18/49656	Michael McCarthy	14.04	(a) The matter be referred to Operational Services Standing Committee February Meeting.	Completed
Appointments of Members on Outside Bodies	AR19/769	Michael McCarthy	14.05	(a) That Council Report No. AR19/769 titled 'Endorsement of Council Representatives to Outside Bodies and Organisations' as attached be noted. (b) The number of nominations received not exceeding the available positions and there being no other nominations received, that the following are endorsed as Council's uncontested nominee/appointee to the following positions: Advisory Groups: Australia Day Awards Selection Panel Cr Amoroso is endorsed as Council nominee for the Australia Day Awards Selection Panel Advisory Group. Australia Day Breakfast Cr Amoroso is endorsed as Council nominee for the Australia Day Breakfast Advisory Group. Mount Gambier Community Mayor's Christmas Appeal Cr Amoroso is endorsed as Council nominee for the Mount Gambier Community Mayor's Christmas Appeal Advisory Group. Mount Gambier Christmas Parade Cr Amoroso is endorsed as Council nominee for the Mount Gambier Christmas Parade Advisory Group. Mount Gambier Youth (YAG) Cr Amoroso is endorsed as Council nominee for the Mount Gambier Youth (YAG). Seniors Month Cr Amoroso is endorsed as Council nominee for the Seniors Month Advisory Group. Joint Boundary Roads - with DC Grant Cr Jenner is endorsed as Council nominee for the Joint Boundary Roads Advisory Group. Mount Gambier Aquatic Centre Advisory Group Cr Morello is endorsed as Council nominee for the Mount Gambier Aquatic	Completed
Property Management - Mount Gambier Bowls Club Inc - Vans	AR19/390	Michael McCarthy	14.06	(a) That Council Report No. AR19/390 titled 'Mount Gambier Bowls Club Inc. - Vansittart Park - Proposed Canopy over "B Green' as attached be noted. (b) Council support in principle the Mount Gambier Bowls Club's proposal to erect a shelter over B Green. (c) Council does not support the current plan. (d) Council invite Members of the club to the Operational Standing Committee in February to discuss options for a more suitable proposal that compliments the character of the area and a plan moving forward.	In Progress

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
South East Animal Welfare League Request for Additional Fun	AR19/52	Judy Nagy	14.07	(a) That Council Report No. AR19/52 titled 'South East Animal Welfare League Request for Additional Funding' as presented to the Council on 15 January 2019 be noted. (b) That Council continue with the existing funding arrangements with the South East Animal Welfare League in conjunction with the District Council of Grant until the expiry of the agreement in June 2019. (c) That the South East Animal Welfare League be notified of the outcome in writing. (d) Matter be referred to Operational Standing Committee.	In Progress
Property Management - 9 Penola Road	AR18/53845	Michael McCarthy	14.08	(a) That Council Report No. AR18/53845 titled 'Building Vacancy – 9 Penola Road' as attached be noted. (b) that Council seek expression of interest from Not for Profit Community Groups for the vacant property at 9 Penola Road.	In Progress
Outcome of Community and Recreation Hub Elector Survey	AR19/530	Judy Nagy	14.09	(a) That Council Report No. AR19/530 titled 'Outcome of Community and Recreation Hub Elector Survey' as presented to the Council on 15 January 2019 be noted. (b) Council formally thank previous Council for their commitment and vision to this project.	Completed
South Australian Heritage Grants Program	AR19/191	Tracy Tzioutziouklaris	14.10	(a) That Council Report No. AR19/191 titled 'South Australian Heritage Grants Program - Request To Waive Development Application Fees For Heritage Conservation Work' as presented to the Council on 15 January 2019 be noted. (b) Council waive all fees associated with any Development Application submitted as part of a successful grant under the 2018-2019 and 2019-2020 Heritage Grants program of the State Government. (c) Council investigate opportunities to access this Grant funding as part of any proposed conservation work for its State Heritage listed buildings and/or areas.	Completed
Work In Progress Report	AR19/10	Daryl Morgan	14.11	(a) That Council Report No. AR19/10 titled 'Works in Progress - City Infrastructure' as presented to the Council on 15 January 2019 be noted.	Completed
Pinehall Ave footpath construction - project details	AR19/21	Daryl Morgan	14.12	(a) That Council Report No. AR19/21 titled 'Pinehall Ave footpath construction – Project details' as presented to the Council on 15 January 2019 be noted. (b) That Council construct a shared 3.0m wide bitumen path along the section of Pinehall Ave (south side) from Suttontown Rd to Suttontown Primary School.	In Progress
By-Law Review Update	AR19/53849	Michael McCarthy	14.13	(a) That Council Report No. AR18/53849 titled 'By-Law Review Update' as attached be noted. (b) That the commencement of Council By-Laws numbered 1-5 in November 2018 be noted. (c) That a further report be presented to consider area declarations and any other By-Law policy/general permission matters. (d) That Council Policy T110 Taxi Regulation be revoked.	In Progress

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
Council Assessment Panel - Membership - Appointment of Mer	AR18/53283	Jessica Porter	14.14	(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.	In Progress
Railway Station Building - Refurbishment works	AR19/152	Daryl Morgan	14.15	(a) That Council Report No. AR19/152 titled 'Railway Station Building – Refurbishment works' as presented to the Council on 15 January 2019 be noted. (b) That Council adopt the Mount Gambier Railway Station restoration and adaptive re-use design report and associated plans - prepared by Habitable Places, as the design framework for any future restoration works to the Railway Station Building. (c) Further restoration works for external / internal works and the development of toilet facilities within the footprint of the Railway Station Building, as referred to in part a) above, be referred to future budget workshops for consideration.	In Progress
Poilicy review - P415 Prudential Management	AR19/406	Michael McCarthy	14.16	(a) That Council Report No. AR19/406 titled 'Policy Review – P415 Prudential Management' as attached be noted. (b) That Council hereby re-adopts Council Policy P415 – Prudential Management, as attached to Council Report No. AR19/406.	Completed

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
Lion's Brass Band Festival Funding	AR19/1066	Judy Nagy	14.17	(a) That Council Report No. AR19/1066 titled 'Lions Brass Band Festival Funding' as presented to the Council on 15 January 2019 be noted. (b) That Council endorses funding for the Lions Brass Band Festival for a three year period as follows • $10,000 for 2019 • $8,000 for 2020 • $8,000 for 2021 (c) That Council write to Mr Woodham acknowledging his significant ongoing contributions to the annual Christmas Parade and confirm the three year funding approval.	Completed
Policy Review - S135 Streets - Naming	AR18/53462	Simon Wiseman	14.18	(a) That Council Report No. AR18/53462 titled 'Policy Review – S135 – Streets – Naming of' as presented to the Council on 15 January 2019 be noted. (b) That the updated Council Policy 'S135 – STREETS – Naming of' as attached to the Council Report No. AR18/53462 be adopted, with inclusion of the word migrants added as a dot point on page 2 section 3 item b under name sources iv in the policy. (c) The related documents to the Policy, AF14/25619 Suggested Historical Street Names prominent people and AF14/25616 Suggested Historical Street Names Mayors and Alderman be reviewed and a process for adding names to the lists be considered within 3 months. (d) Council adds the following related policy documents; - suggested historical street names of prominent migrants and suggested historical street names of prominent women. (e) Names be added to the new related documents, as per resolution (d) within 3 months.	In Progress
Policy Review - L230 - Licensed Premises	AR18/53454	Simon Wiseman	14.19	(a) Strategic Standing Committee Report No. AR18/53454 titled 'Policy Review - L230 Planning - Licensed Premises' be received. (b) That the adopted Council Policy 'L230 - Planning - Licensed Premises' be updated on Council's website.	Completed
Rotary Club of Mount Gambier West – Community Art/Literacy	AR19/1024	Barbara Cernovskis	14.20	(a) That Council Report No. AR19/1024 titled 'Rotary Club of Mount Gambier West – Community Art/Literacy Project' as presented to the Council on 15 January 2019 be noted. (b) Council write to the Rotary Club of Mount Gambier West thanking them for their submission and acknowledging their foresight in seeking to visually retell a distinctively Mount Gambier story. (c) That the Rotary Club of Mount Gambier West be encouraged to engage an artist and resubmit alternate options. (d) That endorsement will be subject to achieving all necessary development approvals and State Heritage compliance. (e) That the proposal be supplied and installed at the cost of Rotary. (f) Council reserves the right to remove any infrastructure involved in this project should it become historically or culturally sensitive.	In Progress

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
Sport and Recreation Major Capital Works Program 2018/19 –	AR19/994	Barbara Cernovskis	14.21	(a) That Council Report No. AR19/994 titled 'Sport and Recreation Major Capital Works Program 2018-19 – additional application for consideration' as presented to the Council on 15 January 2019 be noted. (b) That Mount Gambier Golf Club Inc receive funding of $11,000 and budget lines 6530 and 6560 be adjusted in the next budget review. (c) The Mount Gambier Golf Club Inc be notified accordingly, advising that the provision and acquittal of funds will be subject to: • all necessary land holder and development approvals being obtained; and • all works being completed in accordance with all relevant legislative and compliance standards.	In Progress
Review of Council Policy C305	AF18/470	Michael McCarthy	15.01	(a) A report be prepared following consultation with Councillors referencing the impact of guiding documents on the current policy, the outcome the review is seeking to achieve and the restrictions of Council Policy C305 Caretaker Policy. (b) The matter be referred to the Strategic Standing Committee for further consideration.	In Progress
Review of Council Policy M240	AF18/470	Michael McCarthy	15.02	(a) The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information and submit recommendations on any proposed amendment to Council.	In Progress
Review of Council Policy M405	AF18/470	Michael McCarthy	15.03	(a) The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowances and Benefits and submit recommendations on any proposed amendment to Council.	In Progress
Council Property Maintenance Reserves, Park and Ovals	AF11/1545	Michael McCarthy	15.04	(a) That a Report be prepared on the area and extent of parks and gardens in the city, the presentation service level standards, and the seasonal resourcing requirements, to enable Council to consider whether any additional resources may be required into the future.	In Progress
Special Council Meeting 23/01/2019					
Federal Government Regional Growth Fund Full Business Case Endorsement	AR19/2197	Judy Nagy	2.01	(a) That Council Report No. AR19/2197 titled 'Federal Government Regional Growth Fund Full Business Case Endorsement' as presented to the Council on 23 January 2019 be noted. (b) That Council endorse the Regional Growth Fund Full Business Case. (c) That the Regional Growth Fund Full Business Case be lodged with the Federal Government by the due date of 25 January 2019.	Completed

Council Action Items					
Report Title	**Report Number**	**Author**	**Item**	**Action**	**Status**
Prudential Report - Community & Recreation Hub	AR19/2697	Michael McCarthy	2.02	(a) That Council Report No. AR19/2697 titled 'Prudential Management Report – Community and Recreation Hub' as attached be noted. (b) That the Prudential Report for the Community and Recreation Hub as attached to Council Report No. AR19/2697 be received and noted. (c) Having considered the Prudential Report for the Community and Recreation Hub as attached to Council Report No. AR19/2697, Council acknowledges: • the report has been prepared by a person the Council reasonably believes qualified to address the prudential issues in s48(2) of the Local Government Act 1999; and, • the prudential issues, due diligence activities and project risks associated with the Community and Recreation Hub as contained in the Prudential Report; and, • the Risk Management and Evaluation Plan for the project as appended to the Prudential Report and the identified project risks and risk mitigation activities; and, • its proposed engagement with the project to completion subject to favourable: o consideration of the result of the Community Survey on the project; and, o Federal, State and Council funding arrangements for the full project cost; and, o all development and other required project approvals being granted; and, o all funding conditions and initial project milestones being met. (d) That periodic project reports be presented to Council via the Community and Recreation Hub Committee for the duration of the project until the facility has been made fully operational and a final evaluation plan has been favourably received by Council including presentation of a Risk Management and Evaluation Plan report on at least a quarterly basis.	Completed

MINUTES OF ORDINARY STRATEGIC STANDING COMMITTEE MEETING

Meeting held in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Monday, 11 February 2019 at 5:30 p.m.

PRESENT Mayor Lynette Martin OAM

Cr Max Bruins
Cr Ben Hood
Cr Sonya Mezinec

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Development Services	-	Mrs T Tzioutziouklaris
Executive Administration Officer	-	Ms A Lavia

APPOINTMENT OF ACTING PRESIDING MEMBER:

Cr Hood be appointed as Acting Presiding Member for the meeting in the absence of Cr Frank Morello.

Moved: Cr Bruins Seconded: Cr Mezinec Carried

Cr Hood took the Chair for the remaining items of business.

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

1. APOLOGY(IES)

Apology received from Cr Frank Morello.

That the apology from Cr Frank Morello be received.

Moved: Mayor Martin Seconded: Cr Mezinec Carried

2. CONFIRMATION OF STRATEGIC STANDING COMMITTEE MINUTES

Meeting held on 10 December 2018

That the minutes of the Strategic Standing Committee meeting held on 10 December 2018 as attached be confirmed.

Moved: Cr Bruins Seconded: Mayor Martin Carried

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

Nil submitted.

4. DEPUTATIONS

Nil

5. STRATEGIC STANDING COMMITTEE REPORTS

5.1. ARC Project: Local Government and Housing in the 21st Century - Report No. AR19/4141

COMMITTEE RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/4141 titled '*ARC Project: Local Government and Housing in the 21st Century*' as attached be noted.

Moved: Mayor Martin Seconded: Cr Mezinec Carried

5.2. Policy Review - D140 - Development Act - Delegations - Report No. AR19/4146

COMMITTEE RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/4146 titled '*Policy Review - D140 - Development Act - Delegations*' as attached be noted. (b) That *Council Policy D140 - Development Act - Delegations* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.

Moved: Cr Bruins Seconded: Cr Mezinec Carried

5.3. Policy Review - D160 - Development Act - Inspection and Copying of Documents - Report No. AR19/4152

COMMITTEE RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/4152 titled '*Policy Review D160 - Development Act - Inspection and Copying of Documents*' as attached be noted. (b) That Council Policy *D160 - Planning - Development Act - Inspection and Copying of Documents* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016. (c) That an additional dot point be added to part 3.5 of Council Policy D160 - Development Act - Inspection and Copying of Documents to include photographed.

Moved: Cr Bruins Seconded: Mayor Martin Carried

6. MOTION(S) - With Notice

Nil submitted.

7. MOTION(S) - Without Notice

Nil submitted.

Meeting closed at 5:39 p.m.

AR19/5700

CONFIRMED THIS DAY OF 2019.

……..
PRESIDING MEMBER

5.1. ARC Project: Local Government and Housing in the 21st Century - Report No. AR19/4141

COMMITTEE	Strategic Standing Committee
MEETING DATE:	11 February 2019
REPORT NO.	AR19/4141
RM8 REFERENCE	AF16/78
AUTHOR	Tracy Tzioutziouklaris
SUMMARY	Council is participating in a nation wide research project on the role of Local Government and the provision of housing in the 21st Century. This project is due to be completed towards the end of 2019.
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
(a) That Strategic Standing Committee Report No. AR19/4141 titled '*ARC Project: Local Government and Housing in the 21st Century*' as attached be noted.

Moved: Seconded:

Background

In early 2015 Council resolved to participate in a nation wide research project looking into the role of Local Government on the provision of housing which is being overseen by Professor Andrew Beer from the University of South Australia.

Council is an identified project partner together with twenty Council's throughout Queensland, New South Wales, Victoria and South Australia. The Local Government Association of South Australia is also involved in this project.

The aims of the project are to:

- Develop a detailed understanding of the interplay between housing and local government in Australia in the 21st Century;
- Map the governmental, demographic and economic processes, currently reshaping that relationship;
- Identify new ways in which local government and the communities they represent can meet their housing aspirations, and
- Identify and develop a suite of policies and actions for use by local governments across Australia in metropolitan, rural and regional settings.

The study is intended to address the changing environment in which local governments operate through:

- A focus on the relationship between local government and other actors in the housing sphere, including state and federal government agencies;
- Emphasising the process of change and how the solutions available to local government evolve over time;
- Acknowledgement of the role of both formal and informal processes in the search for policy solutions;
- Attention to the processes through which particular options 'harden' into outcomes; and
- The impact of history, or path dependency, on the emergence of new policy regimes.

Council's support of this project included:

- $10,000 cash per annum for the three year life of the project ($30,000 in total).
- In kind support valued at $11,600 per annum in the form of staff time to assist with case studies plus attendance at three reference group meetings per year.

As part of this project, two PhD positions and scholarships were offered, one through the University of South Australia and one through the University of Technology Sydney. In late 2016, after a rigorous application process, Council's Planning Officer, Jessica Porter was successful in securing one of the PhD positions and a three year scholarship through the University of South Australia. In addition to the scholarship through the University of South Australia, Jessica was also successful in securing a top-up scholarship through the Australian Housing and Urban Research Institute (AHURI).

Jessica's PhD research focus is on local government and affordable housing supply in Australian regional cities. Specifically, she is investigating how land use planning systems are used to control the supply of affordable housing, with a particular focus on the current practices of regional local government. As part of this research, Jess is undertaking a comparative study between the City of Mount Gambier and Warrnambool City Council; two comparable local government areas, with different approaches to addressing affordable housing supply.

Discussion

2019 will be the final year of the Local Government and Housing project.

Some highlights of the project during 2018 included:

The conclusion of the national survey of local government Chief Executive Officer's with the subsequent data analysis ad publication of the substantial report can be accessed on the internet at http://apo.org.au/node/189986. The report presents the outcomes of an online survey of local government across Australia into their attitudes, programs, policies and actions with respect to housing. The outcomes of the survey challenged many preconceptions around the role of local government and housing in the 21st Century. It has found many local governments take an active interest in housing questions, including a keen focus on affordability. Other areas of concern include the regulation of informal housing tenancies such as Air BnB and Stayz, as well as the effective functioning of the planning system, homelessness, urban regeneration and environmental sustainability.

It was found that the majority of Councils agreed that local government has a role in responding to housing concerns but often struggled to make an impact because of the lack of leadership from the state and federal governments. The report is quite lengthy but all Members are encouraged to access the report as it provides an important contribution to understanding the role of Local Government and Housing.

2019 is the project's final year with a major end of project symposium tentatively scheduled to be held in August in Canberra. A case studies document emerging from the in depth interviews is planned as well as journal articles. It is highlighted that the Mayor and a number of key Council employees and select people from the community of the City of Mount Gambier participated as a case study involving the in depth interviews.

Further updates about this project will be provided in due course.

Members are encouraged to access the project website which contains project updates, further information, research studies and relevant new articles at the following web address:

https://localgovernmentandhousing.com

Conclusion

The issue of housing is now back on the federal political agenda, hence this research project is proving to be timely.

There continues to be discussion and research providing rich evidence to inform decisions about affordable housing policies within Australia.

More importantly, one exciting outcome anticipated from this project will be the identification of what role Local Government can undertake to influence the provision of housing within the community.

Attachments

Nil

Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES

Judy NAGY
GENERAL MANAGER CITY GROWTH

29 January 2019
MTT

5.2. Policy Review - D140 - Development Act - Delegations - Report No. AR19/4146

COMMITTEE	Strategic Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4146
RM8 REFERENCE	AF18/49
AUTHOR	Tracy Tzioutziouklaris
SUMMARY	This report provides a review and update of Council Policy D140 - Development Act - Delegations.
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
(a) That Strategic Standing Committee Report No. AR19/4146 titled '*Policy Review - D140 - Development Act - Delegations*' as attached be noted. (b) That *Council Policy D140 - Development Act - Delegations* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.

Moved: Seconded:

Background

Council periodically reviews its policies to ensure that remain up to date with legislative requirements, Council and community expectations and emerging practices in local government.

This Policy was last reviewed by Council in September 2017.

Discussion

The Development Act 1993 requires that Council must establish a policy that identifies its delegations made pursuant to the Act. Council currently makes delegations for certain powers, functions and/or duties of this Act to the Council Assessment Panel and the Chief Executive Officer. Certain Council Officers have further sub delegations to undertake certain functions, actions and/or duties pursuant to the Act.

The relevant provisions of the Act are as follows.

Section 34 (27) of the Development Act 1993 specifies that a council must -

(a) establish a policy relating to the basis upon which it will make the various delegations required by subsection (23); and

(b) ensure that a copy of that policy is available -

(i) for inspection at the principal office of the council during ordinary office hours; and

(ii) for inspection on the Internet.

The relevant legislation to which this policy relates has not changed. On this basis the Policy is still considered to be relevant. A reference to a previous Council Strategic plan should be updated to reflect the current strategic plan of Council.

It is anticipated that this Policy will need to be amended as part of the transition process associated with the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act. This is likely to occur around the middle of this year.

It is recommended that this Policy be reviewed at this time to ensure it remains relevant and current.

Conclusion

No changes have been made to the legislation to which this policy is based upon and refers to.

With the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016 proposed for the middle of this year, this policy will need to be reconsidered and updated accordingly.

Attachments

Attachment 1 (AR11/4459(v5)): Council Policy D140 - Development Act - Delegations

Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES

Judy NAGY
GENERAL MANAGER CITY GROWTH

29 January 2019
MTT

5.3. Policy Review - D160 - Development Act - Inspection and Copying of Documents - Report No. AR19/4152

COMMITTEE	Strategic Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4152
RM8 REFERENCE	AF18/49
AUTHOR	Tracy Tzioutziouklaris
SUMMARY	This report provides a review and update of Council Policy D160 - Development Act - Inspection and Copying of Documents.
COMMUNITY PLAN REFERENCE	Goal 1: Our People

REPORT RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/4152 titled '*Policy Review D160 - Development Act - Inspection and Copying of Documents*' as attached be noted. (b) That Council Policy *D160 – Planning – Development Act - Inspection and Copying of Documents* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.

Moved: Seconded:

Background

Council periodically reviews its policies to ensure they remain up to date with legislative requirements, Council and community expectations and emerging practices in local government.

This Policy was last reviewed by Council on 20 February 2018.

Discussion

Council Policy D160 – Development Act - Inspection and Copying of Documents sets out the policy for the public inspection and copying of documents received and stored by Council in relation to development applications.

The Development Act 1993 enables the public to have various entitlements to inspect and view information relating to Development Applications and approved building work.

In particular this policy affirms Council's commitment to accountability and transparency in the provision of information to the public.

It is also important to have regard to the Copyright Act and the Freedom of Information Act in respect to this policy and public access to documentation held by Council.

At this time there have been no changes to the Development Act and Regulations that will require amendments being made to this policy. It is highlighted that this policy may need to be reviewed upon the implementation and activation of the relevant provisions of the new Planning, Development and Infrastructure Act 2016 (PDI Act). It is anticipated that the implementation and activation of the section of the PDI Act that will impact upon this Policy will occur in the middle of this year. It is recommended that this Policy be reviewed at this time to ensure it remains relevant and current.

Conclusion

No changes have been made to the legislation to which this policy is based upon and refers to.

With the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016 proposed for the middle of this year, this policy will need to be reconsidered and updated accordingly.

Attachments

Attachment 1 (AR11/4463 (v6)): Council Policy D160 - Development Act - Inspection and Copying of Documents

Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES

Judy NAGY
GENERAL MANAGER CITY GROWTH

City of Mount Gambier	D140 - DEVELOPMENT ACT DELEGATIONS	Version No:	4
		Issued:	19th September, 2017
		Next Review:	February 2019

1. INTRODUCTION

This policy is established pursuant to Section 34(27) of the Development Act 1993 ("the Act").

Under the Act and the Development Regulations 2008 ("the Regulations"), the City of Mount Gambier ("the Council") is responsible for the management of most development within its area.

Under Section 34(23) of the Act the Council is *required* to delegate all of its powers and functions as a relevant authority, with respect to determining whether or not to grant development plan consent under the Act. This means, that Council's *development assessment* functions must be exercised by a person (e.g. an officer of Council) or body (e.g. the Council Assessment Panel) that has been given delegated authority by the Council.

The Council therefore delegates its development assessment powers and functions, under the Act and the Regulations, to other persons or bodies.

2. DELEGATIONS

(a) Council will make the various delegations required by Section 34(23) of the Act.

(b) Section 20 of the Act determines Council's power to delegate its development assessment powers and functions under the Act and states:

"*(1) … a council, may delegate a power or function vested or conferred under this Act.*

(2) A delegation -

(a) may be made—
(i) to a particular person or body; or
(ii) to the person for the time being occupying a particular office or position; or
(iii) to a subsidiary established under the Local Government Act 1999; and…
(c) may be made subject to conditions and limitations specified in the instrument of appointment; and
(d) subject to any other provision of this Act or the regulations, is revocable at will and does not derogate from the power of the delegator to act in a matter; and

(3) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated."

(c) Section 34(23) of the Act states:

"*A council must delegate its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent under this Act to -*

(a) its council development assessment panel; or

(b) a person for the time being occupying a particular office or position (but not including a person who is a member of the council); or

(c) a regional development assessment panel (if such a delegation is consistent with the extent to which the panel may act under the provisions of the regulations constituting the panel and in addition to the operation of subsection (1)(ab))."

(c) Council delegates all of its powers and functions under the Act and Regulations to the Chief Executive Officer of the Council ("the CEO"). The Council also empowers the CEO to sub delegate those powers and functions to other Council officers.

(d) Council also delegates its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent ("the development assessment powers and functions") to the City of Mount Gambier Council Assessment Panel ("the CAP") established under Section 83 of the Planning, Development & Infrastructure Act 2016.

The CAP delegations are set out in Schedule I of Appendix 21 (Delegations made under the Development Act 1993) of Council's Delegation Register.

(e) Where the CAP, the Chief Executive Officer and sub-delegates share the same delegated powers and functions, a determination on a development application may only be made by one delegate. Accordingly, it is the policy of this Council that:

i. Where the CAP, the Chief Executive Officer and sub-delegates share the same delegated powers and functions, the sub-delegate or Chief Executive Officer will, subject to (ii), exercise the delegated power or function.

ii. The Chief Executive Officer or General Manager City Growth will refer any development application to the CAP for determination in the following circumstances:

a) where an application has been publicly notified and representations received; or
b) where the Chief Executive Officer or General Manager City Growth consider in the circumstances that determination by the CAP is warranted.

3. REVIEW AND EVALUATION

This Policy is scheduled for review by Council in February 2019; however, will be reviewed as required by any legislative changes which may occur.

4. 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.

File Reference:	AF11/1746, AF11/1020, AF14/108
Applicable Legislation:	Local Government Act 1999 Development Act 1993 Planning, Development & Infrastructure Act 2016
Reference: Strategic Plan – Beyond 2015	
Related Policies:	
Related Procedures:	Council Assessment Panel Terms of Reference Council Assessment Panel Procedures
Related Documents:	City of Mount Gambier Delegations Register Sub-Delegation Register Instrument of sub-delegation, Appendices & Schedule

DOCUMENT DETAILS

Responsibility:	Manager Governance and Property
Version:	4.0
Last revised date:	19th September, 2017
Effective date:	19th September, 2017
Minute reference:	Council Meeting 19th September, 2017 – Strategic Standing Committee Item 13.14
Next review date:	February 2019
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	 27th March 2007 21st April, 2015, 16th May, 2017, 19th September 2017

City of Mount Gambier	D160 – DEVELOPMENT ACT INSPECTION AND COPYING OF DOCUMENTS	Version No:	6
		Issued:	20 February, 2018
		Next Review:	February 2019

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for the public inspection and copying of documents received and stored by Council in relation to development applications.

Under the *Development Act* 1993 (SA) and *Development Regulations 2008 (SA)* members of the public have various entitlements to information held by the Council that are relevant to development applications and approved building work.

This Policy affirms Council's commitment to openness and transparency in the provision of information to the public in accordance with its legislative obligations and its commitment to high standards of records management whilst avoiding infringing copyright in that information.

2. APPLICATION OF POLICY

This Policy applies to the reproduction of documents under the *Copyright Act, Development Act and Development Regulations* and the provision of copies of documents to members of the public.

In this Policy:

- the "Council" means City of Mount Gambier
- the "*Development Act*" means the South Australian *Development Act 1993*;
- the "Development Regulations" means the South Australian Development Regulations 2008;
- the "*Freedom of Information Act*" means the South Australian *Freedom of Information Act 1991*;
- the "*State Records Act*" means the *State Records Act 1997*;
- the "Copyright Act" means the Commonwealth *Copyright Act 1968*;
- "work" has the same meaning as this term in the *Copyright Act*, i.e. a literary, dramatic, musical or artistic work;
- "record" has the same meaning as the *State Records Act*, being:
  - written, graphic or pictorial matter; or
  - a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device);
- "Official record" has the same meaning as the *State Records Act*, being a record made or received by the Council in the conduct of its business, but does not include:

- a record made or received by an agency for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or
- a record made by an agency as a draft only and not for further use or reference; or
- a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or
- a Commonwealth record as defined by the *Archives Act 1983* of the Commonwealth or an Act of the Commonwealth enacted in substitution for that Act; or
- a record that has been transferred to the Commonwealth.

3. INTRODUCTION TO THE COPYRIGHT ACT 1968

3.1 What is Copyright?

a) Copyright is a form of property which exists in written, artistic and other "works". Copyright only exists through the operation of the *Copyright Act*. As with other forms of property, copyright may be sold or transferred, and allows persons who create works to derive an income from them.

b) The *Copyright Act* creates legally enforceable intellectual property rights in works by ensuring that works cannot be reproduced without the prior permission of the copyright owner.

c) Where a work is reproduced without permission, a copyright infringement may occur which, in turn, may give rise to a right for the copyright owner to take action against the infringer.

d) Copyright does not protect mere ideas, rather, it protects the way that ideas and information are described, illustrated or documented.

3.2 What is “work”?

a) The types of work that Council may deal with that may be protected by copyright can include:
- written reports produced by engineers, accountants, planners and other professionals;
- building plans and specifications;
- infrastructure plans;
- tender documents;
- photographs;
- diagrams;
- graphs; and
- charts.

b) The term "literary works" in the *Copyright Act* is not exhaustively defined and, according to case law, authorities can in some circumstances, include documents such as letters where they contain original creative written "works".

3.3 When does copyright protection arise?

a) Copyright protection automatically arises as soon as a work exists in a form which can be reproduced.

b) Copyright can exist in work regardless of whether or not a work is endorsed with a "©" symbol and whether or not it contains a copyright warning.

3.4 Who owns copyright?

a) Generally, copyright is owned by the creator or author of the work and where created during the course of employment, the employer will own copyright.

3.5 What is copyright infringement?

a) Copyright infringement is unauthorised reproduction of work that can include where it is (amongst other things):
- photocopied;
- scanned;

- published on a website;
- displayed on an overhead screen; and
- e-mailed.

3.6 When can works lawfully be reproduced?

a) Works can be reproduced without committing a copyright infringement where the permission, called a "licence" allows it to be lawfully reproduced.

b) The Council relies upon implied licences to allow it to reproduce works, where:
- reproduction is necessary by way of legal obligation; or
- reproduction is out of practical necessity and in the circumstances, it is reasonable to expect that the owner of copyright would know that their work is required to be reproduced.

c) In addition to licences, there are legislative exemptions which allow the reproduction of documents for certain purposes, including:
- where required for the purpose of giving professional advice by a legal practitioner or for the purposes of litigation; and
- where reproduction of a work constitutes a "fair dealing" for the purpose of research or study.

4. DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

The following Policy provisions apply to the reproduction of works under the *Development Act* by Council.

4.1 Specific legislative exemptions to copyright infringements

a) During the assessment of a development application, Council staff need to make reproductions of plans and other works so that they may be marked, or drawn upon, and so that original copies may be preserved. Further, such documents often need to be scanned so that they can be logged and viewed electronically, and stored and saved into Council's records management system.

b) As the reproduction of works is necessary for development assessment purposes, such works can lawfully be reproduced for internal purposes.

c) For example, Council may reproduce copyright-protected application documents during the development assessment process to:
- display plans and other documents on an overhead screen and/or monitors during a Council Assessment Panel (CAP) meeting;
- make copies of documents for internal discussions and other internal assessment processes;
- scan and otherwise create electronic copies of documents for internal records management purposes; and
- reproduce documents to attach to CAP agenda reports for provision to CAP members.

4.2 Public notification of category 2 and 3 development applications

a) Regulation 34(1) provides that Council must ensure that the following documents, lodged with category 2 and 3 development applications, are made available for inspection by the public:
- the application;

- any supporting plans, drawings, specifications or other documents or information provided to the Council; and
- any statement of effect (where applicable).

b) Regulation 34(2) and Regulation 34(3) state that the Council must provide to a member of the public, a copy of any information available for inspection where:
- a request is made within the inspection period (i.e. for 10 business days after notice is given by Council – see Regulation 35, Development Regulations 2008); and
- a fee fixed by Council is paid. A full list of applicable fees can be found in Council's Fees and Charges Schedule; and
- the person who requests the copy provides their name, address and contact details to Council.

c) Accordingly, the Council will reproduce works submitted as part of a development application for the purposes of Regulation 34 as this is a necessary requirement of the Development Regulations 2008.

d) If a member of the public requests a copy of a plan, etc outside of the notification period, but before a development is approved, the Council will not provide copies of these documents to them.

e) Persons making such a request should apply for disclosure of the document under the *Freedom of Information Act*. However, according to Section 22(2)(c) of that Act, access to a document must not be given by providing a copy of that document if to do so would constitute a copyright infringement. Accordingly, access to a plan or drawing under the *Freedom of Information Act* would likely be given by inspection only, unless the applicant obtains the permission of the copyright owner for a copy of the relevant document to be made.

f) Where a person cannot attend the Council office on person, due to extenuating circumstances, Council may, in its abolsute discretion and on a case-by-case basis, provide a copy of a development application documents to a member of the public, by post, email or fascimile, provided that it is satisfaied that the person making the request is entilted to make a representation.

g) The Council will not publish Regulation 34(1) documents on its website. If a member of the public wishes to inspect and/or obtain a copy of a development application document during its public notification period, that person must attend Council's offices in person.

4.3 Copies of application documents for Council Assessment Panel ("CAP") agendas

a) Council Assessment Panel agendas necessarily contain reference to officer reports and documents relevant to development applications to be determined by the CAP, including copyright-protected works.

b) Section 56A(15) of the *Development Act 1993* provides that members of the public are entitled to reasonable access to the CAP agendas. The agenda is the list of matters to be deliberated upon by the CAP at its meeting and does not include the reports and other attachments to the agenda.

c) Council publishes its CAP agendas on its website in accordance with section 56A of the Development Act. Officer reports and other attachments are not published on Council's website, as to do so could amount to an infringement of copyright.

d) Council does not provide physical copies of copyright-protected works, such as plans and other supporting documents associated with a development application included on the CAP agenda, to members of the public as this would constitute a copyright infringement.

e) Council will provide a copy of an applicants plan, report or other development application document attached to a CAP agenda, where a member of the public obtains the permission of a copyright owner to obtain such a copy.

4.4 Inspection and copies of the register of applications

a) Council is required to keep a register of development applications, pursuant to Regulation 98(1). From 1 January 2014, this register is also available on Council's website.

b) The register is required to contain information about development applications, not the application documents themselves. The register should contain:
- the name and address of the applicant (or of each applicant);
- the date of the application;
- the date on which the application was received by the Council or other relevant authority;
- a description of the land which is the subject of the application;
- a brief summary of the matters, acts or things in respect of which any consent or approval is sought;
- details of any referral or concurrence on the application;
- whether any decision is made on the application by the Council, a regional development assessment panel, the Development Assessment Commission or the Governor (where appropriate);
- any decision on the application;
- in the case of an application for building rules consent – the fee or fees payable;
- the date of the commencement of any building work and the date of the completion of any building work; and
- if any decision on the application is the subject of an appeal, the result of the appeal.

c) Council must make the register available for inspection by the general public (no fee).

d) Regulation 98(3) provides that Council **may** provide to a member of the public a copy of any part of the register, or document kept for the purposes of Regulation 98(1), on payment of a fee fixed by Council.

e) Council will provide copies of documents kept for the purposes of its register where to do so would not constitute a copyright infringement.

f) Where a copyright infringement could arise, Council will not provide copies of these documents, unless the person requesting such has obtained permission from the copyright owner, or otherwise has submitted a signed a statutory declaration to the effect that reasonable enquiries have been made and the owner of copyright cannot be located.

4.5 Inspection and copies of documents relating to approved developments

a) In the case of applications that have been assessed and a decision made, Regulation 101(1) obliges Council to retain certain development application documents relating to building work only (i.e. not regulated/significant trees, land divisions or land uses). These documents include "*all technical details, particulars, plans, drawings, specifications and other documents or information relating to building work*".

b) Further, Regulation 101(a1) requires Council to retain a copy of each document provided to it by a private certifier in relation to any application for development plan consent assessed by the private certifier.

c) Regulation 101(4)(a) provides that a person may inspect at the offices of Council, during its normal office hours, any document retained by the Council under Regulation 101(a1) or 101(1), without charge.

d) Regulation 101(4)(b) states that a person may, on payment of a reasonable fee fixed by Council, obtain a copy of any document retained by Council under Regulation 101(a1) or 101(1).

e) This obligation however is subject to a number of exceptions in Regulation 101 (5), including where copying a document would:
- in the opinion of the Council, unreasonably jeopardise the present or future security of a building; or
- involve an infringement of copyright in matter contained in a document; or
- constitute a breach of any other law.

f) Accordingly, where a person does not have permission from the owner of copyright in plans and other documents held by Council under Regulation 101(a1) or 101(1), Council is not obliged to provide a copy of that document to that person.

g) However, in recognition of the practical need for copies of such documents to be provided in certain situations, and taking into account copyright considerations, Council will provide copies where the person requesting the copies:
- is the current owner of the building;
- is the applicant who obtained development authorisation of the building;
- has signed a statutory declaration to the effect that they have made reasonable enquiries to locate the owner of copyright in the documents and has not been able to find them.
- has an order of a court requiring a copy of the documents to be provided.

5. FREEDOM OF INFORMATION ACT 1991

Applications for access to Council records (including development application documents) may be made pursuant to the *Freedom of Information Act 1991*.

According to Section 13(f) of the *Freedom of Information Act*, applicants may request that access to Council documents be given to them in a particular way, including copies.

In accordance with Section 20(1)(b) of the *Freedom of Information Act*, the Council may refuse to grant access to documents if the documents are available for inspection under another Act.

For instance, where development application documents are made available for inspection during the public notification period under Regulation 34 of the Development Regulations, the Council may refuse access to those documents under the *Freedom of Information Act*.

Similarly, where documents relating to approved developments are available for inspection under Regulation 101(4) of the Development Regulations, the Council may refuse access to those documents under the *Freedom of Information Act*.

Section 22(1) of the *Freedom of Information Act* provides that access to Council documents may be given via various means, including by giving the applicant a copy of the document.

However, Section 22(2)(c) of the *Freedom of Information Act* provides that where an applicant has requested that a copy of a document be provided to them, an alternative form of access may be given where providing a copy would involve an infringement of copyright in matter contained in the document.

This means that the Council cannot lawfully reproduce works subject to copyright for the purpose of providing access under the *Freedom of Information Act* without the prior permission of the copyright owner.

In order to avoid infringing copyright, the Council should consider providing access to copyright-protected documents under the *Freedom of Information Act* by way of inspection, unless:

- the applicant is the owner of copyright in those documents; or
- the applicant has obtained the permission of the owner of copyright in those documents to have them copied; or
- where the applicant has attempted to locate the owner of copyright, but has not been successful, the applicant signs a statutory declaration to this effect.

What if a document is over 20 years old and therefore must be disclosed under 20(2)(c) of the *Freedom of Information Act*?

In this situation, the Council is obliged to provide access to that document, but must still adhere to Section 22(2)(c) of the *Freedom of Information Act* and only allow inspection as the method of access if providing a copy would constitute a copyright infringement.

6. STATE RECORDS ACT 1997

Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. This obligation applies not only to the capture, storage, maintenance and disposal of physical records, but also to records in electronic format.

An official record is defined in Section 3 of the Act to mean a record made or received by the Council *in the conduct of its business*. This means that, because Council Members and staff of the Council variously act as representatives of the Council, any record created, sent, received, forwarded or transmitted by Council staff and/or Council Members in the performance and discharge of their functions and duties may be classified as an official record.

In order to ensure that official records are kept in safe custody in accordance with the requirements of the *State Records Act*, the Council may cause reproductions of works to be made, including electronic copies ("scans") of documents to be saved in its internal records management

systems, and may create additional hard copies of documents, where appropriate. Where an official record is reproduced into an Electronic Document Records System, the original may be destroyed in accordance with General Disposal Schedule 21.

The reproductions of works for records management purposes should only be made available to the general public where the original no longer exists. In certain circumstances original works which are digitised (scanned) may be destroyed.

General Disposal Schedule 21: For management and disposal of source documents and digitised versions after digitisation and the accompanying Digitisation of Official Records and Management of Source Documents Guideline establish the criteria for enabling the destruction of source documents. Both GDS21 and the Guideline are available from www.archives.sa.gov.au.

7. 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.

File Reference:	AF11/1746; AF11/1182
Applicable Legislation:	Development Act 1993; Freedom of Information Act 1991; State Records Act 1997; Copyright Act 1968
Reference: Community Plan – The Futures Paper 2016-2020	Goal – Our People
Related Policies:	P155 Administration - Privacy R180 Administration - Records Management
Related Procedures:	Development Assessment Procedures Development Control Administrative Standard Operating Procedure
Related Documents:	Freedom of Information – City of Mount Gambier Information Statement

DOCUMENT DETAILS

Responsibility:	GENERAL MANAGER CITY GROWTH
Version:	6.0
Last revised date:	20th February 2018
Effective date:	20th February 2018
Minute reference:	20th February, 2018 - Strategic Standing Committee Item No. 13.10
Next review date:	February 2019
Document History First Adopted By Council: Reviewed/Amended:	 18th February 1999 15th April 2003; 19th September 2006; 17th February 2009; 19th August 2014

MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Minutes of Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 12 February 2019 at 5:45 p.m.

PRESENT	Mayor Lynette Martin OAM	
	Cr Christian Greco (Presiding Member)	
	Cr Kate Amoroso (arrived at 5.51 p.m.)	
	Cr Paul Jenner	
	Cr Steven Perryman	via telephone in accordance with clause 10, Operational Standing Committee Terms of Reference

COUNCIL OFFICERS	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	Manager Development Services	-	Mrs T Tzioutziouklaris
	Executive Administration Officer	-	Mrs F McGregor

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

1. APOLOGY(IES)

Nil

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 11 December 2018

That the minutes of the Operational Standing Committee meeting held on 11 December 2018 as attached be confirmed.

Moved: Cr Greco Seconded: Mayor Martin Carried

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

Nil submitted.

4. DEPUTATIONS

The Presiding Member granted permission for a deputation from the Mount Gambier Bowls Club.

5. OPERATIONAL STANDING COMMITTEE REPORTS

5.1. Registration of Easement - Development Lot 702, Attamurra Estate - Report No. AR19/2314

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/2314 titled '*Registration of Easement - Development Lot 702 Attamurra Estate, Kooyonga Court*' as presented to the Operational Standing Committee on 19 February 2019 be noted. (b) That consent be granted to register an easement on Lot 702 (Development Lot) in Certificate of Title Volume 6116 Folio 196 for drainage purposes in favour of the City of Mount Gambier. (c) The Mayor and the Chief Executive Officer be authorised to execute and affix the common seal of the City of Mount Gambier to any necessary documentation associated with resolution (b) of Operational Standing Committee Report No. AR19/2314.

Moved: Cr Greco Seconded: Cr Amoroso Carried

5.2. Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green' Report No. AR19/4505

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/4505 titled '*Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green"* as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) That Council receive and note the deputation of 12/02/2019. (c) That Greenline design no 8 is Council's preferred option due to complementing the character of the area. (d) The Mount Gambier Bowls Club provide a formal costed submission for the Greenline design no 8 option to be referred to the 2019/2020 budget workshops for discussion.

Moved: Cr Greco Seconded: Mayor Martin Carried

5.3. WIN TV John Watson Drive – Grant of Easement – Report No. AR19/4503

(a) That Operational Standing Committee Report No. AR19/4503 titled '*WINTV John Watson Drive – Grant of Easement*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That Council respectfully decline the request for the grant of easement.

Moved: Cr Perryman Seconded: Cr Jenner

Amendment

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/4503 titled '*WINTV John Watson Drive – Grant of Easement*' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) That an independent valuation be obtained to determine an appropriate market value for the consideration value of the grant of easement referred to Operational Standing Report AR19/4503 in resolution (b).

Moved: Cr Greco Seconded: Mayor Martin

The Motion was set aside

The Amendment was put and Carried

And as the Motion was put and Carried

5.4. Pioneers Basketball Inc. – Update Report and Request for Assistance - Report No. AR19/4376

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/4376 titled 'Pioneers Basketball Inc. – Update Report and Request for Assistance' as attached be noted. (b) Defer decision to Council meeting on 19/02/2019

Moved: Cr Greco Seconded: Cr Amoroso Carried

5.5. Schedule of Fees and Charges – 2019/2020 - Report No. AR19/4412

COMMITTEE RECOMMENDATION

(a) That Operational Standing Committee Report No. AR19/4412 titled '*Schedule of Fees and Charges – 2019/2020*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That Council adopt all recommended of fees and charges identified in the "Schedule of Fees and Charges – 2019/2020" as presented in Operational Standing Committee Report AR19/4412 noting that:

(i) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges – 2019/2020" will come into effect on 1 July 2019.

(ii) Council may see fit to amend any fee or charge as circumstances arise or change.

(iii) Council Administration are authorised to update the "Schedule of Fees and Charges – 2019/2020" with any statutory fees and charges updates as referenced in the relevant Acts, without needing to return to Council for approval.

Moved: Cr Greco Seconded: Mayor Martin Carried

5.6. Community Plan - Quarterly Summary KPI Report - December 2018 - Report No. AR19/4282

COMMITTEE RECOMMENDATION

(a) Operational Standing Committee Report No. AR18/4282 titled '*Community Plan - Quarterly Summary KPI Report - December, 2018*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) The Community Plan Quarterly Summary KPI Report December 2019 be received and endorsed by Council.

(c) Noting that a staff cultural survey has not been carried out for some time a staff cultural survey be referred to the 2019/2020 budget.

Moved: Cr Greco Seconded: Cr Amoroso Carried

5.7. Works in Progress - City Infrastructure Report No. AR19/2979

COMMITTEE RECOMMENDATION
(a) That Council Report No. AR19/2979 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

Moved: Cr Greco Seconded: Cr Jenner Carried

5.8. On Street Parking – Jubilee Hwy East – Attamurra Rd – Implementation of No Stopping Zones

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/2976 titled 'On street parking – Jubilee Hwy East – Attamurra Rd – Installation of no stopping zones' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) The Traffic Impact Statement attached to the Operational Standing Committee Report be endorsed by Council; (c) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following: Prohibited Area NO STOPPING 1.1.504 JUBILEE HIGHWAY EAST (NORTHERN HALF)-78 metres west of the intersection with Attamurra Road Prohibited Area NO STOPPING 1.1.505 JUBILEE HIGHWAY EAST (NORTHERN HALF)-66 metres east of the intersection with Attamurra Road To be effective on the installation of appropriate signage

Moved: Mayor Martin Seconded Cr Greco Carried

6. MOTION(S) - With Notice

6.1. INFRASTRUCTURE – Liaison - SA Power Networks (formerly ETSA) Utilities Liaison Ref. AF11/2545

COMMITTEE RECOMMENDATION
(a) Council notes the extensive damage done to street trees as a result of recent pruning undertaken by SA Power Networks.
(b) Council write to SA Power networks expressing its disappointment in the contractors performance and the severe pruning which has diminished the amenity and visual appearance of Mount Gambier streets.
(c) Mrs Alexandra Lewis, Stakeholder Engagement Lead from SA Power Networks, be invited to attend a future meeting of the Operational Standing Committee of the Corporation of the City of Mount Gambier to discuss how street tree pruning can be better managed in future rounds of their pruning program.
(d) The General Manager of Infrastructure prepare a presentation (including photos) for the meeting with Mrs Lewis.

Moved: Cr Jenner Seconded: Cr Greco Carried

6.2. FINANCIAL MANAGEMENT – Budgeting - Annual Budget Preparation - 2018/2019 Financial Year Ref. AF18/108

COMMITTEE RECOMMENDATION
(a) Council notes that the total budget for employees in the 2018/19 budget shows an increase of approximately $1,000,000.00 (one million dollars) more than the 2017/18 actual figures.
(b) Council notes that the total budget for contracts (and other associated items) in the 2018/19 budget shows an increase of approximately $1,000,000.00 (one million dollars) more than the 2017/18 actual figures.
(c) The CEO prepare a detailed and itemised report of spending in the last four years of these budget line items in order to show i. Where council employee costs have altered and why; ii. Where contractor costs have altered and why; iii. Which additional positions have been created or made redundant; iv. Any other relevant matters

Moved: Cr Jenner Seconded: Cr Greco Carried

6.3. INFRASTRUCTURE - Advice - Power Line Environment Committee (PLEC) Circulars and Advice Ref. AF/1196

COMMITTEE RECOMMENDATION
(a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier for a five stage plan within the City of Mount Gambier for the Power Line Environment Committee 'PLEC' Scheme. (b) The 5 stage plan to be costed and presented to the Operational Standing Committee at its March meeting so that it can be considered as part of the 2019/20 budget process. (c) The PLEC committee be invited to meet with the Operational Standing Committee, and undertake an inspection of proposed stages identified in the said report.

Moved: Cr Jenner Seconded: Cr Greco Carried

6.4. GOVERNANCE - Committees - Standing Committee - Operational Committee Ref. AF11/867

COMMITTEE RECOMMENDATION
(a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier outlining: i. Personnel deficits within the Infrastructure Department of Council; ii. Areas where costs may be reduced by having work undertaken by Council work crews rather than by contractors; iii. Areas where operations may be made more streamlined, efficient or practical by reallocating resources from other departments to the Infrastructure Department.

Moved: Cr Jenner Seconded: Cr Amoroso Carried

7. MOTION(S) - Without Notice

7.1. ECONOMIC DEVELOPMENT - Liaison - Regional Development Australia Limestone Coast RDALC Liaison Ref. AF11/343

COMMITTEE RECOMMENDATION
(a) Notes the announcement of a study commissioned by the Commonwealth Scientific and Industry Research Organisation (CSIRO) and Regional Development Australia Limestone Coast (RDALC) into the merit of re-activating freight rail services on the Mount Gambier to Heywood and Mount Gambier to Woolsley lines.

(b) Adopt a position that a “Northern Rail Bypass” be established prior to the resumption of rail freight services in the Limestone Coast.

(c) Obtain and distribute to Councillors a copy of the ‘Lander Report’ on freight rail in the South East of South Australia, commissioned by RDALC or it’s processor circa 2005 – 2009.

(d) Write to the CSIRO and RDALC:

i) informing of the significant investment in and development of community infrastructure of the rail corridor in recent years; and

ii) raising concern about the impact of a return of freight rail through Mount Gambier: and

iii) asking what, if any, consideration is given in the project brief for use of the existing railway easement through the boundaries of the City of Mount Gambier and the effect of freight rail on the community; and

iv) asking what, if any, consideration is given in the project brief to the establishment of rail loading facilities/service yards to the north and east of the City as has been the subject of previous discussions between the Corporation of the City of Mount Gambier and the South Australian Department of Transport, and also as part of previous studies into freight rail services in the Limestone Coast Region.

v) Suggesting the study consider establishment of a new rail easement to the north-east of the city.

(e) Council urgently seek a briefing with RDA and other stakeholders regarding the parameters of their study to gain an understanding of the scope and practicalities of this investigation

Moved: Cr Perryman Seconded: Cr Jenner Carried

8. CONFIDENTIAL ITEMS

8.1. Consideration for Exclusion of the Public

Item No. 8.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Martin, Cr Greco, Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2015" to be considered in confidence.

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

Information the disclosure of which would involve the unreasonable disclosure of Information concerning the personal affairs of any person (living or dead), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
8.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Cr Greco Seconded: Cr Amoroso Carried

8.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco Seconded: Cr Perryman Carried

8.4. Consideration for Exclusion of the Public

Item No. 8.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Martin, Cr Greco, Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2005" to be considered in confidence.

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

Information the disclosure of which would involve the unreasonable disclosure of Information concerning the personal affairs of any person (living or dead), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
8.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)

Moved: Cr Greco Seconded: Cr Perryman Carried

8.6. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco Seconded: Mayor Martin Carried

8.7. Consideration for Exclusion of the Public

Item No. 8.8

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Martin, Cr Greco , Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal development - Mr RKH Pearson (Amberich Pty Ltd)) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.8	Illegal Development – Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)(f)

Moved: Cr Greco Seconded: Mayor Martin Carried

8.9. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.8	Illegal Development - Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)and (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once

Moved: Cr Greco Seconded: Cr Jenner Carried

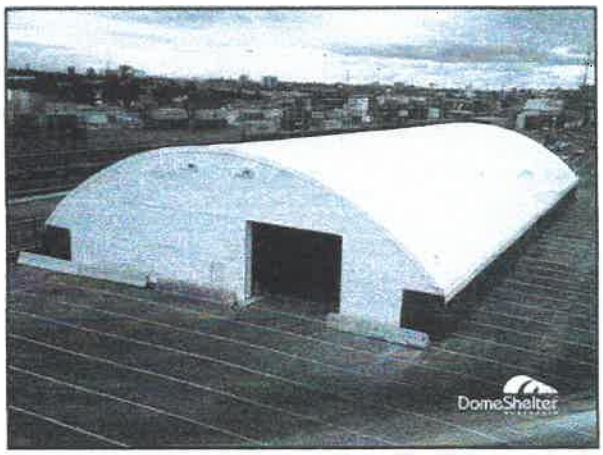
Meeting closed at 7.37 p.m.

AR19/6683

CONFIRMED THIS DAY OF 2019

……..
PRESIDING MEMBER

greenline
AS/NZS 4801:2001
ISO 14001
ISO 9001
IAS-ANZ
greenline



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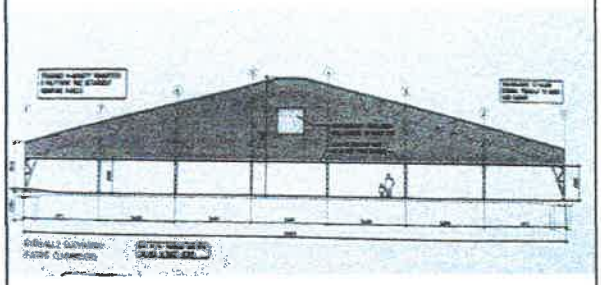
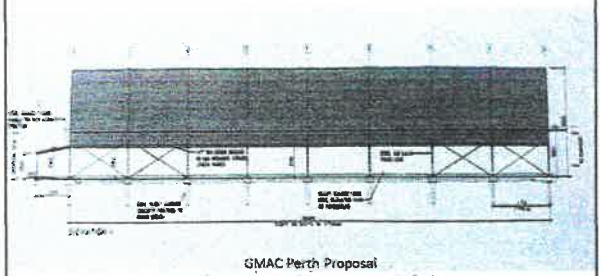


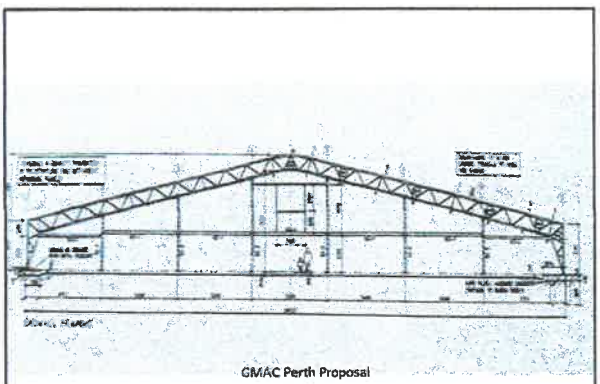
GMAC Proposal Perth
End Elevation

3



GMAC Perth Proposal
Side Elevation with Annex on South End

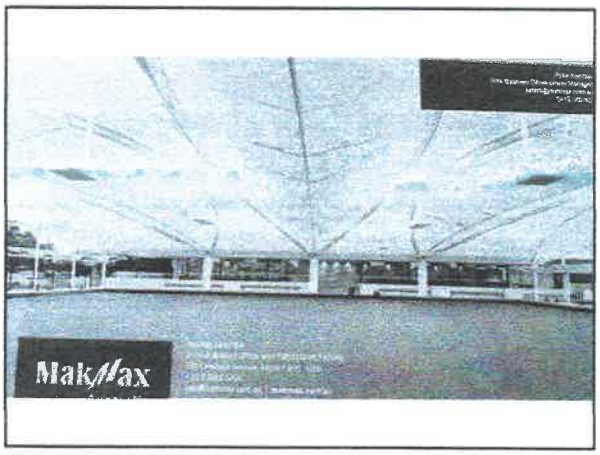
4



GMAC Perth Proposal
Section

5

6



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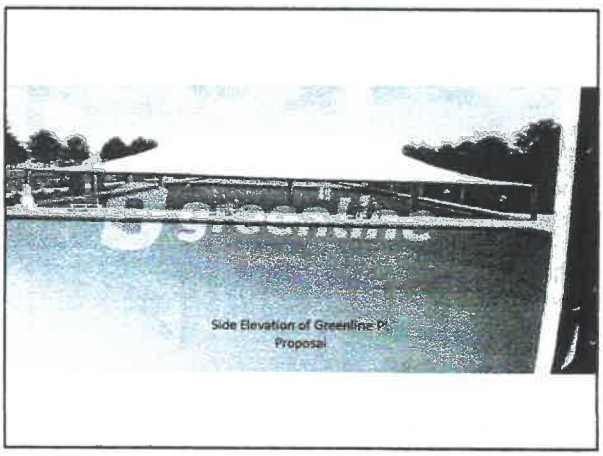
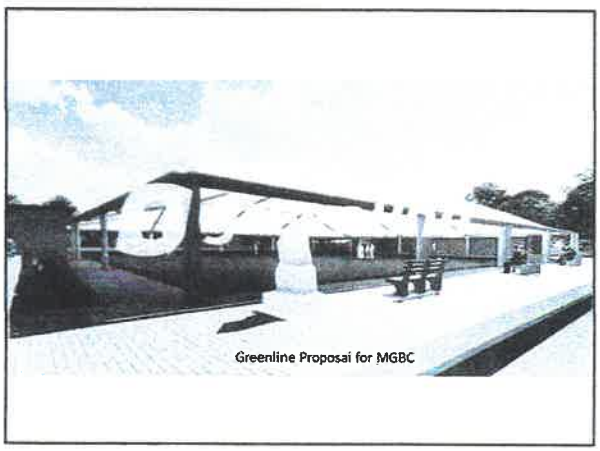
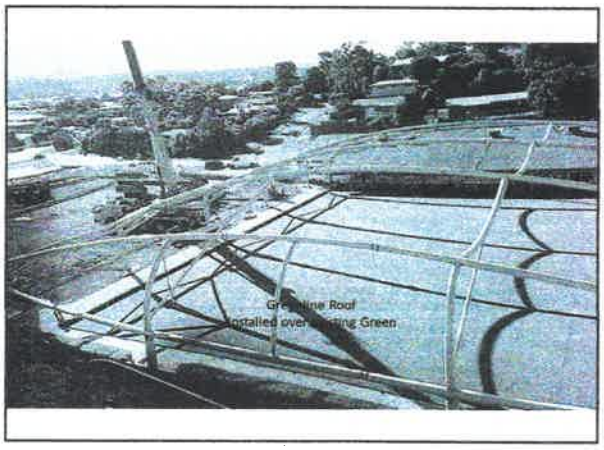

Side Elevation of Greenline Pl.
Proposal

8


Greenline Proposal for MGBC

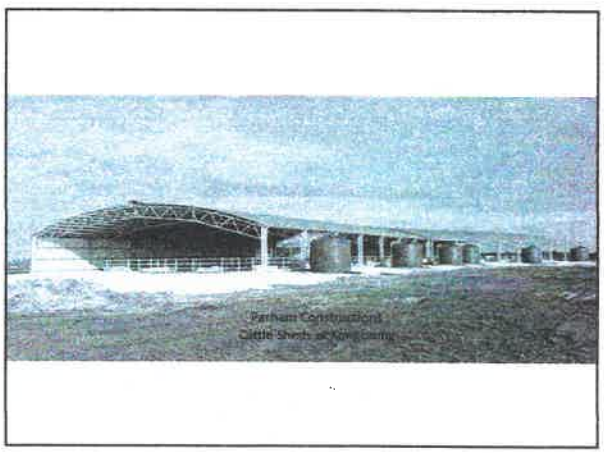
9


Greenline Roof
Installed over Existing Green

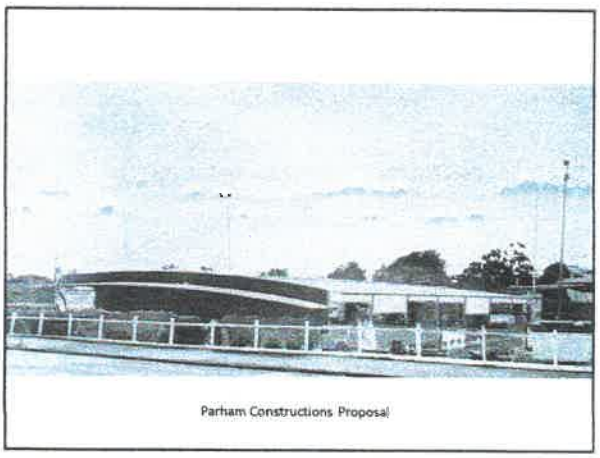
10

Light Weight Structures [LWS]
Note Eave height Approx 3m

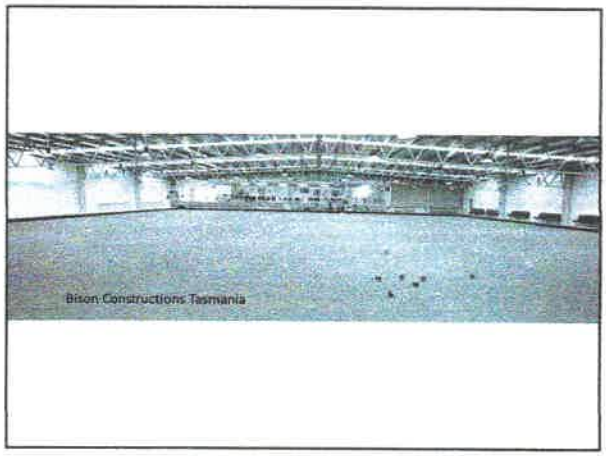
11


Parham Construction
Cattle Sheds at Kingsbury

12


Parham Constructions Proposal

13


Bison Constructions Tasmania

14

Bison Constructions
Tasmania

15.

5.1. Registration of Easement - Development Lot 702, Attamurra Estate - Report No. AR19/2314

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/2314
RM8 REFERENCE	DA16/122
AUTHOR	Jessica Porter
SUMMARY	This report recommends the registration of an easement over a road to be known as "Kooyonga Court", as shown on allotment 702 (Development Lot), for drainage purposes and in favour of the City of Mount Gambier.
COMMUNITY PLAN REFERENCE	Goal 2: Our Location

REPORT RECOMMENDATION

(a) That Operational Standing Committee Report No. AR19/2314 titled '*Registration of Easement - Development Lot 702 Attamurra Estate, Kooyonga Court*' as presented to the Operational Standing Committee on 19 February 2019 be noted.

(b) That consent be granted to register an easement on Lot 702 (Development Lot) in Certificate of Title Volume 6116 Folio 196 for drainage purposes in favour of the City of Mount Gambier.

(c) The Mayor and the Chief Executive Officer be authorised to execute and affix the common seal of the City of Mount Gambier to any necessary documentation associated with resolution (b) of Operational Standing Committee Report No. AR19/2314.

Moved: Seconded:

Background

Council has been approached by EMPAK Homes Pty Ltd to register an easement for drainage purposes, in favour of the City of Mount Gambier through part of a new road, to be known as "Kooyonga Court".

Discussion

This easement forms part of the Land Division - Community Title by Empak Homes as part of the Attamurra Golf Course development "Attamurra Fairway Estate". Upon completion the overall concept plan is for the creation of a 104 residential Community Title allotments. This land division is being undertaken in stages.

The attached plan (Attachment 1) identifies the affected area (shown Development Lot 702) and the location of the proposed easement (marked 'H') within the Development Lot.

The original purpose for this area of Development Lot 702 is for a road and this purpose will not be diminished by the drainage easement. A detailed stormwater drainage design has been completed and approved as part of the Attamurra Estate sub-division. As part of this design, the easement will allow for drainage into an adjacent stormwater retention basin.

Conclusion

Council authority is sought for the registration of a drainage easement on Allotment 702 (Development Lot) and the execution of all necessary documents by the affixation of the common seal of the City of Mount Gambier.

Attachments

Attachment 1 (PR19/433): Amended Community Plan C27733

Jessica PORTER
PLANNING OFFICER

Judy NAGY
GENERAL MANAGER, CITY GROWTH

16 January 2019
JLP

5.2. Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green' Report No. AR19/4505

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4505
RM8 REFERENCE	AF11/1452
AUTHOR	Michael McCarthy
SUMMARY	A report for considering the outcome of discussion with Mount Gambier Bowls Club on options for a proposed canopy over 'B Green' at Vansittart Park.
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
(a) That Operational Standing Committee Report No. AR19/4505 titled '*Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green"* as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) That - *to be determined at the meeting*

Moved: Seconded:

Background

At the Council meeting held on 15 January 2019 Council considered Report No. AR19/390 in relation to a proposal for the construction of a canopy over 'B Green' at Vansittart Park by the Mount Gambier Bowls Club Inc. and resolved as follows:

(a) That Council Report No. AR19/390 titled 'Mount Gambier Bowls Club Inc. - Vansittart Park - Proposed Canopy over "B Green' as attached be noted.

(b) Council support in principle the Mount Gambier Bowls Club's proposal to erect a shelter over B Green.

(c) Council does not support the current plan.

(d) Council invite Members of the club to the Operational Standing Committee in February to discuss options for a more suitable proposal that compliments the character of the area and a plan moving forward.

A copy of Council Report No. AR19/390 is attached (Attachment 1).

Discussion

In accordance with the January 2019 Council resolution the Mount Gambier Bowls Club were invited to attend the February 2019 Operational Standing Committee meeting to discuss options for their proposal.

Conclusion

Having discussed options for the proposed construction of a canopy over 'B Green' at Vansittart Park with the Mount Gambier Bowls Club Inc. the outcome of discussion and appropriate recommendation may now be considered.

Attachments

Attachment 1 (AR19/390): Report No. AR19/390 - Mount Gambier Bowls Club Inc. - Vansittart Park - Proposed Canopy over "B Green'

Michael McCARTHY
MANAGER EXECUTIVE ADMINISTRATION

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

1 February 2019
MMcC

5.3. WIN TV John Watson Drive – Grant of Easement – Report No. AR19/4503

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4503
RM8 REFERENCE	AR14/196
AUTHOR	Michael McCarthy
SUMMARY	A report for consideration of a grant of easement to WINTV over property located at John Watson Drive.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/4503 titled '*WINTV John Watson Drive – Grant of Easement*' as presented to the Operational Standing Committee on 12 February 2019 be noted. *(b)* That - *to be determined at the meeting*

Moved: Seconded:

Background

At the Council meeting held on 15 January 2019 Council considered Report No. AR18/49656 in relation to a proposed grant of easement in favour of the WIN TV site at John Watson Drive and resolved as follows:

(a)The matter be referred to Operational Services Standing Committee February Meeting.

A copy of Council Report No. AR18/49656 is attached (Attachment 1).

Discussion

In accordance with the January 2019 Council resolution the matter of the proposed grant of easement is now presented to the February 2019 Operational Standing Committee meeting for consideration.

Conclusion

Having considered the proposal for a grant of easement in favour of the WIN TV site at John Watson Drive an appropriate recommendation may now be considered.

Attachments

Attachment 1 (AR18/49656): Report - WIN TV John Watson Drive – Grant of Easement

Michael McCARTHY
MANAGER EXECUTIVE ADMINISTRATION

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

1 February 2019
MMcC

5.4. Pioneers Basketball Inc. – Update Report and Request for Assistance - Report No. AR19/4376

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4376
RM8 REFERENCE	AR17/578
AUTHOR	Mark McShane
SUMMARY	The Pioneers have been a very successful Club representing Mount Gambier in the SEABL Basketball competition over many years. This report details a request for financial assistance.
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION
(a) That Operational Standing Committee Report No. AR19/4376 titled 'Pioneers Basketball Inc. – Update Report and Request for Assistance' as attached be noted.
(b) That a grant amount of $7,000 be provided to Pioneers Basketball Club to assist them to enter the Adelaide Premier League and to establish a women's team.
(c) That an acquittal of the grant be provided to Council documenting expenditure and outcomes.

Moved: Seconded:

Background

Councillors and the Mount Gambier community are aware of the challenges that faced the Pioneers Basketball Club in 2018 to remain in the South East Australian Basketball League.

Ultimately they were not successful and it appeared that they would not be able to continue and play as a club. The Pioneers have now been granted a one year licence only to play in the Adelaide Premier League with the future beyond 2019 unclear.

Over the recent past the Pioneers have been a very successful club winning premierships and attracting significant crowds to the Ice House during their 10 home games per year. Their success has cemented the Pioneers as a fixture in Mount Gambier, highlighting the region and its sporting focus. Pioneers also conduct annual school basketball clinics over several months with approximately 2 schools per week as well as junior training programs for the local Basketball Mount Gambier.

The Pioneers community involvement has recently included supporting and raising money for Lifechanger program providing life skills workshop for youth.

Discussion

Council has recently received correspondence from Tom Kosch, President Pioneers Basketball Club providing an update on the Club and competition and seeking financial support, particularly for legal costs incurred attempting to remain in the SEABL competition. The Club has provided copies of legal costs and the total costs as detailed in the letter has been verified.

Pioneers also have provided financial documents including financials for 2017/18 and budget forecast and actuals for 2018/19.

The Pioneers entry in the Adelaide Premier League will necessitate additional costs including the formation of the women's team and some additional temporary player facilities.

Conclusion

The Pioneers have been a very successful Club representing Mount Gambier in the SEABL over many years. Finding a new competition and achieving success is the challenge for 2019 and beyond. The creation and inclusion of a women's team as well as a men's team is a potential outcome. The Pioneers support for Basketball Mount Gambier and other groups in Mount Gambier has been noted. The Pioneers and their competition would benefit from the proposed Community and Recreation Hub, providing high level training and match facilities with adequate seating and excellent amenities including climate control. Rather than directing any possible financial support to assist with legal costs it is prudent that any support go towards the Pioneers entry into a new league and the formation of a women's team.

Council may note that grants and sponsorship provided to a range of sporting groups via the annual infrastructure fund (approximately $70,000 per annum) and regular sponsorship to showjumping, swimming, regional basketball and also to non-sporting events. Council's 2018/19 budget includes a "new event" donation, grants and contribution contingency hence it is possible that, should the Council resolve as such, a small grant may not impact on the 2018/19 budget.

Alternatively, Council may consider a contribution during its 2019/20 budget deliberation noting that the budget will not be endorsed by Council until June 2019.

Attachments

Attachment 1 (AR19/3814): Update Report and Request for Assistance
Attachment 2 (AR19/4210): Treasurer's Statement
Attachment 3 (AR19/4210): Pioneers Budget and Trading Statement
Attachment 4 (AR19/4210): Pioneers Basketball Club Inc. Budget 2018/19

Mark McSHANE
CHIEF EXECUTIVE OFFICER

31 January 2019
FM

5.5. Schedule of Fees and Charges – 2019/2020 - Report No. AR19/4412

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4412
RM8 REFERENCE	AF18/396
AUTHOR	Kahli Rolton
SUMMARY	Annual review of Council's Schedule of Fees and Charges for the 2019/2020 financial year.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

(a) That Operational Standing Committee Report No. AR19/4412 titled '*Schedule of Fees and Charges – 2019/2020*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) That Council adopt all recommended of fees and charges identified in the "Schedule of Fees and Charges – 2019/2020" as presented in Operational Standing Committee Report AR19/4412 noting that:

(i) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges – 2019/2020" will come into effect on 1 July 2019.

(ii) Council may see fit to amend any fee or charge as circumstances arise or change.

(iii) Council Administration are authorised to update the "Schedule of Fees and Charges – 2019/2020" with any statutory fees and charges updates as referenced in the relevant Acts, without needing to return to Council for approval.

Moved: Seconded:

Background

Section 188 of the Local Government Act (the Act) 1999 provides the authority for councils to impose fees and charges.

Section 188 further provides that:

(6) The Council must keep a list of fees and charges imposed under this section on public display (during ordinary office hours) at the principal office of the Council.

and

(7) If a Council fixes a fee or charge under this section, or varies a fee or charge under this section the Council must update the list of fees and charges and take reasonable steps to bring the fee or charge, or the variation of the fee or charge, to the notice of persons who may be affected.

The Fees and Charges are a one of a number of inputs to the Annual Business Plan and Budget (ABP&B). As part of the Integrated Planning and Budgeting Framework Council reviews and approves its Schedule of Fees and Charges annually prior to reviewing the Long Term Financial Plan, Infrastructure and Asset Management Plan and preparing the Draft ABP&B.

Discussion

Council has recently undertaken an annual review of fees and charges in preparation for the 2019/2020 Fees and Charges Register and drafting the 2019/2020 ABP&B.

In the interest of consistency across the local government sector, the SA Local Government Association (LGA) developed a standard template format (including the treatment of GST) for use by councils when preparing their schedule of fees and charges. The fees and charges review continues to adopt the model format recommended in the LGA guidelines.

Council's review of fees and charges for 2019/2020 has been completed having regard to the provisions of the Act as well as the LGA guidelines.

In completing the review for the 2019/2020 financial year, consideration has been given to:

- Council Policy - R200 Community Land (Reserves);
- The South Australian Local Government Price Index;
- Fees and charges published for the current financial year by a sample of Limestone Coast councils;
- Notification, where received, of increases in the cost of services/utilities for the next financial year;
- Actual movement, where known, in the cost of services/utilities during the current 2018/2019 financial year (e.g. utility expenses, fuel expenses);
- A previous Council resolution that 'where practical, Council endeavors to increase fees and charges, on an annual basis, by the ruling consumer price index percentage'.

There are a number of fees and charges that are statutory in nature and are not set by Council. Council records statutory fees and charges on the register to enable staff and members of the public access to one information source, rather than having to refer to various different Acts. At the time of preparing the draft fees and charges, the statutory charges for the 2019/2020 financial year had not been released by the various State Government departments. It is anticipated that updated

statutory charges will be known by 31 August 2019, at which point the Schedule of Fees and Charges – 2019/2020 will be updated accordingly.

Conclusion

It is recommended that the Schedule of Fees and Charges for 2019/2020 as recently reviewed and attached to this report, be considered by Council and adopted.

Attachment 1 (AR18/43530): Draft Schedule of Fees and Charges 2019/2020

Kahli ROLTON
MANAGEMENT ACCOUNTANT

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

31 January 2019
KR

5.6. Community Plan - Quarterly Summary KPI Report -December 2018 - Report No. AR19/4282

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/4282
RM8 REFERENCE	AF14/461
AUTHOR	Manager Development Services
SUMMARY	This report provides Council with the quarterly report to 31 December 2019 on the achievement of the Key Performance Indicators for the delivery of the Community Plan - The Futures Paper 2016-2020.
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
(a) Operational Standing Committee Report No. AR18/4282 titled '*Community Plan - Quarterly Summary KPI Report - December, 2018*' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) The Community Plan Quarterly Summary KPI Report December 2019 be received and endorsed by Council.

Moved: Seconded:

Background

The Local Government Act 1999 (the Act) prescribes that councils must have a suite of Strategic Management Plans in place including:

- Strategic Plan (also referred to by some councils as a Community Plan)
- Long Term Financial Plan (LTFP)
- Infrastructure and Asset Management Plan (IAMP)
- Annual Business Plan and Budget. (ABP&B).

Council's Community Plan 2016-2020, together with the Futures Paper are the key strategic guiding documents for Council; and are supported by the LTFP, the IAMP and the ABP&B. Collectively, the suite of Strategic Management Plans identify the direction, strategies, infrastructure, services and facilities Council will provide for the Community. The Act requires LTFPs and IAMPs to cover a minimum period of at ten years. Council's LTFP and IAMP meet the requirements of the Act.

In addition to these Strategic Management Plans, Council has a number of other themed and supporting strategies (e.g. Youth Strategy, Digital Strategy, etc.) addressing particular areas of focus for Council. The themed and supporting strategies align in both direction and timeframes to Council's Community Plan and inform the allocation of Council resources and the delivery of assets, infrastructure and services to the Community.

Discussion

Key Performance Indicators (KPIs) have been developed to enable reporting on the Community Plan - The Futures Paper 2016-2020. Council endorsed the KPIs at its meeting held in July 2017. These KPI's provide information regarding the Council's administration's progress and delivery of the strategic objectives and projects identified within the Community Plan.

The KPI's aligned to the Community Plan are cascaded throughout the organisation using business unit plans and employee individual action plans. Alignment of plans throughout the organisation provide guidance to employees, business units and the organisation as a whole, in the delivery of the strategies, initiatives, projects and service aspirations contained within the Community Plan.

The Community Plan 2016-2020 was a significant departure from the previous strategic plan. Council undertook an extensive process to review services delivered and the organisational structure to ensure the aspirations identified in the Community Plan are delivered efficiently, effectively and sustainably.

The current Community Plan KPIs have been updated in Council's Performance Manager System, with reporting to Council on achievement and progress against the KPIs occurring quarterly. The Performance Manager System is a software program specifically designed to facilitate the management and reporting on KPIs.

Conclusion

This report provides the quarterly summary KPI report to 31 December 2018 on the achievement of the aspirations identified within the Community Plan 2016-2020.

Attachments

Attachment 1 (AR19/4275): December 2018 Quarterly KPI Report - Community Plan

Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES

Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

30 January 2019
MTT

5.7. Works in Progress - City Infrastructure Report No. AR19/2979

COMMITTEE	Council
MEETING DATE:	12 February 2019
REPORT NO.	AR19/2979
RM8 REFERENCE	AF17/505
AUTHOR	Daryl Morgan
SUMMARY	Update of works that are currently being undertaken and/or completed by the City Infrastructure Department.
COMMUNITY PLAN REFERENCE	Goal 2: Our Location

REPORT RECOMMENDATION
(a) That Council Report No. AR19/2979 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

Moved: Seconded

Background

Works in progress and works completed are reported on a monthly basis to Council as part of the governance process to ensure planned and budgeted infrastructure works are completed in a timely manner.

Discussion

The following projects have field work currently in progress:

Commenced Tasks	% Completed
• Landfill Cell 3C construction	50%
• Rail Trail shared path construction (Jub Hwy West to Wandilo Rd)	20%
• Frew Park RV car park and dump point construction	10%
• O'Halloran Tce footpath Construction	10%
• Hay Dr Bridge removal & road construction	30%
• Road reseal program	5%

Completed Tasks
- Willow Ave – Mulga St Car park alterations
- Argyle Place road reconstruction
- Bus Shelter Renewal program

Conclusion

It is recommended that this report be received and noted for information by Council.

Attachments

Nil

Daryl MORGAN
MANAGER ENGINEERING DESIGN & CONTRACTS

Nick SERLE
GENERAL MANAGER CITY INFRASTRUCTURE

30 January 2019
DM

5.8. On Street Parking – Jubilee Hwy East – Attamurra Rd – Implementation of No Stopping Zones

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 February 2019
REPORT NO.	AR19/2976
RM8 REFERENCE	AF17/505
AUTHOR	Daryl Morgan
SUMMARY	Installation of no stopping zones on Jubilee Hwy East near Attamurra Rd intersection
COMMUNITY PLAN REFERENCE	Goal 1: Our People

REPORT RECOMMENDATION

(a) That Operational Standing Committee Report No. AR19/2976 titled 'On street parking – Jubilee Hwy East – Attamurra Rd – Installation of no stopping zones' as presented to the Operational Standing Committee on 12 February 2019 be noted.

(b) The Traffic Impact Statement attached to the Operational Standing Committee Report be endorsed by Council;

(c) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Prohibited Area NO STOPPING
1.1.504

JUBILEE HIGHWAY EAST (NORTHERN HALF) -78 metres west of the intersection with Attamurra Road

Prohibited Area NO STOPPING
1.1.505

JUBILEE HIGHWAY EAST (NORTHERN HALF)-66 metres east of the intersection with Attamurra Road

To be effective on the installation of appropriate signage

Moved: Seconded

Background

Council Officers have been observing the parking arrangements at Jubilee Hwy East – Attamurra Rd intersection since the opening of the McDonalds Store adjacent to this junction, for the purposes of ensuring the intersection continues to be negotiated safely by motorists.

These observations have confirmed the parking of larger vehicles (both semi trailers and caravans) is occurring on the northern side of Jubilee Hwy (both adjacent to the McDonalds store and west of Attamurra Rd) which is causing restricted sight distance for vehicles exiting at Attamurra Rd and the exit point of the McDonalds car park.

Council has also received complaints from motorists regarding this matter.

Discussion

Council Officers have also consulted with the Department of Transport (DPTI) over this matter and whilst parking on DPTI roads is a Council matter, DPTI officers have confirmed the need to maintain safe intersection sight distances at major road junctions. Consequently, DPTI are suggesting the implementation of parking restrictions along Jubilee Hwy as necessary to establish safe intersection sight lines.

As a result, the attached parking restrictions are required to ensure there is sufficient sight distance for motorists to enter Jubilee Hwy traffic stream from Attamurra Rd.

Note, there is already a no stopping arrangement adjacent to the McDonalds Store on Jubilee Hwy (which was installed at the time of the construction of the store) although there appears to be no formal council resolution for the establishment of this arrangement. Accordingly, this zone will be included with this resolution to ensure the zone can be enforced by Council Officers.

Note, there is no need for establishment of any parking restrictions on Attamurra Rd as there already exists a resolved “no parking” zone on the east side of Attamurra Rd from Jubilee Hwy to the north of the Skate park. This zone leaves sufficient road width for parking along the west side of Attamurra Rd and also for two lanes of traffic.

Conclusion

It is recommended that Council establishes “No stopping zones on Jubilee Hwy East (north side) on either side of the intersection of Attamurra Rd for the purpose of improving traffic safety.

Attachments

Attachment 1 (AR19/2974): Plan layout of No stopping zones
Attachment 2 (AR19/2975): Traffic Impact Statement

Daryl MORGAN
MANAGER ENGINEERING – DESIGN & CONTRACTS

Nick SERLE
GENERAL MANAGER CITY INFRASTRUCTURE

22 January 2019
DM

8. CONFIDENTIAL ITEMS

8.1. Consideration for Exclusion of the Public

Item No. 8.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Martin, Cr Greco, Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serle and F McGregor) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2015" to be considered in confidence.

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

Information the disclosure of which would involve the unreasonable disclosure of Information concerning the personal affairs of any person (living or dead), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
8.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Seconded:

8.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Seconded:

8.4. Consideration for Exclusion of the Public

Item No. 8.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Martin, Cr Greco, Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serl and F McGregor) be excluded from the meeting in order for the Agenda Item "Sale of Land for non-payment of Rates – Report No AR19/2005" to be considered in confidence.

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

Information the disclosure of which would involve the unreasonable disclosure of Information concerning the personal affairs of any person (living or dead), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
8.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)

Moved: Seconded:

8.6. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Seconded:

8.7. Consideration for Exclusion of the Public

Item No. 8.8

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Martin, Cr Greco , Cr Amoroso, Cr Jenner, Cr Perryman, and Council Staff B Cernovskis, P Lee, J Nagy, N Serle and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal development - Mr RKH Pearson (Amberich Pty Ltd)) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.8	Illegal Development – Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)(f)

Moved: Seconded:

8.9. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.8	Illegal Development - Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)and (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once

Moved: Seconded:

Meeting closed at p.m.

AR19/3339

PURPOSE:	PRIMARY COMMUNITY	AREA NAME:	WORROLONG	APPROVED:	C27733
MAP REF:	7022/34/H, 7022/34/A	COUNCIL:	CITY OF MOUNT GAMBIER	DEPOSITED: PAUL GRAHAM 21/10/2013	SUBSTITUTE SHEET SHEET 1 OF 7
LAST PLAN:	D91880	DEVELOPMENT NO:	381/C026/13/001/43808, 381/C029/11/002/39310, 381/C029/11/001/35617, 381/C026/13/002, 381/C001/16/001		62958_text_01_v18_Version_18

AGENT DETAILS: ALEXANDER & SYMONDS PTY LTD
1ST FLOOR 11 KING WILLIAM ST
KENT TOWN SA 5067
PH: 81301666
FAX: 83620099

AGENT CODE: ALSY

REFERENCE: G000113LTO6A(B)

SURVEYORS CERTIFICATION:

SUBJECT TITLE DETAILS:

PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	6116	196		ALLOTMENT(S)	520	D	91880	GAMBIER		SECTION 1101

OTHER TITLES AFFECTED: CT 5657/643 , CT 6093/34 , CT 6124/883 , CT 6124/884 , CT 6124/905 , CT 6124/910 , CT 6150/313 , CT 6124/906 , CT 6173/130 , CT 6173/131

EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	608 (ST ANDREWS DRIVE). 612 (ST ANDREWS DRIVE)	SERVICE	EASEMENT(S)	C IN C27733	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
EXTINGUISH	608 (ST ANDREWS DRIVE). 612 (ST ANDREWS DRIVE)	SERVICE	EASEMENT(S)	C IN C27733	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
EXTINGUISH	608 (ST ANDREWS DRIVE)	SHORT	EASEMENT(S)	D IN C27733	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	ACT 12004022
EXTINGUISH	608 (ST ANDREWS DRIVE)	LONG	EASEMENT(S)	D IN C27733		ENVESTRA (SA) LTD.	ACT 12004022
EXTINGUISH	613 (ST ANDREWS DRIVE)	SERVICE	EASEMENT(S)	G IN C27733	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA

C27733

SUBSTITUTE SHEET

SHEET 2 OF 7

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EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	613 (ST ANDREWS DRIVE)	SERVICE	EASEMENT(S)	G IN C27733	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	8.37.610(RESERVE). DEV LOT 701	SERVICE	EASEMENT(S)	A	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	46. 607(RESERVE). DEV LOT 702. (C2)	SERVICE	EASEMENT(S) Section 31	B(T/F)	FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	223LG RPA
NEW	1000 IN D110626	SERVICE	EASEMENT(S)	C	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	1000 IN D110626	SERVICE	EASEMENT(S)	C	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	605 (WALKWAY)	SERVICE	EASEMENT(S)	E	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	605 (WALKWAY)	SERVICE	EASEMENT(S)	E	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	DEV LOT 702	SERVICE	EASEMENT(S)	F	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	DEV LOT 702	SERVICE	EASEMENT(S)	H	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	DEV LOT 702	SERVICE	EASEMENT(S)	H	FOR DRAINAGE PURPOSES	THE COUNCIL FOR THE AREA	223LG RPA
NEW	DEV LOT 702	SHORT	EASEMENT(S)	J	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	
NEW	DEV LOT 702	SHORT	EASEMENT(S)	J	FOR GAS SUPPLY PURPOSES	AUSTRALIAN GAS NETWORKS (SA) LTD.	

ANNOTATIONS: THE COMMON PROPERTY IS DESIGNATED (C1) AND (C2) FOR LAND INFORMATION PURPOSES ONLY AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY
THE SERVICE INFRASTRUCTURE WAS NOT IN PLACE AS AT 26 / 11 / 2012
EASEMENTS C. D. E AFFECTED BY AP 12206311
EASEMENT C & G AFFECTED BY AP 12475071

C27733

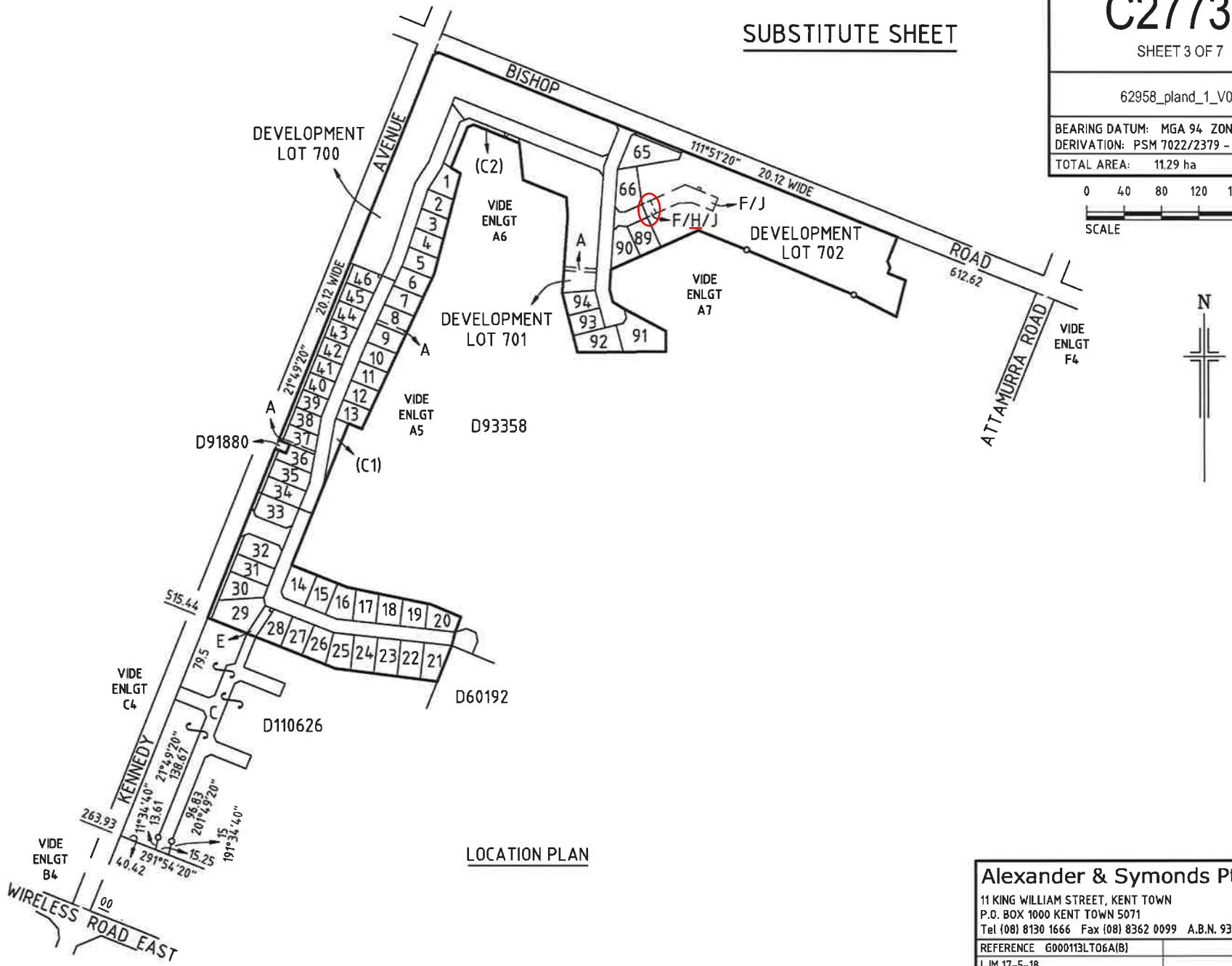
SHEET 3 OF 7

62958_pland_1_V07

BEARING DATUM: MGA 94 ZONE 54
DERIVATION: PSM 7022/2379 - 7022/1010
TOTAL AREA: 11.29 ha

0 40 80 120 160 200
SCALE METRES

SUBSTITUTE SHEET



LOCATION PLAN

Alexander & Symonds Pty.Ltd.
11 KING WILLIAM STREET, KENT TOWN
P.O. BOX 1000 KENT TOWN 5071
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE G000113LT06A(B)
LJM 17-5-18

REFERENCE MARKS

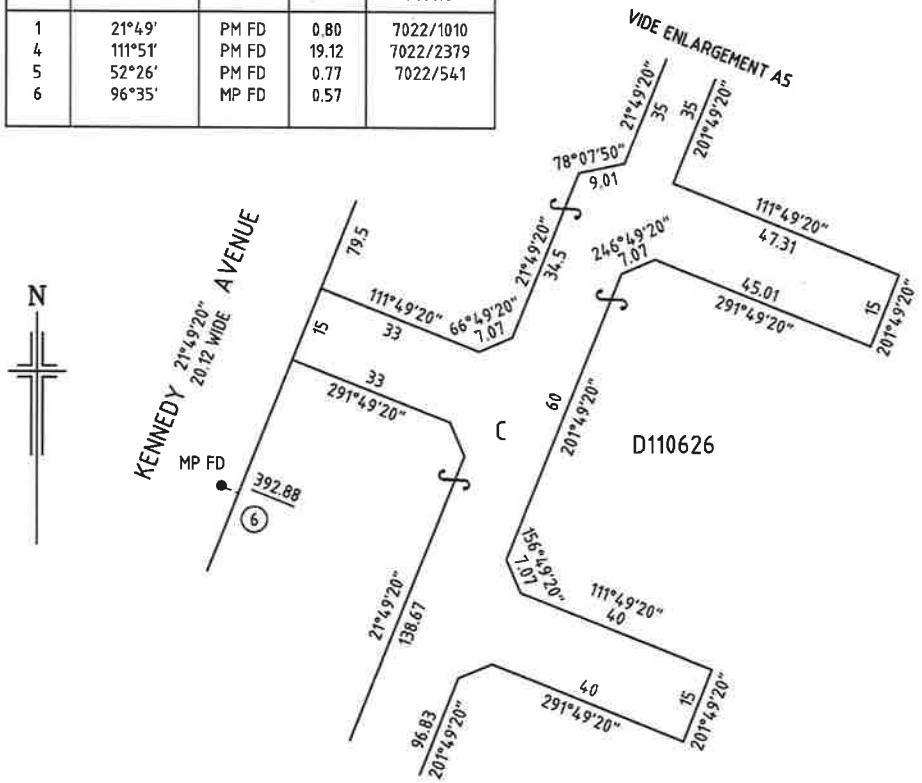
CNR	BEARING	FROM	DIST	PM NO
1	21°49'	PM FD	0.80	7022/1010
4	111°51'	PM FD	19.12	7022/2379
5	52°26'	PM FD	0.77	7022/541
6	96°35'	MP FD	0.57	

SUBSTITUTE SHEET

C27733

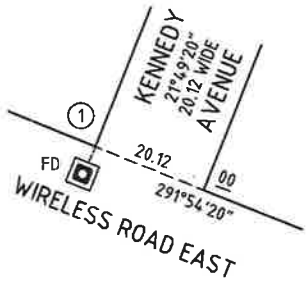
SHEET 4 OF 7

62958_pland_2_V08



ENLARGEMENT C4
NOT TO SCALE

ENLARGEMENT D4
NOT TO SCALE



ENLARGEMENT B4
NOT TO SCALE

ENLARGEMENT G4

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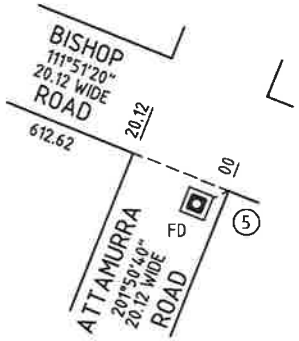
SCALE METRES



ENLARGEMENT F4
NOT TO SCALE

Alexander & Symonds Pty.Ltd.
11 KING WILLIAM STREET, KENT TOWN
P.O. BOX 1000 KENT TOWN 5071
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE G000113LT06A(B)

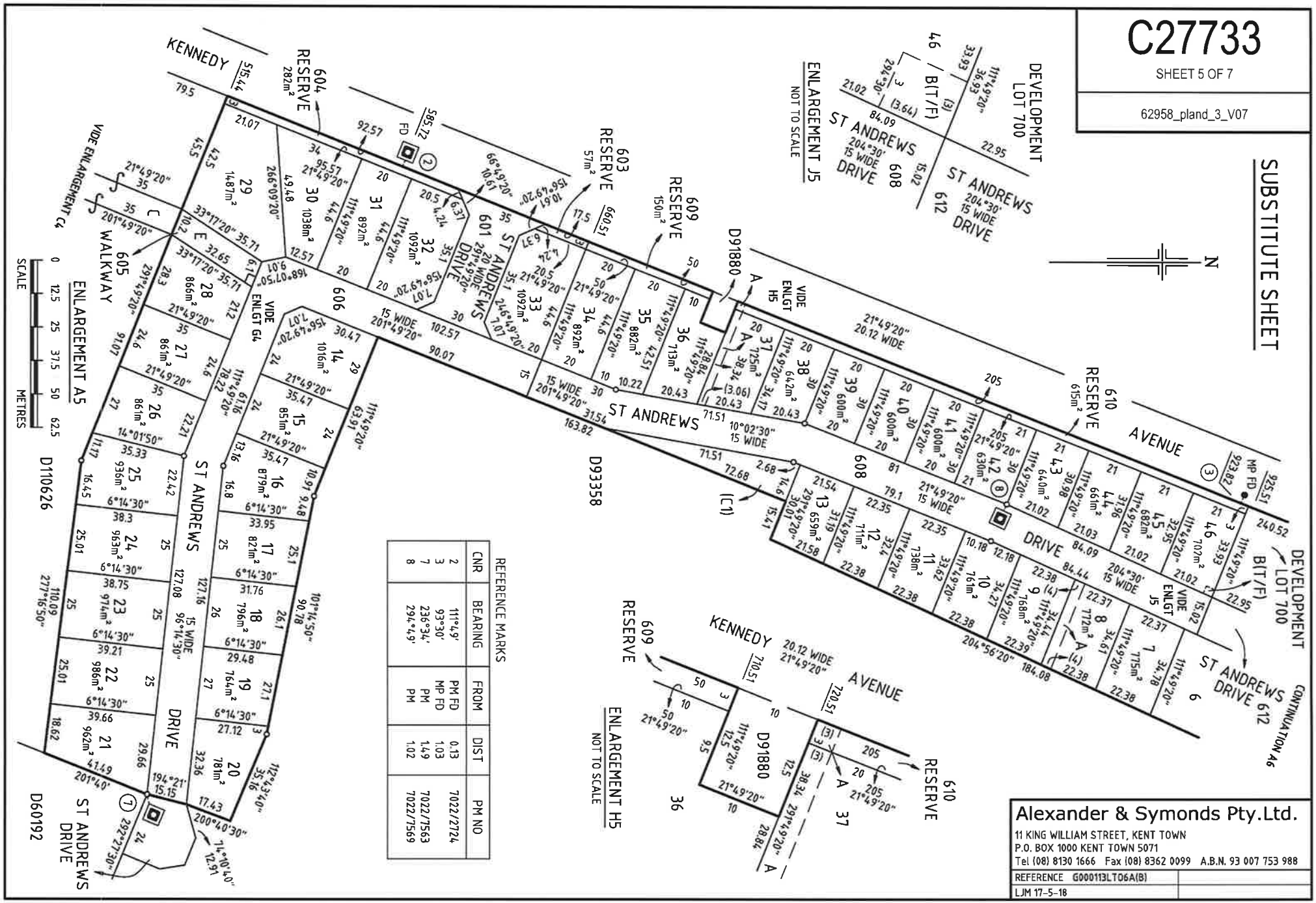
LJM 17-5-18

C27733

SHEET 5 OF 7

62958_pland_3_V07

SUBSTITUTE SHEET



REFERENCE MARKS

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3	93°30'	MP FD	1.03	
7	236°34'	PM	1.49	7022/7563
8	294°49'	PM	1.02	7022/7569

Alexander & Symonds Pty.Ltd.
11 KING WILLIAM STREET, KENT TOWN
P.O. BOX 1000 KENT TOWN 5071
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE G000113LT06A(B)

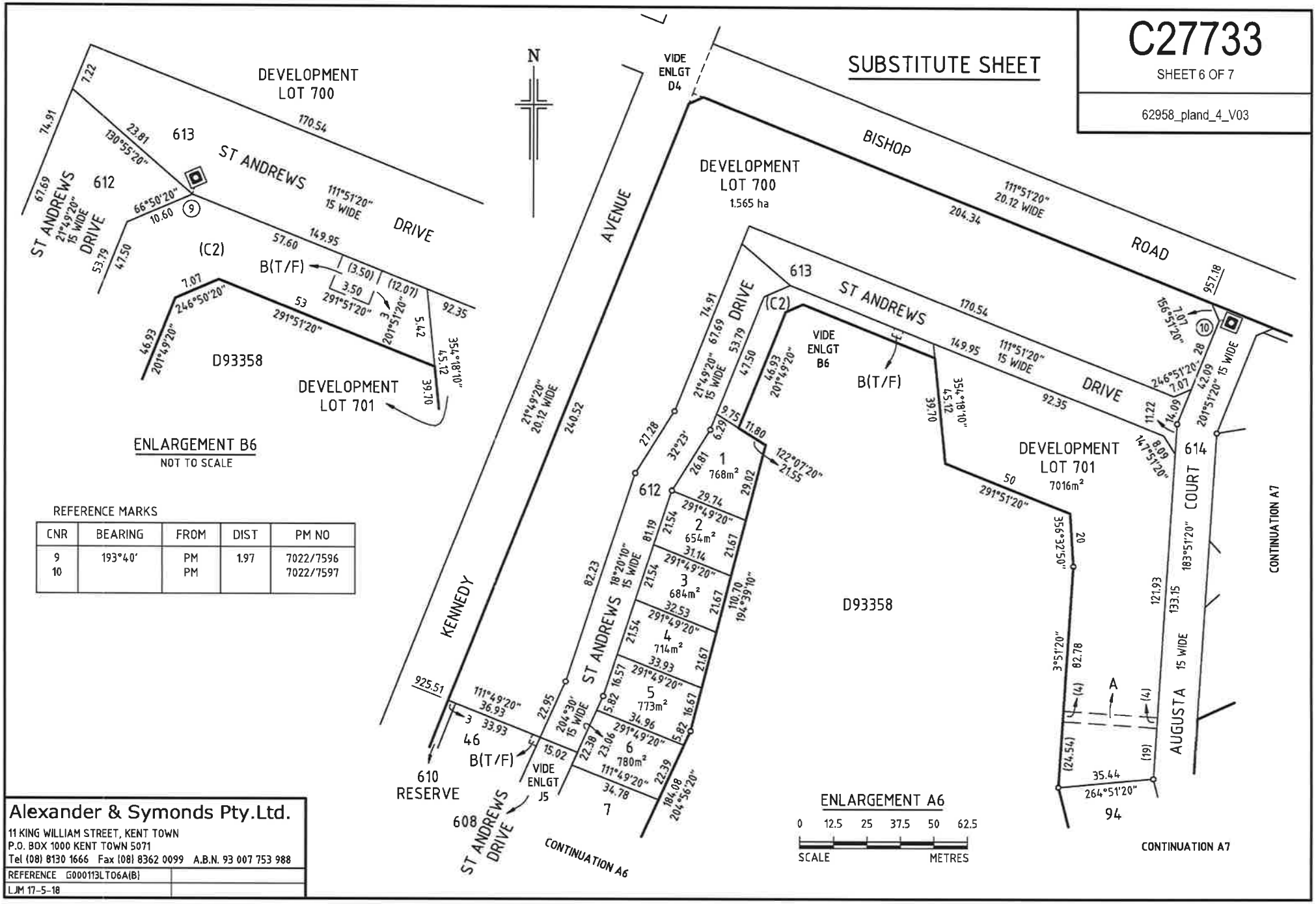
LJM 17-5-18

C27733

SHEET 6 OF 7

62958_pland_4_V03

SUBSTITUTE SHEET



REFERENCE MARKS

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10		PM		7022/7597

Alexander & Symonds Pty.Ltd.
11 KING WILLIAM STREET, KENT TOWN
P.O. BOX 1000 KENT TOWN 5071
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE G000113LT06A(B)

LJM 17-5-18

REFERENCE MARKS

CNR	BEARING	FROM	DIST	PM NO
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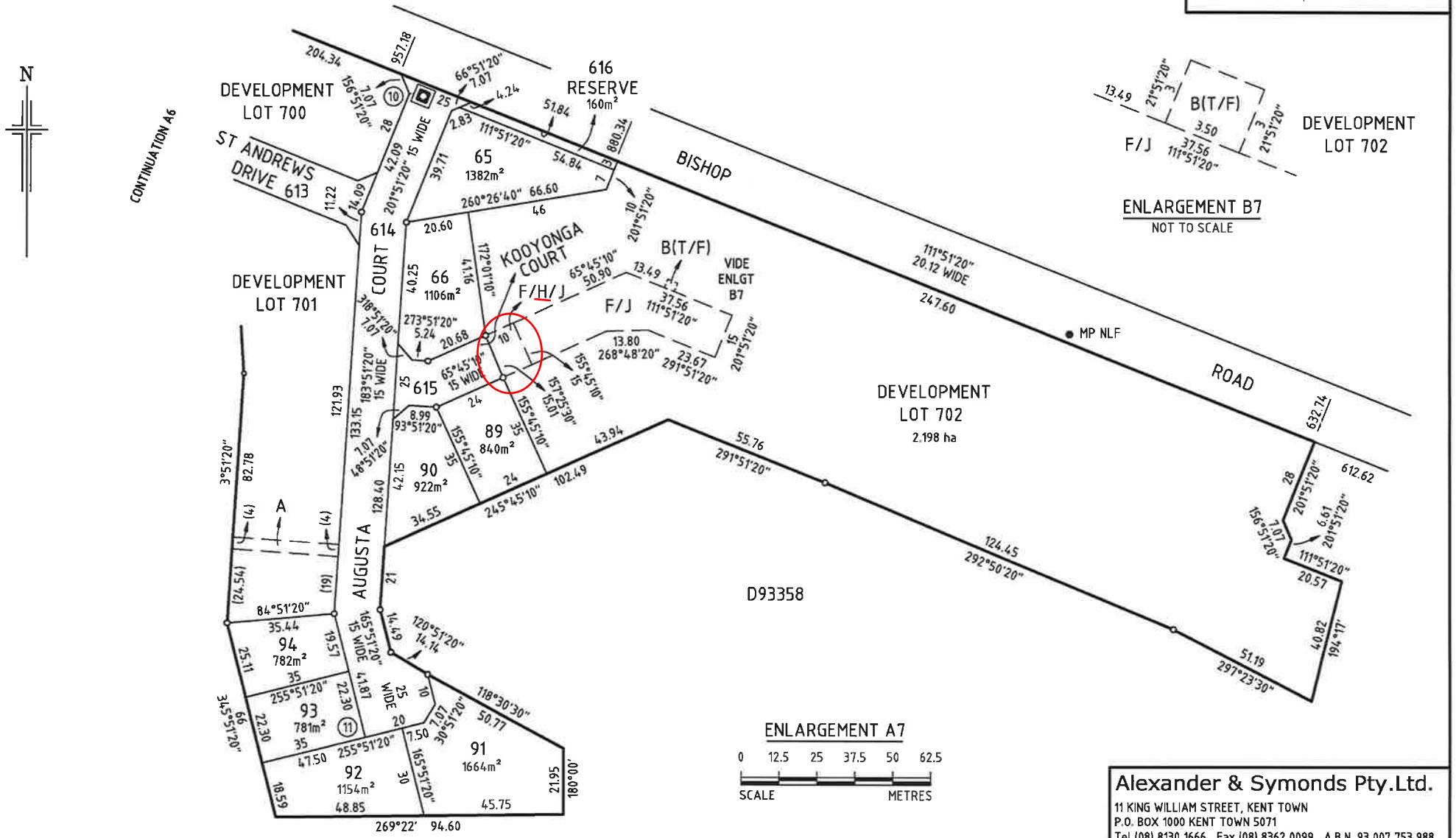
11		PM		7022/7682

C27733

SHEET 7 OF 7

62958_pland_5_V01

SUBSTITUTE SHEET



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REFERENCE G000113LT06A(B)

LJM 17-5-18

City of
Mount Gambier

COUNCIL RESOLUTION 15 JANUARY 2019

14.6. Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green' Report No. AR19/390

COUNCIL RESOLUTION
(a) That Council Report No. AR19/390 titled '*Mount Gambier Bowls Club Inc. - Vansittart Park - Proposed Canopy over "B Green*' as attached be noted. (b) Council support in principle the Mount Gambier Bowls Club's proposal to erect a shelter over B Green. (c) Council does not support the current plan. (d) Council invite Members of the club to the Operational Standing Committee in February to discuss options for a more suitable proposal that compliments the character of the area and a plan moving forward.

Moved: Cr Greco Seconded: Cr Jenner Carried

City of
Mount Gambier

REPORT TITLE	**Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green'**

COMMITTEE	Council
MEETING DATE:	15 January 2019
REPORT NO.	AR19/390
RM8 REFERENCE	AF11/1452
AUTHOR	Michael McCarthy
SUMMARY	A report for Council to consider, as landowner, a proposal for the construction of a canopy over 'B Green' at Vansittart Park by the Mount Gambier Bowls Club Inc.
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

(a) That Council Report No. AR19/390 titled '*Mount Gambier Bowls Club Inc. - Vansittart Park - Proposed Canopy over 'B Green*' as attached be noted.

(b) That the Mount Gambier Bowls Club Inc. be advised:

- Council as Landowner does not support the proposed construction of a canopy over 'B Green' and will not support the development in its current form.
- Council's favourable consideration of an alternative proposal will be subject to:
  - Mount Gambier Bowls Club Inc. engaging and obtaining design advice and a suitable alternative proposal from an appropriately qualified professional with experience in public realm development for sporting use; and,
  - An alternate proposal complimenting the character of the subject locality and providing a place suitable for the proposed use; and,
  - Conditional upon development approval being granted to the alternate proposal.

City of
Mount Gambier

Background

Vansittart Park is owned by the City of Mount Gambier subject to a historical Trust and is community land contained within a Community Land Management Plan in accordance with the provisions of the Local Government Act 1999.

Portion of Vansittart Park is leased to the Mount Gambier Bowls Club Incorporated.

This leased portion is comprised of land located on the south western corner of Vansittart Park with road frontage to Victoria Terrace and Commercial Street West. A clubroom building with associated car parking and three bowling greens are located within the leased area.

The current lease is for a five year period that commenced on 1 July 2016 and expires at midnight on 30 June 2021. The permitted use of the land is for the sport of lawn bowling and activities associated with and supportive of the Lessee's use for the sport of lawn bowling.

Discussion

The Mount Gambier Bowls Blub Inc. have lodged a Development Application (DA381/0315/2018) with Council to construct a canopy/shelter over 'B Green' on the site of the bowling club. The canopy is to provide an all-weather cover to enable bowls to be played on the green all year round.

As the canopy is to be constructed on Council land which is leased to the Mount Gambier Bowls Club Inc. the matter is referred to Council for consideration and input.

The canopy as proposed is to be:

- 39 metres wide by 40 metres in length, with a total area of 1560 m2
- 6.0 metres in total height
- 4.0 metre wall height
- Constructed using Colorbond® material, with a 'mist grey' coloured façade
- The southern wall is to be constructed using rendered stone
- 16 fabric roll up curtains are to be installed along the western and eastern walls of the canopy (8 on each side)
- The setback of the canopy to Commercial Street West is to be approximately 6.4 metres.

The lease agreement (Clause 10.3) enables the lessee to carry out alterations and additions to the premises but the lessee must provide full details of the proposed alterations and additions to Council. Council may make suggestions as to the intended alteration and additions.

As the leased land is Community Land a Community Land Management Plan applies to the land. The Community Land Management Plan identifies that Vansittart Park is: *a large recreational reserve within the City Centre area providing for a wide range of passive and active recreation and including the Mount Gambier and District War Memorial, other memorials and substantial garden area. The purpose of this land is to:*

- *Provide for a wide range of active and passive recreation pursuits which cater for a wide cross section of the community*

- *Provide regionally significant sporting facilities and playground facilities*
- *Provide a regionally significant War Memorial and other appropriate memorials*.

Vansittart Park is located within the Residential Zone and the Mount Gambier (City) Historic (Conservation) Policy Area. Vansittart Park is also identified as a place of Local Heritage Value, with the local heritage listing specifically identifying:

"Rotunda, Memorial Gates, Garden and Grandstand, Vansittart Park external form, details, materials and all identified historic elements in the Park, including entrance gates, war memorial, rotundas, grandstand, Score box, canteen and other elements. All mature trees and planting are including in the listing."

The purpose, objectives and proposal for management of Vansittart Park in the Community Land Management Plan specifically provides:

- To recognise the significant historical value of the site and the precinct
- Provide for new infrastructure from time to time, with site infrastructure having regard to the heritage value of the location.

And also:

- To provide regionally significant sporting facilities and playground facilities
- To provide sporting and recreational opportunities to the wider community
- To provide high quality facilities
- Provide the reserve for a variety of sporting events and encourage multi use of the area.

Should Council as Landowner support the development as proposed, the Development Application will be referred to the Council Assessment Panel (CAP) for consideration, assessment against the provisions of the Development Plan and a decision being made.

There are significant concerns that the development, as proposed will detrimentally detract from the character, amenity and appearance of Vansittart Park as well as the locality within which the canopy will be sited.

The canopy size, proposed setback and enclosed nature of the development will block important views and vistas and become the dominant built form within the subject locality. It does not compliment nor reflect the pattern of existing development and will detract from the existing character of the subject locality. The canopy is not recommended for support in the form as submitted to Council.

There are also concerns that the proposed canopy has not been designed to create a suitable indoor space enabling human enjoyment and use of the space. The interior space Is likely to have an oppressive character due to the very low trusses and roof relative to the roof span. In summer low steel roofs create an uncomfortable environment with roof surfaces radiating heat at close range directly onto the users. Heat gain from skylights and radiation will also be trapped by the curved roof form. A higher roof and alternative roof treatments can overcome these issues.

The Lease Agreement, Community Land Management Plan, plans of the proposed development, supporting letter from the Mount Gambier Bowls Club Inc. and advice from the Heritage Adviser are provided as attachments to this report for Members information.

Conclusion

The canopy as proposed for 'B Green' at Vansittart Park is not considered:

- An appropriate form of development to be constructed within Vansittart Park
- To create a useable and comfortable space for people.

This report recommends that Council object strongly to the proposed development on the basis of the current design and Vansittart Park not being a suitable location within the City for such a facility.

However, should Council support the proposed covering of the 'B Green' at Vansittart Park to create an all-weather facility. It is recommended that the Mount Gambier Bowls Club Inc. be advised to engage and obtain design advice from a suitably qualified and experienced professional (i.e. an architect with experience with this type of development) to design an appropriate structure which compliments the character of the subject locality and provides a place suitable for the proposed use.

Attachments

Attachment 1 (AR17/1256): Lease Agreement for Portion of Vansittart Park
Attachment 2 (AR11/2184): Community Land Management Plan - Vansittart Park
Attachment 3 (PR18/9294): Plans of the Proposed Development
Attachment 4 (PR18/9292): Supporting letter from Mount Gambier Bowls Club Inc.
Attachment 5 (AR18/48347): Advice received from the Heritage Advisor

Michael McCARTHY
MANAGER EXECUTIVE ADMINISTRATION

Mark McSHANE
CHIEF EXECUTIVE OFFICER

7 January 2019
MMcC

City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

LEASE AGREEMENT

for

PORTION OF VANSITTART PARK

Between

City of Mount Gambier

and

MOUNT GAMBIER BOWLS CLUB INCORPORATED

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DATE

PARTIES

CITY OF MOUNT GAMBIER of 10 Watson Terrace, Mount Gambier SA 5290 (**Council**)

MOUNT GAMBIER BOWLS CLUB INC. of PO Box 985 (**Lessee**)

BACKGROUND

A. The Council is the registered proprietor of the Land described in Item 2 of the First Schedule which is classified as Community Land and contained in a Community Land Management Plan.

B. Historically, certain fixtures and fittings were installed on the Land by the Lessee for the purposes of the Lessee's use of the Land.

C. In light of the facts described in Recital B, the Lessee has retained a certain level of control over the use of the fixtures and fittings on the Land and obligations for their maintenance, repair and renewal.

D. The Lessee has requested a lease to use the Premises for the Permitted Use and the Council's delegate has agreed to grant the Lease and (if necessary) has undertaken public consultation in accordance with the Local Government Act 1999.

E. The Council and Lessee wish to record the terms of their agreement in this Lease.

AGREED TERMS

1. ACKNOWLEDGEMENT OF BACKGROUND

The preceding statements are accurate and form part of this Lease.

2. DEFINED TERMS AND INTERPRETATION

2.1 **Introductory**

In the Lease, unless the contrary intention appears:

2.1.1 a reference to this Lease is a reference to this document;

2.1.2 words beginning with capital letters are defined in clause 2.2;

2.1.3 a reference to a clause is a reference to a clause in this Lease;

2.1.4 a reference to an Item is a reference to an item in the First Schedule;

2.1.5 a reference to a Schedule is a reference to a schedule of this Lease; and

2.1.6 a reference to an Annexure is a reference to an annexure to this Lease.

2.2 **Defined Terms**

In this Lease:

Act means the *Retail and Commercial Leases Act* 1995.

Agreed Consideration means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Council under this Lease (other than tax payable under clause 19)

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Building means the interior and exterior of all present and future improvements on the Land and includes all Building Services and Common Areas and all other conveniences, services, amenities and appurtenances of in or to the Building.

Building Services includes all services (including gas, electricity, water, sewerage, communications, fire control, air-conditioning, plumbing and telephone and all plant, equipment, pipes, wires and cables in connection with them as applicable) to or of the Building or any premises in or on the Land supplied by any authority, the Council or any other person the Council authorises.

Business Day means a day which is not a Saturday, Sunday or public holiday in Adelaide.

Commencement Date means the commencement date described in Item 3.

Common Areas means all areas of the Land which are not leased or tenanted and which are for common use by tenants and lessees of the Land and their invitees and customers including driveways, car parks, walkways, washrooms and toilets.

Council means the party described as "Council" in this Lease and where the context permits includes the employees, contractors, agents and other invitees of the Council.

Council's Equipment means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Premises and made available for use by the Lessee.

Default Rate means the rate which is two per centum (2%) per annum greater than the published annual rate of interest charged from time to time by Westpac Banking Corporation on overdraft facilities of more than $100,000.00 and if there is more than one rate published the highest of those rates.

GST has the same meaning as given to that term in the GST Legislation.

GST Legislation means the *A New Tax System (Goods and Services Tax) Act* 1999 (Cth) and any ancillary or similar legislation.

GST Rate means 10% or such other percentage equal to the rate of GST imposed from time to time under the GST Legislation. **Institute** means the South Australian Division of the Australian Property Institute.

Initial Term means the initial term of this Lease commencing on the Commencement Date described in Item 3.

Land means the land described in Item 2 and includes any part of the Land.

Legislation includes any relevant Statute or Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.

Lessee means the party described as "Lessee" in this Lease and where the context permits includes the employees, contractors, agents, customers and other invitees of the Lessee.

Lessee's Equipment means any and all fixtures and fittings and other equipment installed in or brought on to or kept in the Premises by the Lessee.

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Lessee's Share means the proportion the lettable area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the guidelines issued by the Institute current as at the Commencement Date or such other Institute method of measurement as the Council notifies the Lessee.

Outgoings means the outgoings described in Item 5.

Payment Date means the Commencement Date and the date of each anniversary of the Commencement Date during the Term.

Permitted Use means the use described in Item 6.

Premises means the premises described in Item 1 including the Council's Equipment.

Rates and Taxes means all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority, other department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Land or Premises and includes water and sewer charges, council rates, emergency services levy and, subject to the Act, land tax (on a single holding basis).

Rent means the rent described in Item 4.

Rental Arrangements Policy means the Council Policy R200 – COMMUNITY LAND (RESERVES) Lease / Licence / Rental Arrangements Policy (as amended from time to time throughout the Term) as attached as Annexure B.

Review Date means each date specified in Council's Lease Fee Policy R 210.

Statutory Authorities means any authorities created by or under any relevant Legislation.

Statutory Requirements means all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation.

Term means the Initial Term and any period during which the Lessee holds over or remains in occupation of the Premises.

Valuer means a qualified valuer appointed to make a determination under this Lease:

- who will be appointed as agreed by the Council and the Lessee or, failing agreement within 14 days of either notifying the other of the requirement for such appointment at the request of either the Council or the Lessee, by the person holding or acting in the position of President of the Institute;
- who must have practiced as a valuer with a minimum of 5 years relevant experience;
- who is licensed to practice as a valuer of the kind of premises in respect of which the review is required; and
- who must act as an expert and not as an arbitrator.

Yearly Amounts means the aggregate of the Rent, Outgoings and any other moneys payable by the Lessee during the Term.

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2.3 **Interpretation**
Unless the contrary intention appears:

2.3.1 headings are for convenience only and do not affect interpretation;

2.3.2 the singular includes the plural and vice-versa;

2.3.3 a reference to an individual or person include a corporation, partnership, joint venture, authority, trust, state or government and vice versa;

2.3.4 a reference to any party in this Lease, or any other document or arrangement referred to in this Lease, includes that party's executors, administrators, substitutes, successors and assigns;

2.3.5 a reference to any document (including this Lease) is to that document as varied, novated, ratified or replaced from time to time;

2.3.6 a reference to any Legislation includes any statutory modification or re-enactment of it or any Legislation substituted for it, and all by-laws, regulations and rules issued under it;

2.3.7 a reference in this Lease to the Council's approval or consent, is to the Council's prior written approval or consent which may be granted or withheld in the absolute discretion of the Council;

2.3.8 "including" and similar expressions are not and must not be treated as words of limitation;

2.3.9 the covenants and powers implied in leases by virtue of Sections 124 and 125 of the *Real Property Act* 1886 will apply and be implied in this Lease unless they are expressly or impliedly excluded or modified; and

2.3.10 any special condition in the Second Schedule will apply to this Lease and in the event of any inconsistency with the terms and conditions in the body of this Lease, then those special conditions will prevail.

2.4 **Retail and Commercial Leases Act**

2.4.1 If the Act applies to this Lease, then this Lease will be read and interpreted subject to the provisions of the Act and, to the extent to which there is any inconsistency with the provisions of the Act, those provisions of the Act will override the terms of this Lease.

2.4.2 Any right, power or remedy of the Council or obligation or liability of the Lessee that is affected by the Act (if applicable) will be unenforceable or void but only to the extent that it is expressly made unenforceable or void by the Act.

3. CONDITION PRECEDENTS

3.1 The Lessee acknowledges that the grant of this Lease is conditional on the Council obtaining the consent of the Development Assessment Commission if required pursuant to Section 32 of the Development Act 1993.

3.2 The Lessee acknowledges that the grant of this Lease is conditional on the Council's Elected Members consenting to the grant of this Lease.

3.3 If either of the condition precedents in clauses 3.1 or 3.2 are not satisfied within 3 months from the date the Lessee executes this Lease, either party may terminate this Lease at any time by giving written notice and the parties on and from the date the Lease is terminated shall have no further rights or obligations under this Lease.

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4. GRANT OF LEASE

The Council grants and the Lessee accepts a lease of the Premises for the Term as set out in this Lease.

5. RENT

5.1 **Payment of Rent**

The Lessee must pay the Rent by annual instalments in advance on each Payment Date.

5.2 **Instalment**

If a rent instalment period is less than a month, the instalment for that period is calculated at a daily rate based on the number of days in the month in which that period begins and the monthly instalment which would have been payable for a full month.

6. RENT REVIEWS

6.1 The Lessee acknowledges and agrees that the Rent will be reviewed annually on each anniversary of the Commencement Date in accordance with the Council's Rental Arrangements Policy.

6.2 The Lessee acknowledges that it has read and understood Council's Rental Arrangements Policy annexed to this Lease prior to executing this Lease.

7. RATES AND TAXES AND OUTGOINGS

7.1 **Liability for Rates and Taxes**

7.1.1 Subject to clause 7.3, the Lessee must pay or reimburse the Council all Rates and Taxes levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.

7.1.2 The Rates and Taxes must be adjusted between the Council and the Lessee as at the Commencement Date and the end or termination date of this Lease.

7.2 **Payment of Outgoings**

7.2.1 Subject to clause 7.3, the Lessee must pay or reimburse the Council all Outgoings levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.

7.2.2 The Outgoings shall be adjusted between the Council and the Lessee as at the Commencement Date and the end or termination date of this Lease.

7.3 **Lessee's Proportion**

If any of the Rates and Taxes or Outgoings are not separately assessed or charged in respect of the Premises, then the Lessee must pay the Lessee's Share of any such Rates and Taxes or Outgoings assessed or charged in respect of the Premises.

7.5 **Power and Other Utilities**

7.5.1 The Lessee will pay when they are due for payment, all costs for the use of telephone, light and other facilities and the consumption of electricity, gas, and any and all other services and utilities supplied to or used from the Premises.

7.5.2 If there is no separate meter for recording or measuring the services and utilities consumed on or from the Premises, then the Lessee must, if required by the Council, install the necessary meters at its own cost.

7.5.3 Without limiting the generality of this clause 7.5, the Lessee will comply in all respects with the Electricity (General) Regulations 1997 and any other applicable electricity laws.

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8. USE OF PREMISES

8.1 **Permitted Use**
The Lessee must use the Premises only for the Permitted Use and must not use or allow the Premises to be used for:

8.1.1 residential purposes; or

8.1.2 any other use (without the Council's consent).

8.2 **Offensive Activities**
The Lessee must not carry on any offensive or dangerous activities on or from the Premises or create a nuisance or disturbance either:

8.2.1 for the Council; or

8.2.2 for the owners or occupiers of any adjoining property;

and must ensure at all times that activities conducted on or from the Premises will not bring any discredit upon the Council.

8.3 **Use of Facilities**

8.3.1 The Lessee will ensure that the Building Services are used carefully and responsibly and in accordance with any directions that may be given by the Council from time to time.

8.3.2 The Lessee will be responsible to repair or correct any damage or malfunction which results from any misuse or abuse of the Building Services by the Lessee.

8.4 **Statutory Requirements**
The Lessee must comply with all Statutory Requirements (including any obligations under the *Occupational Health Safety and Welfare Act* 1985) relating to:

8.4.1 the Lessee's use and occupation of the Premises; and

8.4.2 the nature of the Permitted Use conducted on the Premises by the Lessee.

8.5 **No Alcohol**
The Lessee must not:

8.5.1 serve, sell or provide to persons ; or

8.5.2 consume or allow persons to consume;

alcohol or alcoholic beverages on the Premises without the consent of the Council.

8.6 **Signs**
The Lessee must not place any signs or advertisements on the outside or inside (if they can be seen from outside) of the Premises, except a sign or signs which:

8.6.1 are approved by the Council; and

8.6.2 comply with any relevant Statutory Requirements.

8.7 **Dangerous Equipment and Installations**
The Lessee may only install or use within the Premises equipment and facilities which are reasonably necessary for and normally used in connection with the Permitted Use and will not install or bring onto the Premises:

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8.7.1 any electrical, gas powered or other machinery or equipment that may pose a danger, risk or hazard;

8.7.2 any chemicals or other dangerous substances that may pose a danger, risk or hazard; or

8.7.3 any heavy equipment or items that may damage the Premises or Building.

8.8 **Fire Precautions**
The Lessee must:

8.8.1 comply with all requirements and directives of the Council with regard to fire safety systems and procedures including fire evacuation drills and other procedures; and

8.8.2 comply with all Statutory Requirements relating to fire safety and procedures including any structural works or modifications or other building works which are required as a consequence of the Lessee's particular use of the Premises.

8.9 **Security**
The Lessee must keep the Premises securely locked at all times when the Premises are not occupied and must provide a key to the Premises to the Council (or if the Council has engaged a manager, then to the manager) to be used only in the case of emergencies.

8.10 **No Warranty**
The Council makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.

9. INSURANCE

9.1 **Lessee must insure**
The Lessee must keep current during the Term:

9.1.1 public risk insurance for at least the amount in Item 7 (or any other amount the Council requires) for each claim;

9.1.2 all insurance in respect of all parts of the Building situated within the premises, and the Lessee's Equipment for its full replacement value; and

9.1.3 other insurances required by any Statutory Requirement or which the Council reasonably requires.

9.2 **Requirements for policies**
Each policy the Lessee takes out under clauses 9.1.1 and 9.1.3 must:

9.2.1 be with an insurer and on terms reasonably approved by the Council;

9.2.2 be in the name of the Lessee and note the interest of the Council and any other person the Council requires;

9.2.3 cover events occurring during the policy's currency regardless of when claims are made; and

9.2.4 note that despite any similar policies of the Council, the Lessee's policies will be primary policies.

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9.3 **Evidence of Insurance**
The Lessee must give the Council certificates evidencing the currency of the policies the Lessee has taken out under this clause 9. During the Term the Lessee must:

9.3.1 pay each premium before it is due for payment;

9.3.2 give the Council certificates of currency each year when the policies are renewed and at other times the Council requests;

9.3.3 not allow any insurance policy to lapse or vary or cancel it without the Council's consent;

9.3.4 notify the Council immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy.

9.4 **Insurance affected**

9.4.1 The Lessee must not do anything which may:

9.4.1.1 prejudice any insurance of the Premises or the Building; or

9.4.1.2 increase the premium for that insurance. .

9.4.2 If the Lessee does anything (with or without the Council's consent) that increases the premium of any insurance the Council has in connection with the Premises or the Building, the Lessee must on demand pay the amount of that increase to the Council.

10. REPAIR AND MAINTENANCE

10.1 **Repair**

10.1.1 The Lessee must keep, maintain, repair and replace the Premises, the Lessee's Equipment and any Building Services situated within the Premises and which exclusively services the Premises in good repair.

10.1.2 If the Council requires the Lessee to do so, the Lessee must promptly repair any damage caused or contributed to by the act, omission, negligence or default of the Lessee.

10.2 **Maintain and replace**
The Lessee must maintain, repair or replace items in or attached to the Premises which are damaged or worn with items of the same or similar quality to those in use when they were last replaced with the Council's approval, or if they have not been so replaced, to those in use at the Commencement Date.

10.3 **Alterations by Lessee**

10.3.1 The Lessee may carry out alterations and additions to the premises during the Term.

10.3.2 The Lessee must provide full details of the proposed alteration and additions to the Council.

10.3.3 The Council may make suggestions as to the intended alteration and additions and the Lessee is encouraged to have regard to the Council suggestions, noting always the requirements of Clause 10.3.4;

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10.3.4 Any alterations and additions to the Premises carried out by the Lessee must be done in a proper and workmanlike manner and in accordance with all Statutory Requirements.

10.3.5 The Lessee must provide to the Lessor a complete set of as constructed drawings, specifications and any related statutory contents/compliance certificates in respect of the alteration and/or additions and their completions;

10.3.6 Unless otherwise agreed in writing between the parties, all alterations and additions to the Land or the Premises made pursuant to this Clause will be or become the property of the Council;

10.3.7 The Lessee will pay all of the Council's costs (including consultant's costs and legal costs) as a result of the Lessee's alterations and additions.

10.4 **Refurbishment, re-fitting and redecoration**
The Lessee must refurbish, re-fit and redecorate the Premises on or before each of the dates specified in Item 8 to the following specification:

10.4.1 clean and repair all surfaces to be redecorated;

10.4.2 paint (with at least 2 coats) or wallpaper, stain, varnish or polish each surface to be redecorated according to the previous treatment of that surface; and

10.4.3 replace the signage, floor coverings, ceilings, lighting and fixtures and fittings with new items.

10.5 **Cleaning**
The Lessee must:

10.5.1 remove all graffiti on any part of the Premises;

10.5.2 keep the Premises clean and tidy;

10.5.3 keep the Premises free of vermin, insects and other pests; and

10.5.4 not cause the Common Areas to be left untidy or in an unclean state or condition.

11. TRANSFERRING SUBLETTING AND ASSIGNING

11.1 The Lessee may transfer, charge, mortgage or encumber its interest in this Lease or sublet, sublicense or hire out the Premises or any part of it during the Term provided that any such dealing is consistent with , and permitted by, the Permitted Use and the terms and conditions of this Lease.

11.2 If any dealing by the Lessee with or under this Lease requires the Council to do any act or incur any cost, then the Lessee must pay or reimburse all costs incurred by the Council on demand.

12. LESSEE GOVERNANCE

12.1 On or before the Commencement Date the Lessee must provide to the Council a copy of its constitution and any other documents that regulate the governance and operations of the Lessee.

12.2 As and when the Council may reasonably require, the Lessee must provide to the Council such information in relation to the Lessee's use and occupation of the Premises as required by the Council including financial information of the Lessee.

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13. COUNCIL'S OBLIGATIONS AND RIGHTS

13.1 **Quiet Enjoyment**
Subject to the Council's rights and to the Lessee complying with the Lessee's obligations under this Lease, the Lessee may occupy the Premises during the Term without interference from the Council.

13.2 **Right to enter**
The Council may (except in the case of emergency when no notice will be required) enter the Premises after giving the Lessee reasonable notice:

13.2.1 to see the state of repair of the Premises;

13.2.2 to do anything the Council must or may do under this Lease or must do under any Legislation or to satisfy the requirements of any Statutory Authority; and

13.2.3 to show prospective lessees through the Premises.

13.3 **Emergencies**
In an emergency the Council may:

13.3.1 close the Premises or Building; and

13.3.2 prevent the Lessee from entering the Premises or Building.

13.4 **Works and Restrictions**

13.4.1 The Council may:

13.4.1.1 close (temporarily or permanently) and restrict access to the Common Areas.

14. DAMAGE OR DESTRUCTION

14.1 If the whole or any part of the Premises is destroyed or damaged thus making them substantially unfit for the Lessee's use and occupation or so the Lessee is deprived of substantial use of the Premises then the provisions of Section 40 of the Retail and Commercial Lease Act 1995 shall apply.

15. DELETED CLAUSE

16. RIGHTS AND OBLIGATIONS ON EXPIRY

16.1 **Expiry**
This Lease will come to an end at midnight on the last day of the Term unless it is terminated earlier by the Council or the Lessee under any other provision of this Lease.

16.2 **Handover of Possession**

16.2.1 Before this Lease comes to an end, the Lessee will:

16.2.1.1 remove all of the Lessee's Equipment and repair any damage caused by such removal;

16.2.1.2 no later than one (1) month before this Lease comes to an end, provide the Council with a written summary of all alterations and additions made to the Premises by the Lessee, whether those alterations and additions were authorised by the Council or not;

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16.2.1.3 if required by the Council, remove and reinstate any alterations or additions made to the Premises by the Lessee;

16.2.1.4 refurbish the Premises as required under clause 10.4; and

16.2.1.5 complete any repairs which the Lessee is obliged to carry out under this Lease.

16.3 **Abandoned Goods**
If, when this Lease comes to an end, the Lessee leaves any goods or equipment at the Premises, then the Council will be entitled to deal with and dispose of those goods subject to and in accordance with the requirements of the Act.

16.4 **Holding Over**
If, with the Council's consent, the Lessee continues to occupy the Premises after the end of this Lease, the Lessee does so as a monthly tenant which:

16.4.1 either party may terminate on one month's notice given at any time; and

16.4.2 is on the same terms as this Lease.

17. BREACH

17.1 **Payment Obligations**

17.1.1 The Lessee must make payments due under this Lease:

17.1.1.1 without demand (unless this Lease provides demand must be made);

17.1.1.2 without set-off, counter-claim, withholding or deduction;

17.1.1.3 to the Council or as the Council directs; and

17.1.1.4 by direct debit or such other means as directed by the Council.

17.1.2 If a payment is stated to be due on a particular Payment Date (such as the next Payment Date or the first Payment Date after an event) and there is no such Payment Date, the Lessee must make that payment on demand.

17.2 **Set Off**
The Council may, by notice to the Lessee, set off against any amount due and payable under this Lease by the Council to the Lessee, any amount due and payable by the Lessee to the Council under this Lease or under any other agreement or arrangement.

17.3 **Council's Rights on Breach**

17.3.1 If the Lessee is at any time in breach of any of it's obligations under this Lease, and the Lessee fails to remedy that breach to the satisfaction of the Council after being requested by the Council to do so, the Council and anybody authorised by the Council for that purpose may at any time thereafter come onto the Premises without notice and do all things necessary to remedy that breach.

17.3.2 The Lessee will be liable to pay or reimburse the Council for all costs and expenses incurred in that regard which the Council may recover from the Lessee as a debt due and payable on demand.

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17.4 **Default, Breach and Re-Entry**
In the event that:

17.4.1 any moneys (or part of any moneys) payable under this Lease are unpaid for the space of seven (7) days after any day on which the same ought to have been paid (although no formal or legal demand has been made);

17.4.2 the Lessee commits, permits or suffers to occur any breach, or default in the due and punctual observances and performance of any of the covenants, obligations and provisions of the Lease;

17.4.3 in the case of a Lessee being a company or association:

17.4.3.1 a meeting of the directors or members of the Lessee is convened to pass a resolution that an administrator of the Lessee be appointed or that the Lessee be wound up voluntarily;

17.4.3.2 any person appoints an administrator of the Lessee;

17.4.3.3 an application is made to any court to wind up the Lessee;

17.4.3.4 an application is made pursuant to Section 411 of the *Corporations Law*;

17.4.3.5 a Controller, Managing Controller, Receiver or Receiver and Manager is appointed to the Lessee or in respect of any property of the Lessee; or

17.4.3.6 the Lessee is deregistered or dissolved;

17.4.4 in the case of a Lessee being a natural person:

17.4.4.1 the Lessee commits an act of bankruptcy or a sequestration order is made against the Lessee;

17.4.4.2 a creditor of the Lessee presents a creditor's petition against the Lessee under the *Bankruptcy Act* 1966;

17.4.4.3 the Lessee presents a petition against himself or herself under the *Bankruptcy Act* 1966;

17.4.4.4 the Lessee signs an authority under Section 188 of the *Bankruptcy Act* 1966;

17.4.4.5 the Lessee gives a debt agreement proposal to the Official Trustee under Part IX of the *Bankruptcy Act* 1966, and that debt agreement proposal is accepted by the Lessee's creditors;

17.4.4.6 the Lessee becomes subject to an order directing the Official Trustee or a specified registered Trustee to take control of his or her property before sequestration; or

17.4.4.7 the Lessee is convicted or an indictable offence (other than a traffic offence);

17.4.5 execution is levied against the Lessee and not discharged within thirty (30) days;

17.4.6 any property in or on the Premises is seized or taken in execution under any judgment or proceedings;

17.4.7 the Premises are left unoccupied for one (1) month or more without the Council's consent;

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then despite any other clause of this Lease the Council at any time has the right to re-enter into and upon the Premises in the name of the whole and to have again repossess and enjoy the same as of its former estate but without prejudice to any action or other remedy which the Council has or might or otherwise could have for arrears of Rent or any other amounts or breach of covenant or for damages as a result of any such event and the Council shall be freed and discharged from any action, suit, claim or demand by or obligation to the Lessee under or by virtue of the Lease.

17.5 **Rights of Council not Limited**
The rights of the Council under this Lease and at law resulting from a breach of this Lease by the Lessee shall not be excluded or limited in any way by reason of the Council having or exercising any powers under this clause 17.

17.6 **Landlord and Tenant Act**
In the case of a breach or default of any term of this Lease where notice is required to be given pursuant to Section 10 of the *Landlord and Tenant Act* 1936, such notices will provide that the period of fourteen (14) days is the period within which the Lessee is to remedy any such breach or default if it is capable of remedy or to make reasonable compensation in money to the satisfaction of the Council. No period of notices is required for the non-payment of Rent.

17.7 **Repudiation and Damages**

17.7.1 The Lessee acknowledges that the following obligations under this Lease are essential terms:

17.7.1.1 the obligation to pay rent;

17.7.1.3 the obligation to pay Outgoings;

17.7.1.4 the obligations and prohibitions in relation to use of the Premises;

17.7.2 If the Council accepts payment of rent or any other moneys late or does not act or exercise any rights immediately or at all in respect of any breach of an essential term, that conduct on the part of the Council will not be deemed to amount to a waiver of the essential nature of that essential term.

17.7.3 If the Lessee breaches any essential term, that conduct on the part of the Lessee will be deemed to constitute a repudiation of this Lease and the Council may at any time thereafter rescind this Lease by accepting that repudiation.

17.7.4 The Lessee agrees that if this Lease is terminated by the Council because of a breach by the Lessee of an essential term, or if the Lessee repudiates this Lease and the Council accepts that repudiation thereby rescinding this Lease, the Lessee will be obliged to pay compensation to the Council including rent and other moneys which the Council would otherwise have received under this Lease for the balance of the Term had the Lessee not breached an essential term or repudiated this Lease. In those circumstances the Council will be obliged to take reasonable steps to mitigate its losses and to endeavour to lease the Premises at a reasonable rent and on reasonable terms.

17.7.5 The rights of the Council under this clause 17.7 and any action taken by the Council hereunder do not exclude or limit any other rights or entitlements which the Council has under this Lease or at law in respect of any breach or repudiatory conduct on the part of the Lessee.

17.8 **Interest on Overdue Amounts**
If the Lessee does not pay an amount when it is due, it must pay interest on that amount on demand from when the amount becomes due until it is paid in full. Interest is calculated on outstanding daily balances at the Default Rate.

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18. INDEMNITY AND RELEASE

18.1 **Risk**
The Lessee occupies and uses the Premises at the Lessee's risk.

18.2 **Indemnity**
The Lessee is liable for and indemnifies the Council against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

18.2.1 any act or omission of the Lessee;

18.2.2 the overflow or leakage of water or any other harmful agent into or from the Premises;

18.2.3 any fire on or from the Premises;

18.2.4 loss or damage to property or injury or death to any person caused by the Lessee, the use of the Premises by the Lessee or otherwise relating to the Premises;

18.2.5 a breach of this Lease by the Lessee; or

18.2.6 the Lessee's use or occupation of the Premises.

18.2.7 the state of repair of the premises or any repairs, maintenance, refurbishment, renovations or other works that the Lessee carries out or fails to carry out at the Premises;

18.2.8 any transfer, charge, mortgage or encumbrance of the Lessee's interest in this Lease;

18.2.9 any sublease or sublicence that the Lessee grants or purports to grant over the whole or part of the Premises.

18.3 **Release**
The Lessee releases the Council from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Premises or the Building except to the extent that they are caused by the Council's negligence.

18.4 **Indemnities are independent**
Each indemnity is independent from the Lessee's other obligations and continues during this Lease and after this Lease ends.

19. GOODS AND SERVICES TAX

19.1 If a GST applies to impose tax on the Agreed Consideration or any part of it or if the Council is liable to pay GST in connection with this Lease or any goods, services or other things supplied under this Lease then:

19.1.1 the Agreed Consideration for that supply is exclusive of GST;

19.1.2 the Council may increase the Agreed Consideration or the relevant part of the Agreed Consideration by a percentage amount which is equal to the GST Rate; and

19.1.3 the Lessee shall pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.

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19.2 Where the Agreed Consideration is to be increased to account for GST under this clause 19, the Council shall, on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.

19.3 If the Lessee does not comply with its obligations under the Lease or with its obligations under GST Legislation in connection with the Lease and as a result the Council becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Council on demand an amount equal to the amount of the penalties and interest.

20. GENERAL

20.1 **Costs**
The Lessee must, on request, pay or reimburse to the Council:

20.1.1 all stamp duty (if any) payable on this Lease;

20.1.2 if the Act does not apply to this Lease (unless otherwise agreed between the parties) all of the legal costs (determined on a solicitor and client basis) incurred by the Council in connection with the preparation of this Lease, negotiating, revising and engrossing this Lease (including all attendances on the Lessee and its legal and other advisers and all advices provided to the Council) and attending to the execution of this Lease;

20.1.3 if the Act does apply to this Lease, one half of all other preparatory costs incurred by the Council. For the purposes of this sub-clause, "preparatory costs" has the meaning described in the Act, namely, legal and other expenses incurred by the Council in connection with the preparation, negotiation, stamping and registration of this Lease including the costs of attendances on the Lessee by the Council, or a solicitor acting for the Council; and

20.1.4 all legal and other costs and expenses incurred by the Council in consequence of any actual or threatened breach by the Lessee hereunder or in exercising or enforcing (or attempting to do so) any rights or remedies of the Council hereunder or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

20.2 **Waiver**
If the Council accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this Lease.

20.3 **Notice**
Without excluding any other form of service, any notice required to be given or served will be sufficiently given or served as follows:

20.3.1 in the case of the Lessee, if left at the Premises, or if the Lessee has vacated the Premises, then if posted by pre-paid post to the last known address of the Lessee;

20.3.2 in the case of the Council, if posted by pre-paid post to the Manager (if the Council has appointed one) at the Manager's principal place of business in South Australia or to the Council at its principal place of business in South Australia (which is taken to be the address stated in this Lease unless the Lessee is or ought reasonably be aware that that is not the Council's principal place of business at the relevant time).

Notice served by pre-paid post will be deemed to have been given or served three (3) Business Days after posting.

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20.4 **Severance**
If any part of this Lease is found to be invalid or void or unenforceable, then that part will be severed from this Lease and the remainder of this Lease will continue to apply.

20.5 **Entire Agreement**
The Council and the Lessee acknowledge and agree that this Lease contains and represents the entire agreement reached between them with regard to the Premises and that no promises, representations or undertakings, other than those contained in this Lease, were made or given or relied upon.

20.6 **Resumption**
If the Council receives notice of resumption or acquisition of the Premises or the Land (or any part of the Land affecting the Premises) from or by any Statutory Authority or any governmental or semi-governmental body, then the Council may terminate this Lease by giving not less than three (3) months' written notice to the Lessee. When such termination takes effect, the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

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AGREEMENT

SIGNED as an Agreement on the 15 day of DECEMBER 2016

Duly authorised delegate of Council under s202(1) of the Local Government Act 1999

Signature

JAN VON STANKE

Delegates Name

PRESIDENT

Delegates Position Title

MICHAEL MCCARTHY.

MANAGER GOVERNANCE & PROPERTY.

MOUNT GAMBIER BOWLS CLUB INC. COMMON SEAL

THE COMMON SEAL of the Mount Gambier Bowls Club Inc. was hereunto affixed in accordance with its Constitution and in the presence of:)

PRESIDENT

Seal Holder

TREASURER Diana Harris

Seal Holder

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FIRST SCHEDULE

Item 1 Premises	Portion of the land comprised in Certificate of Title Volume 5713 Folio 224 described as "A" in the plan attached as Annexure A
Item 2 Land	The whole of the land comprised in Certificate of Title Volume 5713 Folio 224
Item 3 Initial Term	Five (5) years commencing 1 July 2016 (**Commencement Date**) and expiring at midnight on 30 June 2021.
Item 4 Rent	The Declared Figure per annum specified in Council's Lease Fee Policy R210 (exclusive of GST) (subject to review pursuant to clause 6) Commencing Rent: **$434.00 per annum (exclusive of GST)**
Item 5 Outgoings	**Outgoings** means the total of all amounts paid or payable by the Council in connection with the ownership, management, administration and operation of the Land and/or Building.
Item 6 Permitted Use	The sport of bowling and activities associated with and supportive of the Lessee's use for the sport of bowling.
Item 7 Public Risk Insurance	Ten Million dollars ($10,000,000.00) Twenty Million dollars ($20,000,000.00) – if build work or any significant maintenance works are proposed.
Item 8 Refurbishment	30 June 2020

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SECOND SCHEDULE

SPECIAL CONDITIONS

1. Risk Analysis and preparation/provision of Risk/Safety Documentation

   At all times when the Licensee is present at the Premises, and prior to the commencement of any activities, the Licensee must:

   a) conduct and document a Risk Analysis of the Premises and activities in line with the relevant policies of a relevant peak body or association.

   b) have prepared safety documentation and plans for the activities that meet the standards of a relevant peak body or association, and implement all necessary requirements of such plans to ensure the safety of the Lessee and the public in the vicinity of the Premises and activities.

   c) ensure all participants are provided with copies of the risk analysis, safety documentation and plans, and are aware of and adhere to any associated responsibilities and requirements.

   d) ensure that all risk and safety requirements are adhered to, and cease activities in the event of non-adherence.

   e) make any safety documentation prepared in accordance with this Special Condition available at the Premises.

   Copies of current 'standard/template' documentation as are adopted/updated by the Lessee for the purpose of meeting the requirements of (a) and (b) are to be provided to the Council with the signed copy of the Lease and any current/updated documentation must be provided to Council upon request at any time during the term of the Lease.

2. Additional Access / Use of Surrounding Land

   Council permits the Lessee to access the Premises by a direct route from marked/constructed entry/exit points and access roads on the Land for the purposes of entering and leaving the Premises.

   The Lessee acknowledges that Council reserves the right to grant/permit the use of any portion of the Land adjacent the Premises and surrounding areas to any other person or group for any purpose.

   The Council will permit the Lessee (and the Lessee must) make separate written application for any use of the Land or facilities located outside the leased Premises.

   Such separate application shall be in the form of a written request to the Team Leader – Administration (Operational Services) for booking purposes.

   A fee waiver may be applied at the discretion of the Director Operational Services if no Council resources are required in association with the additional use.

   Any additional use shall be subject to the same terms and conditions as this Lease.

3. Community Land Management Plan

   The Lessee will comply at all times with the Community Land Management Plan for "Vansittart Park" (as amended from time to time throughout the Term) as attached as Annexure C.

   A reported breach of a provision of the Community Land Management Plan by the Lessee will constitute a failure to meet an obligation under this Lease and will be grounds for Council to terminate the Lease.

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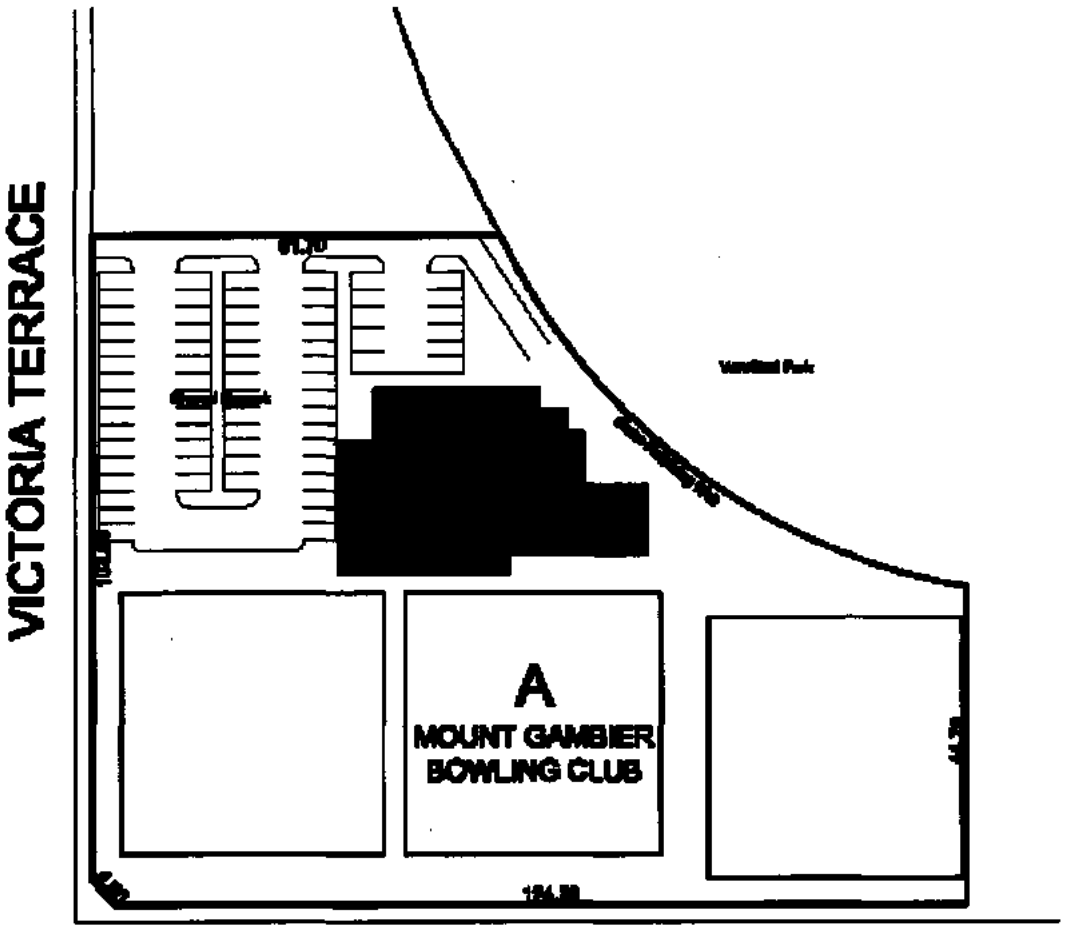
ANNEXURE A

THE CORPORATION OF THE CITY OF MOUNT GAMBIER
CT VOLUME 5713 FOLIO 224



CITY OF MOUNT GAMBIER

MOUNT GAMBIER BOWLS CLUB

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ANNEXURE B

	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY		

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;

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:

term should not exceed ten (10) years;

3.1.2 Licence Term

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 (eg 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).

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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 down to the nearest whole "five dollars".

3.2 Annual Review of 'Declared' Figure

3.2.1 In terms of the lease or licence fee, the declared lease fee be $434 (plus GST) for the 2016/17 financial year, calculated as follows:

$415 + 4.5% = $434 (+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.

<u>Criteria</u> - (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.)

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4.1.5 **Tenants are responsible for the cost of services to buildings and floodlights, such as electricity, gas, water, etc.**

5. REVIEW & EVALUATION

This Policy shall 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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ANNEXURE C

LOCAL GOVERNMENT ACT 1999 – SECTION 196

COMMUNITY LAND MANAGEMENT PLAN

Owner: City of Mount Gambier.

Reserve Title Description: CT5713/224

Reserve Address: Vansittart Park; Commercial Street West

Reserve No: 121

Asset No: 121

General Description:
Large recreational Reserve within the City Centre area providing for a wide range of passive and active recreation and including the Mount Gambier and District War Memorial, other memorials and substantial garden area (including lessees of Council).

Purpose of Land:
To provide for a wide range of active and passive recreation pursuits which cater for a wide cross section of the community.
To provide regionally significant sporting facilities and playground facilities.
To provide a regionally significant War Memorial and other appropriate memorials.

Exclusion Zone:
Vansittart Park is a popular events location and event organisers need to respect that the garden area is also the War Memorial area. In order to ensure that events respect the War Memorial area, an events Exclusion Zone has been created (as detailed below). No event organiser shall put out or allow to be put out any stall, performance or other activity within any part of the shaded area as indicated in Attachment One (1) as described in the following:

The Garden War Memorial Gates.
The wide pathway leading from the Garden War Memorial Gates to the Mount Gambier and District War Memorial (inclusive of the surrounding feature landscape garden beds).
The Mount Gambier and District War Memorial and surrounding asphalted area (inclusive of the surrounding feature landscape garden beds).
The wide pathway leading from the Mount Gambier and District War Memorial towards the oval (inclusive of the surrounding feature landscape garden beds).

***NOTE: Attachment One (1) EXCLUSION ZONE**

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Objectives of Land:
To provide sporting and recreational opportunities to the wider community.
To provide a significant garden area.
To provide a community reserve within a well developed area abutting the City Centre.
To provide high quality facilities.
To recognise the significant historical value of the site and the precinct.
To recognise the sacrifice of Mount Gambier and District citizens who died on active service and the service of other men and women in the defence of Australia.
To lease facilities to organisations for sporting/recreational purposes.

Proposal for Management:
Maintain vegetation in a healthy state.
Maintain the site, particularly the front gardens area to an exceptionally high standard of presentation.
Maintain all built infrastructure to a high standard of presentation.
Provide for new infrastructure from time to time, with site infrastructure having regard to the heritage value of the location.
Provide the reserve for a variety of sporting events and encourage multi use of the area.
Maintain all memorials to a high standard of presentation and prepare for specific commemorative services.
Consult with the RSL before initiating any changes that may impact on War and Service memorials.

Performance Targets:
Replace dead and dieing vegetation as a matter of urgency.
Grass to be kept to minimal length at all times.
Garden areas to be kept free of all weeds, litter etc.
Daily inspections of the site by full time employee dedicated to the reserve.
Regular inspections and maintenance of all built infrastructure (including areas leased by other parties e.g. Bowling Club).
Maintain performance of maintenance contractors and lessees of the site to ensure appropriate standards of presentation are maintained at all times.
Clean area before significant commemorative services and remove floral tributes after an appropriate period.
Ensure lessees/occupiers understand and comply with their obligations with regard to maintenance and presentation of facilities.

Measure of Performance Targets:
Biannual inspection of all trees.
Maintain register (and action) all complaints received in relation to the reserve.
Frequent inspections by supervisor of the site to ensure that the high levels of presentation are maintained at all times.
Regular maintenance inspections of built infrastructure.

Adopted by Council: 21st October 2003
Amended by Council: 19th October 2004
Amended by Council: 15th April 2008

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City of
Mount Gambier

Attachment 1

Vansittart Park – Event Exclusion Zone

Vansittart Park is a popular events location and event organisers need to respect that the garden area is also the War Memorial area. In order to ensure that events respect the War Memorial area, an events Exclusion Zone has been created.

No event organiser shall erect or display any sign, put out or allow to be put out any stall, undertake a performance or any other activity within any part of the shaded area on the plan below, and as described in the following:

Exclusion Zone:

The Garden War Memorial Gates.

The wide pathway leading from the Garden War Memorial Gates to the Mount Gambier and District War Memorial (inclusive of the surrounding feature landscape garden beds).

The Mount Gambier and District War Memorial and surrounding asphalted area (inclusive of the surrounding feature landscape garden beds).

The wide pathway leading from the Mount Gambier and District War Memorial towards the oval (inclusive of the surrounding feature landscape garden beds).

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LOCAL GOVERNMENT ACT 1999 – SECTION 196

COMMUNITY LAND MANAGEMENT PLAN

Owner: City of Mount Gambier.

Reserve Title Description: CT5713/224

Reserve Address: Vansittart Park; Commercial Street West

Reserve No: 121

Asset No: 121

General Description:
Large recreational Reserve within the City Centre area providing for a wide range of passive and active recreation and including the Mount Gambier and District War Memorial, other memorials and substantial garden area (including lessees of Council).

Purpose of Land:
To provide for a wide range of active and passive recreation pursuits which cater for a wide cross section of the community.
To provide regionally significant sporting facilities and playground facilities.
To provide a regionally significant War Memorial and other appropriate memorials.

Exclusion Zone:
Vansittart Park is a popular events location and event organisers need to respect that the garden area is also the War Memorial area. In order to ensure that events respect the War Memorial area, an events Exclusion Zone has been created (as detailed below). No event organiser shall put out or allow to be put out any stall, performance or other activity within any part of the shaded area as indicated in Attachment One (1) as described in the following:

The Garden War Memorial Gates.
The wide pathway leading from the Garden War Memorial Gates to the Mount Gambier and District War Memorial (inclusive of the surrounding feature landscape garden beds).
The Mount Gambier and District War Memorial and surrounding asphalted area (inclusive of the surrounding feature landscape garden beds).
The wide pathway leading from the Mount Gambier and District War Memorial towards the oval (inclusive of the surrounding feature landscape garden beds).

***NOTE: Attachment One (1) EXCLUSION ZONE**

Objectives of Land:
To provide sporting and recreational opportunities to the wider community.
To provide a significant garden area.
To provide a community reserve within a well developed area abutting the City Centre.
To provide high quality facilities.
To recognise the significant historical value of the site and the precinct.
To recognise the sacrifice of Mount Gambier and District citizens who died on active service and the service of other men and women in the defence of Australia.
To lease facilities to organisations for sporting/recreational purposes.

Proposal for Management:
Maintain vegetation in a healthy state.
Maintain the site, particularly the front gardens area to an exceptionally high standard of presentation.
Maintain all built infrastructure to a high standard of presentation.
Provide for new infrastructure from time to time, with site infrastructure having regard to the heritage value of the location.
Provide the reserve for a variety of sporting events and encourage multi use of the area.
Maintain all memorials to a high standard of presentation and prepare for specific commemorative services.
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Grass to be kept to minimal length at all times.
Garden areas to be kept free of all weeds, litter etc.
Daily inspections of the site by full time employee dedicated to the reserve.
Regular inspections and maintenance of all built infrastructure (including areas leased by other parties e.g. Bowling Club).
Maintain performance of maintenance contractors and lessees of the site to ensure appropriate standards of presentation are maintained at all times.
Clean area before significant commemorative services and remove floral tributes after an appropriate period.
Ensure lessees/occupiers understand and comply with their obligations with regard to maintenance and presentation of facilities.

Measure of Performance Targets:
Biannual inspection of all trees.
Maintain register (and action) all complaints received in relation to the reserve.
Frequent inspections by supervisor of the site to ensure that the high levels of presentation are maintained at all times.
Regular maintenance inspections of built infrastructure.

Adopted by Council: 21st October 2003
Amended by Council: 19th October 2004
Amended by Council: 15th April 2008

City of Mount Gambier

N

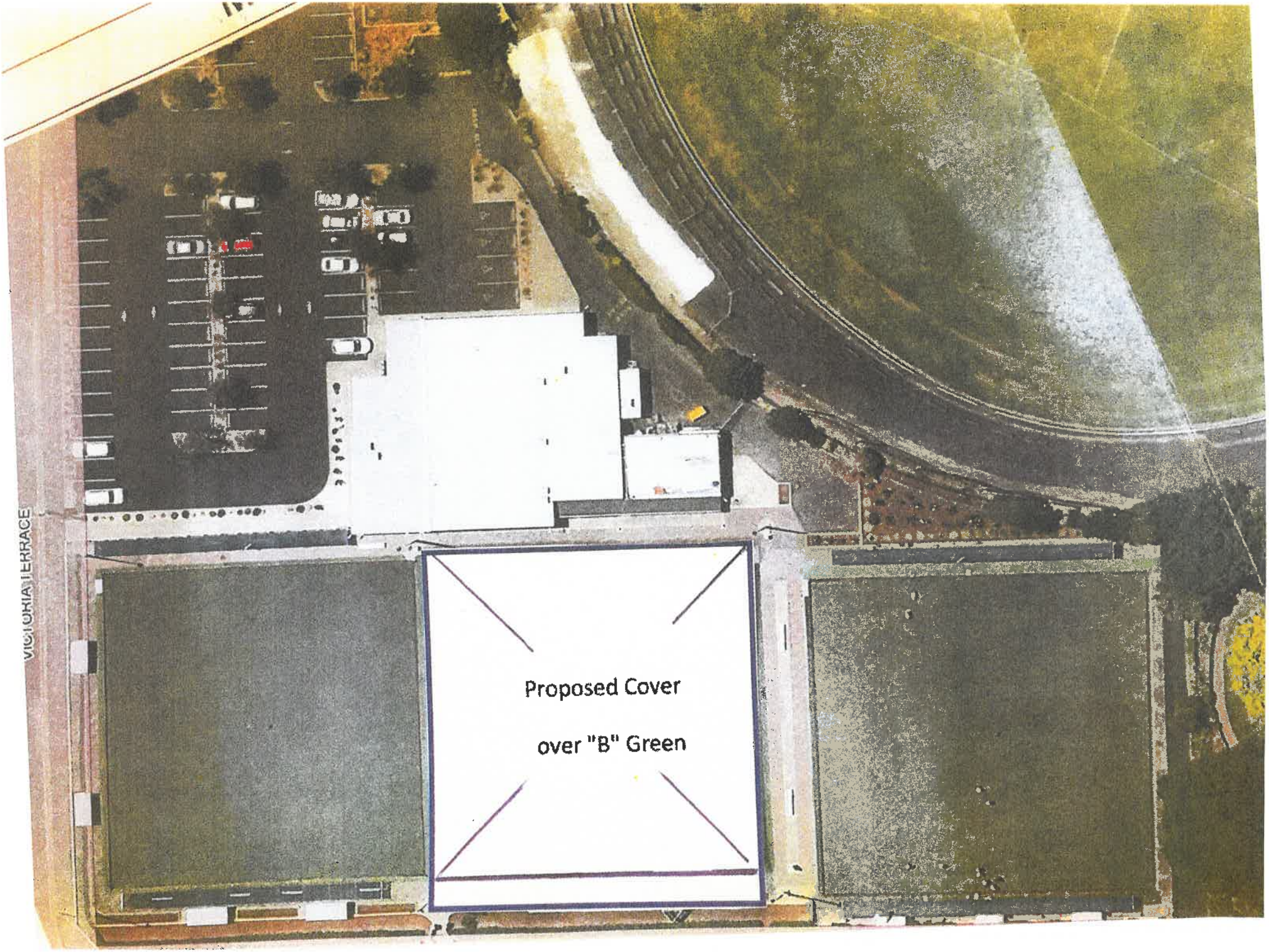
Map

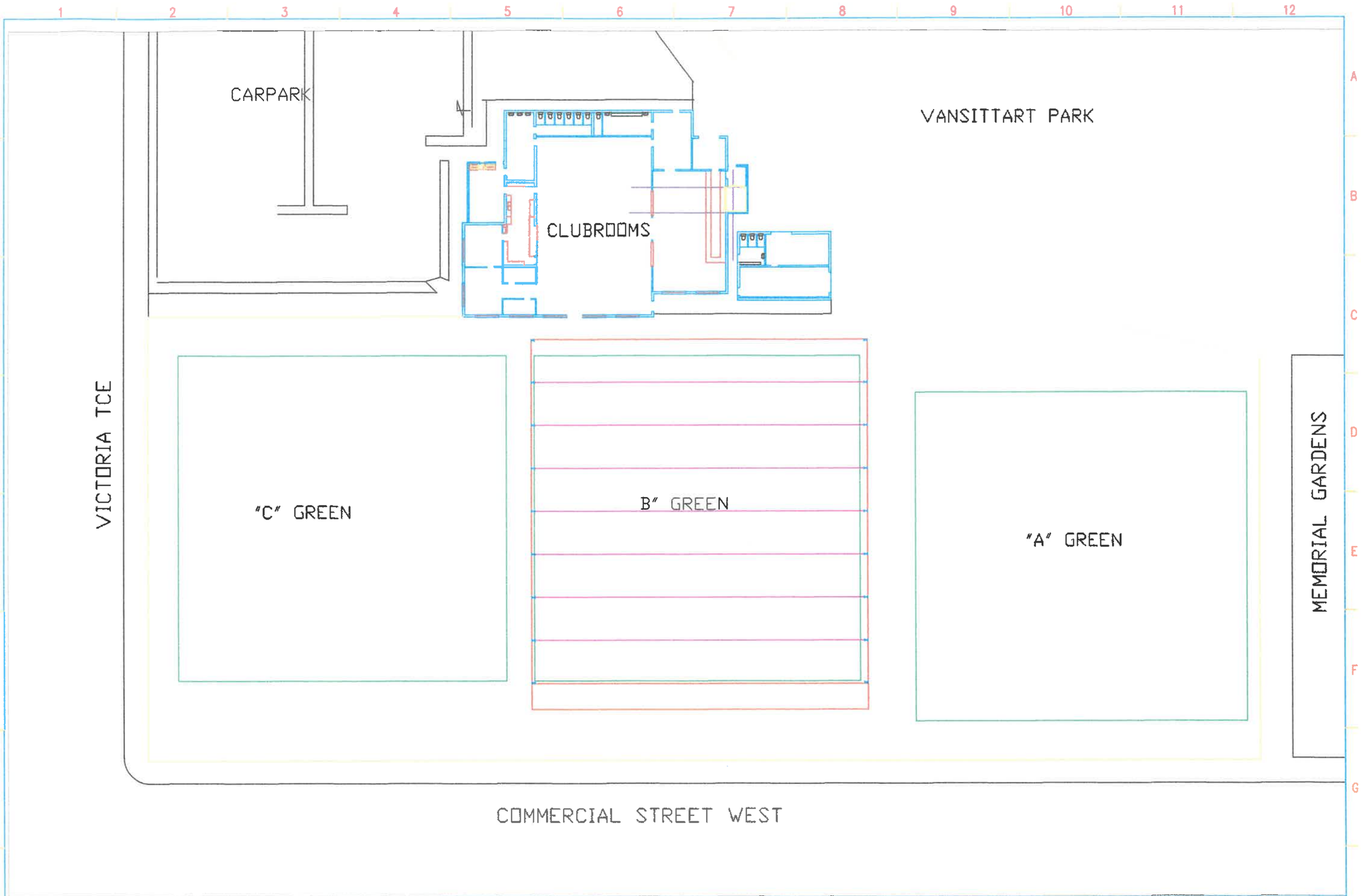
Map Zoom: 290.6 m
Plot Date: Tuesday, 3 April 2018

4.875
8) 39
32
70
64 60

38.718
.282

150
100


VICTORIA TERRACE
Proposed Cover
over "B" Green

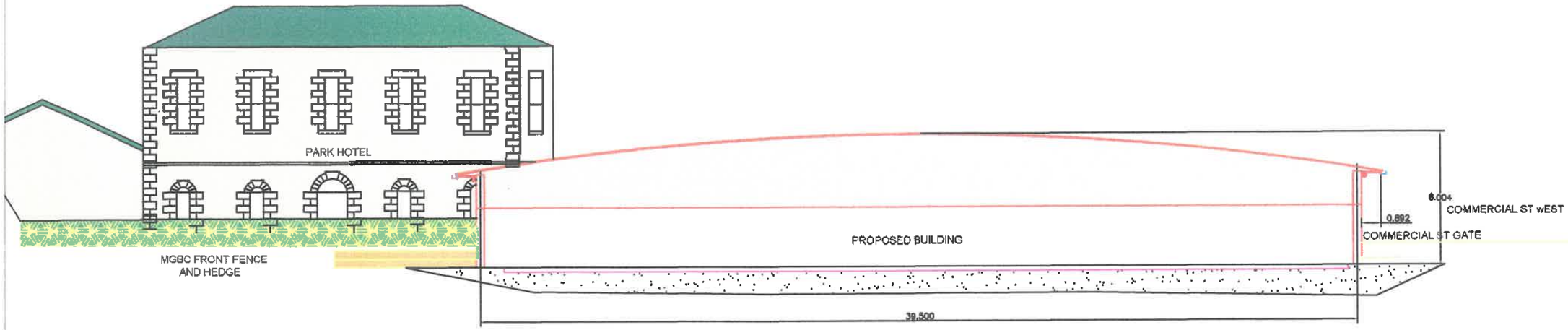


MGBC

EXISTING BUILDING
BOWLING CLUB ROOMS
MGBC INC.

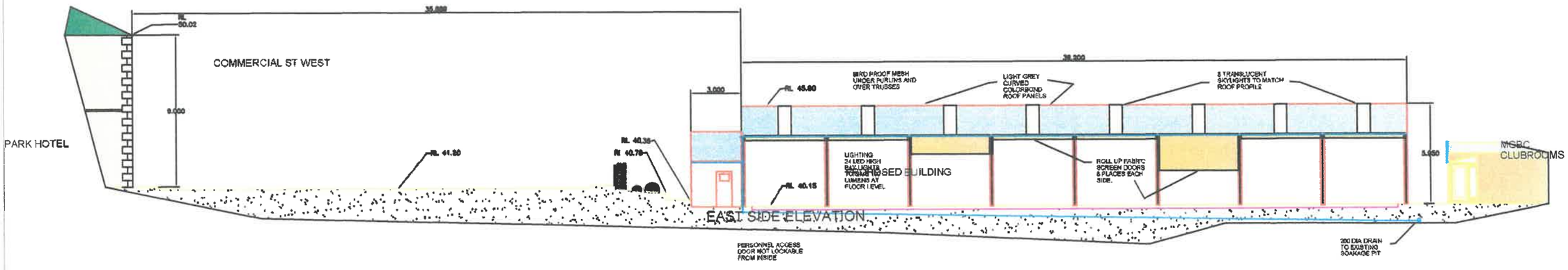
A1

MGBC0 0



VIEW FROM CLUBROOMS
SOUTH ELEVATION

SOUTH ELEVATION



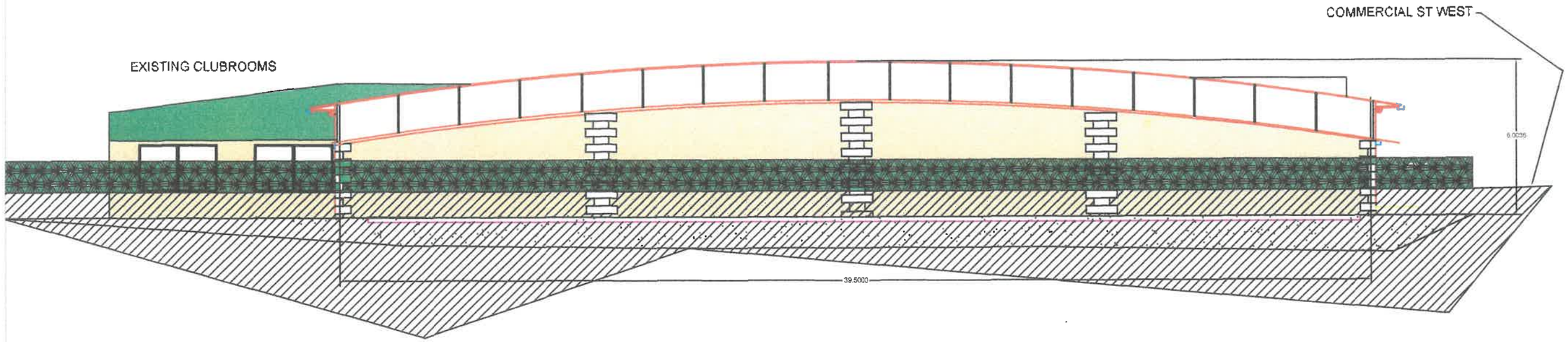
VIEW FROM VANSITTART PARK FENCE

MGBC

PROPOSED COVER
"B"GREEN
EAST AND NORTH VIEW

A1

MGBC 13 0



SOUTH END VIEW FROM
COMMERCIAL ST WEST

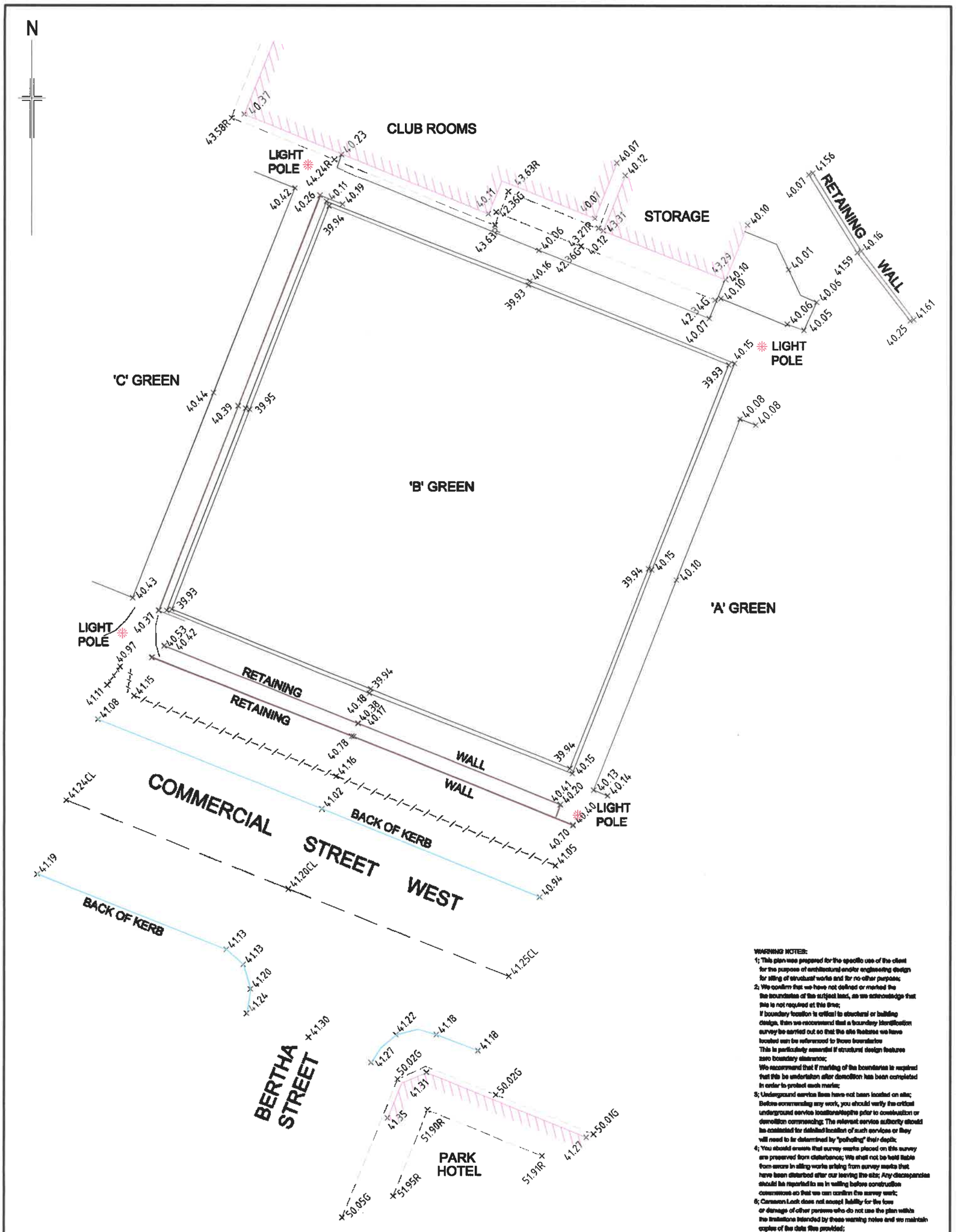
MGBC

PROPOSED COVER
"B"GREEN
VIEW FROM COMMERCIAL ST

Property of

A1

MGBC 12 00



WARNING NOTES:

1; This plan was prepared for the specific use of the client for the purpose of architectural and/or engineering design for siting of structural works and for no other purpose;

2; We confirm that we have not defined or marked the the boundaries of the subject land, as we acknowledge that this is not required at this time;
If boundary location is critical to structural or building design, then we recommend that a boundary identification survey be carried out so that the site features we have located can be referenced to those boundaries
This is particularly essential if structural design features zero boundary clearance;
We recommend that if marking of the boundaries is required that this be undertaken after demolition has been completed in order to protect such marks;

3; Underground service lines have not been located on site;
Before commencing any work, you should verify the critical underground service locations/depths prior to construction or demolition commencing. The relevant service authority should be contacted for detailed location of such services or they will need to be determined by "potholing" their depth;

4; You should ensure that survey marks placed on this survey are preserved from disturbance; We shall not be held liable from errors in siting works arising from survey marks that have been disturbed after our leaving the site; Any discrepancies should be reported to us in writing before construction commences so that we can confirm the survey work;

5; Cameron Lock does not accept liability for the loss or damage of other persons who do not use the plan within the limitations intended by these warning notes and we maintain copies of the data files provided;

cameron lock SURVEYING
45 Helen St Mount Gambier SA 5290
P : 08 8725 8422
www.cameronlock.com.au

Signed _____ Surveyor

Date _____

Date of Survey 27/09/18

MOUNT GAMBIER BOWLS CLUB
DETAIL SURVEY

LEGEND:
51.95R - DENOTES ROOF LINE
51.95G - DENOTES GUTTER LINE
51.95CL - DENOTES ROAD CENTRE LINE

	Revisions	Surveyed	Drawn	Approved	Date
1	ORIGINAL PLAN	MSB	MSB	MC	09/10/18

Horiz. Datum: MGA 94
Origin: PSM 7022-627
PSM 7022-2783

Vert. Datum: AHD
PSM 7022-627
RL 41.10

SHEET 1 OF 1

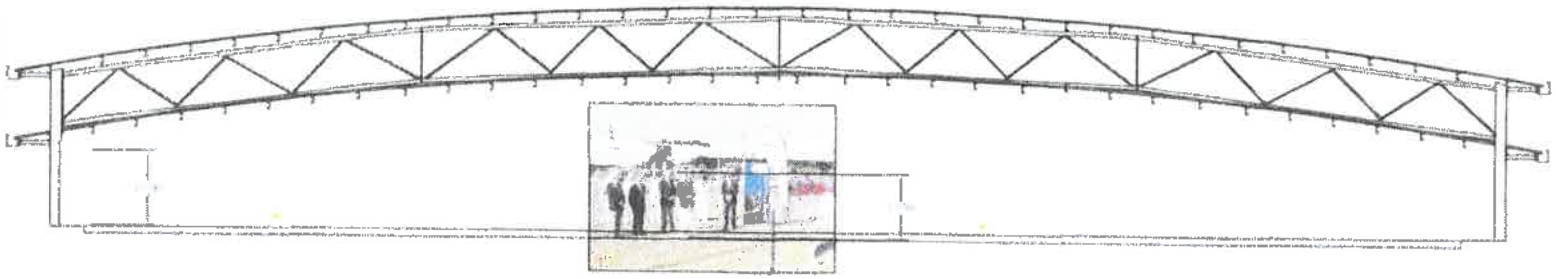
Scale A3 1:300
0 3 6

FILE 26489-01 Detail Survey.dwg

DRAWING NUMBER 26489-01

REV. 1

MOUNT GAMBIER
BOWLS CLUB



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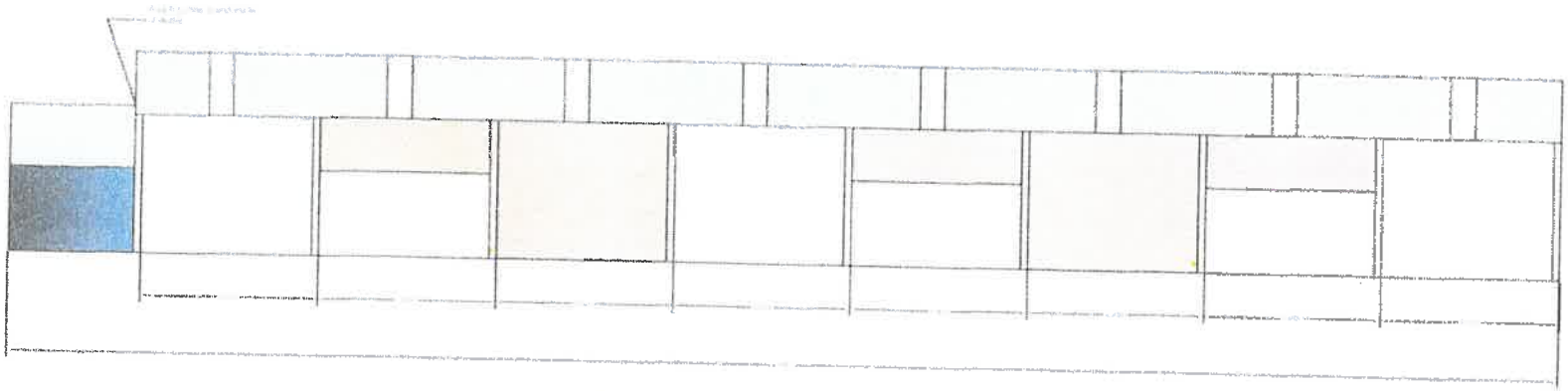

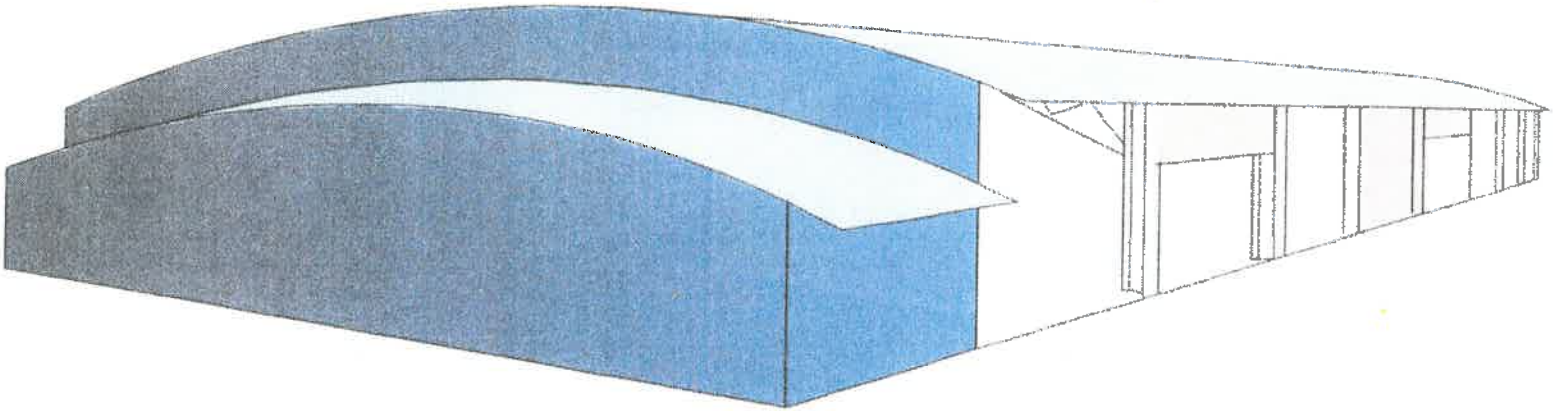

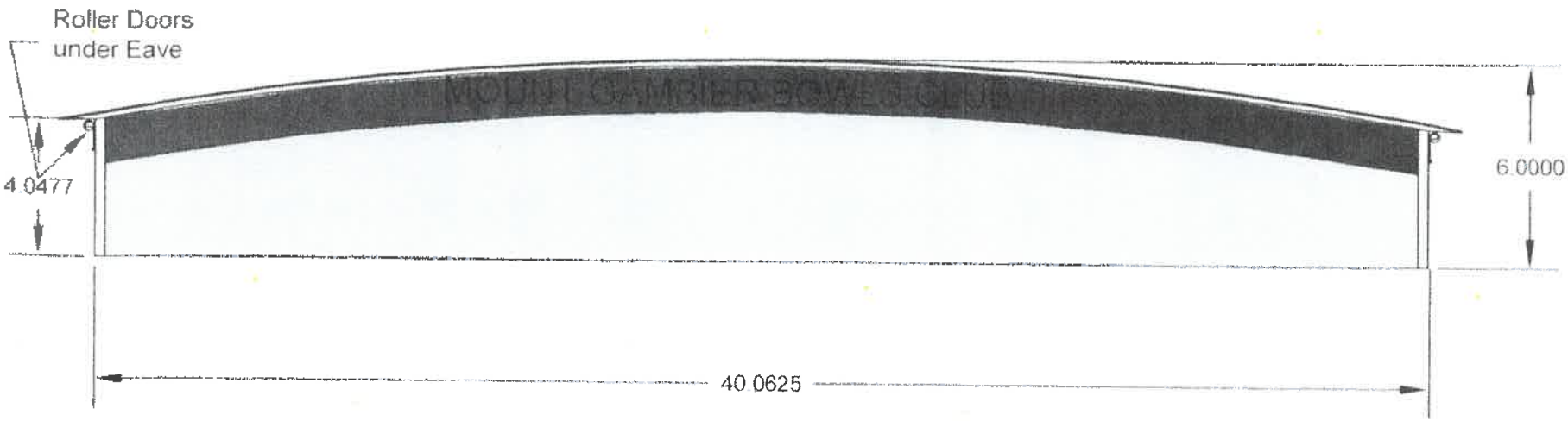
Roller Doors
under Eave
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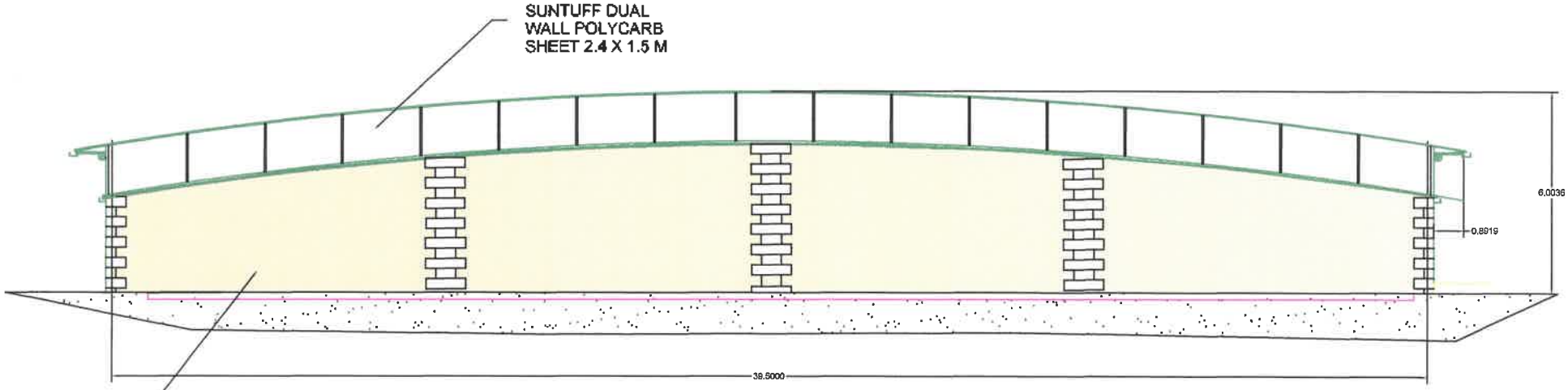


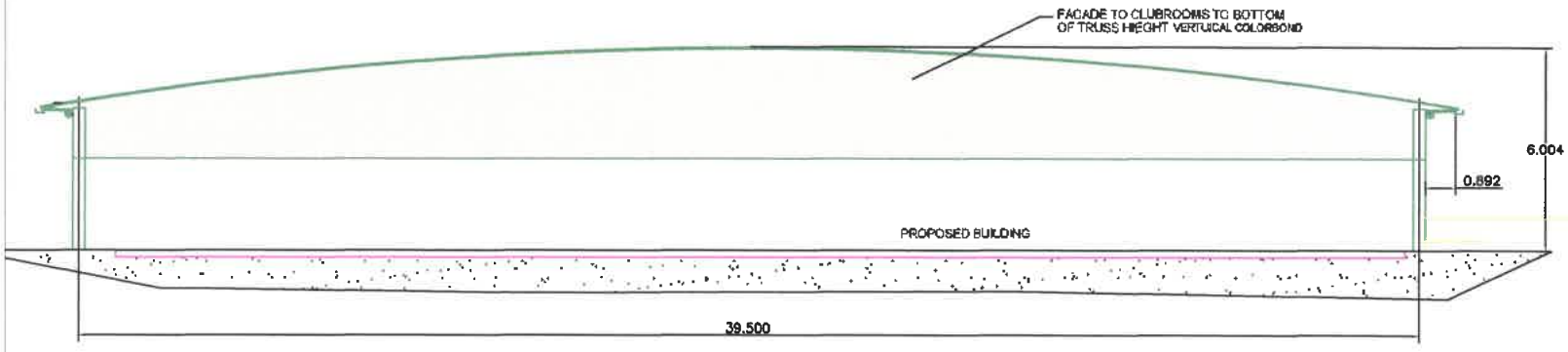
SOUTH ELEVATION

MGBC

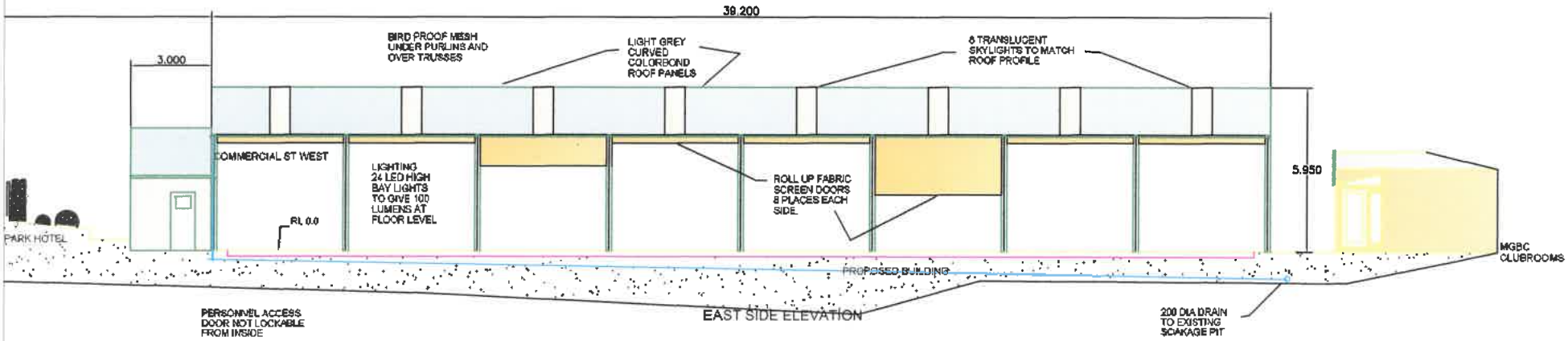
PROPOSED COVER
"B"GREEN

A1

MGBC 12 0



NORTH ELEVATION



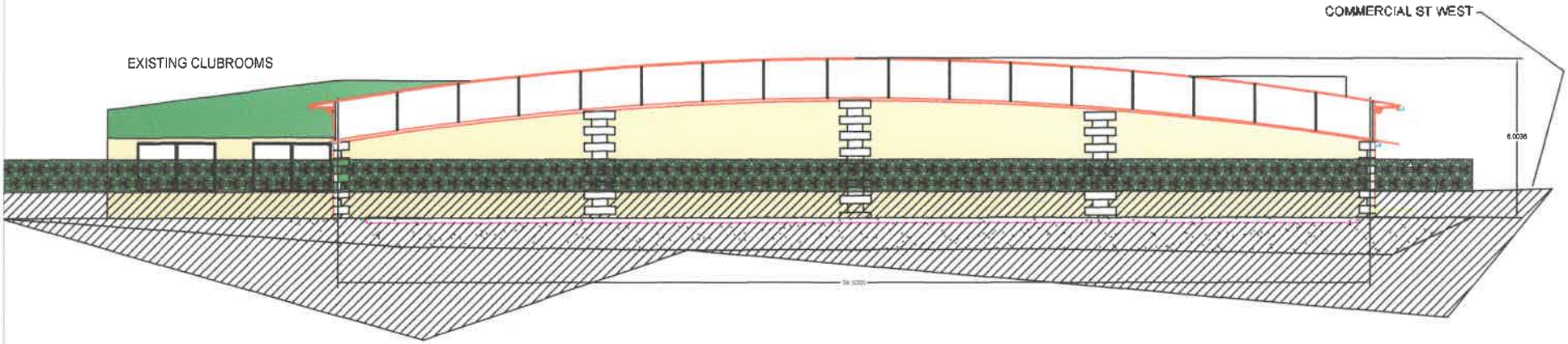
EAST SIDE ELEVATION

MGBC

PROPOSED COVER "B" GREEN

A1

MGBC 10 0



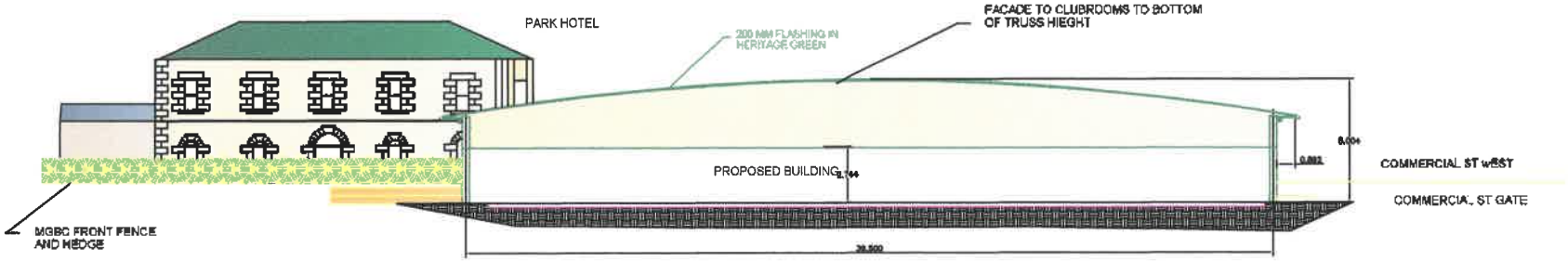
SOUTH END VIEW FROM
COMMERCIAL ST WEST

MGBC

PROPOSED COVER
"B"GREEN
VIEW FROM COMMERCIAL ST

A1

MGBC 12 00



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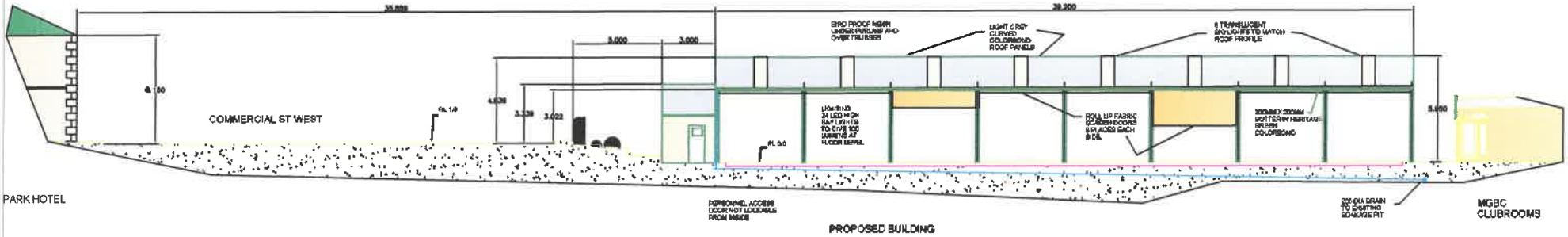


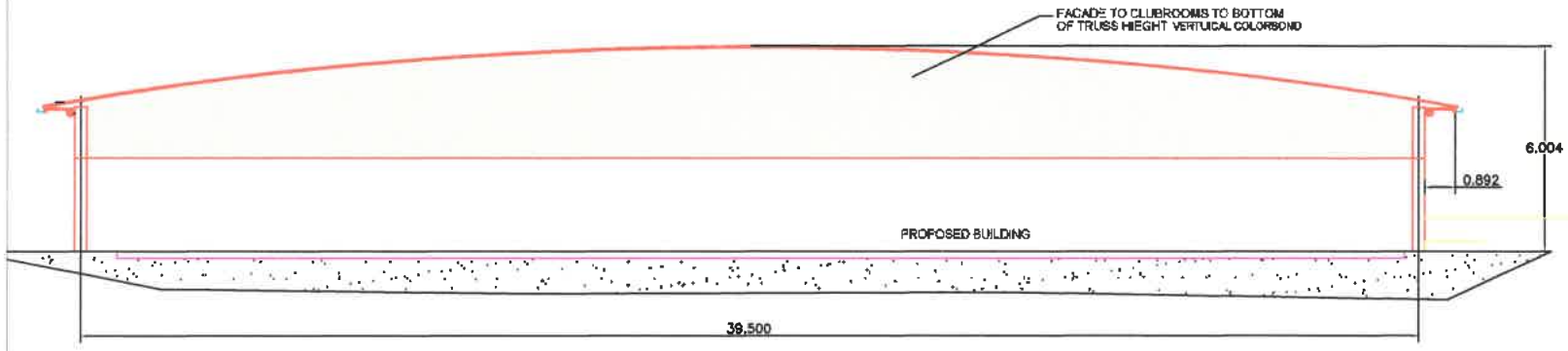
EAST SIDE ELEVATION

MGBC

PROPOSED COVER "B" GREEN NORTH & EAST ELEVATIONS

A1

MGBC 10 o



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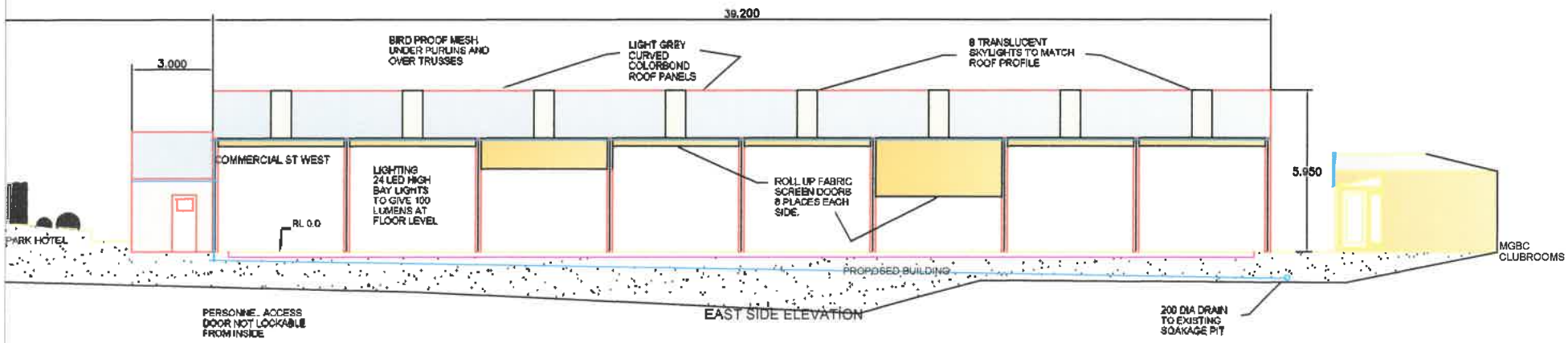

EAST SIDE ELEVATION

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PROPOSED COVER "B" GREEN

A1

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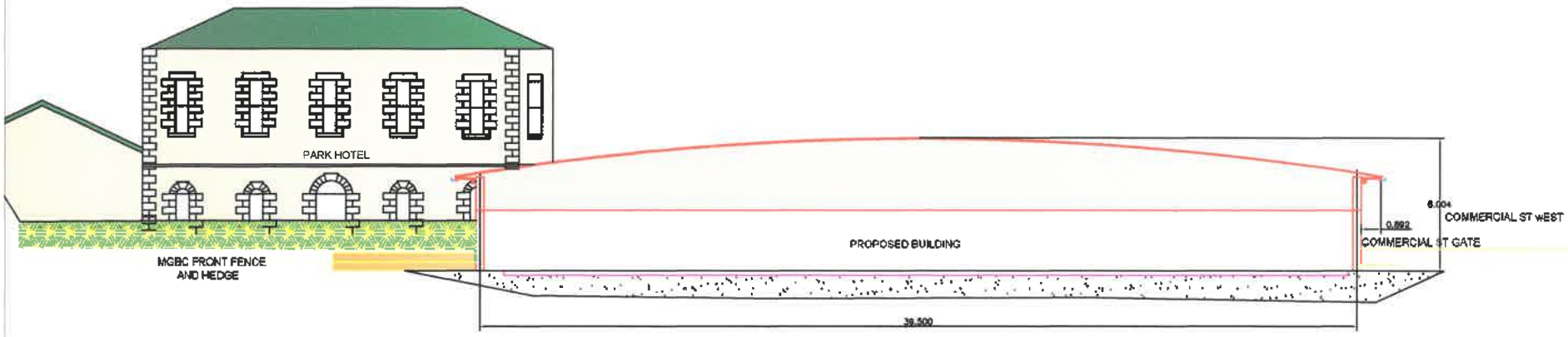
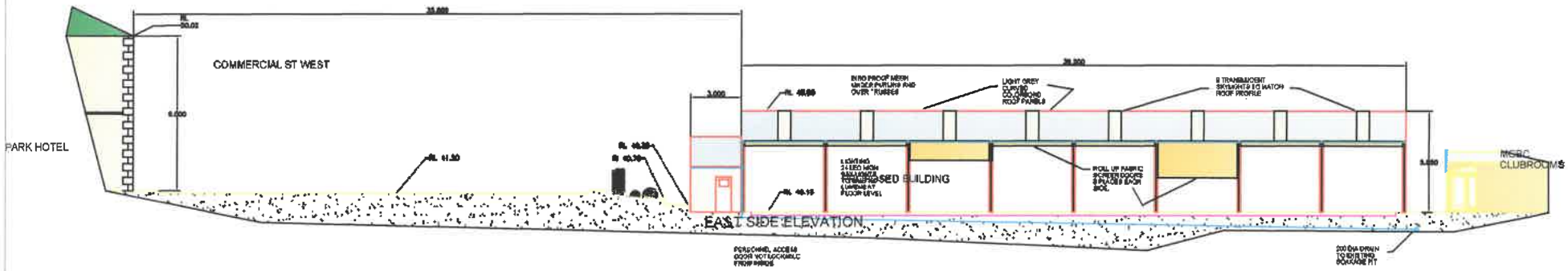


VIEW FROM CLUBROOMS
SOUTH ELEVATION

SOUTH ELEVATION



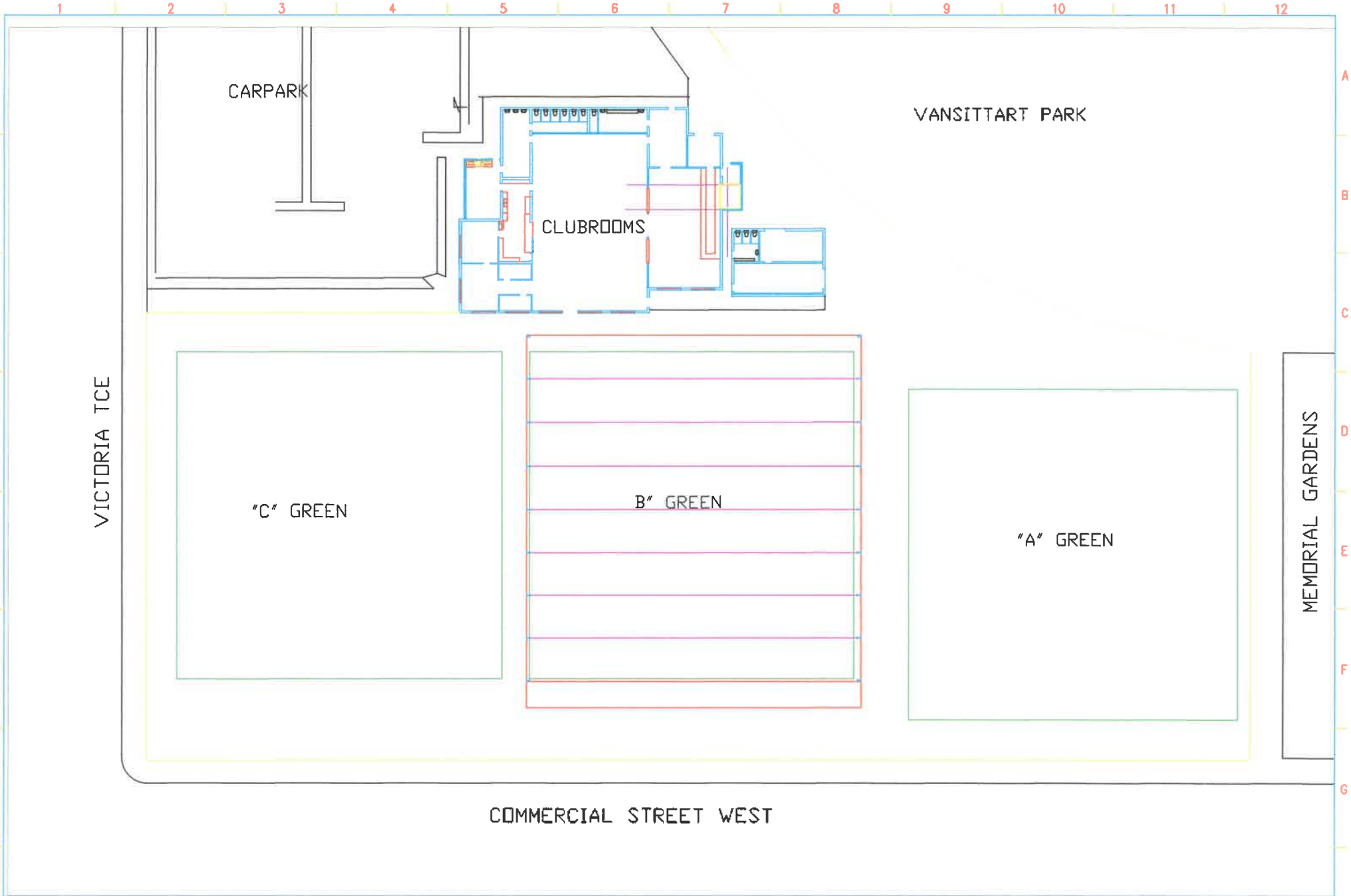
VIEW FROM VANSITTART PARK FENCE

MGBC

PROPOSED COVER
"B"GREEN
EAST AND NORTH VIEW

A1

MGBC 13 0



MGBC

EXISTING BUILDING
BOWLING CLUB ROOMS
MGBC INC.

A1

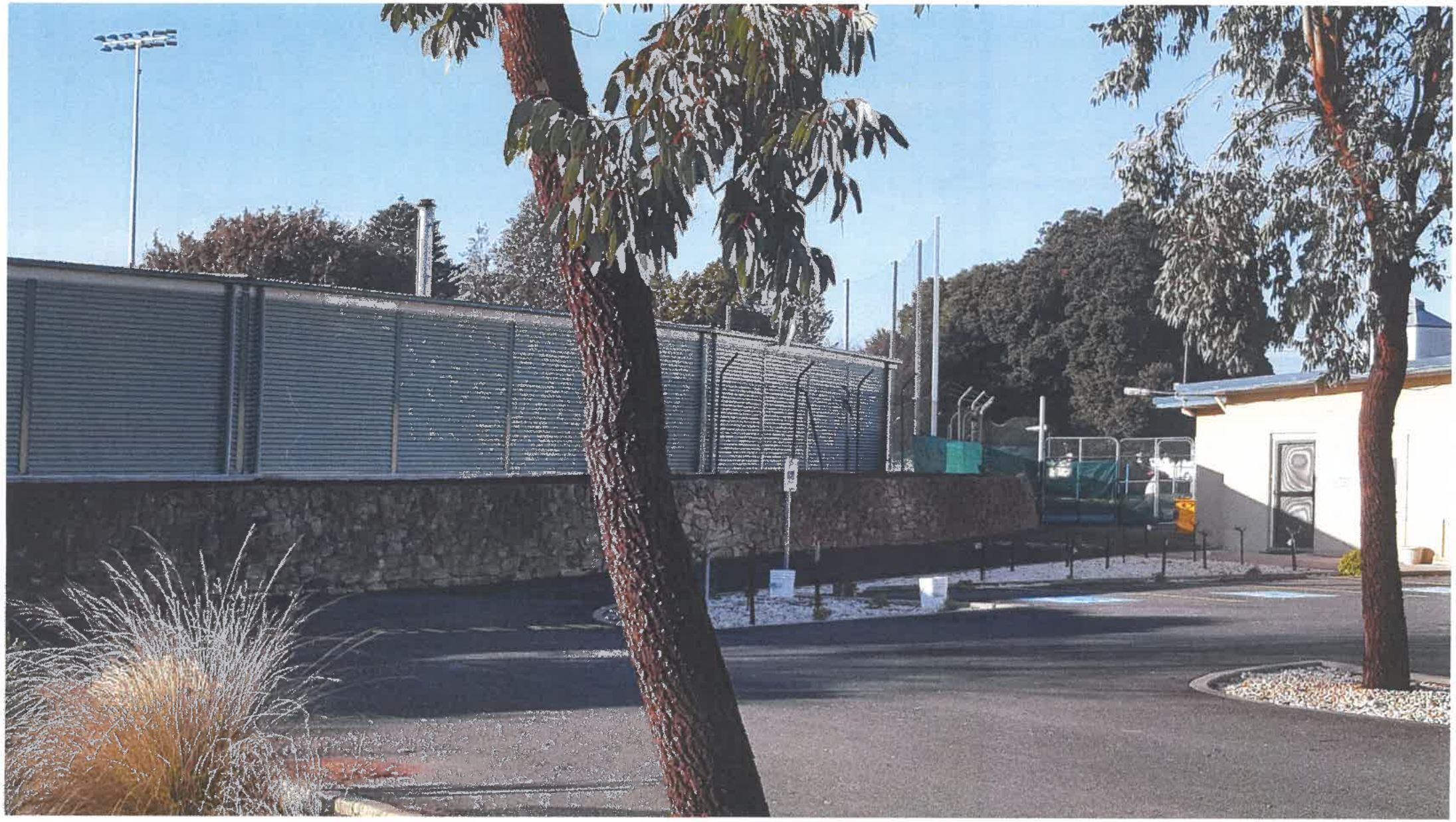
MGBC0 0

PARK HOTEL
OPEN
10am
UNTIL
4am
OPEN
10am
UNTIL
4am
PARK HOTEL

MGA
INSURANCE
BROKERS
B

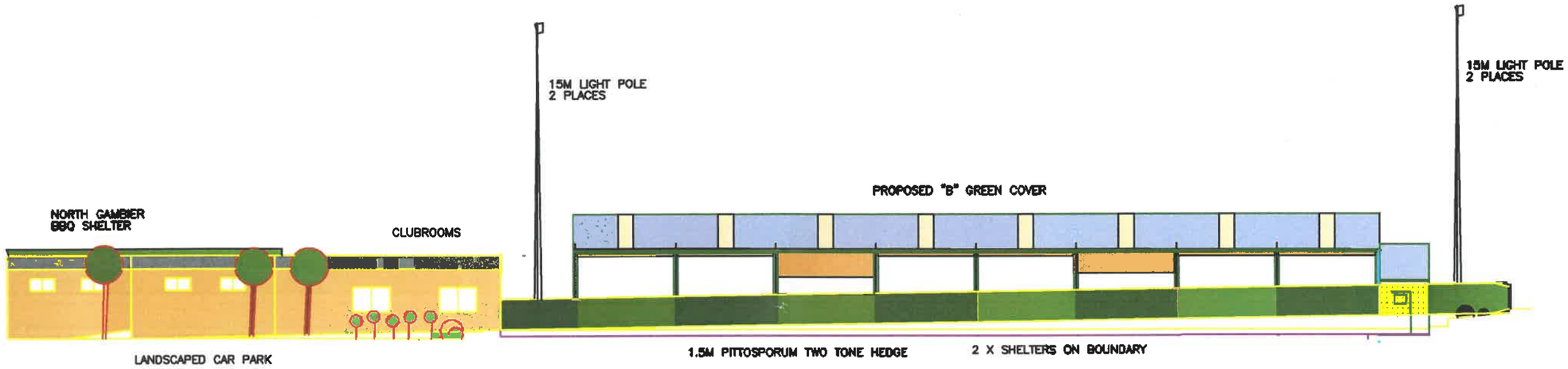
rexel
electrical, lighting & data supplies
COMPUTERS
TOSHIBA

PARK
HOTEL
DRYCLEANERS



OFFICE EQUIPMENT
PHONE SYSTEMS
RADIO COMMUNICATIONS
MOBILE PHONES
Group Training Employment
WILSON SECURITY
GTE

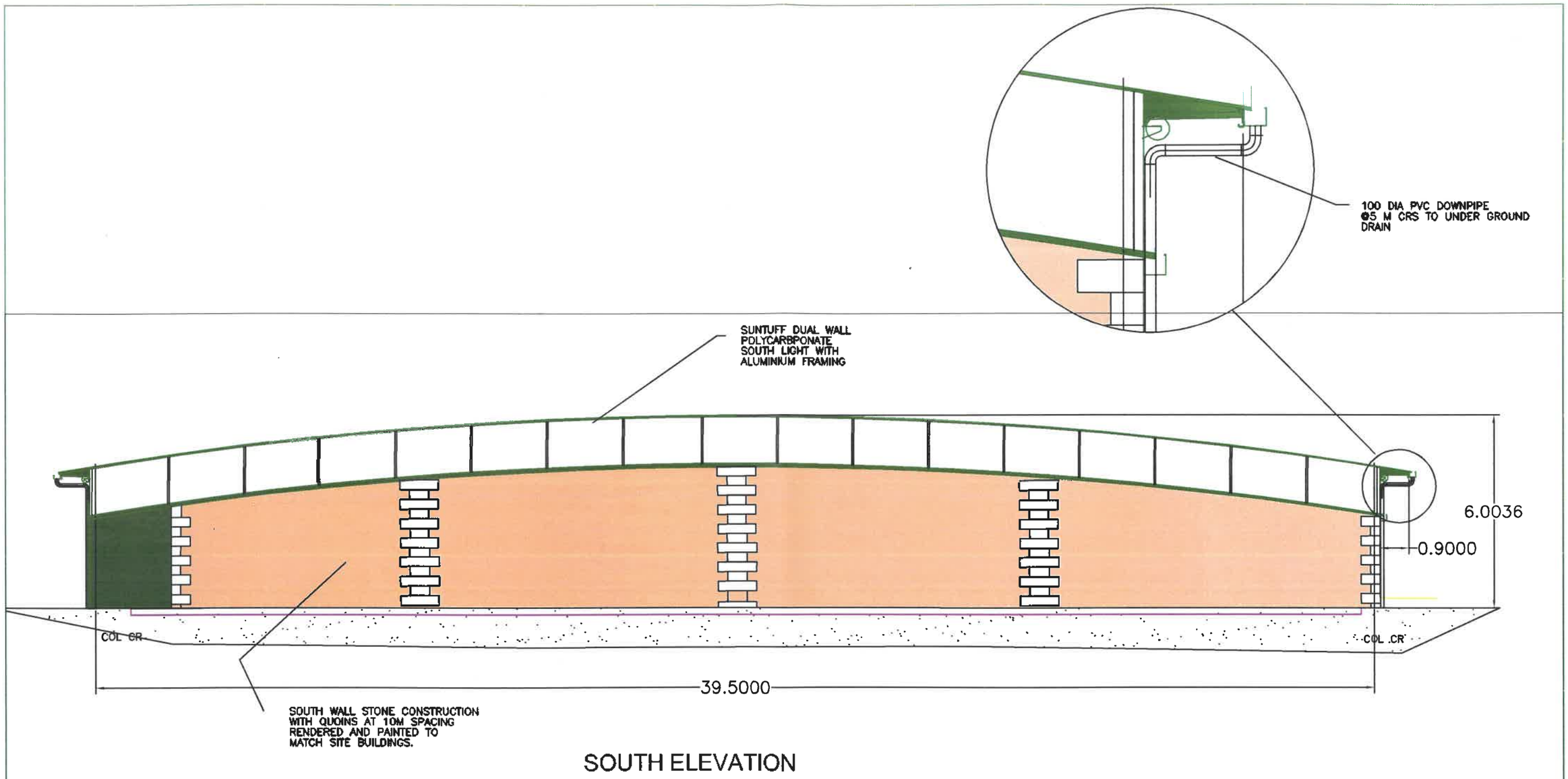
Received by COMG 12/11/2018



VIEW FROM VICTORIA TCE

				MGBC	RPC 1/11/18	A1	
				PROPOSED COVER "B"GREEN VIEW FROM VICTORIA TCE		MGB 106 1	

Received by COMG 12/11/2018



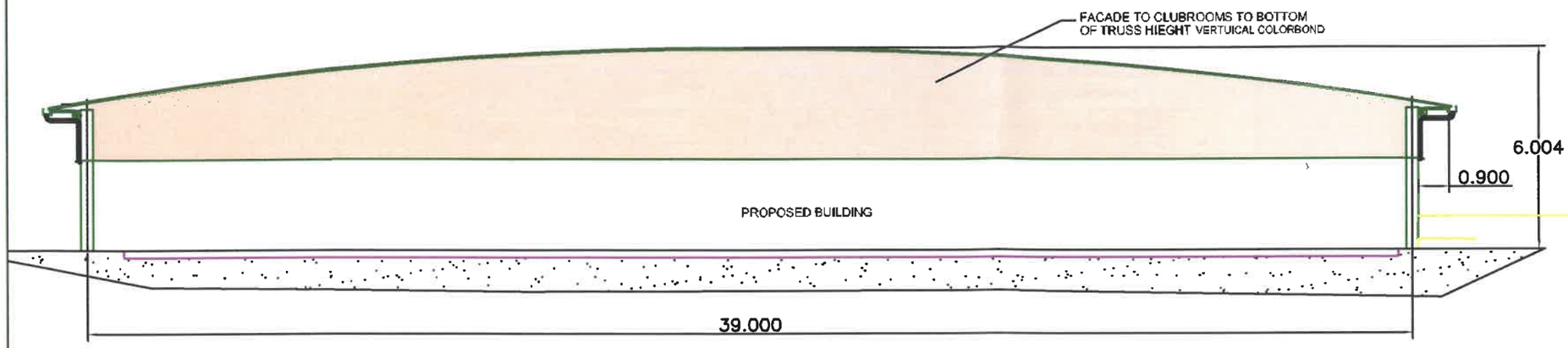
SOUTH ELEVATION

MATERIALS OF CONSTRUCTION

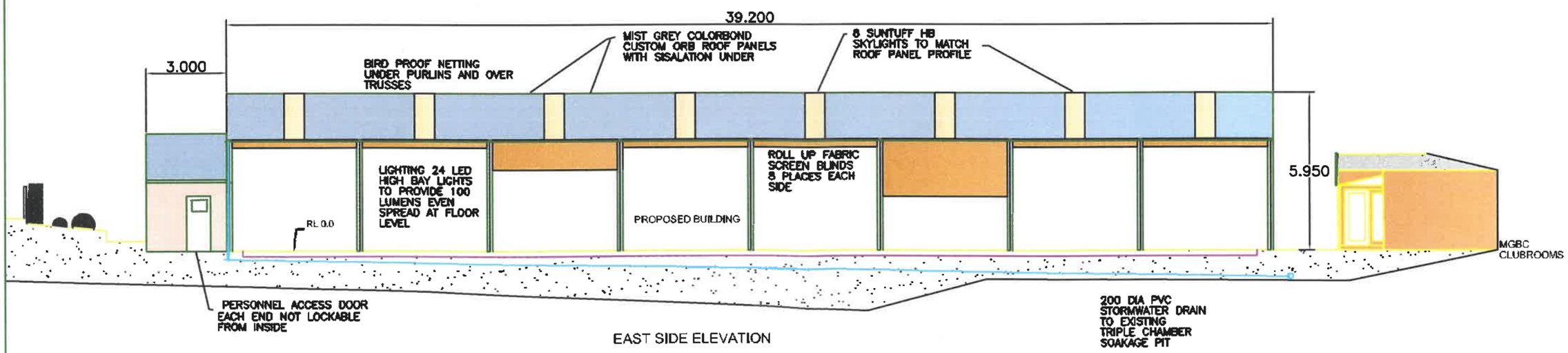
FRAMES AND COLUMNS HOT DIPPED GALVANISED STEEL
ROOF MATERIAL COLORBOND CUSTOM ORB MIST GREY
SKYLIGHTS SUNTUFF HB DIFFUSED LIGHT CUSTOM ORB PANELS.
INSULATION UNDER STEEL PANELS – ALUMINIUM SISALATION.
BIRD NETTING INSTALLED UNDER PURLINS AND OVER RAFTERS.
GUTTERS 200MM HERITAGE GREEN COLORBOND WITH 100 MM DOWNPIPES AT EACH COLUMN.
DOORS POLYPROPELENE ROLL UP FABRIC BLINDS OF FABRIC AND EDGE GUIDES FOR STABILITY. COLOUR TO MATCH EXISTING BUILDINGS.
SOUTH WALL CAVITY STONE WALL WITH QUOINS AT 10M INTERVALS AND STABILIZING BUTTRESS WALLS INTERNALLY.

				MGBC	14/09/20	A1	
				PROPOSED COVER "B"GREEN SOUTH ELEVATION		MGB 105	1

Received by COMG 12/11/2018



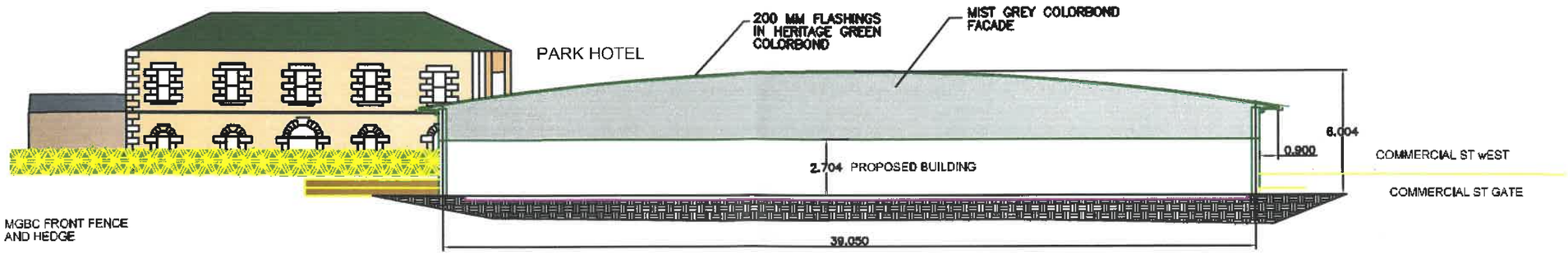
NORTH ELEVATION



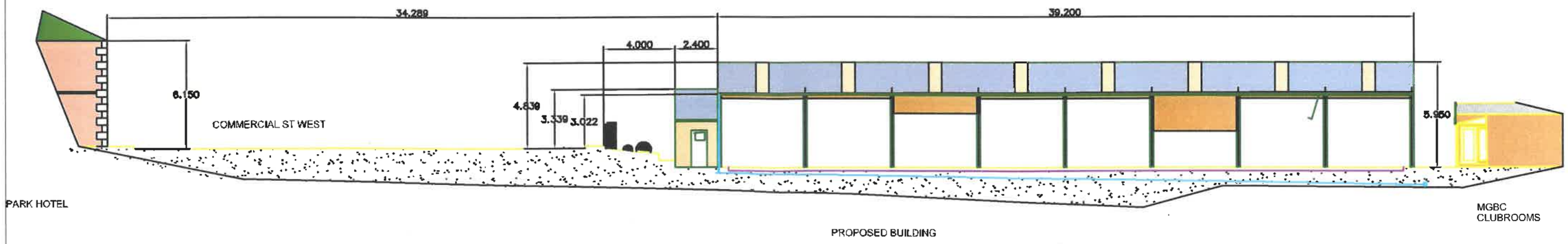
EAST SIDE ELEVATION

MGBC	RPC 14/09/20	A1	
PROPOSED COVER "B"GREEN N & E ELEVATIONS		MGB 104	0

Received by COMG 12/11/2018



NORTH ELEVATION



EAST SIDE ELEVATION

MGBC

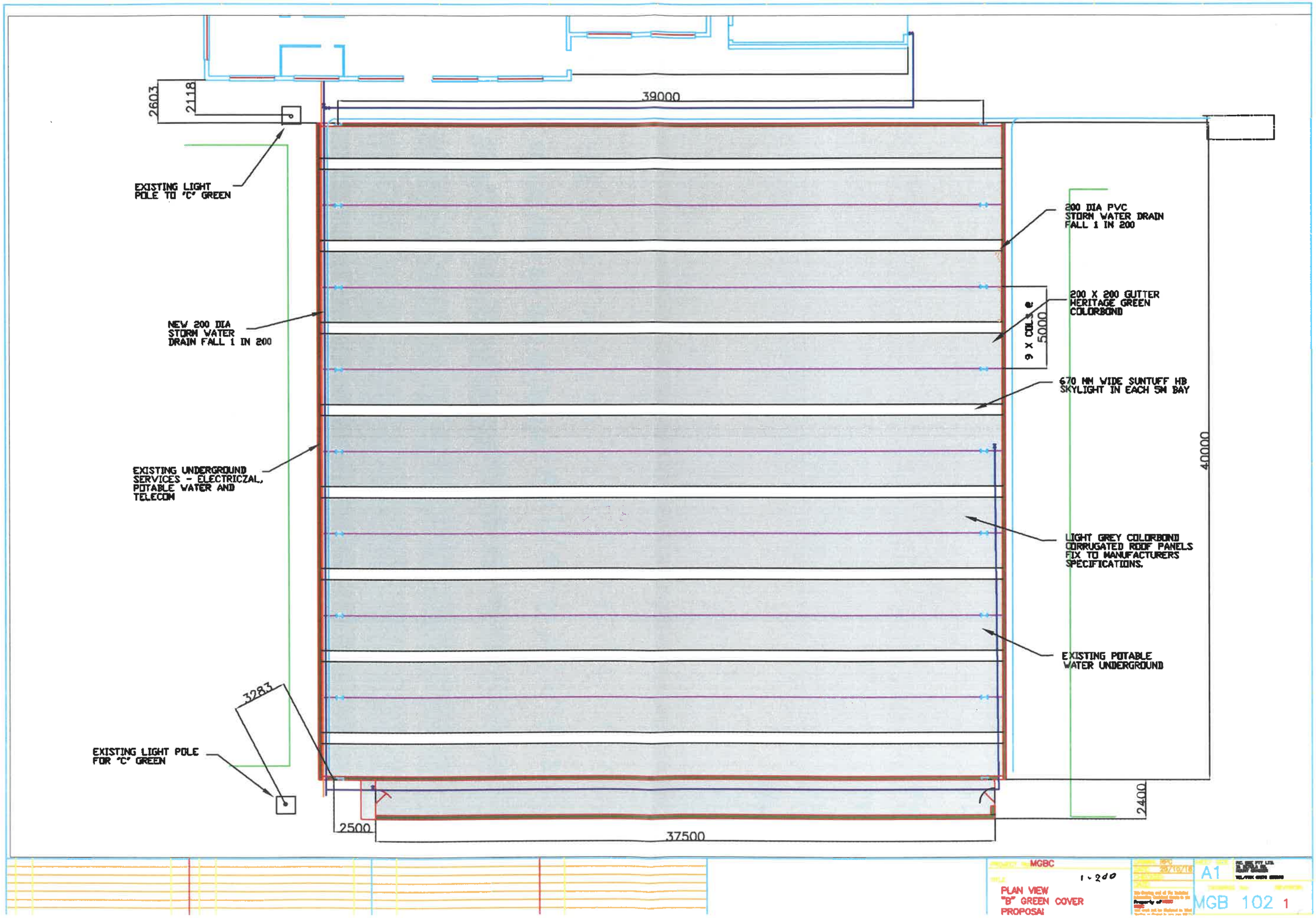
PROPOSED COVER "B"GREEN NORTH & EAST ELEVATIONS

14/09/20

A1

MGB 103 1

Received by COMG 12/11/2018



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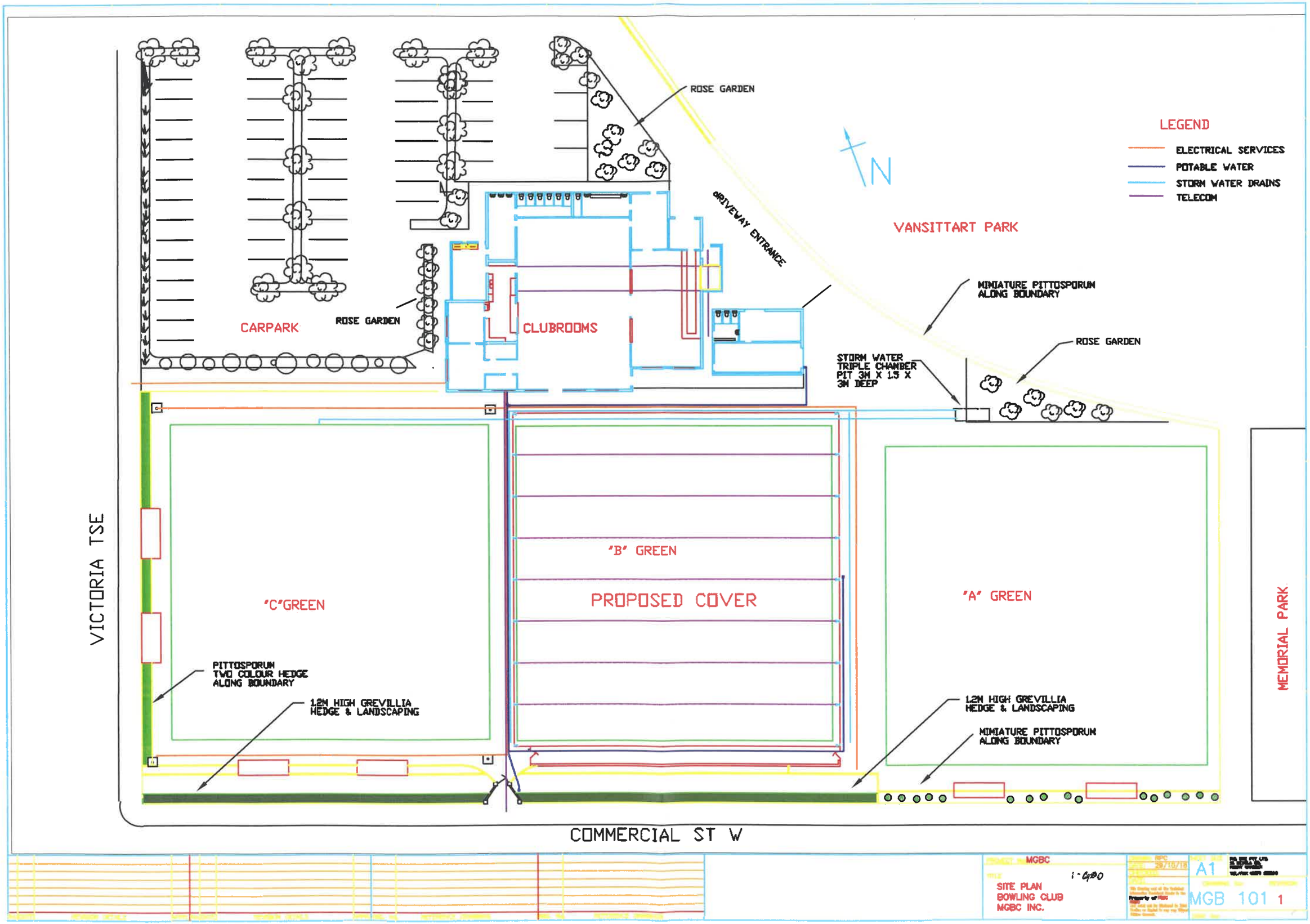

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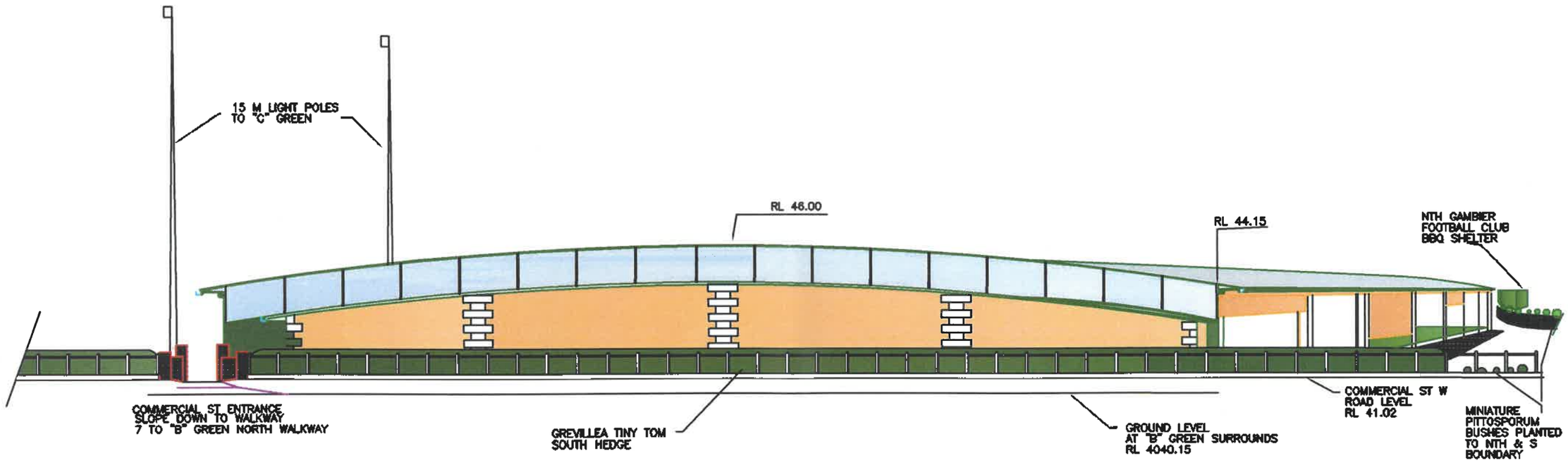

3D VIEW FROM COMMERCIAL ST WEST

MGBC	
PROPOSED COVER "B"GREEN 3D VIEW FROM COMMERCIAL ST	A1
	MGB 107 1

Received by COMG 15/10/2018

Presentation to Mount Gambier DAP for Mount Gambier Bowls Club Inc.

History.

The Mount Gambier Bowls Club has been a progressive Club ever since it's foundation in 2004. At this time we were the first regional club in South Australia. Bowlers travelled from Portland to Mount Gambier by horse and dray to play in an inter- City competition to celebrate the new Club. We still retain a strong relationship with Portland Bowls Club. At that time we had rinks in Heriot St. now the home of the Mount Gambier Tennis Club. Bowls was also played at the croquet court behind St Andrews Church.
In 1946 the Club had outgrown Heriot St and the Club negotiated for lease of part of Vansittart Park. The land donated by Mr Vansittart with the proviso that it be used for the pursuit of Sport. The Mount Gambier Bowls Club quickly grew to occupy four greens and members had constructed the bones of the current building.
The Mount Gambier RSL was formed in early 1950s by members of Mount Gambier Bowls Club recognising the need and opportunity for another Club.
With encouragement from City Council the premises have been further developed and gardens maintained to compliment the Park environment.

In 2004 we installed the first synthetic carpet green in South Australia and subsequently changed all the Greens from grass to carpet. This has allowed the Club to offer year round activity to members and the Community with the fickle weather of the South East now constituting a major constraint.

In 2004 we approached Council with a proposal to cover the then "D" green with a building and Council funded a design not greatly dissimilar to today's proposal. At that time the Club was unable to afford the cost of development. Having given over "D" green to car parking, partly funded by the Club, we are now given the opportunity to revisit a covered green due to the generous sponsorship of a member and a grant of $100,000 from the State Government. This is a once off opportunity for a development of this scale.

Research

The ambition to erect a cover over one of our greens to provide weather protection for members and to provide a Community facility for major events has continued for 10 yrs. Our recent fortune in having a member willing to fund a large part of the cost now makes the cover affordable. With encouragement from the City Council we have negotiated with a number of Businesses over the past 2 yrs. Some proposals were 15m high while others did not offer adequate weather protection for the South East.

Dome Shelter offered a domed shelter similar in form to a plastic greenhouse. This proposal was ultimately rejected due to it's height and tent like appearance.

GCMA (West Australia) offered a fabric covered, pitched roof with gable ends. The ridge height of 15m was considered unsuitable. They eventually reduced the overall height to 8 m but the presentation was too shed like, despite efforts to round the eaves and ridge, to be thought acceptable.

Greenline, Mildura, NSW proposal was a fabric structure with open sides similar to the covers over City car parks. The proposal did not offer enclosed sides, considered essential for Mount Gambier climate. The cost of the structure was prohibitive and the fabric requires regular cleaning and has a life limited to 25 yrs.

Parham Constructions a local Company has after some negotiation offered a low profile curved roof structure that the Club believes is compatible with the environment, offers secure dry and shaded conditions and is higher internally than equivalent structures in the United Kingdom.

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Proposal.

Our Proposal is to construct a domed roof, low profile cover, with a Heritage green colorbond roof, with 12 semi-opaque panels, and fabric roll up curtain sides. The South end of the building will have a step down section, 3 m wide, reducing the visual relationship with Commercial St West. The Southern wall will be constructed of rendered Mount Gambier stone with quoins at 10m intervals to visually match the appearance of other buildings on Commercial St West. Between the roof sections the cladding will be Suntuff dual wall polycarbonate to reduce the visual impact of the structure.

Lighting will be 24 LED high bay lights with some of the lighting supplied by solar panels already installed on the Club Roof.

Drainage of storm water will be to an existing sump in the North East corner of the Bowls Club site. The present greens drain to this sump and the roof will not increase the collection area.

Internally the roof will be clad with reflective sisalation to minimise internal heat in summer and bird netting will cover purlins and trusses to prevent birds roosting.

All construction is sourced locally ensuring maximum benefit to the Community.

Development Plan

In making this proposal the Mount Gambier Bowls Club has had due regard to the sensitive nature of the location.

We have made every effort to reduce the height, compatible with use, and offer a colour scheme and materials in keeping with the character of Commercial St West as suggested in the Development Plan, Recreation Zone, P 168

Clause 4. Further we note that this Section, clause 1 references development for facilities for active and passive pursuits, and clause 2 that sporting club rooms and facilities should be integrated in discrete clusters

We have also endeavoured to give due regard to the Development Plan sensitivity to Local Heritage

and note that Development Plan, P 32 "Vansittart Park." references the federation style dwelling to the North and East and their proximity to the landscape of Vansittart Park. This clause also references Figures MTG H(C)/2 and 3. The Local Heritage items listed for Vansittart Park are the Rotunda, Gates and the War Memorial in the Memorial Park and the Grand Stand on the football oval. None of these items have clear sight lines to our proposal on "B" Green. The Rotunda and Memorial are fully screened by trees and the Grand Stand by other developments on the football grounds.

The Development Plan, P 33 Clause 6 states Development should take design cues from the existing historic built forms. In doing this it is not necessary to replicate historic detailing; however design elements for consideration should be compatible with building and streetscape character and should include but not be limited to :

(a) scale and bulk

(b) width of frontage

(c) boundary set back patterns

(d) proportion and composition of design elements etc

(e) colour and texture of materials

From the photographs enclosed with our submission we believe our proposal has integrity

Received by COMG 15/10/2018

with these recommendations.

Evaluation

In applying for Planning Consent The Mount Gambier Bowls Club offers the following economic and social benefits to the Community of Mount Gambier.

Commitment

Present Lease requires:

Maintain vegetation in healthy state.

Maintain the Site, particulary the front garden to an exceptionally high standard of presentation. Refer enclosed photographs

Provide new infrastructure from time to time

Provide the reserve for a variety of sporting events and encourage multi-use.

Economic.

Local business will be used in construction and services.

Main structure – Parham Constructions

Electrical work – Stuckey Electrical

Blinds - Dollar Curtain and Blinds

Plumbing - Zaadstra

Increased tourism will be generated by increased tournaments and Community Events.

Bowls – Winter Tournaments and less cancellations.

Greater participation by visitors from Western Districts Victoria and the South East.

Generations in Jazz.

Other major public events – the only venue offering 1600 sq m. full catering, and conference facilities.

Social

School sports curriculum activities guaranteed.

Benefits to the elderly with activity regardless of weather.

Benefits commitment by broader community to play bowls.

All participants protected from adverse weather.

Venue will attract people from a wide catchment.

Visitors to Mount Gambier guaranteed opportunity.

Current Use

Probus Clubs, Ladies and Men, Monthly

Red Cross Four times per year for a week at a time.

Mount Gambier Weight Watchers – three times per week

Indoor Bowls Association – Association Tournaments.

A number of Business Social Clubs and individuals use the premises for activities.

Heritage Advisers Comments.

The Mount Gambier Bowls Club supports the Heritage Advisers opening paragraphs referencing the nature of Vansittart Park as a recreation and Sports centre and reflect on the historical use of this venue in the past as Mount Gambier's Premier Sports ground. In this context the playing of Cricket by the English and Indian National teams in the past. Indeed the Mount Gambier Bowls Club has hosted training by the Scottish National Team prior to the Commonwealth games and have hosted Inter-State matches between South Australia and Victoria. In this context it is well to note that Melbourne built Darebin Indoor Bowls Centre for the Commonwealth Games.
It is sad that as we cling to the past and refuse to move forward these opportunities will pass us by.
Of course we should preserve what is good but as North Gambier Football Club recognised in their submission to Council for a major development of Club Rooms on Vansittart Park, The proposal to restore the grounds to a premier cricket venue we must move with the times. To stay in the past condemns us to watching others grasp the opportunities.
In our submission we respectfully submit that our development, even though the building is large, does not dominate the park, because the Local Heritage aspects do not have line of sight from any direction. If we were to comply with the suggested siting of set backs and pattern of development our proposal would be far more intrusive by moving North. Setting adjacent to Commercial St and minimising the visual impacts on The Park Hotel is in our opinion the best option available to us. Bertha St is not an ambulent thoroughfare and vehicle drivers should not be distracted by Vansittart Park, even if they could see over the Bowls Club hedge.
The local area is dominated by Commercial development and the Bowls Club building compliments this character.
As stated earlier in this submission an open sided cover as suggested by Mr Woods would be entirely unsuitable for Mount Gambier climate, although it may well be suitable in Adelaide. The open sided nature of the proposal that we showed to Mr Woods and he has indicated he preferred, despite saying earlier that he rejected any development, was pointed out to Mr Woods at the time we discussed the project.
Mr Woods references the oppressive nature of low roofs and this has been a consideration in our proposal. The gentle curvature of the roof giving more height bin the centre will reduce this effect. Excellent lighting will also add to the ambience. Photographs of venues in the UK are attached and these popular centres are lower than our proposal.
By adding sisalation under the roof the transfer of heat in Summer and the loss of heat in Winter will be minimised. The addition of bird netting over roosting sites will minimise vermin.
The present investment in the present facilities is about $1,000,000 making the suggestion of relocation to another venue, assuming one could be found highly impracticable.

Summary

Mount Gambier Bowls Club has been on the present site for 72 yrs and has progressed with the times , moving to carpet greens, and first with coloured clothing. We have refurbished and extended our Club rooms. We have and continue to be good tenants, always considerate of our venue, it's location and our neighbours.

Mount Gambier RSL and District, and Port McDonnell Bowls Clubs have already indicated they would like to share these facilities for some of their activities.

This is a once in a lifetime opportunity.

We hope the DAP will approve our proposal.

Fiona Mcgregor

From: Richard Woods <richard@habitableplaces.com.au>
Sent: Tuesday, 20 November 2018 10:48 AM
To: Simon Wiseman
Cc: Tracy Tzioutziouklaris
Subject: Heritage Assessment DA 381/0315/2018 Mt Gambier Bowling Club Covered Bowling Green

Dear Simon

Thank you for referring this application for heritage assessment.
I have reviewed further information submitted on 12/11/2018.
The application has not addressed any of the substantive issues raised at initial discussions and in my preliminary advice to the applicants of 11th July.
The inclusion of a rendered stone wall with quoins and the use of heritage colours does not to ameliorate the excessive bulk, scale and visual intrusion of the proposal. The change from roller doors to roller blinds has no material impact.

I have again assessed the proposal against the heritage objectives of Council's Development Plan.

My assessment is fully expressed in my original advice, attached below.

On balance, I RECOMMEND that this application be REFUSED Development Plan Consent.

Regards

Richard Woods
Limestone Coast Heritage Adviser

habitable places
architects

24 Divett Place Adelaide SA 5000
ph 8232 9925 mob 0417 827 118
richard@habitableplaces.com.au

Begin forwarded message:

From: Richard Woods <richard@habitableplaces.com.au>
Subject: Mt Gambier Bowling Club Covered Bowling Green
Date: 11 July 2018 12:13:00 pm ACST
To: Simon Wiseman <swiseman@mountgambier.sa.gov.au>
Cc: Tracy Tzioutziouklaris <tracyt@mountgambier.sa.gov.au>

Dear Simon

Thank you for referring a concept plan for the above development for preliminary heritage assessment and advice.

I confirm meeting with the proponents on 30th June to advise on the heritage requirements.

On balance, the proposal in its current form does not conform to Council's policy for Vansittart Park, as set out in Council's Development Plan, for the following reasons:

Heritage Value of Vansittart Park
Vansittart Park is a local heritage place in its own right. It plays a crucial role in the identity of Mt Gambier, as our memorial gardens and traditional recreation ground. Vansittart Park forms a gateway marker to the town centre when approaching from Commercial Street West and Wehl Street North.

The park as a whole is the heritage place, not just the buildings. The open space character, trees and landscaping are integral to its heritage value and desired future character. The entrance gates, the grandstand, war memorial and rotundas are also identified in the heritage listing.

The Bowling Club is part of the recreation and social history of the park. This land-use is entirely consistent with the heritage values. The current open landscaped appearance of the Bowling Club complements the park-like character of its setting.

The heritage value of Vansittart Park is expressed by its open space character, contrasting strongly with the surrounding urban built form. All four street frontages have an open park-like character. The existing buildings are well set back from the street edges. The grandstand and rotundas are open roofed buildings, appropriate in a park-like setting. From the surrounding streets, the buildings are viewed behind a landscaped foreground. The existing bowling clubroom and other utilitarian buildings in the precinct do not have a strong visual impact.

Vansittart Park Heritage Policy Area
The park is located in the Vansittart Park Local Heritage Policy Area in a Residential Zone. Council's Development Plan has policies for new development in heritage policy areas. To ensure that the heritage value is protected, future new buildings in the park should respect the established pattern of development within the park, including siting, setbacks and built form. New development should not dominate the locality.

The surrounding residential and commercial development along Commercial Street West are not relevant as a reference point for new development in the park.

Council's Development Plan Objectives
Development that complements the historic significance of the area.
Development that contributes to desired character.

Council Development Policies
Development affecting a heritage place should *be compatible with the heritage value.* It should have regard to*:*

Important vistas and views to and from the place,
The existing *boundary setback pattern,*

Scale and bulk,
The design of rooflines, and
Landscaping elements.

Assessment
The proposed shelter represents a substantial intensification and change in nature of an existing land use. The recreational land use is entirely appropriate. However the change from an outdoor open space activity to a fully enclosed indoor sporting venue requires a large scale built form.

It is not appropriate for a 1,600 m2 building to be constructed in this location, with minimal setback to Commercial Street West. An enclosed building with minimal street setback will block important views and vistas. It does not reflect the pattern of existing pattern of development which is that buildings are well set back from the street edges.

The proposed gable end wall facing the street is a 40 metres long. The 6 metre height is not excessive, but the length of this blank, unarticulated wall would dominate and obscure the view of Vansittart Park from Bertha Street.

The side walls of the proposed building will be highly visible when approaching along Commercial Street West from both directions. These walls are proposed to be enclosed with 4 metre high roller blinds. While these roller blinds may sometimes be open, for assessment purposes it is assumed that the doors will mostly be closed. Each roller door is 5 metres wide and will be 20m2 in area. A wall of roller doors of this scale is akin to a light industrial warehouse or a commercial self storage facility. It would be highly intrusive. It would not complement the open space character or complement the historic significance of the area.

Recommendations
On balance the proposed building will have a significant and unacceptable adverse impact on the heritage character of Vansittart Park, due to its siting, lack of setbacks and built form.
It does not accord with the Council's objectives and policies as set out in Council's Development Plan.
It should not be granted Development Plan Consent.

Other Advice
As previously advised, an open sided lightweight shelter would be more in keeping with the historic rotunda and grandstand, and may have an acceptable visual impact in this location within the park. The scale of the roof form and the enclosure of the walls to provide wind protection exacerbates the adverse heritage impact.

The proportions of indoor spaces for human enjoyment is crucial. The proposed structure has been designed to minimise roof height. However, as a public recreation venue, the interior space will have an oppressive character due to the very low trusses and roof, relative to the 40 metre roof span.

In summer low steel roofs create an uncomfortable environment. The roof surfaces radiate heat from close range directly onto the users. Heat gain from skylights and radiation will also be trapped by the curved roof form. A higher roof can overcome these serious issues.

I do appreciate the motivation for providing all-weather protection over the existing bowling green. However Vansittart Park is not a suitable location within the City for such a facility. I

recommend that alternative locations for such a facility, which do not have an adverse heritage impact, be considered.

Regards

Richard Woods
Limestone Coast Heritage Adviser

habitable places
architects

24 Divett Place Adelaide SA 5000
ph 8232 9925 mob 0417 827 118
richard@habitableplaces.com.au

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City of
Mount Gambier

COUNCIL RESOLUTION 15 JANUARY 2019

14.4. WIN TV John Watson Drive – Grant of Easement - Report No. AR18/49656

COUNCIL RESOLUTION
(a) That Council Report No. AR18/49656 titled '*WIN TV John Watson Drive - Grant of Easement*' be noted. (b) That an easement for a 'Right of Way' and car parking purposes be granted in favour of the WIN TV site at John Watson Drive (Lot 100 in DP 22115 CT5297/483 and Lot 5 in DP 6459 CT 5618/338) over portion of the adjacent Council owned (community) land (Section 78 in Hundred 420200 CT 5836/64) as shown in the plan attached to Report No. AR18/49656 for consideration as determined in accordance with resolution (c). (c) That the grant of easement in resolution (b) be offered for consideration of $10,000 (+GST) noting the value estimate in Report No. AR18/49656 being less than $25,000. (d) That the Chief Executive Officer and Mayor be authorised to prepare, execute and affix the Council Seal to any documentation necessary to give effect to the grant of easement and any associated administrative activities in accordance with resolution (b). (e) That the applicant be responsible for all costs and arrangements associated with the grant of easement and activities required by resolutions (b) - (d) including any expenses incurred by Council in association with the matter, with the exception of the engagement of a Valuer (if necessary) which shall be arranged by Council at the applicant's cost.

Moved: Cr Jenner Seconded: Cr Mezinec

Amendment

Cr Perryman moved:

(a) The matter be referred to Operational Services Standing Committee February Meeting.

Cr Amoroso seconded Carried

REPORT TITLE	**WIN TV John Watson Drive – Grant of Easement**
COMMITTEE	Council
MEETING DATE:	15 January 2019
REPORT NO.	AR18/49656
RM8 REFERENCE	AF14/196
AUTHOR	Michael McCarthy
SUMMARY	This report recommends a grant of easement in favour of the WIN TV site located on John Watson Drive for vehicle access and car parking purposes.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

(a) That Council Report No. AR18/49656 titled '*WIN TV John Watson Drive - Grant of Easement*' be noted.

(b) That an easement for a 'Right of Way' and car parking purposes be granted in favour of the WIN TV site at John Watson Drive (Lot 100 in DP 22115 CT5297/483 and Lot 5 in DP 6459 CT 5618/338) over portion of the adjacent Council owned (community) land (Section 78 in Hundred 420200 CT 5836/64) as shown in the plan attached to Report No. AR18/49656 for consideration as determined in accordance with resolution (c).

(c) That the consideration offer of $5,000 (+GST) for the grant of easement in resolution (b) be accepted noting the value estimate in Report No. AR18/49656 being less than $25,000.
or
That the grant of easement in resolution (b) be offered for consideration of $_____ (+GST) noting the value estimate in Report No. AR18/49656 being less than $25,000.
or
That an independent valuation be obtained to determine an appropriate market value for the consideration value of the grant of easement in resolution (b)

(d) That the Chief Executive Officer and Mayor be authorised to prepare, execute and affix the Council Seal to any documentation necessary to give effect to the grant of easement and any associated administrative activities in accordance with resolution (b).

(e) That the applicant be responsible for all costs and arrangements associated with the grant of easement and activities required by resolutions (b) - (d) including any expenses incurred by Council in association with the matter, with the exception of the engagement of a Valuer (if necessary) which shall be arranged by Council at the applicant's cost.

City of
Mount Gambier

Background

The WIN TV site located at 51-59 John Watson Drive is comprised of 2 allotments with severely restricted road access due to the topography and placement of existing infrastructure within the land parcels.

Since local news production ceased in February 2013 WIN TV have attempted to progress with some alternate uses and development of the John Watson Drive site which in each case have been complicated by (amongst other things) the restricted site access and car parking.

Discussions with WIN TV over this period have resulted in a number of proposals to solve their access and parking problems. A grant of easement is considered the most appropriate to provide ongoing tenure that would be satisfactory from a planning, development and a community perspective.

Discussion

Access to the WIN TV site is currently over a car park and driveway located on Council owned (community) land which forms part of the Lake Terrace East Cemetery. In the past this access had been formalised by a lease to WIN TV which expired in 2008.

As community land, any lease must be permitted by the relevant Community Land Management Plan but for the Lake Terrace Cemetery this is not the case. Considering the likely development activity that would occur, it would be appropriate for more permanent tenure to be granted.

A sale and transfer of the relevant land would provide a permanent solution; however to ensure orderly development the creation of an allotment would reduce the road frontage and access to the cemetery from John Watson Drive and would also restrict public parking at this location. Further, a sale first requires the revocation of the community land classification of the relevant portion of the cemetery involving public consultation and Ministerial approval and is unlikely to gain the necessary support.
Section 201(2)(d) of the Local Government Act 1999 provides that a Council may grant an easement (including a right of way) over community land. An easement is a real property instrument of an enduring nature that may be registered on the title of both the land affected and the land which has the benefit of the easement. A registered easement is accepted from a planning perspective (in the case of an easement for access or car parking – as proposed) and being attached to the land is also an acceptable form of tenure for developers/purchasers and financial institutions.

Notwithstanding all of the above, the administrative requirements for a grant of easement are similar to a grant of lease, without the ongoing management and renewal (and uncertainty) over the term(s) of the lease and any dealings arising from change in property ownership (of the WIN TV site).
In the circumstances a grant of easement over the car park and driveway access seem the most appropriate and simple method of granting ongoing access and car parking to the WIN TV site.

Importantly, the grant of an easement would not unreasonably restrict the continued public use of the land for the same purpose, noting that the grantee would obtain exclusivity of certain car parks.
Should Council consider it appropriate to accommodate the request from WIN TV, it would need to also consider the consideration (value) associated with the transaction and the payment of any associated costs. Preliminary estimate of administration costs for a grant of easement is in the range of $5,000 - $10,000 taking into account the necessary surveying, plan drafting and lodgment fees.

WIN TV have made an offer of $5,000 (+GST) for the grant of easement. Council should note that this would be a one-off payment, with WIN TV also retaining responsibility for the ongoing care and maintenance of their interest (including any future capital replacement/upgrade)
The value of the easement may warrant the engagement of an independent valuation in accordance with Council's Procurement and Disposal of Land and Assets Policy P420 noting that the policy includes an exemption from this requirement where a value estimation of less than $25,000 has been prepared and documented.
A cursory assessment of the proposed grant of easement indicates an approximate area up to 700 square metres. Taking into account the per square metre site values for the WIN TV ($128/sqm) and Lake Terrace Cemetery ($8.50/sqm) sites, a value estimation of less than $25,000 for the grant of easement would be reasonable.
Note that an easement is a partial interest in land and the determination of an appropriate discount factor is a subjective assessment generally proportionate to the full land value and restriction it imposes on the subject land, being part of the cemetery site already developed for the same car parking and driveway purposes.

Conclusion

In this instance the offer of $5,000 (+GST) is presented as being a fair and reasonable value for the proposed grant of easement with the applicant paying all costs associated with establishing the easement.

Should Council determine the grant of the easement request from WIN TV is endorsed, this report presents recommendations to authorise the grant and execution of necessary documentation, as well as several options for determination of the value of consideration for the grant.

Council may determine to impose a value consideration, to engage an independent valuer at the applicants cost, or to accept the offer received from the applicant noting the value estimate contained in the report does not exceed $25,000 in accordance with the policy exemption in Policy P420.

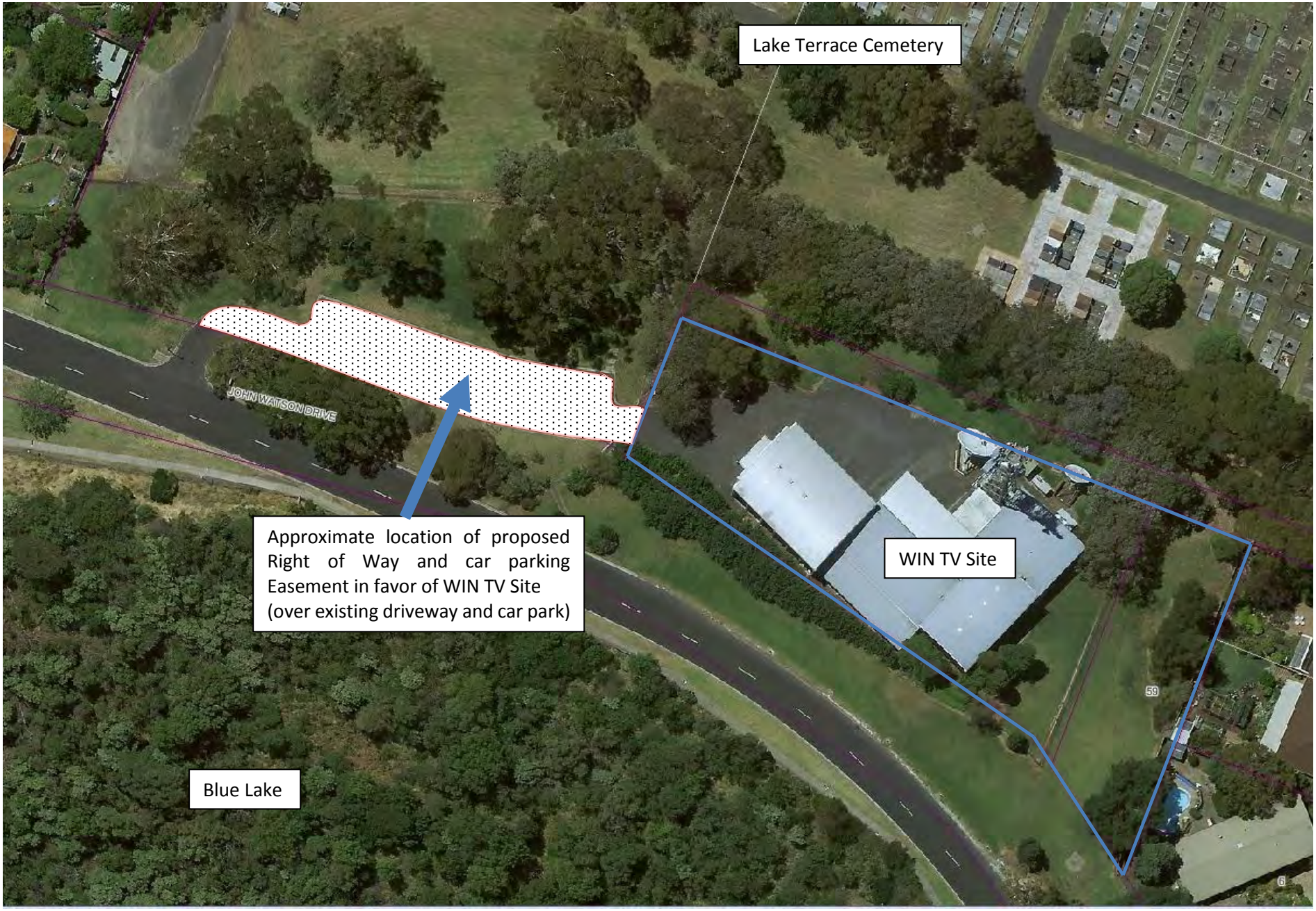
Should Council require further information prior to authorising administration to proceed with the grant of easement, it may determine to conditionally resolve recommendation (b), (c) and (e) pending a further report on the consideration value and grant of easement plan.

Attachments
Attachment 1 (*AR19/1341*): Proposed Grant of Easement Diagram

Michael McCARTHY
MANAGER EXECUTIVE ADMINISTRATION

Mark McSHANE
CHIEF EXECUTIVE OFFICER
7 January 2019
MMcC

Attachment 1 Report AR18/49656 - WINTV Proposed Easement Approximate Location Plan



19th January, 2019

Chief Executive Officer
City of Mount Gambier
PO Box 56
Mount Gambier SA 5290

Dear Mark,

RE: PIONEERS BASKETBALL CLUB INC.

UPDATE REPORT AND REQUEST FOR ASSISTANCE

The Board of the Pioneers Basketball Club Incorporated, and the wider basketball community, conveys their collective thanks and appreciation to Council for its support in our endeavours to secure an appropriate competition for the Mount Gambier Pioneers to participate in and to continue to represent our City.

Council would be very much aware of the background reasons why the Club was being ignored by certain governing bodies and as a consequence we had the potential to be completely "left out in the cold" with no reasonable competition to showcase Mount Gambier and the Pioneers.

The effort needed to fight for our future has been enormous, mentally draining and expensive.

We have now been granted a one year license only to play in the Adelaide Premier League and whilst that didn't arrive easily we accept that some relief has been provided to the Club but the future directions beyond 2019 are still unclear.

To get to this point the Club has endured months of pressure, disinterest from some basketball bodies and considerable legal expenses to protect our legal position and to pursue our legal rights against the original decision of Basketball Australia to cease to conduct the SEABL National Competition.

The delays and uncertainties have created some real issues in retaining local players but we will not be beaten and we have adopted the slogan MOUNT GAMBIER PIONEERS V EVERYONE as our motivation to succeed.

As at the present time, the Pioneers face some challenges which are detailed as follows:

Pioneers Basketball Club Inc.
ABN: 99 303 085 691

PO Box 2379
Mount Gambier SA 5290
Telephone 0438 838 186
Email tom@pioneersbasketball.com.au
www.pioneersbasketball.com.au

1. The legal costs to research and express our legal position against the original Basketball Australia decision.
   COST $25,190

2. The need to have a women's and a men's team as a condition of entry into the Adelaide Premier League.
   COST (Net after Incomes) $70,775 is for the women's team

3. Need to provide change rooms for visiting men's and women's teams that the current community stadium does not have.
   Need to "hire in" and adapt temporary facilities to be suitable as change rooms i.e. ATCO's, carpentry, weather protection, ramping, power and water.
   COST $18,000

The Pioneers 2018/19 Budget will permit the costs of the women's team to be largely funded by reductions in the men's team budget, however the above legal costs and the possible need for the creation of temporary change room facilities for the 2019 season will be impossible for our Budget to absorb.

In respect of the possible need for temporary change room facilities, the Club intends to initially utilise the existing spaces at the Stadium to avoid the cost of hire facilities.

The Club would sincerely appreciate however Council's urgent consideration of assistance with the above legal costs.

The Club (representing Mount Gambier with success and pride) is desperate to prove to EVERYONE that we will not be beaten and irrespective of what challenges we face, we will face them together, as our collective spirit and our can-do attitude will prevail.

If Council could assist with a grant(s) whether this 2018/19 financial year and/or the 2019/20 financial year to help us to pay the legal costs referred to above (copies of incurred legal cost invoices are attached) would be a magnificent contribution to enable the Club to start afresh in 2019.

Kind Regards,

Tom Kosch
President
Pioneers Basketball Club

Pioneers Basketball Club Inc.
ABN: 99 303 085 691

PO Box 2379
Mount Gambier SA 5290
Telephone 0438 838 186
Email tom@pioneersbasketball.com.au
www.pioneersbasketball.com.au

PIONEERS BASKETBALL CLUB INC.

TREASURER'S STATEMENT
FOR THE YEAR ENDED 30 SEPTEMBER 2018

2 February 2019

To the Pioneers Board, Members and other interested stakeholders,

I am pleased to report that for the 2017/18 financial year Pioneers Basketball Club Incorporated derived an operating surplus of $1,222.

During the course of the 2017/18 year the Board encountered various challenges requiring decision by careful consideration of financial implications and the adopted budget was varied where necessary. The financial outcomes achieved should be considered successful by the Board and the Club's members.

OPERATING SNAPSHOT

Total Income	$289,701
Total Expenses	$272,770
Operating Surplus	$16,931
Less Facility Improvements	$15,709
Net Operating Surplus	**$1,222**

I provide the following commentary:

1. Total income exceeded Budget by 7.3% largely as a result of the Board achieving Sponsorship income of $203,770. This outcome provides confidence is the future sustainability of the Club.

2. Player Payments were varied upwards given player injuries and the need to recruit replacement players in order to maintain team competitiveness and provide the best possible product for our Members. Other expenses were generally consistent with Budget.

3. Given the Board's desire to improve the game night experience for our Corporate Members, expenses of $15,709 were incurred for the revamp of the Stadium's VIP Room. Whilst the Board remains committed to facility improvement it is not anticipated that future expenses will be of the same extent.

4. Our Liabilities as at 30 September 2018 are $102,081 and Net Members Equity is ($59,870)

5. Included in the $102,081 is Debt of $27,956 (or 28% of Liabilities)

Through the direction and diligence of the Board it is our desire to improve the Club's Financial Position and overall sustainability.

Our short term financial sustainability goals are:

1. Retire Debt as quickly as possible;
2. Over any five-year rolling program achieve an operating surplus of breakeven or better;
3. Achieve an annual operating surplus of 5% of annual operating revenue;
4. Debt (Principal) to be under 15% of Operating Revenue (presently 9.6%);
5. Should the board achieve any surplus income including Grants received the Board will use that benefit to retire debt sooner.

The decisions of the Board to ensure the Club's sustainability continue to provide the outcomes we are seeking.

Michael Kosch CA
Treasurer, Pioneers Basketball Club Inc

PIONEERS BASKETBALL CLUB INC.

TREASURER'S STATEMENT
FOR THE YEAR ENDED 30 SEPTEMBER 2018

2 February 2019

To the Pioneers Board, Members and other interested stakeholders,

I am pleased to report that for the 2017/18 financial year Pioneers Basketball Club Incorporated derived an operating surplus of $1,222.

During the course of the 2017/18 year the Board encountered various challenges requiring decision by careful consideration of financial implications and the adopted budget was varied where necessary. The financial outcomes achieved should be considered successful by the Board and the Club's members.

OPERATING SNAPSHOT

Total Income	$289,701
Total Expenses	$272,770
Operating Surplus	$16,931
Less Facility Improvements	$15,709
Net Operating Surplus	**$1,222**

I provide the following commentary:

1. Total income exceeded Budget by 7.3% largely as a result of the Board achieving Sponsorship income of $203,770. This outcome provides confidence is the future sustainability of the Club.

2. Player Payments were varied upwards given player injuries and the need to recruit replacement players in order to maintain team competitiveness and provide the best possible product for our Members. Other expenses were generally consistent with Budget.

3. Given the Board's desire to improve the game night experience for our Corporate Members, expenses of $15,709 were incurred for the revamp of the Stadium's VIP Room. Whilst the Board remains committed to facility improvement it is not anticipated that future expenses will be of the same extent.

4. Our Liabilities as at 30 September 2018 are $102,081 and Net Members Equity is ($59,870)

5. Included in the $102,081 is Debt of $27,956 (or 28% of Liabilities)

Through the direction and diligence of the Board it is our desire to improve the Club's Financial Position and overall sustainability.

Our short term financial sustainability goals are:

1. Retire Debt as quickly as possible;
2. Over any five-year rolling program achieve an operating surplus of breakeven or better;
3. Achieve an annual operating surplus of 5% of annual operating revenue;
4. Debt (Principal) to be under 15% of Operating Revenue (presently 9.6%);
5. Should the board achieve any surplus income including Grants received the Board will use that benefit to retire debt sooner.

The decisions of the Board to ensure the Club's sustainability continue to provide the outcomes we are seeking.

Michael Kosch CA
Treasurer, Pioneers Basketball Club Inc

PIONEERS BASKETBALL CLUB INCORPORATED
ABN 99 303 085 691

BUDGET & TRADING STATEMENT FOR THE YEAR ENDING 30 SEPTEMBER 2018

	2018 BUDGET	2018 BUDGET AS VARIED	2018 ACTUAL
INCOME			
Ticket Sales	33,500	33,500	32,605
Membership Subscriptions	-	-	-
Corporate Sponsorship	175,000	204,105	203,770
Player Sponsorship	5,500	5,500	5,100
Grant Income	-	-	-
Special Events / Misc			
President's Lunch	4,000	4,000	4,481
Auction of Player Uniforms	2,000	2,000	-
Fundraising Income			
Dinner Auction	40,000	40,000	38,531
Other Activity	5,000	5,000	-
Donations	5,000	5,000	5,210
Bank Interest	-	-	3
Ticket Sales - Finals	-	-	-
Corporate	-	-	-
TOTAL INCOME	**270,000**	**299,105**	**289,701**
EXPENDITURE			
Wages & Salaries inc Accom Allowance inc Superannuation	115,000	125,000	132,804
Other Player Expenses			
Contractor - Admin	20,000	20,000	20,000
Contractor - Coach	25,000	25,000	25,000
Contractor - Residential Accom	4,500	4,500	3,400
Contractor - Fuel Reimbursement	-	-	1,565
Medical Supplies	2,100	2,100	2,036
Team Equipment	300	300	500
Trophies & Awards	350	350	218
Uniforms	3,000	3,000	2,692
Stadium Hire	6,000	6,000	6,000
Stadium Cleaning	1,500	1,500	1,500
Basketball SA - Affiliation	500	500	500
SEABL - Equalisation	39,000	39,000	39,000
SEABL - Nomination Fee	1,000	1,000	1,000
SEABL - Finals Levies	-	-	-

Travel			
Accomodation & Meals	8,600	8,600	10,237
Air Travel	2,000	2,000	1,637
Ground Travel inc Fuel	1,200	1,200	1,912
Pre- Season Travel	1,500	4,812	4,812
Finals	-	-	-
Admin Expenses			
Accounting & Audit Fees	1,000	1,000	-
Advertising & Livestreaming	4,750	4,750	4,289
Bank Charges	750	750	535
Repairs & Maintenance	-	-	413
Sponsor Costs	8,000	8,000	9,091
Printing & Stationary	2,000	2,000	1,935
Board Training Expenses	1,000	1,000	1,000
Software Expenses	1,000	1,000	693
TOTAL EXPENDITURE	**250,050**	**263,362**	**272,770**
TRADING SURPLUS / DEFICIT	**19,950**	**35,743**	**16,931**
OTHER EXPENDITURE			
Bad Debts Written Off	-	4,043	-
Depreciation	1,750	7,013	-
Facility Improvement Expenses	10,000	12,816	15,709
Loan Repayments	-	7,000	-
TOTAL OTHER EXPENDITURE	**11,750**	**30,872**	**15,709**
NET SUPLUS / DEFICIT	**8,200**	**4,871**	**1,222**

PIONEERS BASKETBALL CLUB INCORPORATED
ABN 99 303 085 691

BALANCE SHEET AS AT 30 SEPTEMBER 2018

ASSETS		
Current Assets		
ANZ Cheque Account	1,397	
Westpac Cheque Account	0	
Trade Debtors	35,814	
Total Current Assets		**37,211**
Other Assets		
Cash Guarantee - SEABL		**5,000**
TOTAL ASSETS		**42,211**
LIABILITIES		
GST Payable	(501)	
Prepaid Sponsorship	15,000	
Superannuation Payable	2,826	
Trade Creditors	56,799	
Unsecured Loans	27,956	
Total Current Liabilities		**102,081**
TOTAL LIABILITIES		**102,081**
NET ASSETS - MEMBERS EQUITY		**(59,870)**

PIONEERS BASKETBALL CLUB INC.

BUDGET 2018/19

1ST OCTOBER 2018 TO 30TH SEPTEMBER 2019

As presented to the Pioneers Board on the 31st January 2019

SUMMARY OF THE BUDGET OF OPERATING INCOME AND OPERATING EXPENDITURE FOR THE 2018/19 YEAR INCORPORATING A MEN'S TEAM AND ALSO A WOMEN'S TEAM

	BUDGET 2017/18 $	BUDGET 2018/19 MEN'S $	BUDGET 2018/19 WOMEN'S $	TOTAL BUDGET 2018/19 $
Total Operating Income	270,000	288,500	29,000	317,500
Total Operating Expenditure	261,800	214,715	98,775	313,490
Budgeted Operating Surplus or (Deficit)	**$ 8,200**	**$73,785**	**($69,775)**	**$4,010[1]**

All dollar values shown are excluding GST.

[1] The Budgeted Surplus of $4,010 is 1.26% of Total Operating Income.

OPERATING INCOME 2018/19

INCORPORATING A MEN'S TEAM AND ALSO A WOMEN'S TEAM

	(NOTE)	BUDGET 2017/18 $	BUDGET 2018/19 MENS $	BUDGET 2018/19 WOMENS $	TOTAL BUDGET 2018/19 $
Ticket Sales	(1)	33,500	33,500	-	33,500
Members Subscriptions	(2)	-	-	-	-
Corporate Sponsorship	(3)	175,000	200,000	25,000	225,000
Player Sponsorship	(4)	5,500	4,000	4,000	8,000
Grant Income		-	-	-	-
Special Events	(4A)	6,000	6,000	-	6,000
Fundraising	(5)	45,000	40,000	-	40,000
Donations		5,000	5,000	-	5,000
Bank Interest		-	-	-	-
Finals Ticket Sales	(6)	-	-	-	-
Finals Corporate	(6)	-	-	-	-
TOTAL OPERATING INCOME		**$270,000**	**$288,500**	**$29,000**	**$317,500**

OPERATING EXPENDITURE 2018/19

INCORPORATING A MEN'S TEAM AND ALSO A WOMEN'S TEAM

	(NOTE)	BUDGET 2017/18 $	BUDGET 2018/19 MEN'S $	BUDGET 2018/19 WOMEN'S $	TOTAL BUDGET 2018/19 $
PLAYERS					
Wages, Salaries	(10)	115,000	95,000	50,000	145,000
Players Accommodation					
Superannuation					
Other Player Expenses					
Finals Participation	(10)		4,750	0	4,750
TOTAL PLAYER WAGES COSTS		**$115,000**	**$99,750**	**$50,000**	**$149,750**
COACHING COSTS					
Coach	(11)	25,000	25,000	10,000	35,000
Accommodation	(11)	4,500	4,500	-	4,500
Fuel Reimbursement		-	2,500	-	2,500
TOTAL COACHING COSTS		**$29,500**	**$32,000**	**$10,000**	**$42,000**
TEAM ON COSTS					
Medical Expenses		2,100	2,100	2,100	4,200
Team Equipment		300	500	500	1,000
Uniforms		3,000	2,500	2,500	5,000
Trophies and Awards		350	300	300	600
TOTAL TEAM ON COSTS		**$5,750**	**$5,400**	**$5,400**	**$10,800**
STADIUM HIRE					
Stadium/Venue hire/Training	(12)	6,000	6,000	3,000	9,000
Stadium cleaning	(12)	1,500	1,500	-	1,500
Repairs and Maintenance			500	-	500
TOTAL STADIUM HIRE		**$7,500**	**$8,000**	**$3,000**	**$11,000**

OPERATING EXPENDITURE 2018/19 (CONT)

INCORPORATING A MEN'S TEAM AND ALSO A WOMEN'S TEAM

	(NOTE)	BUDGET 2017/18 $	BUDGET 2018/19 MEN'S $	BUDGET 2018/19 WOMEN'S $	TOTAL BUDGET 2018/19 $
AFFILIATION COSTS	(13)				
Basketball South Australia (BSA)		500	500	-	500
SEABL Equalisation Fee		39,000	-	-	-
SEABL Nomination Fee		1,000	-	-	-
BSA Nomination Fee		-	500	500	1,000
Referee Costs		-	2,500	2,500	5,000
TOTAL AFFILIATION COSTS		**$40,500**	**$3,500**	**$3,000**	**$6,500**
TRAVEL COSTS	(14)				
Accommodation + Meals		8,600	6,500	6,500	13,000
Air Travel		2,000	-	-	-
Ground Travel		4,500	6,000	6,000	12,000
Equalisation Reimbursements		3,300	-	-	-
Pre-Season Travel		1,500	2,500	2,500	5,000
Finals Travel		-	-	-	-
TOTAL TRAVEL COSTS		**$13,300**	**$15,000**	**$15,000**	**$30,000**
ADMINISTRATION COSTS	(15)				
Contract Administration		20,000	10,000	10,000	20,000
Advertising/Livestreaming		4,750	2,375	2,375	4,750
Sponsor Costs		8,000	10,000	-	10,000
Printing, Stationery, Postage		2,000	2,000	-	2,000
Software Expenses		1,000	500	-	500
Strategic Plan Development		1,000	-	-	-
Board Training Expenses		-	-	-	-
Board Travel		-	2,000	-	2,000
Legal Fees		-	17,690	-	17,690
TOTAL ADMINISTRATION COSTS		**$36,750**	**$44,565**	**$12,375**	**$56,940**

OPERATING EXPENDITURE 2018/19 (CONT)

INCORPORATING A MEN'S TEAM AND ALSO A WOMEN'S TEAM

	(NOTE)	BUDGET 2017/18 $	BUDGET 2018/19 MEN'S $	BUDGET 2018/19 WOMEN'S $	TOTAL BUDGET 2018/19 $
FINANCE COSTS					
Bank Charges		750	500	-	500
Audit Fees	(16)	1,000	1,000	-	1,000
Bad debts written off		-	-	-	-
Depreciation		1,750	-	-	-
Interest paid		-	-	-	-
Accounting Fees		-	-	-	-
TOTAL FINANCE COSTS		**$3,500**	**$1,500**	**$0**	**$1,500**
INFRASTRUCTURE IMPROVEMENTS	(17)				
Improvements to the stadium to suit needs of PBC men's and women's teams participation		10,000	5,000	-	5,000
TOTAL INFRASTRUCTURE IMPROVEMENTS COSTS		**$10,000**	**$5,000**	**0**	**$5,000**
REPAYMENT OF UNSECURED LOANS	(18)				
Repay of unsecured loans		-	-	-	-
TOTAL LOAN REPAYMENT COSTS		**0**	**0**	**0**	**0**
TOTAL OPERATING EXPENDITURE		**$261,800**	**$214,715**	**$98,775**	**$313,490**

MATTERS FOR SPECIFIC NOTING

1. SEASON 2019
   The Adelaide Premier League will see in ten home games in season 2019.

2. FINALS INCOME AND EXPENDITURE
   The Club has the potential to host two finals games should the team qualify. The Board needs to consider the cost of participation and the likely revenues from home finals to provide clarity on the net financial benefit to the Club.

3. FINANCIAL SUSTAINABILITY INDICATORS
   Whilst the size of the "business" of the organisation may not warrant any formal Key Performance Indicators, the following are provided as a useful guide:

   i. Loan Liabilities as a % of operating revenue:
      Maintain loan liabilities (principal) to under 30% of total operating income.

   ii. Working Capital Ratio:
      Value of current assets against current liabilities. Ratio 3:1 i.e. $3 of current assets for every $1 of current liabilities.

   iii. Grants and Subsidies:
      Operating grants and subsidies as a percentage of total operating income.
      Seek to obtain grants and subsidies of 5% or better of total operating income.

   iv. Operating Surplus/(Deficit) as a percentage of total operating income:
      Deficit – NOT more than 5% and Surplus – NOT more than 5% of total operating income.

   v. Employee costs as a percentage of operating expenses:
      Target is NOT more than 60% of employee expenses as a percentage of operating expenses.

   vi. Operating Surplus Ratio requiring an operating surplus of between 0% to 5% of total operating income over any five year rolling period.

SPECIAL NOTES

SOME BUDGET LINES EXPLAINED

For the benefit of the reader of this document, the following explanations are provided in respect of some of the Budget lines marked with a (NOTE) number.

OPERATING INCOME

NOTE (1) **TICKET SALES**

10 home games @ $3,350 per home game.

NOTE (2) **MEMBERS SUBSCRIPTIONS**

No income generated but an opportunity may exist to raise some income from member subscriptions.

NOTE (3) **CORPORATE SPONSORSHIP**

The sum of $200,000 (MEN) is comprised:

- Naming Rights, Gold and Silver Sponsors $130,000
- Corporate Box Sponsors $65,000
- Advertising signage $5,000

The sum of $25,000 (WOMEN) is comprised:

- Naming Rights, Gold and Silver Sponsors $25,000

NOTE (4) **PLAYER SPONSORSHIP**

The sum of $8,000 is calculated at 20 Sponsors each paying approximately $ 400 to sponsor a player (men's and women's).

NOTE (4A) **SPECIAL EVENTS**

The sum of $6,000 is the Net Income from special event functions and activities e.g.:

Presidents Lunch

• Ticket Sales and Donations	$9,000
• Less expenditure	$5,000
Net Benefit	**$4,000**

Other Activities

Net benefit after expenditure e.g. auction of players tops.	$2,000
	$6,000

NOTE (5) **FUNDRAISING**

One of the most significant events of the Club is the Auction Dinner. The Club also directs other specific fundraising events. The sum of $40,000 is Net after expenses e.g. Gross Fundraising Target $50,000 less expenses of Fundraising $10,000

NOTE(6) The 2018/19 Budget makes NO allowance for income or expenditure associated with the teams qualifying for finals. Recent experience indicates that finals participation when hosting at least one home final has a cost neutral impact on the budget.

OPERATING EXPENDITURE

NOTE (10) Cost of wages, salaries etc. for players (men and women) comprises of:

- Wages (including PAYG amounts withheld for the ATO);
- Superannuation contributions;
- Travel allowances;
- All costs related to International players, including travel, agents fees and immigration expenses;

Please note that the Club does not make payment for Workers Compensation as the Return to Work Act 2014 (S69) specifically makes a sporting injury incurred by participation or a view to participation in a sporting activity not compensable under the Act.

A notional allocation of $4,750 (Men's) for possible additional players wages for finals participation.

NOTE (11) This is the fee paid to the Head Coaches under the current contracts. The contract with the Head Coaches includes:

- Men's Head Coach $25,000
- Women's Head Coach $10,000

and an allocation to the Men's Coach for fuel reimbursements.

NOTE (12) The Board acknowledges with continued respect the direct and indirect support of Basketball Mount Gambier (BMG) to the Pioneers. The stadium hire fee is set by negotiation. The Club provides the use of its players to assist BMG with the promotion of its Programs and basketball generally.

The hire fee the Club pays BMG is $750 per game and comprised of the following components:

- Stadium hire $300 per game
- Contribution to utilities $100 per game
- Contribution to fair wear and tear $100 per game
- Payment as share of Court 1 advertising revenues $100 per game
- Cleaning of stadium $150 per game

10 home games at $750 per home game = $7,500 per season including cleaning.

Plus an additional $3,000 for any hiring of other venue(s) for training i.e. women's team training.

2019 season is the second year of the two year agreement with BMG.

NOTE (13) These are the costs for affiliation paid to other Basketball bodies. The Basketball SA fee includes the insurance coverages required by the Club.

NOTE (14) These are the travel expenses incurred by the Club to enable the teams to meet the League fixtures.

The allocation for Travel is significantly different due to change in the Competition where the Club will compete and the inclusion of a women's team.

NOTE (15) The Club incurs various costs to manage and administer the Club efficiently and to achieve all of its goals e.g. income targets. The Contract Administration is a fee paid by the Club to a person to assist with the attainment of the Sponsorship targets and the administration of the Club.

An amount of $17,690 has been included in the Budget under "legal expenses" to cover the already incurred costs of litigation research and advices that the Club had to pursue against Basketball Australia.

NOTE (16) This is the allocation for an independent audit of the EOY Financials of the Club.

NOTE (17) Each financial year the Board may wish to undertake some infrastructure works or other "one off" undertaking to improve the amenity of its operations and/or the presentation of its event experience.

The Board has a desire to work with BMG in the implementation of projects to enhance the Stadium's physical environment and will seek grants etc. to minimise the costs of any infrastructure works.

NOTE (18) This is the allocation for the Board to continue to repay its unsecured loan liabilities as the Board wishes to retire its debt as soon as possible – NOTE NIL BUDGET 2018/19.

City of Mount Gambier

SCHEDULE OF FEES AND CHARGES 2019/2020

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
COMMUNITY								
Hire Facilities	**Council Chambers/Reception Area**	Taxable						
* Includes tea/coffee	Full Day*				$ 430.00	$ 435.00	1%	Increase
	Half Day*				$ 295.00	$ 300.00	2%	Increase
	Committee Room	Taxable						
	Full Day*				$ 235.00	$ 240.00	2%	Increase
	Half Day*				$ 170.00	$ 175.00	3%	Increase
	Library (for commercial hires)	Taxable						
	Multi Function Room (all facilities)							
	Full Day				$ 162.00	$ 162.00	0%	Decrease
	Half Day		up to 4 hours		$ 84.00	$ 84.00	0%	Decrease
New	Per Hour		per hour		-	$ 35.00	-	-
	Multi Function Room (kitchen part only)	Taxable						
	Full Day				$ 94.00	$ 94.00	0%	Decrease
	Half Day		up to 4 hours		$ 54.00	$ 54.00	0%	Decrease
New	Per Hour		per hour		-	$ 25.00	-	-
	Multi Function Room (smartboard part only)	Taxable						
New	Full Day				-	$ 84.00	-	-
New	Half Day				-	$ 44.00	-	-
New	Per Hour				-	$ 25.00	-	-
	IT Training Room	Taxable						
New	Full Day				-	$ 84.00	-	-
New	Half Day				-	$ 44.00	-	-
New	Per Hour				-	$ 25.00	-	-
	Group Room	Taxable						
New	Full Day				-	$ 44.00	-	-
New	Half Day				-	$ 25.00	-	-
New	Per Hour				-	$ 10.00	-	-
	Study Room	Taxable						
New	Full Day				-	$ 44.00	-	-
New	Half Day				-	$ 25.00	-	-
New	Per Hour				-	$ 10.00	-	-
	Meeting Room	Taxable						
New	Full Day				-	$ 44.00	-	-
New	Half Day				-	$ 25.00	-	-
New	Per Hour				-	$ 10.00	-	-
	Library (for community hires - ref: AR18/40941)							
New	All rooms				-	Free	-	-
					-		-	-
	Visitor Informaiton Centre							
New	Tea & Coffee for use when using facilities	Taxable			-	At Cost	-	-
					-		-	-
Hire Recreation	**Council Maintained Land - Rental** (refer Council Policy R200)	Taxable						
	Blue Lake BMX Club - Hastings Cunningham Reserve				$ 550.00	$ 550.00	0%	Decrease
	Blue Lake Obedience Dog Club - Hastings Cunningham Reserve				$ 550.00	$ 550.00	0%	Decrease
	MtG Cycling & Triathlon Club - Blue Lake Sports Park				$ 1,894.20	$ 1,894.20	0%	Decrease
	Lower South East Hockey Association - Blue Lake Sports Park				$ 7,389.80	$ 7,389.80	0%	Decrease
	Mount Gambier & District Baseball League - Blue Lake Sports Park				$ 8,107.00	$ 8,107.00	0%	Decrease
	Mount Gambier & District Cricket Association	**Taxable**						
	- Blue Lake Sports Park				$ 1,320.00	$ 1,320.00	0%	Decrease
	- Frew Park				$ 3,190.00	$ 3,190.00	0%	Decrease
	- Marist Park				$ 1,595.00	$ 1,595.00	0%	Decrease
	- Reidy Park				$ 1,320.00	$ 1,320.00	0%	Decrease
	- McDonald Park				$ 1,320.00	$ 1,320.00	0%	Decrease
	Mount Gambier Softball Association - Blue Lake Sports Park				$ 5,918.00	$ 5,918.00	0%	Decrease
	North Gambier Football Club - Vansittart Park (2016 Football Season)				$ 17,820.00	$ 17,820.00	0%	Decrease
	Mount Gambier Touch Association - Vansittart Park				$ 794.20	$ 794.20	0%	Decrease

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Licence Agreements	Taxable						
	Reidy Park Oval (Education Dept)				Refer Contract	Refer Contract	-	-
	Centenary Tower (GTFP)				Refer Contract	Refer Contract	-	-
	Marist Park (Tenison College)				Refer Contract	Refer Contract	-	-
	Lease Fee (R200 Community Land (Reserves) Leases/Licence/Rental Arrangement Policy	Taxable						
	Is the previous year's fee (excl. GST) x the declared rate increase/decrease pa plus GST				$ 521.40	TBC	-	Increase
	City Hall Hire	Taxable						
	Reception Area							
	Part Day		3 hours		$ 130.00	$ 135.00	4%	Increase
			6 hours		$ 230.00	$ 240.00	4%	Increase
	Full Day				$ 380.00	$ 390.00	3%	Increase
	Hall	Taxable						
	Part Day		3 hours		$ 175.00	$ 180.00	3%	Increase
			6 hours		$ 250.00	$ 260.00	4%	Increase
	Full Day				$ 400.00	$ 410.00	2%	Increase
	All Facilities	Taxable						
	Part Day		3 hours		$ 275.00	$ 280.00	2%	Increase
			6 hours		$ 450.00	$ 460.00	2%	Increase
	All Day				$ 725.00	$ 735.00	1%	Increase
	Kitchen				$50 to $150	$50 to $200		
	Bond for events using City Hall Bar (refundable)							
		Taxable if forfeited			$ 1,000.00	$500 to $2000	-	-
	Main Corner	Taxable						
	Foyer							
	Exhibition Openings Only				$ 250.00	$ 260.00	4%	Increase
	Kings Floor (South)	Taxable						
	Part Day		3 hours		-	$ 100.00	-	-
			6 hours		$ 150.00	$ 160.00	7%	Increase
	All Day				$ 220.00	$ 225.00	2%	Increase
	Dress Circle (excluding balcony)	Taxable						
	Part Day		3 hours		$ 225.00	$ 230.00	2%	Increase
			6 hours		$ 360.00	$ 365.00	1%	Increase
	Full Day				$ 660.00	$ 670.00	2%	Increase
	Dress Circle (including Balcony)	Taxable						
	Part Day		3 hours		-	$ 310.00	-	-
			6 hours		-	$ 445.00	-	-
	Full Day				-	$ 770.00	-	-
	All Facilities	Taxable						
	Part Day		6 hours		$ 1,010.00	$ 1,020.00	1%	Increase
	Full Day				$ 1,780.00	$ 1,800.00	1%	Increase
	Main Corner / City Hall	Taxable						
***Institute Facilities not included	**All Facilities*** **							
	Full Day				$ 2,000.00	$ 2,020.00	1%	Increase
	Main Corner	Taxable						
	Exhibition space							
	Red Wall - Foyer		4 week block		$ 150.00	$ 150.00	0%	Decrease
	Southlink		4 week block		$ 150.00	$ 150.00	0%	Decrease
New	Balcony		4 week block		-	$ 150.00	-	-
	Kings Floor North (exhibitions)		4 week block		$ 200.00	$ 200.00	0%	Decrease
	Other							
	IT Support if required		per hour		$ 45.00	$ 50.00	11%	Increase
	Mandatory fee for fee waived events (cleaning & utilities)		per booking		$ 50.00	$ 50.00	0%	Decrease
	Riddoch Art Gallery	Taxable						
	Studio/Workshop							
	Part Day		3 hours		$ 100.00	$ 100.00	0%	Decrease
			6 hours		$ 160.00	$ 160.00	0%	Decrease
	Full Day				-	$ 180.00	-	Decrease

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Community Gallery	Taxable						
****longer periods by negotiation	1 Month****		per month		$ 210.00	$ 230.00	10%	Increase
	Main Gallery	Taxable						
	1 Month****		per month		$ 510.00	$ 550.00	8%	Increase
	Margaret Scott Gallery	Taxable						
	1 Month****		per month		$ 310.00	$ 330.00	6%	Increase
	Event/Program/Workshops - Cover Charges	Taxable						
	A Fee may be charged for programmed activities:							
	Adults				$1 to $250	$1 to $250	-	-
	Children (12 and under)				from $1	From $1	-	-
	Security Bond (Booking Only)	Taxable if forfeited						
	Minimum Bond				$ 500.00	$ 500.00	0%	Decrease
	Maximum Bond				$ 2,000.00	$ 2,000.00	0%	Decrease
	Exhibition Administration Fee	Taxable			$ 100.00	$ 100.00	0%	Decrease
	Sale of Works (Individual Artist/Supplier)							
	Works	% is exclusive of GST			25% sale price	25% sale price	-	-
	Merchandise	% is exclusive of GST			25% sale price	25% sale price	-	-
	Sale of Works (Other)		per item		by negotiation	by negotiation	-	-
Aquatic Centre	**Recreation and Swimming Centre****	Taxable						
	Swimming pool patronage including for lessons:							
	Adult				$ 7.50	TBC	-	-
	Child				$ 6.50	TBC	-	-
** Aquatic Centre Committee to determine	Spectator				$ 3.00	TBC	-	-
new years fees in	Family				$ 26.00	TBC	-	-
May/June of each year	Pensioner				$ 5.50	TBC	-	-
	Lap Swimmers / Fitness				$ 7.00	TBC	-	-
	Vouchers - 10 visits							
	Adult				$ 60.00	TBC	-	-
	Pensioner				$ 50.00	TBC	-	-
	Child				$ 55.00	TBC	-	-
	Season Pass	Taxable						
	Adult				$ 260.00	TBC	-	-
	Pensioner				$ 210.00	TBC	-	-
	Child				$ 270.00	TBC	-	-
	Family Pass	Taxable						
	1-2 Adults/2 Children				$ 570.00	TBC	-	-
	1 Adults/3 Children				$ 610.00	TBC	-	-
	2 Adults/3 Children				$ 640.00	TBC	-	-
	1 Adults/4 Children				$ 670.00	TBC	-	-
	2 Adults/4 Children				$ 710.00	TBC	-	-
	2 Adults/5 Children				$ 760.00	TBC	-	-
Library fees	**Fines**	Free						
	Lost/replacement cards, items and overdue books				$ 1.00	At Cost	-	-
	Photocopying/Printing	Taxable						
	A4 Black/White (self sufficient)		per page		$ 0.30	$ 0.30	0%	Decrease
	A4 Black/White (double sided) (self sufficient)		per page		$ 0.40	$ 0.50	25%	Increase
	A4 Colour (self sufficient)		per page		$ 0.70	$ 0.70	0%	Decrease
	A4 Colour (double sided) (self sufficient)		per page		$ 1.30	$ 1.30	0%	Decrease
	A3 Black/White (self sufficient)		per page		$ 0.40	$ 0.60	50%	Increase
	A3 Black/White (double sided) (self sufficient)		per page		$ 0.60	$ 1.00	67%	Increase
	A3 Colour (self sufficient)		per page		$ 1.30	$ 1.40	8%	Increase
	A3 Colour (double sided) (self sufficient)		per page		$ 2.50	$ 2.60	4%	Increase
New	Photocopying over 5 pages - Staff service - additional charge		per page		-	$ 0.10	-	-
New	3D Printing				-	At cost	-	-
	Scanning to email	Taxable						
New	Under 5 pages				-	Free	-	-
New	Over 5 pages		per page		-	$ 0.10	-	-

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Laminating	Taxable						
	A4		each		$ 2.20	$ 2.20	0%	Decrease
	A3		each		$ 4.40	$ 4.40	0%	Decrease
	Miscellaneous	Taxable						
	Sale of Memory Sticks				$ 8.00	$ 8.00	0%	Decrease
New	Earphones		each					
	Material replacement charges				At cost	At cost	-	-
	Library Bags				$ 2.00	$ 2.00	0%	Decrease
	Faxing		per page		$ 1.00	$ 1.00	0%	Decrease
	Local History Photos	Taxable						
	Photocopying - A4				$ 0.40	$ 0.40	0%	Decrease
	Photocopying - A3				$ 0.60	$ 0.60	0%	Decrease
	A3 laser printed/photo quality				$ 5.50	$ 5.50	0%	Decrease
	A4 laser printed/paper quality				$ 3.50	$ 3.50	0%	Decrease
	The Less Hill / Forestry	Taxable						
New	Image to USB (provided by customer)				-	$ 4.00	-	-
	SA Photographic Collection	Taxable						
	(i) Study/Research/Community Use		1 to 4 images		$ 5.00	$ 5.00	0%	Decrease
			>4 images, 20 max		$ 20.00	$ 20.00	0%	Decrease
	(ii) Commercial Use (Les Hill only - No commercial use of Forestry SA Collection)				$ 20.00	$ 20.00	0%	Decrease
	Events	Taxable						
New	Various author events		per attendee		-	$ 6.00	-	-
Event Support	**Labour (per person per hour)**	Taxable						
	Monday - Friday				$ 100.00	$ 102.00	2%	Increase
	Saturday, Sunday and Public Holidays				$150 to $180	$150 to $185	-	-
	Call out fee (additional)				as determined	as determined	-	-
	Plant Hire	Taxable						
	Light Vehicle		per hour		$ 26.00	$ 27.00	4%	Increase
	Heavy Vehicle		per hour		$ 37.00	$ 37.00	0%	Decrease
	Other Machinery (inc Street Sweeper)		per hour		$ 61.00	$ 62.00	2%	Increase
	Waste	Taxable						
	Removal - Labour & Truck				$ 173.00	$ 176.00	2%	Increase
	Bin Hire				$ 2.00	$ 2.00	0%	Decrease
	Equipment Hire	Taxable						
	Loading/Delivery/Collection (refer labour / plant hire)				refer plant hire charge	refer plant hire charge	-	-
	Witches Hats/Bollards/Bunting		per item/event		$ 1.00	$ 1.00	0%	Decrease
	Seating		per unit/event		$ 20.00	$ 21.00	5%	Increase
	Stage		per unit/event		$ 20.00	$ 21.00	5%	Increase
	Inflatable screen		per event		$ 51.00	$ 52.00	2%	Increase
	Giant Games		per game/event		$ 15.00	$ 15.00	0%	Decrease
	Advertisements	Taxable						
	Road Closures				$ 102.00	$ 104.00	2%	Increase
	Unless otherwise indicated, all charges are independent and will be aggregated (i.e. Equipment Hire requring delivery/collection by Council will also incur hourly rates for labour (driver/operator) and Plant Hire.							
DEVELOPMENT								
Advertising	Advertising as required (category 3)	Taxable			$156 to $182	$156 to $187.50	-	-
Development Application Fees Under the Development Act	**Lodgement Fees**							
	Base Lodgement Fee - Lodgement fees (based on type of development)	Exempt	Per application	Y	$ 64.00	TBC	-	-
	Additional Lodgement fee - (if assessment against Building Rules and Development Cost >$5000	Exempt	Per cost of development	Y	$ 72.00	TBC	-	-
*price rage includes complying consent and non-complying assessments	Additional Lodgement fee - (if the development is for a swimming pool, spa, or a safety fence for a pool or spa)	Exempt	Per application	Y	$ 190.00	TBC	-	-

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Additional Lodgfement Fee - non-complying (other than land division)	Exempt	Per application	Y	$ 102.00	TBC	-	-
	Development Schedule 1A Fee	Exempt	Per Application	Y	$ 53.00	TBC	-	-
	Minor Variation fee	Exempt	Per Application	Y	$64 to $214	TBC	-	-
	Building Rules Assessment fees (minimum fee $69.50)	Taxable	per m^2	Y	$0.92 to $4.65	TBC	-	-
	Consent to development at variance with building rules	GST Inclusive	$159.00	Y	$ 159.00	TBC	-	-
	Development plan assessment fee - up to $10,000*	Exempt	Per cost of development	Y	$ 39.75	TBC	-	-
	Development plan assessment fee - between $10,000 to $100,000*	Exempt	Per cost of development	Y	$ 109.00	TBC	-	-
	Development plan assessment fee - over $100,000 (maximum fee of $200,000)	Exempt	cost of development	Y	x0.125%	TBC	-	-
	Public Notification Fee (category 2 & 3)	Exempt	category	Y		TBC	-	-
	Referral fees (dependent on type of referral see Schedule 8 Development Regulations)	Exempt	per referral	Y	$227 to $379	TBC	-	-
	Consent to Development at Variance with Building Rules	Taxable	per application	Y		TBC	-	-
	Non-complying Development Administration fee (paid direct to State Government)	Exempt	per application	Y	$ 130.00	TBC	-	-
	Non Complying Development Assessment fee (Development Cost <$10,000)	Exempt	Per cost of development	Y	$ 54.50	TBC	-	-
	Non-Complying Development Assessment Fee - Between $10,000 to $100,000	Exempt	Per cost of developmement	Y	$$130.00	TBC	-	-
	Non-Complying Development Assessment Fee - Greater than $100,000	Exempt	Per cost of development	Y	x0.125%	TBC	-	-
	Application for assignment of, or change in, classification of a building (minimum $66.50)	Taxable	per application	Y	$ 68.00	TBC	-	-
	Certificate of Occupancy Fee	Taxable		Y	$ 45.75	TBC	-	-
	Application for issue of Schedule of Essential Safety Provisions	Taxable	per application	Y	$ 98.00	TBC	-	-
	Concurrence of Building Rules Assessment Commission	Exempt	per application	Y	$ 320.00	TBC	-	-
	Referral to Building Rules Assessment Commission (based on Building Classification)	Exempt	per application	Y	$502 to $1,101	TBC	-	-
	Land Management Agreements - Copying Fee (does not include Council's copying fees)	Exempt	per copy	Y	$ 14.20	TBC	-	-
	Land Management Agreements - Registration Fee	Exempt	per registration	Y	$ 76.00	TBC	-	-
	Staged Consent (dependend on type of development)	Exempt	per approval	Y	$ 64.00	TBC	-	-
	Application to Extend - consent or approval under R.48	Exempt	per request	Y	$ 102.00	TBC	-	-
	Open Space Contributions							
	S.50 (1) (d) and (7) Land division contributions	Exempt	per application	Y	refer formula	refer formula	-	-
REGULATORY								
Dog Expiations	Dog nuisance, attack, harassment, injury, wandering, presence in schools, shops & other areas, failure to register, display registration disc, advice of change of address or owner, muzzle, leash, desex, remove faeces etc	Exempt	per offence	Y	$170 to $750	TBC	-	-
Dog Registrations	Non-Standard Dog*	Exempt	per dog		$ 55.00	$ 60.00	9%	Increase
	Non-Standard Dog (Desexed)*	Exempt	per dog		$ 40.00	$ 45.00	13%	Increase
* 50% Fee concession for Pensioner/health Cardholders and Part Year Registration (After December)	Non-Standard Dog (Microchipped)*	Exempt	per dog		$ 40.00	$ 45.00	13%	Increase
	Non-Standard Dog (Trained)*	Exempt	per dog		$ 40.00	$ 45.00	13%	Increase
	Non-Standard Dog (Desexed and Trained)*	Exempt	per dog		$ 30.00	$ 35.00	17%	Increase
	Non-Standard Dog (Microchipped and Trained)*	Exempt	per dog		$ 30.00	$ 35.00	17%	Increase
	Standard Dog (Desexed and Microchipped)*	Exempt	per dog		$ 27.50	$ 30.00	9%	Increase
	Standard Dog (Desexed, Microchipped & Trained)*	Exempt	per dog		$ 20.00	$ 22.50	13%	Increase
	Working Livestock Dogs	Exempt	per dog		$ 27.50	$ 30.00	9%	Increase
	Greyhounds (Registered with Greyhound Racing SA)	Exempt	per dog		$ 27.50	$ 30.00	9%	Increase
	Fee for Late Registrations	Exempt	each		$ 20.00	TBC	-	-
	Fee for Impound	Exempt	each		$ 55.00	$ 60.00	9%	Increase
	Fee for Daily Holding at Pound	Exempt	per day		$ 30.00	$ 35.00	17%	Increase
New	Replacement Disc		per disc		$ 10.00	$ 10.00	-	-
	Assistance Dogs (determined by DACO)	Exempt	per dog		Free of Charge	Free of charge	-	-
Expiations	**Notices**	Exempt						
	Reminder Notice fees		per notice	Y	$ 55.00	$ 56.00	2%	Increase
	Enforcement Warning Notices			Y	no charge	no charge	-	-
New	Vehicle Search Fee		per search		$ 11.00	At cost	-	-
	Burning	Exempt						
	Fines & expiations in relation to burning, burning out of hours & burning particular material		per offence	Y	TBC	TBC	-	-

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	By-laws	Exempt						
	Fines & expiations in relation to Council by-laws		per offence		$ 70.00	$ 71.50	2%	Increase
	Littering	Exempt						
	Fines & expiations in relation to littering		per offence	Y	TBC	TBC	-	-
	Parking & Traffic	Exempt						
	Fines & expiations in relation to stopping & parking of motor vehicles, double parking & obstruction of access		per offence	Y	$38 to $371	TBC	-	-
	Impounding of Vehicles	Exempt						
	Removal e.g. towing		per vehicle		Actual cost	Actual cost	-	-
	Storage		per week		$ 88.00	$ 90.00	2%	Increase
	Search Fees		per vehicle		Actual cost	Actual cost	-	-
	Notification to owner		per vehicle		$ 47.00	$ 48.00	2%	Increase
	Advertising/Tendering		per vehicle		Actual cost	Actual cost	-	-
	Auctioneers Charge (if applicable)		per vehicle		Actual cost	Actual cost	-	-
	Any other charges		per item		Actual cost	Actual cost	-	-
	Overtime only for Council Officers (if applicable) in respect of a vehicle		per hr/vehicle		Actual cost	Actual cost	-	-
	Administrative charge		per vehicle		$ 83.00	$ 85.00	2%	Increase
	Sale of Impounded vehicle	Taxable	per vehicle		per tender	Per tender	-	-
	Removal of Property							
	Shopping Trolleys, Pedal Cycles	Exempt						
	Removal		per item		$ 47.00	$ 48.00	2%	Increase
	Storage		per day/part for each item		$ 9.20	$ 9.40	2%	Increase
	Signboards and Other Objects	Exempt						
	Removal		per item		$ 47.00	$ 48.00	2%	Increase
	Storage		per day/part for each item		$ 9.20	$ 9.40	2%	Increase
	Removal of Vegetation	Taxable						
	Slash/burning & other removal of vegetation for fire prevention				At cost + 100%	At cost + 100%	-	-
	Administration Fee				$ 76.00	$ 77.50	2%	Increase
Cat/Possum Traps	Hire of Cage/Trap - non-refundable				$ 30.00	$ 30.00	0%	Decrease
New	Hire of Cage/Trap - non-refundable (concession holders)					$ 10.00	-	-
HEALTH SERVICES								
Provision of Food Safe Handling Kits & Videos	SA Health Food Business Information Kits				Free of charge	Free of charge	-	-
Food Act Fees	Food Inspection Fees - Small business (definition as per Food Act)*	Exempt	per inspection	Y	TBC	$ 121.00	-	-
*generally applied where the same non-compliance is raised more than 3 times	Food Inspection Fees - Other (definition as per Food Act)*	Exempt	per inspection	Y	-	$ 300.00	-	-
	Food Safety Training (per session)	Taxable	Per person		TBC	TBC	-	Decrease
Supported Residential Facilties (SRF)	Inspection Fees as per Schedule 1 of the of the SRF Regulations 2009	Exempt	per inspection	Y	$ 184.00	$ 188.00	2%	Increase
	Application fees for licence - new, renewal, transfer	Exempt	per application	Y	$ 77.00	$ 78.50	2%	Increase
	Late application fees for licence and/or lodging a dispute application	Exempt	per application	Y	$ 46.00	$ 47.00	2%	Increase
	Licensing Fees - new or renewal	Exempt	per annum, per granted license	Y	$ 358.00	$ 366.00	2%	Increase
Public Health Act	HRMWS registration fees - new (registration of 1 system)	Exempt	per system	Y	$18.60 to $38	$ 37.75	-	Decrease
	HRMWS registration fees - new (registration of additional systems)	Exempt	per system	Y	$18.60 to $38	$ 25.25	-	Decrease
	HRMWS registration fees - renewal (dependent on number on premise)	Exempt	per system	Y	$18.60 to $38	$ 19.00	-	Decrease
	Inspection fee HRMWS (for 1 system)	Exempt	per inspection	Y	$ 149.00	$ 151.00	1%	Increase
	Inspection fee HRMWS (for each additional system on the same premises)	Exempt	per inspection	Y	$ 98.50	$ 101.00	3%	Increase
	Minister determination or approval	Exempt	per application	Y	$ 619.00	$ 633.00	2%	Increase
* covers madatory notifiable steps as per prescribed code	(Wastewater) - Septic Tank Application - New Dwelling*	Exempt	per application	Y	$ 457.00	$ 468.00	2%	Increase
	(Wastewater) - Septic Tank Application - Existing Dwelling*	Exempt	per application	Y	$ 340.00	$ 348.00	2%	Increase
	(Wastewater) - Septic Tank Application - to alter existing*	Exempt	per application	Y	$ 223.00	$ 228.00	2%	Increase
	(Wastewater) - Additional Inspections	Exempt	per inspection	Y	$ 117.00	$ 120.00	3%	Increase
	Public Health Training (per session)	Taxable	per person		N/A	N/A	-	-
INFORMATION SERVICES								
Council Documents	Annual Financial Statements	Exempt	per page		$ 0.20	$ 0.25	25%	Increase

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
		Exempt	N.A.					
	Annual Report, Annual Business Plan Summary, Community Plan 'The Futures Paper' 2016-2020				Free of charge	Free of charge	-	-
	Annual Business Plan (Draft) and Final	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
(First ten (10) pages of any document requested in hard copy free of charge (effective from 01/07/2015))	Assessment Record	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Council By-Laws	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Council Assessment Panel, Agenda and Minutes	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Council and Committee Agendas, Minutes and Notices	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Council Policies (various)	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Council Registers (e.g. Community Land, Dogs, Fees & Charges, Parking, Public Roads)	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Development Applications by Consent	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Election Campaign Donations Returns	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Information Statement for F.O.I.	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Rate Rebates Report	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Supplementary Development Plans (previously on exhibition)	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
	Voters Roll	Exempt	per page		$ 0.20	$ 0.25	25%	Increase
Freedom of Information	On application, access and review in relation to Council documents	Exempt	-	Y	TBC	TBC	-	-
	First 2 hours are only no charge for documents concering personal affairs of the applicant	Exempt	-		Free of charge	Free of charge	-	-
	Each subsequent 15 minutes	Exempt	-	Y	TBC	TBC	-	-
	Non-personal applications are charged for each 15 minutes from commencement	Exempt	-	Y	TBC	TBC	-	-
Property Searches	Rate searches (section 7 & 187), certificates of liability & extracts from assessment book	Exempt	per search	Y	$ 55.80	TBC	-	-
***New**	Rates Certificate only	Exempt	per certificate	Y	$ 32.50	TBC	-	-
***New**	Rates Search Update (within 90 days of original search request only)	Exempt	per update	Y	Free of charge	Free of charge	-	-
Development Application Searches	**Building or Planning Documents**							
	Building or Planning documents - search/copy of (refer to Council Policy D160)	Taxable	First 2 hours		$ 34.00	$ 34.70	2%	Increase
			per hour thereafter		$ 47.50	$ 48.45	2%	Increase
Voters Roll for Election Candidates only	Certified hard copy of combined roll - first copy per candidate		per election	Y	Free of charge	Free of charge	-	Decrease
	Certified hard copy of combined roll - subsequent copy(ies) per candidate	Taxable	per page		$ 0.20	$ 0.20	0%	Decrease
Plan Printing	**Plain Paper Plots - Black & White**	Taxable						
(Quotes required for printing over 50 pages)	Size B1		1-10 pages		$ 7.00	$ 7.00	0%	Decrease
			11-20 pages		$ 6.00	$ 6.00	0%	Decrease
			21-50 pages		$ 6.00	$ 6.00	0%	Decrease
	Size A0		1-10 pages		$ 8.00	$ 8.00	0%	Decrease
			11-20 pages		$ 7.00	$ 7.00	0%	Decrease
			21-50 pages		$ 7.00	$ 7.00	0%	Decrease
	Size A1		1-10 pages		$ 6.00	$ 6.00	0%	Decrease
			11-20 pages		$ 5.00	$ 5.00	0%	Decrease
			21-50 pages		$ 5.00	$ 5.00	0%	Decrease
	Size A2		1-10 pages		$ 5.00	$ 5.00	0%	Decrease
			11-20 pages		$ 5.00	$ 5.00	0%	Decrease
			21-50 pages		$ 4.00	$ 4.00	0%	Decrease
	Size A3		1-10 pages		$ 4.00	$ 4.00	0%	Decrease
			11-20 pages		$ 3.00	$ 3.00	0%	Decrease
			21-50 pages		$ 3.00	$ 3.00	0%	Decrease
	Plain Paper Plots - Colour (Line Drawing)	Taxable						
	Size B1		1-10 pages		$ 20.00	$ 20.00	0%	Decrease
			11-20 pages		$ 17.00	$ 17.00	0%	Decrease
			21-50 pages		$ 15.00	$ 15.00	0%	Decrease
	Size A0		1-10 pages		$ 23.00	$ 23.00	0%	Decrease
			11-20 pages		$ 20.00	$ 20.00	0%	Decrease
			21-50 pages		$ 17.00	$ 17.00	0%	Decrease
	Size A1		1-10 pages		$ 17.00	$ 17.00	0%	Decrease
			11-20 pages		$ 15.00	$ 15.00	0%	Decrease
			21-50 pages		$ 12.00	$ 12.00	0%	Decrease
	Size A2		1-10 pages		$ 15.00	$ 15.00	0%	Decrease
			11-20 pages		$ 12.00	$ 12.00	0%	Decrease
			21-50 pages		$ 9.00	$ 9.00	0%	Decrease

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Size A3		1-10 pages		$ 7.00	$ 7.00	0%	Decrease
			11-20 pages		$ 6.00	$ 6.00	0%	Decrease
			21-50 pages		$ 5.00	$ 5.00	0%	Decrease
	Plain Paper Plots - Colour (Fill Drawing)	Taxable						
	Size B1		1-10 pages		$ 23.00	$ 23.00	0%	Decrease
			11-20 pages		$ 23.00	$ 23.00	0%	Decrease
			21-50 pages		$ 20.00	$ 20.00	0%	Decrease
	Size A0		1-10 pages		$ 28.00	$ 28.00	0%	Decrease
			11-20 pages		$ 25.00	$ 25.00	0%	Decrease
			21-50 pages		$ 23.00	$ 23.00	0%	Decrease
	Size A1		1-10 pages		$ 23.00	$ 23.00	0%	Decrease
			11-20 pages		$ 20.00	$ 20.00	0%	Decrease
			21-50 pages		$ 17.00	$ 17.00	0%	Decrease
	Plain Paper Plots - Colour (Fill Drawing) continued...	Taxable						
	Size A2		1-10 pages		$ 17.00	$ 17.00	0%	Decrease
			11-20 pages		$ 14.00	$ 14.00	0%	Decrease
			21-50 pages		$ 12.00	$ 12.00	0%	Decrease
	Size A3		1-10 pages		$ 9.00	$ 9.00	0%	Decrease
			11-20 pages		$ 7.00	$ 7.00	0%	Decrease
			21-50 pages		$ 6.00	$ 6.00	0%	Decrease
	Plain Paper Copies - Black and White	Taxable						
	Size B1		1-10 pages		$ 7.00	$ 7.00	0%	Decrease
			11-20 pages		$ 7.00	$ 7.00	0%	Decrease
			21-50 pages		$ 6.00	$ 6.00	0%	Decrease
	Size A0		1-10 pages		$ 8.00	$ 8.00	0%	Decrease
			11-20 pages		$ 8.00	$ 8.00	0%	Decrease
			21-50 pages		$ 7.00	$ 7.00	0%	Decrease
	Size A1		1-10 pages		$ 7.00	$ 7.00	0%	Decrease
			11-20 pages		$ 7.00	$ 7.00	0%	Decrease
			21-50 pages		$ 7.00	$ 7.00	0%	Decrease
	Size A2		1-10 pages		$ 6.00	$ 6.00	0%	Decrease
			11-20 pages		$ 6.00	$ 6.00	0%	Decrease
			21-50 pages		$ 6.00	$ 6.00	0%	Decrease
	Size A3		1-10 pages		$ 4.00	$ 4.00	0%	Decrease
			11-20 pages		$ 3.00	$ 3.00	0%	Decrease
			21-50 pages		$ 3.00	$ 3.00	0%	Decrease
Issue of Keys		taxable	per key		-	$ 23.00	-	Decrease
LICENCES AND PERMITS								
Mobile Vendors	Permit for mobile ice cream & other food vendors S188(1)(f) LGA - annual	Exempt	per vendor		$ 820.00	$ 836.00	2%	Increase
	Permit for mobile ice cream & other food vendors S188(1)(f) LGA - monthly	Exempt	per vendor		$ 100.00	$ 102.00	2%	Increase
Outdoor Dining	One Setting (is up to) - 1 x table, 4 x chairs, 1 x umbrella S188(1)(f) LGA	Exempt	pa per setting		$ 57.50	$ 58.50	2%	Increase
	Minimum Charge		per annum		$ 102.00	$ 104.00	2%	Increase
	Additional chairs				$ 13.50	$ 13.50	0%	Decrease
	Additional tables				$ 13.50	$ 13.50	0%	Decrease
	Additional umbrellas				$ 13.50	$ 13.50	0%	Decrease
Outdoor Displays (Trading)	On footways (permit under LGA S.222) S188(1)(f) LGA	Exempt	per display unit		$ 57.50	$ 58.50	2%	Increase
Parking	Private Parking Areas Act Fees - when authorised by Council	Exempt		Y	TBC	TBC	-	-
Road Closures	Applications & consents (incl advertising fees) in relation to temporary road closures	Exempt			Nil	Nil	-	-
Trading	**Street Traders**	Exempt						
	Annual licence - at least equal to Council's fixed charge for same financial year as the licence (see per week permit below)		Fixed charge		TBC	TBC	-	-
	Permit - per week or part thereof		per week		$ 68.50	$ 70.00	2%	Increase
CEMETERIES								
Carinya and/or Lake Terrance	**Interment Rights**	Taxable						
*all fees assume completion between 9am to 3.00pm Monday to Friday (excluding public holidays)	All Burial sites excluding family allotments and children's gardens				$ 1,940.00	$ 1,980.00	2%	Increase
	Children's Burial Gardens (Carinya)				$ 820.00	$ 830.00	1%	Increase
	Family Allotments (Carinya)				$ 7,750.00	$ 7,920.00	2%	Increase

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Vault (Lake Cemetery)				$ 11,800.00	$ 12,000.00	2%	Increase
** includes first interment	Waterfall Area - Granite (Carinya)**				$ 920.00	$ 940.00	2%	Increase
	Waterfall Area - Plinth (Carinya)**				$ 720.00	$ 740.00	3%	Increase
	Cross Area - Granite (Carinya)**				$ 660.00	$ 680.00	3%	Increase
	Cross Area - Plinth (Carinya)**				$ 620.00	$ 640.00	3%	Increase
	Boronia Garden - Granite (Carinya)**				$ 660.00	$ 680.00	3%	Increase
	Rotunda Memorial - Granite (Carinya)**				$ 920.00	$ 940.00	2%	Increase
	Rose Gardens - Plinth (Carinya)**				$ 620.00	$ 640.00	3%	Increase
	Rustic (Granite) Wall (Carinya)**				$ 490.00	$ 500.00	2%	Increase
	Block Wall (Carinya)**				$ 430.00	$ 440.00	2%	Increase
	Burial Fees	Taxable						
	Single depth burial 1.67 metres*				$ 1,630.00	$ 1,665.00	2%	Increase
	Double depth burial 2.13 metres*				$ 1,680.00	$ 1,715.00	2%	Increase
	Triple depth burial 3.05 metres*				$ 1,780.00	$ 1,800.00	1%	Increase
	Children under twelve (12) years of age - Childrens Gardens ONLY (Carinya)*				$ 620.00	$ 635.00	2%	Increase
	Vault Opening Fees (Lake Terrace)	Taxable						
	Vault Opening Fees (Lake Terrace)				$ 600.00	$ 1,200.00	100%	Increase
	Cremation Fees (Carinya)	Taxable						
	Adults*				$ 990.00	$ 990.00	0%	Decrease
	Children under twelve (12) years of age*				$ 490.00	$ 490.00	0%	Decrease
	Infant under two (2) years of age*				$ 270.00	$ 270.00	0%	Decrease
	Infant under one year of age if undertaken on same day as another cremation*				Nil	Nil	-	-
	Fees Payable in Addition to Cremations (Carinya)	Taxable						
	Witnessing no chapel service*				$ 125.00	$ 125.00	0%	Decrease
	Delivery of cremated remains (in Australia)				$ 140.00	$ 140.00	0%	Decrease
	Delivery of cremated remains (outside Australia)				TBC	TBC	-	-
	Chapel Fees (Carinya)	Taxable						
	Weekdays (excluding public holidays)*				$ 285.00	$ 290.00	2%	Increase
	Non Standard Extra Fees	Taxable						
	Weekdays after 3pm and Saturdays (excluding public holidays)				$ 620.00	$ 640.00	3%	Increase
	Sundays and Public Holidays (on application ONLY)				$ 960.00	$ 980.00	2%	Increase
	Interment of Ashes	Taxable						
	Interred in to existing grave*				$ 445.00	$ 455.00	2%	Increase
*** second interment	Waterfall Area - Granite (Carinya)***				$ 460.00	$ 470.00	2%	Increase
	Waterfall Area - Plinth (Carinya)***				$ 360.00	$ 370.00	3%	Increase
	Cross Area - Granite (Carinya)***				$ 330.00	$ 340.00	3%	Increase
	Cross Area - Plinth (Carinya)***				$ 310.00	$ 320.00	3%	Increase
	Boronia Garden - Granite (Carinya)***				$ 330.00	$ 340.00	3%	Increase
	Rotunda Memorial - Granite (Carinya)***				$ 460.00	$ 470.00	2%	Increase
	Rose Gardens - Plinth (Carinya)***				$ 310.00	$ 320.00	3%	Increase
	Fees Payable in Addition to Interments	Taxable						
	Oversize Coffins and Caskets if notified				Nil	-	-	-
	Oversize Coffins and Caskets - notification not received or received after excavation				$ 155.00	$ 155.00	0%	Decrease
	Memorial Plaques - Burials	Taxable						
	Single Bronze		6 lines		$ 630.00	$ 655.00	4%	Increase
	Dual Conversion Bronze				$ 810.00	$ 840.00	4%	Increase
	Dual Conversion Bronze detachable plate				$ 300.00	$ 315.00	5%	Increase
	Family Allotment Bronze (includes Granite Plinth) (Carinya)				$ 645.00	$ 670.00	4%	Increase
	Family Allotment Bronze name plate (Carinya)				$ 385.00	$ 400.00	4%	Increase
	Lasting Memories		75 letters, 3 photos		$ 1,740.00	$ 1,800.00	3%	Increase
	Life's Memories				$ 1,670.00	$ 1,735.00	4%	Increase
	Memorial Seat (Carinya)				$ 410.00	$ 425.00	4%	Increase
	Memorial Plaques - Cremations	Taxable						
	Single Bronze Granite		6 lines		$ 525.00	$ 545.00	4%	Increase
	Single Bronze Plinth		6 lines		$ 440.00	$ 455.00	3%	Increase
	Lasting Memories Granite				$ 1,350.00	$ 1,400.00	4%	Increase

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	Life's Memories Granite				$ 1,420.00	$ 1,475.00	4%	Increase
	Single Bronze Rustic (Granite) Wall (Carinya)		6 lines		$ 425.00	$ 440.00	4%	Increase
	Single Bronze Dual Conversion Rustic (Granite) Wall (Carinya)				$ 650.00	$ 675.00	4%	Increase
	Dual Conversion Bronze detachable plate Rustic (Granite) Wall (Carinya)				$ 285.00	$ 295.00	4%	Increase
	Single Bronze Block Wall (Carinya)		6 lines		$ 405.00	$ 420.00	4%	Increase
	Memorial Plaques - Additonal Fees	Taxable						
	Exra lines		per line		$ 40.00	$ 42.00	5%	Increase
	Cleaner		each		$ 30.00	$ 30.00	0%	Decrease
	Refurbishment - single		single		$ 160.00	$ 165.00	3%	Increase
	Refurbishment - dual conversion		dual conversion		$ 185.00	$ 195.00	5%	Increase
	Photograph - 'True to Life' (5cm x 7cm)		each		$ 340.00	$ 350.00	3%	Increase
	Photograph - Ceramic (5cm x 7cm)		each		$ 120.00	$ 125.00	4%	Increase
	Emblem		standard		$ 80.00	$ 85.00	6%	Increase
	Additional Proof		each		$ 55.00	$ 55.00	0%	Decrease
	Monument Licence Fee (Lake Terrace)	Taxable						
	Single		single		$ 430.00	$ 430.00	0%	Decrease
	Double		double		$ 650.00	$ 650.00	0%	Decrease
	Each additional		additional		$ 85.00	$ 85.00	0%	Decrease
	Other Fees	Taxable						
	Exhumation after minimum period when authorised		authorised		$ 2,350.00	$ 2,400.00	2%	Increase
	Brass Flower Vase		vase		$ 40.00	TBC	-	-
	Remove and fit existing plaques		plaques		$ 40.00	$ 40.00	0%	Decrease
PRIVATE WORKS								
Footpaths, Stormwater Pipes, Culverts, Inverts & Crossovers, Sundry Works	Concrete Crossover	Taxable	per m^2		-	$ 110.00	-	-
	Bitumen Crossover - minimum charge (including first $1m^2$)	Taxable			-	$ 200.00	-	-
	Bitumen Crossover - (every meter after first M^2)	Taxable	per m^2		-	$ 25.00	-	-
	Inverts	Taxable	lineal metre		-	$ 150.00	-	-
Mowing Ovals	Mowing ovals for schools/sporting clubs / per hours	Taxable			$ 114.00	$ 115.00	1%	Increase
Reinstatements	Concrete Reinstatement	Taxable	per m^3		-	$ 1,050.00	-	-
	Asphalt Reinstatement	Taxable	per m^3		-	$ 850.00	-	-
	Bitumen Resinstatement - minimum charge (including fist $1m^2$)	Taxable			-	$ 200.00	-	-
	Bitumen Reinstatement- (every meter after first M^2)	Taxable	per m^2		-	$ 25.00	-	-
WASTE MANAGEMENT								
Waste Transfer Centre (Rubbish Removal)	**General Public**	Taxable						
	Single garbage bag		per bag		$ 5.50	$ 6.00	9%	Increase
	Car boot load		per load		$ 24.00	$ 26.00	8%	Increase
	Small trailer or utility (standard)		per load		$ 43.00	$ 47.00	9%	Increase
	Small trailer or utility (heaped)		per load		$ 63.00	$ 69.00	10%	Increase
	Small trailer or utility (caged)		per load		$ 83.00	$ 91.00	10%	Increase
	Tandem trailer (standard)		per load		$ 68.00	$ 74.00	9%	Increase
	Tandem trailer (heaped)		per load		$ 90.00	$ 99.00	10%	Increase
	Tandem trailer (caged)		per load		$ 112.00	$ 123.00	10%	Increase
	Truck or large trailer		per tonne		$ 155.00	$ 170.00	10%	Increase
	Disposal by arrangement (direct to landfill) e.g. asbestos, genetically modified material				$ 225.00	$ 245.00	9%	Increase
	Mattresses (regardless of size)		per mattress		$ 28.00	$ 28.00	0%	Decrease
	Cooking Oil		per litre		$ 0.30	$ 0.30	0%	Decrease
	Fridges and other appliances that require degassing or deoiling		per item		$ 66.00	$ 72.00	9%	Increase
	Senior's Card/Aged Pensioners Card - must present valid Seniors/Aged Pensioners/Health card							
	Single garbage bag				$ 4.30	$ 4.70	9%	Increase
	Limit car boot load only				$ 17.00	$ 18.00	6%	Increase
	Private Contractors	Taxable						
	Charge per tonne via Waste Transfer Centre (to landfill)		per tonne		$ 150.00	$ 164.50	10%	Increase
	Minimum charge for account customers:				$ 78.00	$ 85.00	9%	Increase
New	Minimum charge where weight under half tonne but volume excessive (as deemed by operator)		per load		-	$ 164.50	-	-
	eWaste and Recycling	Taxable						

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	UNITS	STATUTORY	2018/2019	2019/2020	% Increase / Decrease	
	CDs, discs, USBs, calculators, household batteries etc		each		Free of charge	Free of charge	-	-
	Compact fluro lights (CFLs)		per item		$ 0.50	$ 0.50	0%	Decrease
	Fluro tubes, high density lamps		per item		$ 1.00	$ 1.00	0%	Decrease
	Keyboards, toaster, frypans, lamps, etc		per item		$ 6.00	$ 6.00	0%	Decrease
	Microwaves, vacuums, DVDs, small printers, etc		per item		$ 15.00	$ 15.00	0%	Decrease
	Computer package, large TVs, medium printers, etc		per item		$ 25.00	$ 25.00	0%	Decrease
	Extra large items i.e. photocopiers etc		per kg		$ 1.20	$ 1.20	0%	Decrease
Rubbish Collection	**Rubbish Collection**							
* applied on pro-rata basis	Green Waste Collection Fortnightly Service*	Exempt			$ 84.00	$ 85.00	1%	Increase
Bins and Containers	240L Bins (Greenwaste)	Taxable			$ 73.00	$ 75.00	3%	Increase
	240L Bins (Garbage/Recycling) - replacement	Taxable			$ 73.00	$ 75.00	3%	Increase
**cost for provisoin of bin plus collection service	Additional Bins (Garbage/Recycling)**	Exempt	per bin & service		$ 125.00	$ 129.00	3%	Increase
	Sharps Container - 5L	Taxable	each		$ 10.00	$ 12.00	20%	Increase
	Sharps Container - 2L	Taxable	each		$ 8.00	$ 8.00	0%	Decrease
Storm Water Drainage	**Developer Contribution - Downstream Drainage**							
	For developments of 1 hectare or greater	Exempt	flat rate		$ 5,600.00	$ 5,700.00	2%	Increase
	For developments less than 1 hectare	Exempt	per m^2		$ 0.90	$ 0.90	0%	Decrease

References:
1. Fees and charges marked as 'Statutory' are subject to change at any time by the relevant Statutory provisions.
2. All items are GST inclusive unless specifically marked otherwise.
3. Fines and expiations may also apply as per relevant legislation.

Abbreviations:

CEO	Chief Executive Officer
excl	Excluding
incl	Including
N/A	Not Applicable
pa	Per Annum
TBC	To Be Confirmed
HRMWS	High Risk Manufacture Water System
SRF	Supported Residential Facility
RRP	Recommended Retail Price (per supplier)

City of Mount Gambier

Quarterly Summary KPI Report Community Plan - The Futures Paper 2016 – 2020

For the quarter ending 31 December 2018

Description	Comment
1. Our People	
1.1 Encourage the relevant service providers to support the wellbeing of the community.	
1.1.1 Engagement undertaken identifying opportunities and activities by relevant service providers to support and improve the wellbeing of the community.	Member of the AEDC action group to reduce the (increasing) vulnerability indicators of our children. Working with SAPOL and DPC to identify and implement strategies to collaboratively address current youth disengagement issues. Member of the Limestone Coast Community Services Roundtable.
1.2 Lobby for improved and appropriate health services to be delivered in the city.	
1.2.1 Appropriate action conducted to lobby for improved health services. Attendance on external committees by Council.	Ongoing support provided for the Limestone Coast Substance misuse initiative. Ongoing representation on the Limestone Coast Community Services round table and maintain professional relationship with Mount Gambier HACC.
1.3 Create opportunities for all citizens to be involved in community life.	
1.3.1 Create a Volunteering Strategy for the City of Mount Gambier by 30 June, 2018.	Research undertaken for best practice, methodology developed and engagement delayed due to Community and Recreation Hub commitments. Recommence in February 2019.
1.3.2 Conduct a structural review of the Community Grants Program by 30 June 2018.	This is an ongoing, continual improvement process.
1.4 Support social awareness and inclusion in society, business and cultural activities.	
1.4.1 Conduct an Accessibility Audit of Council facilities by 30 June, 2018.	Accessibility Audit completed in previous quarter.
1.4.1 Conduct an Accessibility Audit of Council facilities by 30 June, 2018.	Audit has been completed by City Infrastructure.
1.4.2 Develop a Disability Discrimination Act Action Plan and implement by June 2019.	Strategy has been identified to progress using data from the Accessibility Audit. Specialist resources will be required. Review currently being undertaken of existing databases to prioritise actions and develop a forward works plan.
1.5 Create pathways to lifelong education and training.	
1.5.1 Embed STEM across Council programs and activities within Library/RAG/Sustainability initiatives.	Regular programming of Virtual Reality (VR) and science integrated with art exhibitions at the Main Corner/Gallery. The Library continuing with e Makers program and Innovation Lab activities. Collaborative programming for the 18/19 summer holiday period has been very successful.
1.6.1 Complete the Youth Plan.	Complete. Recommendations to be integrated with the strategic prioritised implementation plan.
1.6.2 Commence implementation of at least three key findings from the Youth Plan by March 2018.	Pending endorsement of integrated strategic plan.
1.7 Build a Council culture focused on teamwork, innovation, customer service, efficient business and continuous improvement,	
1.7.1 Best People Best Community drives continual improvement. All Council Business Units analyse at least two service activities and two processes annually	The Business Unit Planning process requires all Business Units to identify opportunities for continuous improvement projects annually.

to enhance productivity.	
1.7.2 Review and implement staff cultural survey to identify improvements.	Due to other imperatives (Community and Recreation Hub, Council elections and the impending retirement of the CEO) this KPI has not been progressed.
1.7.4 Review policies in line with Policy Register review schedule and as required legislatively.	Policy reviews are scheduled, reviewed and updated in line with each policies review by date. Council election period during the quarter to December 2018 resulted in some reviews being held over until the first quarter of 2019.
2. Our Location	
2.1 Provide and advocate for appropriate and accessible services and facilities.	
2.1.1 Develop by 30 June 2018 an Open Space and Asset Management Strategy focusing on the long term provision of recreational facilities and public open space.	Not yet commenced.
2.1.2 Commence implementation from August 2018 an Open Space and Asset Management Strategy focusing on the long term provision of recreational activities and public open space.	Not yet commenced
2.1.3 Complete Stage 2 of the Rail Trail and add to stage 1 via enhanced community facilities including shelter, seating and interpretive signage. (linked to the Tourism Signage Strategy)	Section of Rail Trail from east of Pick Ave linking through to Jubilee Hwy now complete. Works in progress on west end of trail from Jubilee Hwy West to Wandilo Rd
2.1.4 Commence implementation of the Signage Strategy and associated digital links in accordance with the Tourism Signage Strategy.	In Progress. Redundant signs being removed. some new signs have been replace at Rook Walk / Blue Lake area
2.2 Provide infrastructure and services that are well planned, accessible, efficient, financially sound and sustainable.	
2.2.1 Review and endorse annually Council's Asset and Infrastructure Management Plan ensuring that over any 5 year period asset maintenance is within the range recommendation by the LGA.	The Forward Program and Schedules of the Asset and Infrastructure Management Plan was updated in February 2018. The next review is due to commence March 2019.
2.2.2 95% of annual infrastructure and asset budget is expended within the approved budget year.	The budget reflects all projects identified in the Forward Program and Schedules.
3. Our Diverse Economy	
3.1 Build a diverse and resilient economy through collaboration and partnerships.	
3.1.1 External agencies engaged to deliver programs to support the local economy. (Education Institutions, Federal and State Agencies and Private Sector).	The preparation of Community and Recreation Hub documentation has meant that liaison has focused on the Community Reference Group, sporting clubs and state sporting associations as major stakeholders in the Hub. Working in collaboration has seen design work completed with significant community input to enhance Hub usability and access for the community.
3.1.2 Work with key stakeholders to develop a business innovation hub.	The NVI Innovation Hub is now fully operational. Periodic meetings with the Strategic Manager and participation by Council in graduation activities allows for Council to be informed about programs on offer, potential areas where new programs could be developed and to take part in success stories of those completing courses from across the community.

3.10 Council operates in accordance with relevant legislation, policies, governance and business practice and ensure professional and ethical standards, focusing on continuous improvement.	
3.10.1 Number of process improvement reviews and service reviews identified and completed per each portfolio.	Process improvement register is maintained recording a range of enhancements to work systems that include but go beyond Authority upgrades, Business Information Systems rebuild, development and implementation of the customer service unit, records management disposal systems, phone system upgrade, regional procurement and regional planning, extranet and staff intranet, grave site coffin lowering system.
3.10.2 Adherence to Mandatory Code of Conduct.	All Council employees are advised of Code of Conduct requirements as part of the Performance Development Review processes.
3.10.3 Code of Conduct refresher delivered 30 October 2017 to all staff.	Completed in 2017.
3.2 Support existing traditional industries to diversify and create value added opportunities.	
3.2.1 Continue implementation of the China Engagement Strategy (a) outbound business delegation by December 2017 and (b) inbound delegation from friendship cities in 2018.	Minor follow up on the last regional delegation to Council's Friendship Cities that occurred in October 2017. Connection between Tenison Woods College and Lu'an Middle School that was part of our last visit with intent to commence exchange programs. Still in contact with Keppel Logistics a major warehouse and distribution centre in Luán for potential distribution of regional products including meat and wine. Potential links between TAFE Dairy training and major milk producer in Luán. Dairy training in Mount Gambier has recently been delivered to an Indian milk company and this model could be expanded. Grow systems Australia (Mount Gambier) has installed their moving gully agricultural growing system into a large glasshouse outside of Luán. Significant potential to manufacture under licence this technology Working on gaining traction between Baotou Agriculture and Animal Husbandry Bureau and companies in the Limestone Coast focusing on improving sheep breeds in Inner Mongolia. Bully's beef continuing to export beef into Baotou.
3.3 Encourage and attract appropriate investment opportunities to support business growth and diversification.	
3.3.1 Lobby and advocate for investment attraction for Greater Mount Gambier and surrounding area.	Investment attraction has focused on documentation required by the State and Federal Governments for the Community and Recreation Hub. $15 million has been earmarked by the Federal Government pending the submission of further documentation and the state government is being lobbied for matched funding.
3.3.2 Investment and attraction prospectus developed by 30 June 2018.	This project has been delayed pending completion of all requirements for funding in relation to the Community and Recreation Hub. The RDA is working on a regional prospectus and waiting to see the outcomes of this process will allow any efforts Council considers to be useful to take the regional documents into consideration.
3.3.3 Lobby for ongoing government support.	Lobbying to government for support continues in relation to the GiG City Project. This work with the Department of State Development (now Department of Industry and Skills, DIS) had allocated funding connect the NVI to the high speed internet and Council have been lobbying to extend the infrastructure to other areas as an enabler for economic development. Tenders were

	called by DIS to provide a solution and they have yet to make any decision. While we have a stakeholder role, DIS retains control and is leading this project that was interrupted by a change of Government.
3.4 Improve business skills and training to support a more responsive workforce.	
3.4.1 Lead the development of opportunities for businesses including programs delivered that support NBN literacy and take up.	NBN rollout has now been completed to the Mount Gambier community including to Council. No further initiatives are planned at this stage.
3.5 Develop innovative practices and solutions to encourage and facilitate local business growth and sustainability.	
3.5.1 Implement Council's key priorities for a Smart City Digital Strategy.	Moving Council visitor servicing to a far more online environment continues with stakeholders and visitors being encouraged to move away from paper based products. The digital strategy is now embedded across many Council operations and has become the norm.
3.6 Partner with local tourism industry to grow Mount Gambier as a "year round" tourism destination.	
3.6.1 Implement actions identified in the Arts, Culture & Heritage Plan.	Numerous strategic reports have synergies across recommendations and both the GMCG and GMCG have worked together to ensure where that where there is overlap, that any proposed initiatives can be structured to achieve multiple objectives.
3.6.2 Partner with and support Tourism Mount Gambier to implement the Tourism Strategy as well as tourism products, signage and visitor attraction.	TMG objectives are being addresses on a project basis. The Board have identified key projects and board members are represented on each project working party. Signage implementation lies with Council as part of budget processes and requires liaison with numerous stakeholders including RAP Committee for sites of indigenous significance, heritage matters and owners of current interpretive content such as SA Water. While the style of signage has been endorsed the issue of indigenous and further tourism related content development requires further discussion.
3.7 To develop and implement strategies and actions and partner with relevant stakeholders to increase professional service delivery opportunities.	
3.7.1 Develop a strategy for the implementation of the Visitor Services Review by 30 October, 2017.	During 2018 meetings with staff at the Visitor Centre specifically to discuss the VIS review highlighted that many recommendations had already been implemented. Particularly in relation to digital content, liaising with other visitor centres in the region, connecting with state priorities for tourism and building skills of operators in the digital space. Development will be on going however the strong focus on visitor attraction through experiences prior to arrival will continue to be the underlying foundation for change.
3.8 Promote and attract new business opportunities in the local, national and international markets.	
3.8.1 Refer to Key Performance Indicators identified within strategy 3.2	Liaising with State and Federal government departments has been a key part of development for funding applications submitted for the Community and Recreation Centre. Both state and Federal Governments have provided in principal support for $25 million with much discussion and documentation prepared to each agency. Liaising with various departments continues as the project progresses through various milestones.
3.9 Council to provide leadership and engage with the community in driving economic opportunities.	

3.9.1 Complete City Growth Strategy and commence implementation from September 2017.	The City Growth Strategy focuses on economic development through identified areas of strategic advantage. The emergence of the Community and Recreation Hub as the initiative that can contribute significantly to retention and attraction of skilled workers, creation of new jobs during construction and in operation, provide opportunities for event tourism and to improve community well-being will likely be the focus for economic development for the next couple of years after funding is confirmed. The centre will act as a key enabler for economic development. As highlighted in the report, Council has a role in providing key enabling infrastructure for the purpose of building human capital and the Community and Recreation Centre will be an important initiative making a significant contribution to the regional economy.
4. Our Climate, Natural Resources, Arts, Culture and Heritage.	
4.10 Improve the sustainability of Council operations.	
4.10.1 Develop and deliver initiatives to influence behavioral change of employees to reduce energy consumption and to diminish waste to landfill.	Community subscription to Compost Revolution commenced.
4.2 Generate pride in our environment, culture and heritage by actively learning about, promoting and preserving our heritage.	
4.2.1 Catalogue the Library Heritage and the Riddoch Art Gallery Collections by 30 June 2018.	Research currently being refined to identify appropriate software program to efficiently store and sort the collection data that will assist with exhibition development.
4.3 Boandik culture is a visible part of community life.	
4.3.1 Consolidate Council's Reconciliation Action Plan by 31 December 2017.	This is a dynamic process that requires a strong focus on relationship management. Key projects identified include dual naming on signage and language projects.
4.3.2 Implement key findings of the Reconciliation Action Plan including Boandik Art/Culture in public spaces and signage.	Report to be prepared and presented to Council regarding dual naming including draft policy.
4.4 Celebrate cultural diversity through awareness and participation.	
4.4.1 Complete the Arts, Culture and Heritage Plan by 31 December 2017.	Complete. Recommendations to be integrated with the strategic prioritised implementation plan.
4.4.2 Commence the implementation of key outcomes of the Arts, Culture and Heritage Plan by 30 March 2018.	Pending endorsement of integrated strategic plan.
4.5 Educate and support the community to reduce greenhouse gas emissions, water consumption and waste.	
4.5.1 Council continue to promote greenhouse gas emission and water consumption reduction and minimise waste generation through the delivery of education to the community.	Priority focus for sustainability at the moment is the development of the Re-Use Market.
4.6 Strive to make Mount Gambier a recognised environmentally sustainable place.	
4.6.1 Continue programs to reduce Council's resilience and cost of electricity including solar power at Council owned facilities per annum.	Energy efficiency initiatives, LED lighting and energy measurement tools have been implemented and regularly evaluated.
4.6.2 Partner with and support Tourism Mount Gambier	TMG objectives are being addresses on a project basis. The

to implement the Tourism Strategy as well as tourism products, signage and visitor attraction.	Board have identified key projects and board members are represented on each project working party. Signage implementation lies with Council as part of budget processes and requires liaison with numerous stakeholders including RAP Committee for sites of indigenous significance, heritage matters and owners of current interpretive content such as SA Water. While the style of signage has been endorsed the issue of indigenous and further tourism related content development requires further discussion.
4.7 Develop innovative programs to protect our environment.	
4.7.1 Develop a best practice sustainability focused Material Recovery Centre to reduce and recycle waste by 31 December 2018.	ReUse Market operating in October 2018 and officially opened in December 2018.
4.8 Use place making strategies to promote public spaces and enhance community life.	
4.8.1 Active identified priority spaces and places via the Cultural Development Fund by June 2018.	Pending endorsement of integrated strategic plan
4.9 Build a creative City that encourages artistic expression and celebrates cultural diversity.	
4.9.1 Develop a forward plan for the operation, programming and exhibitions of the Riddoch Art Gallery by December 2017.	Planning is ongoing. The exhibition program now extends beyond 2020 including the Ancient Rome exhibition scheduled for 2019.

NO STOPPING
78m
ATTAMURRA RD
McDONALDS
NO STOPPING
46m
JUBILEE HWY EAST

TRAFFIC IMPACT STATEMENT

NO STOPPING
Jubilee Highway East (Northern Side) – Attamurra Rd Intersection

Part A – Traffic Management

It is the view of the undersigned that the Installation of No stopping zones on Jubilee Highway East (Northern side) will not be detrimental to traffic management in the area.

Part B – Road Safety Effects

It is anticipated that the proposal will not have any negative impacts on road safety.

Conclusion

In the opinion of the undersigned, the proposal to Install No Parking zones on Jubilee Highway East (Northern Side) will not have negative impacts on traffic management or road safety and is therefore deemed appropriate for the area.

……..
Daryl MORGAN
MANAGER ENGINEERING DESIGN AND CONTRACTS

22nd January 2019

Ref. AF11/1855

MINUTES OF COUNCIL ASSESSMENT PANEL MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Thursday, 17 January 2019 at 5:45 p.m.

PRESENT	Mrs E Travers (Presiding Member) Cr P Jenner Mr P Seebohm	
COUNCIL OFFICERS	Manager Development Services	- Mrs T Tzioutziouklaris
	Planning Officer	- Mrs E Ruffin

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

1. APOLOGY(IES)

Apology received from Mrs M Trotter

That the apology from Mrs M Trotter be received.

Moved: Cr Jenner Seconded: Mr Seebohm Carried

2. CONFIRMATION OF COUNCIL ASSESSMENT PANEL MINUTES

Meeting held on 20 December 2018

That the minutes of the Council Assessment Panel meeting held on 20 December 2018 as attached be confirmed.

Moved: Cr Jenner Seconded: Mr Seebohm Carried

3. INVITES

The Presiding Member read the following statement to the Applicant/Owner/Representor that attended the meeting:

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the new Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- The Assessment Panel continues to operate under the Development Act, until such time as the new Planning, Development and Infrastructure Act 2016 is fully functional.
- When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
- This will involve a judgement based on whether or not the proposed development meets and satisfies planning principles.
- The Council Assessment Panel consists of four Independent Members and one Elected Council Member.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.

- Once the Panel has heard your representation, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decision in confidence.
- You may ring the Council tomorrow afternoon to find out the result of tonight's meeting.

3.1. Development Application No. 381/0306/2018 - (Item 4.2)

- Donna Foster, the Applicant, did not attend the meeting.
- Mr Nicholas Healey on behalf of Mr Jarrad Sim, the Representor, spoke via telephone in relation to this matter at 6.17 p.m.

3.2. Development Application No. 381/0381/2018 - (Item 4.3)

- Mr Rick Mullen on behalf of Ms Brooke Rzepiela, the Owner, spoke in relation to this matter at 5.52 p.m.
- Kevin and Carla Pannell, the Representor, spoke in relation to this matter at 5.50 p.m.

3.3. Development Application No. 381/0318/2018 - (Item 4.4)

- Cameron Scheidl, the Owner, and Mr Al Scheidl spoke in relation to this matter at 6.08 p.m.

3.4. Development Application No. 381/0386/2018 - (Item 4.5)

- B Lawrence, the Applicant / Owner, spoke in relation to this matter at 6.10 p.m.

4. COUNCIL ASSESSMENT PANEL REPORTS

4.1. Council Assessment Panel Report No. AR19/1106

DEVELOPMENT NUMBER	N/A	
APPLICANT	N/A	
OWNER	N/A	
DESCRIPTION	A report was prepared for Council detailing the requirements for referral to the Heritage Advisor in Development Applications.	
ADDRESS	N/A	
NATURE OF DEVELOPMENT	N/A / Category 1	
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	N/A

REPORT RECOMMENDATION
(a) That Council Assessment Panel Report No. AR19/1106 be noted. (b) That Operational Standing Committee Report No. AR18/41818 titled 'Heritage Advisor role in Development Applications' as presented to the Operational Standing Committee on 11 December 2018 be noted. (c) Operational Standing Committee Report No. AR18/41818 titled 'Heritage Advisor role in Development Applications' as presented to the Operational Standing Committee on 11 December 2018 be referred to the February 2019 meeting of the Council Assessment Panel for the information of the new Members commencing on the Council Assessment Panel.

The Council Assessment Panel moved: Carried

4.2. Council Assessment Panel Report No. PR19/122

DEVELOPMENT NUMBER	DA 381/0306/2018	
APPLICANT	D Foster	
OWNER	D Foster	
DESCRIPTION	To change the use of a detached dwelling and associated outbuilding to two short term accommodation units.	
ADDRESS	106 Wehl Street South, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 3
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	Contributory Place	Wehl Street South Historic (Conservation) Policy Area

REPORT RECOMMENDATION
(a) That Council Assessment Panel Report No. PR19/122 be noted. (b) The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan, and the applicant be granted Development Plan Consent subject to the following conditions; 1. The short term accommodation units (2) shall be used in accordance with the plan and use description as approved by Council, and maintained thereafter.

2. At all times whomsoever may be occupying the property, shall take all measures to ensure the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the short term accommodation
3. All waste materials and refuse accumulated on the property shall be removed on regular basis so that the property is maintained in a clean and sanitary condition.
4. The buildings and land shall be maintained in a state of good repair and tidy condition at all times
5. The signage associated with the property shall be maintained in a state of good repair and tidy condition at all times.
6. The hours of 'check in' to the short term accommodation shall be limited to before 10 pm on any given evening, to minimise disturbance in the immediate area
7. Any lights on the subject land must be directed and screened so that the overspill of light into nearby premises is avoided.
8. A maximum of two carparking spaces be provided on the subject property.
9. All occupants of the short term accommodation to be informed:
   (i) Any waste generated on site is to be disposed of using the bins provided as part of the short term accommodation and not in any neighbouring properties bins.
   (ii) of the location of a designated smoking area away from any adjoining property and be clearly identified in the property rules/information.
   (iii) No animals to be allowed on the property as part of the use of the property for short term accommodation.

(c) The applicant be made aware this assessment has not considered the Building Code requirements for the 'Studio' to be used for human habitation. This will need to be assessed as part of an application for Building Approval. The Planning Approval has only taken into consideration of the proposed land use against the provisions of the Development Plan.

(d) The Applicant be advised the reasons for the Conditions of Consent are:

(i) To minimise any potential for impact on the adjoining property owners and/or occupiers.

(ii) To promote orderly and proper development.

(iii) To mimimise any potential for the development to detract and/or impact on the adjoining residential properties and the character and amenity of the subject locality.

The Council Assessment Panel moved: Carried

4.3. Council Assessment Panel Report No. AR19/746

DEVELOPMENT NUMBER	381/0381/2018	
APPLICANT	Mrs Brooke Rzepiela	
OWNER	P & B Rzepiela	
DESCRIPTION	Change of use from a dwelling to short term accommodation.	
ADDRESS	49 Bay Road, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 3
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	Bay Road Historic (Conservation) Policy Area

REPORT RECOMMENDATION

(a) That Council Assessment Panel Report No. AR19/746 be noted.

(b) The Applicant and owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is not considered to be at serious variance with Council's Development Plan and other relevant documentation and be granted Development Plan Consent subject to the following conditions;

(1) The short term accommodation shall be undertaken in accordance with the approved plan/s as submitted to Council on 30th November 2018; and maintained herewith and with the Conditions of Approval.

(2) At all times whomsoever may be occupying the property, shall take all measures to ensure that the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the short term accommodation.

(3) All the commercial wastes accumulated on the allotment shall be removed on a regular basis.

(4) The hours of 'check in' to the short term accommodation shall be limited to before 10 pm on any given evening, to minimise disturbance in the immediate area.

(5) Any bookings to use the subject property are to be for the whole property exclusively

(6) It shall be clearly identified that no animals (pets) are allowed on the subject property as part of the short term accommodation.

(7) The building and land shall be maintained in a state of good repair and tidy condition at all times.

(c) The Applicant be advised the reasons for the Conditions of Consent are:

(i) To minimise any potential for impact on the adjoining property owners and/or occupiers.

(ii) To promote orderly and proper development.

(iii) To mimimise any potential for the development to detract and/or impact on the adjoining residential properties and the character and amenity of the subject locality.

The Council Assessment Panel moved: Carried

4.4. Council Assessment Panel Report No. PR18/10755

DEVELOPMENT NUMBER	381/0318/2018	
APPLICANT	Adam Fosdike – Mates Rates Australia	
OWNER	Cameron Scheidl	
DESCRIPTION	To demolish an existing garage and to construct a detached garage in association with an existing detached dwelling.	
ADDRESS	3 Quail Place, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	N/A

REPORT RECOMMENDATION

(a) That Council Assessment Panel Report No. PR18/10755 be noted.

(b) The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is considered to be at serious variance with the Council's Development Plan, and does not warrant Development Plan Consent for the following reasons;

1. The proposed garage wall height, overall height is at significant variance to the development plan provisions.
2. The proposed development does not improve or enhance the amenity and character of the area.
3. The proposed development does not ensure orderly and proper development.
4. The proposed development is considered to be at serious variance with Council's Development Plan.

(c) It is recommend the applicant reconsider the proposed plans, having consideration of the following concerns;

1. The proposal to fill the site to the rear of the proposed shed results in an excessive overall height above natural ground level.
2. The proposed wall and overall height is at significant variance to the development plan provisions and should be reconsidered.
3. Landscaping should be shown on plan, established and maintained so as to lessen the visual impact from Dove Place, and the dwelling located to the rear of the subject property.
4. Is it possible to construct the garage in a different location to minimise the need to fill the site which effectively increases the wall height of the garage.

The Council Assessment Panel moved: Carried

4.5. Council Assessment Panel Report No. PR19/116

DEVELOPMENT NUMBER	DA 381/0386/2018	
APPLICANT	BA & CA Lawrence	
OWNER	BA & CA Lawrence	
DESCRIPTION	To construct a carport in association with an existing dwelling.	
ADDRESS	16 Tanglewood Crescent, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	N/A

REPORT RECOMMENDATION

(a) That Council Assessment Panel Report No. PR19/116 be noted.

(b) The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan, and the applicant be granted Development Plan Consent subject to the following conditions;

1. The development shall be carried out in accordance with the Plan/s approved by Council and with the Conditions of Approval, and maintained thereafter.
2. The carport shall only be used for purposes associated with the existing residential land use of the subject property
3. The carport shall not be infilled, nor a vehicle access door installed, to the front or the south eastern side.

4. Landscaping shall be established to the rear of the carport and maintained at all times.

(c) The Applicant be advised the reasons for the Conditions of Consent are:

1. To ensure the development does not detract from the character and amenity of the subject locality.
2. To promote orderly and proper development.

The Council Assessment Panel moved: Carried

4.6. Council Assessment Panel Report No. PR19/368

DEVELOPMENT NUMBER	DA 381/0374/2018	
APPLICANT	Blackbird Industries	
OWNER	Adam Feast	
DESCRIPTION	To construct an outbuilding (garage) on the site of an existing detached dwelling.	
ADDRESS	2 Tenison Drive, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Country Living	
POLICY AREA	N/A	
HERITAGE	N/A	N/A

REPORT RECOMMENDATION

(a) That Council Assessment Panel Report No. PR19/368 be noted.

(b) Upon receipt of amended plans illustrating the proposed development as amended, provisional development plan consent be granted subject to the following conditions:

a. The development shall be carried out in accordance with the plans as amended dated (Relevant date) and approved by the Council Assessment Panel.

b. The garage shall be used in association with the residential use of the subject property.

c. A screening hedge and trees shall be established to the eastern property boundary (Tenison Drive) so as to provide a screen/buffer between the garage and the street frontage and shall be maintained in good health and condition at all times.

d. The landscaping on the western property boundary, directly adjacent to White Avenue shall be maintained in good health and condition at all times.

(c) The Applicant be advised the reasons for the Conditions are:

a. To ensure the development does not detrimentally impact upon the residential amenity and character of the locality.
b. To promote orderly and proper development.

The Council Assessment Panel moved: Carried

5. MOTION(S) - With Notice

Nil submitted.

6. MOTION(S) - Without Notice

Nil submitted.

Meeting closed at 7.30 p.m.

17 January, 2019
AF18/470
AR19/1647

CONFIRMED THIS DAY OF 2019.

……..
PRESIDING MEMBER

[REPUBLISHED]

IN *Government Gazette* No. 52 dated 22 August 2013, page 3536, due to typographical error appearing on page 3538, under the heading 'Gifts and benefits' 3.7.8 *should* have been 3.7.3, is being replaced by this notice hereunder:

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of $100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

Published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

2.1 Show commitment and discharge duties conscientiously.

2.2 Act in a way that generates community trust and confidence in the Council.

2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.

2.4 Show respect for others if making comments publicly.

2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

2.6 Comply with all Council policies, codes and resolutions.

2.7 Deal with information received in their capacity as Council members in a responsible manner.

2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

2.10 Not bully or harass other Council members.

Relationship with Council staff

2.11 Not bully or harass Council staff.

2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.

2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.

2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.

2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

2.17 Any person may make a complaint about a Council member under the Behavioural Code.

2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.

2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.

2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.

2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.

2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.

2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.

2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:

2.25.1 Take no action;

2.25.2 Pass a censure motion in respect of the Council member;

2.25.3 Request a public apology, whether written or verbal;

2.25.4 Request the Council member to attend training on the specific topic found to have been breached;

2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);

2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

3.1 Act honestly at all times in the performance and discharge of their official functions and duties;

3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;

3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;

3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;

3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;

3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7 Council members must not:

3.7.1 Seek gifts or benefits of any kind;

3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;

3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.

3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:

3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:

3.9.1.2 Council work related events such as training, education sessions workshops and conferences;

3.9.1.3 Council functions or events;

3.9.1.4 Social functions organised by groups such as Council committees and community organisations.

3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.

3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

3.14 Council members using Council resources must do so effectively and prudently.

3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.

3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

City of Mount Gambier	M130 MEDIA - STATEMENTS ON BEHALF OF COUNCIL	Version No:	2
		Issued:	19 September 2017
		Next Review:	September 2019

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for media statements on behalf of Council.

2. POLICY

Statements to the media for and on behalf of Council, are only to be made by the Mayor or Chief Executive Officer, or another Member or employee authorised by the Mayor or Chief Executive Officer to make any statement.

The Mayor or Chief Executive Officer are empowered to respond publicly from time to time to any letters to the editor, editorial statements and/or any articles in the media generally, which are inaccurate or unbalanced and which warrant a correction, further explanation or the provision of other relevant details.

The response shall be for the express purpose of providing to the public an accurate statement regarding the correct position of Council

This Policy does not prevent individual Council Members expressing their own personal point of view on any particular Council issue provided their comments are prefaced as being personal views and not necessarily the views of Council.

3. REVIEW & EVALUATION

This Policy is scheduled for review by Council in September 2019, however, will be reviewed as required by any legislative changes which may occur.

4. 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.

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 Section 63
Reference: Strategic Plan – Beyond 2015	Goal 3 Strategy 10
Related Policies:	N/A
Related Procedures:	N/A
Related Documents:	N/A

DOCUMENT DETAILS

Responsibility:	Chief Executive Officer
Version:	2.0
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