



Reference: AF11/862 TLG

**MAYOR
COUNCILLORS
CITY OF MOUNT GAMBIER**

Members

1. NOTICE is hereby 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, 19TH AUGUST, 2014 AT 6.00 P.M.**
2. Notice is hereby given that the Standing Committees (Committee Room and Level 1 Conference Room) and Development Assessment Panel (Level 1 Conference Room) will meet at the Civic Centre, 10 Watson Terrace, Mount Gambier on the days and dates as follows:

| | |
|--|---|
| Corporate and Community Services Committee | Tuesday, 9th September, 2014 at 6.00 p.m. |
| Operational Services Committee | Tuesday, 9th September, 2014 at 7.30 a.m. |
| Development Assessment Panel | Thursday, 18th September, 2014 at 5.45 p.m. |

**ITEMS FOR AGENDAS CLOSE ON FRIDAY,
29TH AUGUST, 2014 AT 5.00 P.M.**

Mark McSHANE
CHIEF EXECUTIVE OFFICER

13th August, 2014
TLG

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Mount Gambier SA 5290

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City of Mount Gambier

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday 19th August, 2014 at 6.00 p.m.

AGENDA

COUNCIL

PRESENT:

Mayor SA Perryman

Cr A Lee
Cr J Maher
Cr DK Mutton
Cr H Persello
Cr PG Richardson
Cr B Shearing
Cr AT Smith
Cr I Von Stanke
Cr MR White

APOLOGY/IES:

moved the apologies received from
be accepted.

seconded

COUNCIL OFFICERS:

| | | |
|---|---|-----------------|
| Chief Executive Officer | - | Mr M McShane |
| Director – Operational Services | - | Mr D Sexton |
| Director – Corporate Services | - | Mr G Humphries |
| Manager Community Services and Development | - | Ms B Cernovskis |
| Governance Officer | - | Mr M McCarthy |
| Administrative Officer Executive Support | - | Ms T Gritton |

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.

**CONFIRMATION
OF MINUTES:**

moved the minutes of the previous meeting held on
15th July, 2014 be taken as read and confirmed.

seconded

MAYORAL REPORT - Ref. AF11/881

REPORTS FROM COUNCIL REPRESENTATIVES ON OUTSIDE ORGANISATIONS / ACTIVITIES - Ref. AF11/882

| <u>Member</u> | <u>Organisation</u> |
|---------------|---------------------|
| | |
| | |
| | |
| | |

moved the reports made by Council representatives on outside organisations / activities be received.

seconded

QUESTIONS:

(a) With Notice – Nil submitted.

(b) Without Notice -

PETITIONS: Nil.

NOTICE OF MOTION TO RESCIND: Nil.

ELECTED MEMBERS WORKSHOPS: Ref. AF11/2028

Four Elected Members Informal Workshops were conducted between 16th July, 2014 and 14th August, 2014.

Topics for discussion were:

| <i>Date</i> | <i>Topic for Discussion</i> |
|-------------|---|
| 22/07/2014 | Overview of OPAL Program, operations and achievements over past 5 years |
| 29/07/2014 | Discussion and input into the Regional Public Health Plan |
| 31/07/2014 | Discussion on various issues with Member for Mount Gambier, Troy Bell, MP |
| 11/08/2014 | Discussion on various issues with Federal Member for Barker, Tony Pasin, MP |

Records of Proceedings from the Workshops are attached.

moved that the Record of Proceedings for the Elected Members Workshops on the Overview of OPAL Program, operations and achievements over past 5 years; Discussion and input into the Regional Public Health Plan; Discussion on various issues with Member for Mount Gambier, Troy Bell, MP; Discussion on various issues with Federal Member for Barker, Tony Pasin, MP be received and the contents noted.

seconded

COMMITTEE MINUTES

PROCEDURE FOR VOTING EN BLOC:

- (i) *The Presiding Member of the meeting will consider the list of agenda items before the meeting and determine which could be considered En Bloc having regard to the guidances in the formal Council Procedure.*

The Policy stipulates that the following matters will not be considered EN BLOC:

- *in respect of which a Elected Member wishes to make an informed and representative decision has indicated that he/she wishes to debate, ask a question or to raise a point of clarification on a specific item;*
- *which require adoption by an absolute or special majority vote (for example, Council by-laws);*
- *in respect of which there is a disclosure of interest in accordance with Section 74 of the Local Government Act 1999;*
- *which require the Council to form an opinion as to the subject matter of the motion (for example, community land revocation, appointing a person to prepare a representation options paper under Section 12 of the Local Government Act 1999);*
- *where there is a recommendation to apply the confidentiality provisions of Section 90(3) of the Local Government Act 1999; and*
- *in respect of which a related decision will, or is likely to effect the rights, interests or legitimate expectations of a third party, individual or organisation (for example, a decision to grant or revoke a permit or license or, to grant an application for a community grant).*

It also remains open to an Elected Member or on the advice of the Chief Executive Officer to request that an item be removed from the list of items to be considered En-Bloc.

- (ii) *the Council Procedure suggests that the following are matters that could be considered En Bloc:*
- *items that are presented for information purposes only;*
 - *reports which require only receipt and noting; and*
 - *recommendations made by a Council Committee or in a Working Party report that are not contentious and do not require discussion or debate.*
- (iii) *The Presiding Member of the meeting will enquire of Members at the meeting whether they wish any item not to be considered as part of the En Bloc recommendation;*
- (iv) *where a consensus is not able to be agreed to, then that item will not be considered En Bloc;*

MATTERS TO BE CONSIDERED EN BLOC

The Presiding Member will enquire of the meeting which item(s) the Members consider can and should be considered En Bloc having regard to the guidances in the adopted Council Policy and Procedure on such matters.

OPERATIONAL SERVICES COMMITTEE MINUTES – 12th August, 2014

moved that the minutes of the meeting held 12th August, 2014 be received.

seconded

1. STRATEGIC MANAGEMENT - Internal - Operational Services Committee - Business Arising Table - Ref. AF11/1900

Goal: Governance
Strategic Objective: (i) *Develop an improved means of communication and engagement between Council and the community (including vulnerable communities) in the building of community capacity*

Cr Richardson moved it be recommended that the Business Arising Schedule be recorded for information.

| Date of Motion | Subject Matter | Action Required | Responsibility | Status | Comments |
|---|---|---|-------------------------|-------------|--|
| CORPORATE AND COMMUNITY SERVICES | | | | | |
| 20/11/2012 | Establishment of City Development Framework | <ul style="list-style-type: none"> • Expressions of Interest Process • Council Report | Chief Executive Officer | In Progress | <ul style="list-style-type: none"> • City Development Framework Sub-Committee established December 2013 to oversee project. • Professor John Martin engaged by Council • Draft Futures Paper being prepared, Professor John Martin in Mount Gambier 12 - 16th May, 2014. • May/June 2014 - consultation to commence to develop strategies. <p>Final Draft completed in July and desktop published for community consultation commencing 1st August - 29th August.</p> |

| | | | | | |
|-----------------------------|---|---|--|-------------|---|
| 20/08/2013 | Umpherston Sinkhole | <ul style="list-style-type: none"> Expressions of Interest Process Council Report | Governance Officer | In Progress | Negotiations continuing with potential operator. |
| 17/09/2013 | China Relationship | Further investigations/members workshop | Chief Executive Officer | In Progress | <ul style="list-style-type: none"> Initial workshop held Regional workshop scheduled on 5th December Members Informal workshop on 6th December Further workshop scheduled for 19th February 2014. Council Report and resolution in March to proceed to further investigation. Members Workshop with Sean Keenihan - 12th June, 2014 |
| 17/09/2013 | Smoke Free areas | Implementation of | Operational Services, Governance Officer, Manager Community Services and Development | In Progress | Internal Review and report to be developed. |
| 17/12/2013 | Display of Aboriginal and Torres Strait Islander Flags in the Council Chamber | Engagement with stakeholders and establishing a process | Manager Community Services and Development | In Progress | <ul style="list-style-type: none"> Statement of Commitment presented to Council Ongoing planning with Pangula Mannamurna, Burrandies, Aboriginal Corporation and Elders Group. 1st September date fixed for Ceremony in Council Chamber. |
| 18/3/2014 | Men's Shed | Convene Project Group to finalise arrangements for Men's Shed at Council Depot Site. | Chief Executive Officer, Governance Officer, Director - Operational Services | In Progress | <ul style="list-style-type: none"> Project Group convened. Lease document finalised. Work to commence July pending 2014/2015 Budget. |
| OPERATIONAL SERVICES | | | | | |
| 17/09/2013 | Regional Development Assessment Panels | Support the focus of the proposal and review the recommendations at a later date | Strategic Project Officer | Ongoing | Waiting for outcomes of investigation by SELGA |
| 11/02/2014 | Grant of easement - Botanic Park | Consent be given to the granting of easements | Governance Officer | Completed | No further action required by Council |

| | | | | | |
|------------|---|---|--|-------------|--|
| 18/03/2014 | South East Animal Welfare League | Enter into a joint funding agreement with South East Animal Welfare League and District Council of Grant for a five (5) year term | Director - Operational Services | In Progress | Joint Funding Agreement Drafted - with SEAWL |
| 17/06/2014 | Civic Centre maintenance - external cladding | Release Expression of Interest (in conjunction with Country Arts SA) | Director - Operational Services | In Progress | Not started as yet |
| 17/06/2014 | Parking restrictions - Commerce Place Carpark | Arrange for rescission and installation of parking restrictions at Commerce Place Carpark | Team Leader - General Inspector | In Progress | Signage has been ordered |
| 17/06/2014 | Parking restrictions - Commercial Street East and West | Arrange for rescission and installation of parking restrictions on Commercial Street East and West | Team Leader - General Inspector | In Progress | Signage has been ordered |
| 17/06/2014 | Grant of easement - Calula Drive | Consent be given to the granting of easement | Governance Officer | Completed | No further action required by Council |
| 08/07/2014 | Establishment of bicycle lanes - Suttontown Road | Advise N.F. McDonnell and Sons of alterations to bicycle lanes on Suttontown Road | Engineering Manager | Completed | Letter sent on 16/07/2014 |
| 08/07/2014 | Policy Review - C120 Cemeteries - Carinya Gardens and Lake Terrace Cemetery | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Policy Review - C355 Council Land - Irrigation Policy | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Policy Review - W125 Waste Management - Refuse Collection | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Policy Review - T120 Tree Policy | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Tender - Supply and Delivery of Concrete Pavers for Railway Lands | Advise successful and unsuccessful tenderers | Engineering Manager | Completed | Correspondence issued on 16/07/2014 |
| 08/07/2014 | Tender - Supply and Installation of Blue Lake Lighting | Set aside original Tender AF14/155 and retender by invitation (Tender AF14/277) to the tenderers who responded to AF14/155 | Manager - Regulatory Services Environmental Sustainability Officer | In Progress | New tender process to commence 06/08/2014 |

Cr Mutton seconded

Carried

2. **COMMITTEES - Internal - Operational Services Committee - re Projects to be undertaken by the Operational Services Department, Engineering Division, during month - Ref. AF11/866**

The Presiding Member reported the following works are to be undertaken/are currently being undertaken by the Operational Services Department, Engineering Division, during the month:

| <u>Commenced Tasks</u> | <u>% Completed</u> |
|---|--------------------|
| • Caroline Landfill (Cell construction only) | on hold |
| • Streetscaping / Paving City Centre (Krummel Street to Compton Street) | 80% |
| • O'Leary Road (Calula Drive to Wireless Road West) kerbing and widening | 65% |
| • Bike lane linemarking | 80% |
| • Ferrers Street streetscape upgrade | 60% |
| • Kennedy Avenue concrete footpath construction | 10% |
| • Commercial Street (Ferrers Street to Compton Street) protuberance kerbing works | 5% |
| • Commerce Place Carpark Redevelopment | 5% |

Completed Tasks

- Sutton Avenue - Jubilee Highway West concrete footpath
- Valley Lake Carpark tree removal and replacement (stage 3)

Cr Richardson moved it be recommended the report be received.

Cr Mutton seconded

Carried

3. **CELEBRATIONS AND FESTIVITIES - 2014 Christmas Parade - Street Closure - Ref. A13/402, AF11/1850**

Goal: Building Communities

Strategic Objective: (i) Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community

The Presiding Member reported:

- Since the introduction of the Australian Road Rules in late 1999, the power to close roads for special events is now contained within the Road Traffic Act 1961 (Section 33);
- the Minister for Transport has delegated the powers of Section 33 to Council, and Council should make an appropriate order to close Commercial Street for the Christmas Parade on 15th November 2014;

- (c) the order should:
- (i) close the required section of Commercial Street for the required period of the Christmas parade (including any adjacent or adjoining road); and
 - (ii) exempt the persons taking part in the parade on the closed portion of the road/s from a duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles;
- (d) Police Officers are given wide ranging powers by the order (as set out in Section 33 of the Road Traffic Act 1961) to ensure orderly conduct;
- (e) a copy of the order is to be published in a local newspaper at least two (2) clear days prior to the event.

Cr Von Stanke moved it be recommended:

- (a) the report be received;
- (b) Council, being of the opinion that the 2014 Christmas Parade is an event to which Section 33 of the Road Traffic Act applies to, pass the following order in relation to road closures for the purpose of the 2014 Christmas Parade on Saturday, 15th November 2014.

ORDER

Council, pursuant to Section 33 of the Road Traffic Act 1961 and instrument of Delegation from the Minister of Transport makes the following order to close the following roads on Saturday, 15th November 2014:

- (a) (i) **COMMERCIAL STREET EAST - between East side of Davison Street and Bay Road/Penola Road
WATSON TERRACE - north south leg adjacent to Jens Hotel**

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

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

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

- (b) **COMMERCIAL STREET WEST - between Bay Road/Penola Road and Wehl Street**
WATSON TERRACE - east west leg off Bay Road.

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

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

- (c) **CROUCH STREET SOUTH - between Commercial Street East and Sturt Street**
WEHL STREET NORTH - between Commercial Street West and Wyatt Street/Eglington Terrace.
COMMERCIAL STREET WEST - between Wehl Street and Bertha Street

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

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

Between the hours of 12:30pm and 5:00pm.

- (e) **COMMERCIAL STREET EAST - between Bay Road and Ferrers Street**

Between the hours of 1:00pm and 3:00pm.

- (f) **COMMERCIAL STREET WEST - between Bay Road and Gray Street**

Between the hours of 1:00pm and 3:00pm.

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

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

Conditions on Exemptions from Australian Road Rules

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

Cr Mutton seconded

Carried

4. **INFRASTRUCTURE - Maintenance - Damaged Street Tree Maintenance and/or Removal 2014 - Letter from Donahue's Leisure - Ref. AF13/386**

Goal: Environment

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

The Presiding Member reported:

- (a) The tree in question is a healthy tree (as assessed by Council's Engineering Technical Officer) and therefore does not fall within the scope of delegated authority to authorise removal;
- (b) this tree has lost some limbs over time but being a large Eucalypt it is not an ideal street tree and would not be planted in this location if a tree scheme was intended for the area;
- (c) given the history and circumstances of the request, the removal of this tree is supported by staff.

Cr Von Stanke moved it be recommended:

- (a) The report be received;
- (b) Council grant approval for the removal of the street tree (Eucalypt) adjacent to Donehue's Leisure, 250 Jubilee Highway West, Mount Gambier.

Cr Mutton seconded

Carried

5. PROPERTY MANAGEMENT - Arrangements - Temporary Closure of Valley Lake to Powered Water Craft - 2014 Carpathon Event - Ref. AF11/1880

Goal: Building Communities

Strategic Objective: (i) Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community

The Presiding Member reported:

- (a) Council are again partnering with the Department of Environment, Water and Natural Resources (DEWNR) for Water Week 2014. One of the activities involves running the Carpathon at the Valley Lake on Sunday the 2nd of November 2014. DEWNR have requested to have the Valley Lake closed to powered water craft during the period of the Carpathon, 9:00 a.m. to 3:00 p.m..

Cr Richardson moved it be recommended:

- (a) **The report be received;**
- (b) **Council approve the closure of the Valley Lake to powered water craft on Sunday the 2nd of November 2014, 9:00 a.m. to 3:00 p.m.**

Cr Shearing seconded

Carried

6. TRAFFIC MANAGEMENT - Regulating - Request for alterations to On-Street Parking - Bailey Street - Ref. AF11/1880

Goal: Building Communities

Strategic Objective: (i) The identified needs of the community are met, through implementing Long Term Asset Management Plans and Infrastructure Plans

The Presiding Member reported:

- (a) Council has received a letter from Courtney Jones (copy attached to the agenda) advising of concerns regarding traffic congestion around the kindergarten and school on Bailey Street;
- (b) this report will recommend Council amend the current resolutions in place to extend the 'No Parking Zone' and minimise the '15 Minute Zone', to allow traffic to flow more freely;
- (c) the proposed amended areas on Bailey Street are shown on the aerial map attached to the Traffic Impact Statement.

Cr Von Stanke moved it be recommended:

- (a) The report be received;
- (b) The Traffic Impact Statement attached to the Operational Services Committee agenda be endorsed by Council;
- (c) The City of Mount Gambier pursuant to Ministerial delegation resolves to amend the following:

Prohibited Area
1.1.461

No Stopping

BAILEY STREET - northern half from 76.5 metres west of the intersection with Wimmera Street and following the kerb line of the cul-de-sac to 134 metres of the said intersection

Prohibited Area
3.5.086

15 Minute Parking

BAILEY STREET - northern half from 68.0 metres west of the intersection with Wimmera Street to 76.5 metres west of the said intersection

to apply between 8.00 a.m. and 4.00 p.m. on school days

to be effective on the installation of appropriate signage

Cr Shearing seconded

Carried

7. **TRAFFIC MANAGEMENT** - Regulating - Request for alterations to On-Street Parking - Mitchell Street - Ref. AF11/1880

Goal: *Building Communities*

Strategic Objective: (i) *The identified needs of the community are met, through implementing Long Term Asset Management Plans and Infrastructure Plans*

The Presiding Member reported:

- (a) Council has received a letter and a signed petition from all of the Mitchell Street businesses (copy is attached to the agenda) with a proposal to change the existing timed zones in Mitchell Street from '1 Hour Parking' to '15 Minute Parking', which will increase the turnover of parking spaces in the street;
- (b) the proposed '15 Minute Parking' areas on Mitchell Street are shown on the aerial map attached to the Traffic Impact Statement.

Cr Mutton moved it be recommended:

- (a) The report be received;**
- (b) the Traffic Impact Statement attached to the Operational Services Committee agenda be endorsed by Council;**
- (c) Council rescinds resolution numbers 3.3.162 and 3.3.163;**
- (d) the City of Mount Gambier pursuant to Ministerial delegation resolves the following:**

**Prohibited Area
3.5.097**

15 Minute Parking

MITCHELL STREET - eastern half from 10.0 metres south of Percy Street to 26.2 metres south of Percy Street

**Prohibited Area
3.5.098**

15 Minute Parking

MITCHELL STREET - western half from 10.0 metres south of Percy Street to 33.3 metres south of Percy Street

to apply between 8.00 a.m. and 4.00 p.m. Monday to Friday and 8.00 a.m. to 12 noon Saturdays

to be effective on the installation of appropriate signage

Cr Von Stanke seconded

AMENDMENT

Cr Richardson moved it be recommended:

- (a) The report be received;**
- (b) the Traffic Impact Statement attached to the Operational Services Committee agenda be endorsed by Council;**
- (c) Council rescinds resolution numbers 3.3.162 and 3.3.163;**
- (d) the City of Mount Gambier pursuant to Ministerial delegation resolves the following:**

**Prohibited Area
3.5.097**

30 Minute Parking

MITCHELL STREET - eastern half from 10.0 metres south of Percy Street to 26.2 metres south of Percy Street

Prohibited Area
3.5.098

30 Minute Parking

MITCHELL STREET - western half from 10.0 metres south of Percy Street to 33.3 metres south of Percy Street

to apply between 8.00 a.m. and 4.00 p.m. Monday to Friday and 8.00 a.m. to 12 noon Saturdays

to be effective on the installation of appropriate signage

The amendment lapsed for want of a seconder

The motion was put and

Carried

8. OPERATIONAL SERVICES REPORT NO. 19/2014 - Property Leasing - Hastings Cunningham Reserve - Lake City Rod and Custom Club - Proposed Shed Extension - Ref. AF11/1442

Goal:

Governance

Strategic Objective:

(i) Demonstrate innovative and responsible organisational governance

Cr Von Stanke moved it be recommended:

- (a) Operational Services Report No. 19/2014 be received;**
- (b) Council consent (as custodian) to the extension proposed by the Lake City Rod and Custom Club to its shed located at Hastings Cunningham Reserve, subject to:**
 - 1. the consent of the Crown Lands division of the Department of Environment, Water and Natural Resources (Landowner);**
 - 2. the granting of a Development Approval for the proposed shed extension;**
 - 3. Special Conditions to control the works being annexed to the Lake City Rod and Custom Club Licence documentation.**

Cr Mutton seconded

Carried

9. **OPERATIONAL SERVICES REPORT NO. 20/2014 - Policy Review - A170 Advertising and Signage - Ref. AF11/1950**

Goal: Governance

Strategic Objective: (i) *Demonstrate innovative and responsible organisational governance*

Cr Shearing moved it be recommended:

- (a) Operational Services Report No. 20/2014 be received;**
- (b) Council hereby adopts new Council Policy A170 - Advertising and Signage as attached to this report;**
- (c) Council revoke existing Council Policies C325 Council Land - Advertising Signage and R250 Reserves - Sponsorship and Advertising Signs;**
- (d) Council makes the necessary amendments to Council's Policy Manual Index.**

Cr Mutton seconded

Carried

10. **OPERATIONAL SERVICES REPORT NO. 21/2014 - Policy Review - Footways and Crossovers - Ref. AF11/1950**

Goal: Governance

Strategic Objective: (i) *Demonstrate innovative and responsible organisational governance*

Cr Von Stanke moved it be recommended:

- (a) Operational Services Report No. 21/2014 be received;**
- (b) Council hereby adopts new Council Policy ##### - Footways and Crossovers as attached to this report;**
- (c) Council revoke existing Council Policies F160 - Footways - Crossing Places, F165 - Footways - Maintenance of Flexible Seal Vehicle Crossovers, F170 - Footways - Landscaping by Residents and S150 - Streets - Procedures for New Invert/Crossovers;**
- (d) Council makes the necessary amendments to Council's Policy Manual Index.**

Cr Mutton seconded

Carried

11. OPERATIONAL SERVICES REPORT NO. 22/2014 - Policy Review - D160 Inspection and Copying of Documents - Ref. AF11/1950

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

Cr Shearing moved it be recommended:

- (a) Operational Services Report No. 22/2014 be received;**
- (b) Council hereby adopts new Council Policy D160 - Development Act - Inspection and Copying of Documents as attached to this report;**
- (c) Council makes the necessary amendments to Council's Policy Manual Index.**

Cr Mutton seconded

Carried

12. OPERATIONAL SERVICES REPORT NO. 23/2014 - Policy Review - Encroachments / Protection of Public During Building / Maintenance Work - Ref. AF11/1950

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

Cr Shearing moved it be recommended:

- (a) Operational Services Report No. 23/2014 be received;**
- (b) Council hereby adopts new Council Policy ##### - Encroachments / Protection of Public During Building/Maintenance Work over Public Places, as attached to this report;**
- (c) Council revoke existing Council Policies B120 - Buildings - Encroachments over Public Places, B160 - Building - Verandah Posts, F200 - Footways - Protection Of Public - Building Work and F210 - Footways - Protection of Public - Maintenance Works;**
- (d) Council makes the necessary amendments to Council's Policy Manual Index.**

Cr Mutton seconded

Carried

13. OPERATIONAL SERVICES REPORT NO. 24/2014 - Policy Review - Operational Services Policies - Ref. AF11/1950

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

Cr Shearing moved it be recommended:

(a) Operational Services Report No. 24/2014 be received;

(b) Council hereby adopts new Council Policies:

- E240 - Expiation Notice - Cancellation and Waiver as attached to this report;
- F110 - Fencing Costs - Contributions by Council as attached to this report;
- F190 - Footways - Requests for Paving - Works within the City Centre Zone as attached to this report;
- P135 - Planning - Entertainment Venues as attached to this report;
- R270 - Road Pavement - Excavation and Reinstatement of as attached to this report;
- S115 - Strategic Management - Engineering Works - Fencing of Stormwater Retention Basins as attached to this report;
- S120 - Street Signs - Directional, Tourist and Other Scenic Facility Signs as attached to this report;
- S135 - Streets - Naming of as attached to this report;
- W115 - Waste Management - Reveal of Waste - Caroline Landfill as attached to this report;

(c) Council makes the necessary amendments to Council's Policy Manual Index.

Cr Mutton seconded

Carried

14. TENDER - Supply and Installation of a Lease-to-own Photovoltaic System on Roof of the Mount Gambier Library - Ref. AF14/129

CHAT Result (average): 73% "Good"

Completed by: Engineering Manager
Environmental Sustainability Officer
Project Officer

The Presiding Member reported:

(a) At the Council meeting held on 20th May 2014 Council resolved to release an open tender for a lease to own solar system for the Mount Gambier public library. The tender was released on Tuesday, 10th June 2014 and closed on Monday, 14th July 2014;

(b) Council received nine (9) submissions to the tender, from the following companies:

| Tenderer | System Size (kW) | Total Cost (exGST & SAPN costs) | Final Cost (less STCs*) | Per kW Cost | Notes |
|---------------------------|------------------|---------------------------------|-------------------------|-------------|---|
| Braemac Energy | 59.67 | \$115,709 | \$77,019 | \$1,290 | Live educational display inside Library not included. |
| Gambier Electronics | 63.18 | \$141,700 | \$102,300 | \$1,619 | Remote monitoring included. |
| Keppel Prince Engineering | 57.5 | \$112,649 | \$73,148 | \$1,203 | Live educational display inside Library included. |
| Keystones Solar Group | 70 | ? | \$133,300 | \$1,904 | Live educational display inside Library not included. |
| Metro Solar | 55.8 | \$137,642 | \$102,957 | \$1,845 | Live educational display inside Library not included. |
| Nu Energy | 86.4 | ? | \$300,000 | \$3,472 | Live educational display inside Library included, on existing screen. |
| Solar Depot | 51 | \$109,606 | \$77,896 | \$1,527 | Live educational display inside Library included. |
| Solgen Energy | 52.5 | \$110,778 | \$75,791 | \$1,377 | Live educational display inside Library included. |
| ZEN Energy | 60 | \$131,003 | \$89,962 | \$1,499 | Live educational display inside Library included. |

**STCs "Small-scale technology certificates", are a tradeable commodity attached to eligible installations of renewable energy systems (including solar panels). These are generally assigned to the solar company, who sell them on the STC market.*

- (c) the Assessment Criteria for Tender AF14/129 were listed in section three (3) of the Specification of the Tender document. The Assessment Criteria included the following:
- Experience in delivering similar installations
 - The total price of the system
 - The annual solar electricity production of the photovoltaic system
 - Warranties, guarantees and life expectancy of the system
 - Local content
- (d) following the close of tenders the nine (9) submissions were assessed by members of an internal assessment panel. The submissions were also assessed by an independent solar expert at Quark Consulting. The internal assessment panel consisted of:
- Cr Ian Von Stanke
 - Director Operational Services
 - Manager Regulatory Services
 - Manager Finance
 - Environmental Sustainability Officer
- (e) initially the submissions were assessed independently by each member of the panel against the assessment criteria. Following this, the assessment panel convened to discuss their results and select a preferred tenderer;
- (f) this process, in conjunction with a recommendation from Quark Consulting, resulted in a unanimous decision to recommend Keppel Prince Engineering as the preferred tenderer. This solar system will supply approximately 23% of the Library's annual electricity usage. The entire available space on the sawtooth sections of roof will be covered with solar panels;
- (g) Quark Consulting recommend Council to award the tender "Subject to appropriate approvals from SA Power Networks being obtained, and grid integration costs (e.g. Network Protection) not exceeding \$20,000";
- (h) given the cost effectiveness of the Keppel Prince submission (i.e. total contract cost of \$73,148) it was the view of the panel that the 2014-2015 budget should be reviewed with a view to funding the installation internally. This could be done via an 'internal loan' (from CAD), whereby the savings in electricity costs from the Library pay off the internal loan over a period of five years, and this is clearly shown in the next budgets to ensure the value of the solar system is not lost.

Cr Von Stanke moved it be recommended:

- (a) The report be received;**

- (b) Council accept Keppel Prince Engineering as the successful tenderer for Tender AF14/129 Supply and Installation of a Lease-to-Own Photovoltaic System - Roof of Mount Gambier Library at a total contract cost of \$73,148, subject to appropriate approvals from SA Power Networks being obtained, and grid integration costs (e.g. Network Protection) not exceeding \$20,000;**
- (c) review the 2014-2015 Council Budget, with a view to funding the installation internally.**

Cr Richardson seconded

Carried

CORPORATE AND COMMUNITY SERVICES COMMITTEE MINUTES – 12th August, 2014

moved that the minutes of the meeting held 12th August, 2014 be received.

seconded

1. FINANCIAL STATEMENT – as at 31st July, 2014

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance.

Cr Smith moved it be recommended the financial statement as at 31st July, 2014 be received.

Cr Richardson seconded

Carried

2. STRATEGIC MANAGEMENT - Internal - Corporate and Community Services Committee - Business Arising Table - Ref. AF11/1900

Goal: Governance

Strategic Objective: Develop an improved means of communication and engagement between Council and the community (including vulnerable communities) in the building of community capacity.

Cr Richardson moved it be recommended that the Business Arising Schedule be recorded for information.

| Date of Motion | Subject Matter | Action Required | Responsibility | Status | Comments |
|---|---|-----------------|-------------------------|-------------|---|
| CORPORATE AND COMMUNITY SERVICES | | | | | |
| 20/11/2012 | Establishment of City Development Framework | | Chief Executive Officer | In Progress | <ul style="list-style-type: none"> • City Development Framework Sub-Committee established December 2013 to oversee project. • Professor John Martin engaged by Council • Draft Futures Paper being prepared, Professor John Martin in Mount Gambier 12 - 16th May, 2014. • May/June 2014 - consultation to commence to develop strategies. |

| | | | | | |
|------------|---|---|--|-------------|---|
| | | | | | <ul style="list-style-type: none"> Final Draft completed in July and desktop published for community consultation commencing 1st August - 29th August. |
| 20/08/2013 | Umpherston Sinkhole | <ul style="list-style-type: none"> Expressions of Interest Process Council Report | Governance Officer | In Progress | Negotiations continuing with potential operator. |
| 17/09/2013 | China Relationship | Further investigations/members workshop | Chief Executive Officer | In Progress | <ul style="list-style-type: none"> Initial workshop held Regional workshop scheduled on 5th December Members Informal workshop on 6th December Further workshop scheduled for 19th February 2014. Council Report and resolution in March to proceed to further investigation. Members Workshop with Sean Keenihan - 12th June, 2014 |
| 17/09/2013 | Smoke Free areas | Implementation of | Operational Services, Governance Officer, Manager Community Services and Development | In Progress | Internal Review and report to be developed. |
| 17/12/2013 | Display of Aboriginal and Torres Strait Islander Flags in the Council Chamber | Engagement with stakeholders and establishing a process | Manager Community Services and Development | In Progress | <ul style="list-style-type: none"> Statement of Commitment presented to Council Ongoing planning with Pangula Mannamurna, Burrandies, Aboriginal Corporation and Elders Group. 1st September date fixed for Ceremony in Council Chamber. |
| 18/3/2014 | Men's Shed | Convene Project Group to finalise arrangements for Men's Shed at Council Depot Site. | Chief Executive Officer, Governance Officer, Director - Operational Services | In Progress | <ul style="list-style-type: none"> Project Group convened. Lease document finalised. Work to commence July pending 2014/2015 Budget. |

| OPERATIONAL SERVICES | | | | | |
|-----------------------------|---|---|---------------------------------|-------------|--|
| 17/09/2013 | Regional Development Assessment Panels | Support the focus of the proposal and review the recommendations at a later date | Strategic Project Officer | Ongoing | Waiting for outcomes of investigation by SELGA |
| 11/02/2014 | Grant of easement - Botanic Park | Consent be given to the granting of easements | Governance Officer | Completed | No further action required by Council |
| 18/03/2014 | South East Animal Welfare League | Enter into a joint funding agreement with South East Animal Welfare League and District Council of Grant for a five (5) year term | Director - Operational Services | In Progress | Joint Funding Agreement Drafted - with SEAWL |
| 17/06/2014 | Civic Centre maintenance - external cladding | Release Expression of Interest (in conjunction with Country Arts SA) | Director - Operational Services | In Progress | Not started as yet |
| 17/06/2014 | Parking restrictions - Commerce Place Carpark | Arrange for rescission and installation of parking restrictions at Commerce Place Carpark | Team Leader - General Inspector | In Progress | Signage has been ordered |
| 17/06/2014 | Parking restrictions - Commercial Street East and West | Arrange for rescission and installation of parking restrictions on Commercial Street East and West | Team Leader - General Inspector | In Progress | Signage has been ordered |
| 17/06/2014 | Grant of easement - Calula Drive | Consent be given to the granting of easement | Governance Officer | Completed | No further action required by Council |
| 08/07/2014 | Establishment of bicycle lanes - Suttontown Road | Advise N.F. McDonnell and Sons of alterations to bicycle lanes on Suttontown Road | Engineering Manager | Completed | Letter sent on 16/07/2014 |
| 08/07/2014 | Policy Review - C120 Cemeteries - Carinya Gardens and Lake Terrace Cemetery | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Policy Review - C355 Council Land - Irrigation Policy | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Policy Review - W125 Waste Management - Refuse Collection | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |
| 08/07/2014 | Policy Review - T120 Tree Policy | Adopt new Policy and make the necessary amendments to Council's Policy Manual Index | Planning Officer | Completed | Adopted Policy updated on Council's website |

| | | | | | |
|------------|---|--|---|-------------|---|
| 08/07/2014 | Tender - Supply and Delivery of Concrete Pavers for Railway Lands | Advise successful and unsuccessful tenderers | Engineering Manager | Completed | Correspondence issued on 16/07/2014 |
| 08/07/2014 | Tender - Supply and Installation of Blue Lake Lighting | Set aside original Tender AF14/155 and retender by invitation (Tender AF14/277) to the tenderers who responded to AF14/155 | Manager - Regulatory Services Environmental Sustainability Officer | In Progress | New tender process to commence 06/08/2014 |

Cr Lee seconded

Carried

3. **GOVERNANCE - Committees - Community Engagement and Social Inclusion Sub Committee - Minutes of Meeting held Monday 30th June, 2014 - Ref. AF12/376**

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Richardson moved it be recommended:

(a) the minutes of the Community Engagement and Social Inclusion Sub-Committee held on Monday 30th June, 2014 be received;

(b) recommendations (numbered 1 to 7) of the Community Engagement and Social Inclusion Sub-Committee meeting held on Monday 30th June, 2014 be adopted by Council:

1. **ABORIGINAL AND TORRES STRAIT ISLANDER FLAGS**

(a) the verbal report be received;

(b) a follow up meeting be scheduled.

2. **RECONCILIATION ACTION PLAN**

(a) the report be received;

(b) administration staff research existing Reconciliation Action Plan models and prepare a report to be tabled at the next meeting.

3. **TERMS OF REFERENCE**

(a) the report be received;

(b) the amended objectives as discussed be put together in a draft format to be tabled for discussion at the next Meeting.

4. **REVIEW OF THE COMMUNITY ENGAGEMENT TOOL KIT**

- (a) the Community Engagement Toolkit be received;
- (b) Minor formatting adjustments be made. The IAP2 spectrum and Engagement Flowchart to appear at the front of the document.

5. **DOMESTIC VIOLENCE POLICY**

The report be received.

6. **ADVOCACY**

- (a) the report be received;
- (b) Administration staff conduct further research into the specific issues identified;
- (c) an invitation be extended to Parliamentary Members to meet with Council and Sub-Committee Members.

7. **STANDING ITEM: TERMS OF REFERENCE**

The standing item Terms of Reference table be received.

Cr Lee seconded

Carried

4. **GOVERNANCE** - Committees - Mount Gambier Lifelong Learning Sub-Committee - Minutes of Meeting held on 18th July, 2014 - Ref. AF12/375

Goal: Learning

Strategy Objective: Foster partnerships that develop programs, services and opportunities that deliver learning excellence.

Cr Richardson moved it be recommended:

- (a) the minutes of the Mount Gambier Lifelong Learning Sub-Committee meeting held on 18th July, 2014 be received;
- (b) the following recommendations (numbered 1 to 2) of the Mount Gambier Lifelong Learning Sub-Committee meeting held on Friday, 18th July, 2014 be adopted by Council:

1. **ST MARTINS LUTHERAN COLLEGE**

Dianne Eckermann be thanked for her attendance and presentation at the Mount Gambier Lifelong Learning Sub-Committee Meeting.

2. OPERATIONS OF SUB-COMMITTEE

The amended Terms of Reference as presented be accepted.

Cr Lee seconded

Carried

5. GOVERNANCE - Committees - Community Engagement and Social Inclusion Sub Committee - Minutes of Meeting held Monday 28th July, 2014 - Ref. AF12/376

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Richardson moved it be recommended:

- (a) the minutes of the Community Engagement and Social Inclusion Sub-Committee held on Monday 28th July, 2014 be received;
- (b) recommendations (numbered 1 to 6) of the Community Engagement and Social Inclusion Sub-Committee meeting held on Monday 28th July, 2014 be adopted by Council:

1. ATSI FLAGS

- (a) the report be received;
- (b) a special meeting of Council be held on the 1st September, 2014 to unfurl the flags and make the commitment to working with our Aboriginal and Torres Strait Islander community in the process of reconciliation.

2. RECONCILIATION ACTION PLAN

- (a) the report be received;
- (b) Members be encouraged to view the Reconciliation Australian Website to increase awareness of the Reconciliation Action Plan (RAP) development;
- (c) All Members encouraged to attend the meeting with Mark Waters from Reconciliation SA in late August (date and time to be considered).

3. **ADVOCACY**

- (a) the report be received;
- (b) Minister for Disabilities, Hon Tony Piccolo MP will send Council a full report in response to the questions raised in the meeting held 27th July, 2014;
- (c) Details on the meeting with Member for Barker, Mr Tony Pasin MP yet to be confirmed.

4. **TERMS OF REFERENCE**

- (a) The Terms of Reference for the Community Engagement and Social Inclusion Sub-Committee be received and recommended to Council.

5. **STANDING ITEM: TERMS OF REFERENCE**

The standing item Terms of Reference table as presented be received.

6. **MEETING SCHEDULE**

- (a) The final meeting of the Community Engagement and Social Inclusion Sub-Committee under the present Council will be 25th August, 2014;
- (b) A social gathering for all volunteer community members that have served on Council's Sub-Committees be arranged for September 2014.

Cr Lee seconded

Carried

6. **ORGANISATIONS AND ASSOCIATIONS** - Local Government Association - Annual General Meeting - Ref. AF11/933

Goal: Governance

Strategic Objective: Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Councils service delivery and performance.

Cr Lee moved it be recommended:

- (a) the Mayor be appointed as the delegate to represent Council at the 2014 LGA Conference and Annual General Meeting of the Local Government Association of South Australia to be held in Adelaide on Friday, 31st October, 2014. The Chief Executive Officer will be attending the meeting.

- (b) Cr Richardson be appointed proxy delegate to represent Council should the Mayor not be able to attend the General Meeting;
- (c) the Local Government Association be advised Council does not wish to submit any notice of motions;
- (d) the Mayor and the Chief Executive Officer be registered to attend the LGA AGM on Friday, 31st October, 2014, with all costs of registration, travel, accommodation and meals etc. met by Council;
- (e) other Councillors may wish to attend the LGA AGM and should express their interest with all costs of registration, travel, accommodation and meals etc. met by Council.

Cr Smith seconded

Carried

7. **ORGANISATIONS AND ASSOCIATIONS** - Local Government Finance Authority
Notice of Meeting - Ref. AF11/726

Goal: Governance

Strategic Objective: Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Councils service delivery and performance.

Cr Lee moved it be recommended:

- (a) the Mayor or his sub delegate (Deputy Mayor Cr Richardson) be appointed as the delegate to represent Council at the 2014 Annual General Meeting of the Local Government Finance Authority to be held in Adelaide on Friday, 31st October 2014;
- (b) the Local Government Finance Authority be advised Council does not wish to:
 - (i) make a nomination for a Board Member;
 - (ii) submit any Notice of Motion to the above meeting.

Cr Smith seconded

Carried

8. **PERSONNEL** - Leave - Ref. PERS

Goal: Governance

Operational Activity: Demonstrate innovative and responsible organisational governance.

Cr Richardson moved it be recommended:

- (a) Council note that the Chief Executive Officer will be on leave from Monday 8th September, 2014 to Friday 12th September, 2014 inclusive, and as a consequence;
- (b) Director - Corporate Services, Mr Grant Humphries be appointed Acting Chief Executive Officer for the above period.

Cr Lee seconded

Carried

9. CORPORATE AND COMMUNITY SERVICES REPORT NO 50/2014 - Leasing - Frew Park - Ref: AF11/1426

Goal: Governance
Strategic Objective: Demonstrate innovative and responsive organisational governance.

Cr Smith moved it be recommended:

- (a) Corporate and Community Services Report No. 50/2014 be received;
- (b) a 6 month lease plus 6 month renewal be granted to St Johns over portion of the building it currently occupies at Frew Park, on terms to be negotiated by the Chief Executive Officer.
- (c) The Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to the lease authorised at resolution (b).
- (d) Further discussions be undertaken with interested 3rd parties for the development of proposals for the future use and occupation of the buildings located at Frew Park, for subsequent presentation to Council for consideration.

Cr Lee seconded

Carried

10. CORPORATE AND COMMUNITY SERVICES REPORT NO 51/2014 - Leasing - 18 Ferrers Street - Ref: AF11/1466

Goal: Governance
Strategic Objective: Demonstrate innovative and responsive organisational governance.

Cr Smith moved it be recommended:

- (a) Corporate and Community Services Report No. 51/2014 be received;

- (b) a 3 year lease be granted to Red Cross over the property at 18 Ferrers Street, on terms to be finalised by the Chief Executive Officer.
- (c) The Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to the lease authorised at resolution (b).

Cr Lee seconded

Carried

11. **CORPORATE AND COMMUNITY SERVICES REPORT NO 52/2014 - Granting of New / Renewal of Leases and Licences - Ref: AF11/2366**

Goal: Governance
Strategic Objective: Demonstrate innovative and responsive organisational governance.

Cr Smith moved it be recommended:

- (a) Corporate and Community Services Report No. 52/2014 be received and the content noted.

Cr Lee seconded

Carried

12. **CORPORATE AND COMMUNITY SERVICES REPORT NO 53/2014 - Leasing - Umpherston Log Cabin Building - Ref: AF11/1474**

Goal: Building Communities
Strategic Objective: Encourage the development of community facilities and infrastructure, community events, and active and safe community spaces through direct support, seeking funding, facilitation etc.

Cr Smith moved it be recommended:

- (a) Corporate and Community Services Report No. 53/2014 be received.
- (b) The Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to a 5 year lease/licence of the Umpherston log cabin/kiosk (and immediately surrounding area) for the operation of a tourism related business and any associated works/improvements.

Cr Richardson seconded

Carried

13. **CORPORATE AND COMMUNITY SERVICES REPORT NO 54/2014 - Strategic Plan/ Corporate Plan, Achievement of Key Performance Indicators Quarterly Report - June 2014 - Ref: AF11/1790**

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance.

Cr Smith moved it be recommended:

- (a) **Corporate and Community Services Report No. 54/2014 and the June 2014 Quarterly Summary KPI report be received and endorsed by Council.**

Cr Lee seconded

Carried

OTHER COMMITTEE AND SUB-COMMITTEE MINUTES

1. CHIEF EXECUTIVE OFFICER INTERIM PERFORMANCE REVIEW – 5th August, 2014

moved that the minutes of the meeting held 5th August, 2014 be received.

seconded

(Details of minutes In Confidence)

MOTIONS WITH NOTICE

1. CORPORATE AND COMMUNITY SERVICES REPORT NO. 55/2014 - Leasing - Queen Elizabeth Park Trust - Ref. AF11/1407

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance.

Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.

Goal: Building Communities

Strategic Objective: Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community.

Goal: Securing Economic Prosperity

Strategic Objective: Support the development of our local economy, our unique local experiences and our capacity to grow visitation to our City.

moved it be recommended:

- (a) Corporate and Community Services Report No. 55/2014 be received;
- (b) having considered submissions received on the proposal to lease the Blue Lake Holiday (Caravan) Park (Lot 101 in CT5961/294) to the Queen Elizabeth Park Trust on 'community terms' for a period not exceeding 21 years, Council proceed with offering a grant of lease, upon such reasonable terms and conditions for the periodical upkeep and development of the leased land and associated areas as negotiated by the Chief Executive Officer, subject to any other necessary approvals for the lease of the land having been obtained.
- (c) the Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to a lease granted in accordance with resolution part (b).

seconded

MOTIONS WITHOUT NOTICE -**CONSIDERATION FOR EXCLUSION OF PUBLIC**

moved that the following 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 other Council Members and Council Officers now present) be excluded from the meeting in order for the item to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(a) – information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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 Chief Executive Officer in that details person to the Chief Executive Officer will be disclosed.

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 Chief Executive Officer.

| <u>Item No.</u> | <u>Subject Matter</u> | <u>S90 (3) Grounds</u> |
|------------------------|--|-------------------------------|
| 1. | <u>CHIEF EXECUTIVE OFFICER INTERIM PERFORMANCE REVIEW – Discussion regarding Draft Report received from AME Recruitment – Ref. PERS</u> | (a) |

seconded

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr White moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to item 1 which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

| <u>Item No.</u> | <u>Subject Matter</u> | <u>Element To Be Kept Confidential</u> | <u>Duration</u> |
|-----------------|---|--|-----------------|
| 1. | CHIEF EXECUTIVE OFFICER INTERIM PERFORMANCE REVIEW – Discussion regarding Draft Report received from AME Recruitment – Ref. PERS | All details | 12 months |

Cr Mutton seconded

Carried

moved that the Meeting resume to an Open session.

seconded

Meeting closed at

TLG

**MEMBERS INFORMAL WORKSHOP
WEDNESDAY 22ND JULY, 2014**

Report

The Workshop was presented by Barbara Cernovskis, Manager Community Services and Development and Deb Agnew OPAL Manager.

Overview of the OPAL Program, its operations and achievements over the past 5 years.

RECORD OF PROCEEDINGS
Tuesday 22nd July, 2014 at 5.30 p.m.
Committee Room, Level 4
Civic Centre
10 Watson Terrace, Mount Gambier

MEMBERS PRESENT:-

Cr Richardson
Cr Von Stanke
Cr Smith
Cr Lee
Cr White
Cr Shearing
Cr Mutton

STAFF PRESENT:-

Mark McShane, Chief Executive Officer
Barbara Cernovskis, Manager Community Services and Development
Deb Agnew, OPAL Manager

MEMBERS APOLOGIES:-

Mayor Perryman
Cr Persello
Cr Maher

LEAVE OF ABSENCE:-

Workshop concluded at 6.20 p.m.

**MEMBERS INFORMAL WORKSHOP
TUESDAY 29TH JULY, 2014**

Report

Workshop to discuss and gain input into the Council's Public Health Plan

RECORD OF PROCEEDINGS
Tuesday 29th July, 2014 at 4.00 p.m.
Operational Services Conference Room, Level 1
Civic Centre
10 Watson Terrace, Mount Gambier

MEMBERS PRESENT:-

Cr D Mutton
Cr A Smith
Cr I Von Stanke
Cr H Persello
Cr A Lee

STAFF PRESENT:-

Mark McShane, Chief Executive Officer
Heather Reilly, Environmental Health Officer
Alison Brash, Community Development Officer
Deb Agnew, OPAL Manager
Daryl Sexton, Director – Operational Services
Michael Silvy, Manager – Regulatory Services
Barbara Cernovskis, Manager - Community Services
and Development
Kate Fife, Environmental Support Officer
Jess Porter, Planning Officer

MEMBERS APOLOGIES:-

Cr B Shearing
Cr J Maher
Mayor Perryman

LEAVE OF ABSENCE:-

GUESTS:-

Ann Aldersey

Workshop concluded at 6.50 p.m.

**MEMBERS INFORMAL WORKSHOP
THURSDAY 31st JULY, 2014**

Report

Workshop to discuss various issues with Member for Mount Gambier, Mr Troy Bell, MP.

RECORD OF PROCEEDINGS
Thursday 31st July, 2014 at 5.30 p.m.
Reception Area, Civic Centre
10 Watson Terrace, Mount Gambier

MEMBERS PRESENT:-

Cr A Lee
Cr A Smith
Cr I Von Stanke
Cr P Richardson
Cr M White
Cr D Mutton

STAFF PRESENT:-

Mark McShane, Chief Executive Officer
Grant Humphries, Director – Corporate Services
Daryl Sexton, Director – Operational Services
Barbara Cernovskis, Manager – Community Services
and Development

MEMBERS APOLOGIES:-

Cr H Persello
Cr J Maher
Mayor Perryman

LEAVE OF ABSENCE:-

GUESTS:-

Member for Mount Gambier, Mr Troy Bell, MP

Workshop concluded at 7.00 p.m.

**MEMBERS INFORMAL WORKSHOP
MONDAY 11th AUGUST, 2014**

Report

Workshop to discuss various issues with Federal Member for Barker, Mr Tony Pasin, MP.

RECORD OF PROCEEDINGS
Monday 11th August, 2014 at 5.30 p.m.
Reception Area, Civic Centre
10 Watson Terrace, Mount Gambier

MEMBERS PRESENT:-

Cr A Lee
Cr A Smith
Cr I Von Stanke
Cr P Richardson
Cr M White
Cr D Mutton
Cr H Persello

STAFF PRESENT:-

Mark McShane, Chief Executive Officer
Grant Humphries, Director – Corporate Services

MEMBERS APOLOGIES:-

Cr B Shearing
Cr J Maher
Mayor Perryman

LEAVE OF ABSENCE:-

GUESTS:-

Federal Member for Barker, Mr Tony Pasin, MP
Mr Dale Howard – Office of the Federal Member for Barker

Workshop concluded at 7.00 p.m.

CORPORATE AND COMMUNITY SERVICES REPORT NO. 55/2014**SUBJECT: LEASING – QUEEN ELIZABETH PARK TRUST****REF: AF11/1407**

Goal: Governance
Strategic Objective: Demonstrate innovative and responsive organisational governance.

Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.

Goal: Building Communities
Strategic Objective: Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community.

Goal: Securing Economic Prosperity
Strategic Objective: Support the development of our local economy, our unique local experiences and our capacity to grow visitation to our City.

At its last meeting held on 15th July 2014 Council resolved:

- (a) *Corporate and Community Services Report No. 48/2014 be received;*
- (b) *The Chief Executive Officer be authorised to commence public consultation on the proposed lease of the Blue Lake Holiday (Caravan) Park (Lot 101 in CT5961/294) to the Queen Elizabeth Park Trust on 'community terms' for a period not exceeding 21 years.*
- (c) *A further report be presented for Council to consider any submissions received on the proposed lease of the Blue Lake Holiday (Caravan) Park to the Queen Elizabeth Park Trust, and whether to grant a lease.*
- (d) *In the event that no submissions are received (or no submissions are received objecting to the proposal), the Chief Executive Officer and Mayor be authorised to negotiate, have prepared, and to sign and seal any documents necessary to give effect to a lease of the Blue Lake Holiday (Caravan) Park (Lot 101 in CT5961/294) to the Queen Elizabeth Park Trust.*

In accordance with resolution (b) public consultation was conducted on the proposal to lease the Blue Lake Holiday (Caravan) Park (Lot 101 in CT5961/294) to the Queen Elizabeth Park Trust on 'community terms' for a period not exceeding 21 years, commencing with a Public Notice in The Border Watch on 18th July and copies of the report relating to the proposal being on public display in the foyer of the Council Offices and accessible from both the homepage banner and community news sections of Council's website.

Articles in Council's Weekly Affairs columns in the Border Watch on 23rd July and 6th August directed readers to the Council Website or Council's Governance Officer for further information, and the Public Notice was repeated in the 25th July edition of the Border Watch.

Interested persons were invited to submit written submissions on the proposal by 5:00pm on Friday 8th August 2014.

At the close of submissions, written submissions were received from:

- John Kirby
- Douglas Mullen
- Queen Elizabeth Park Trust

Corporate and Community Services Report No. 55/2015 cont'd ...

The submissions received are provided for Elected Members (refer Attachments 1-3)

Consideration of Submissions

The submission received from the Queen Elizabeth Park Trust supports the lease proposal.

The submissions received from John Kirby and Douglas Mullen provided no specific objection to the leasing of the Blue Lake Holiday (Caravan) Park property, but raised concerns with the non-provision of the Queen Elizabeth Park Trusts financial accounts, the Queen Elizabeth Park Trusts compliance with the Objects its own Constitution/Rules and questions with the (financial) operating activities of the Queen Elizabeth Park Trust.

The submission from Douglas Mullen queried whether ratepayers are getting the best return from the (existing?) lease, but otherwise the questions raised are not matters for the Council in considering whether to grant a lease, but accounting questions for the Queen Elizabeth Park Trust relating to their income sources and depreciation charges.

Whilst the concerns and queries raised are of potential interest to Council as a founding member of the Queen Elizabeth Park Trust with Trustee nomination/appointment rights, they do not relate specifically to the public consultation matter, being the alienation of the Blue Lake Holiday (Caravan) Park by lease for a period of up to 21 years.

The submission from John Kirby requests that Council defer a decision on granting a further lease until the Queen Elizabeth Park Trusts Financial Statements are made available to the public and in any event until after the 2014 Council elections and further that Council scrutinise the corporate governance of the Queen Elizabeth Park Trust.

Conclusion

Elected Members will be aware that during the Council election/caretaker period commencing on 2nd September 2014 the making of designated and other significant decisions is prohibited, however Council is expected to operate on a 'business as usual' basis in the lead up to and during that period.

This leasing matter (including the public consultation that has been conducted) has arisen and is under consideration during the term of the current Council and is not yet affected by the election/caretaker period.

It is for Council to determine whether to proceed with making any decision on this leasing matter at this time.

It will be for the incoming Council following the November 2014 Elections to consider its nomination of Trustees to the Queen Elizabeth Park Trust from that time and any considerations in relation to its expectations of the Queen Elizabeth Park Trust as a member organisation.

RECOMMENDATION

- (a) Corporate and Community Services Report No. 55/2014 be received;
- (b) having considered submissions received on the proposal to lease the Blue Lake Holiday (Caravan) Park (Lot 101 in CT5961/294) to the Queen Elizabeth Park Trust on 'community terms' for a period not exceeding 21 years, Council proceed with offering a grant of lease, upon such reasonable terms and conditions for the periodical upkeep and development of the leased land and associated areas as negotiated by the Chief Executive Officer, subject to any other necessary approvals for the lease of the land having been obtained.

Corporate and Community Services Report No. 55/2015 cont'd ...

- (c) the Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to a lease granted in accordance with resolution part (b).



Michael McCARTHY
GOVERNANCE OFFICER

Sighted:



Mark McSHANE
CHIEF EXECUTIVE OFFICER

11th August 2014
MMcC

ATTACHMENT 1 – AR14/29242 – Submission – Queen Elizabeth Park Trust
ATTACHMENT 2 – AR14/29458 – Submission – Douglas Mullen
ATTACHMENT 3 – AR14/29459 – Submission - John Kirby

Queen Elizabeth Park Trust Inc.

Incorporating: Blue Lake Holiday Park & Blue Lake Public Golf Links

P.O. Box 68, Mount Gambier, South Australia. 5290

Secretary (08) 8723 2080

Email: queenelizabethpark@bigpond.com

Governance Officer

Mr. Michael McCarthy

City of Mount Gambier

PO Box 56

Mount Gambier SA 5290

6th August 2014

SUBMISSION RE LEASE OF THE BLUE LAKE HOLIDAY PARK

The Queen Elizabeth Park Trust ("QEPT") currently leases from Council properties comprising the Blue Lake Holiday (Caravan) Park and the adjacent Golf Links that it manages and operates under sub-lease arrangements. This continues similar arrangements that have been in place since 1964, with the QEPT having recently celebrated 50 years of successful operation.

The QEPT has approached Council seeking longer tenure on the caravan park in order to provide certainty and continuity for its longer term business and infrastructure planning.

Over the past 50 years, the QEPT, through its position as lessee of the caravan park, has been able to take the park from being a basic facility to a 5 star facility. With being granted a further lease of 21 years, the QEPT can continue with its established vision of providing quality recreational facilities to visitors to Mount Gambier and the Limestone Coast.

During the QEPT's tenure as lessee of the Caravan Park Land, the Trust has remained self-sufficient in funding of all projects, and any financial support from the Council has been through a loan which has been fully repaid; or grants that have been open to any organisation to apply. Over the 50 years as lessees, the QEPT has also donated funds back to Council to assist with the beautification of the Lakes area.

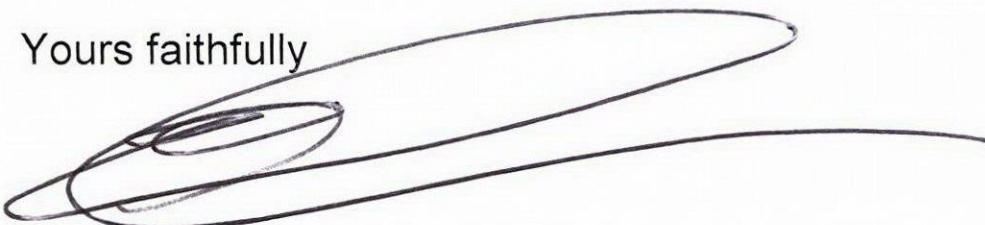
With the granting of the 21 year lease, it will enable the sub-lessees of the caravan park to continue with planned improvements to the Park. With these improvements, it is envisaged that this will encourage more tourists to the area.

In addition to the extension to the lease, it is envisaged that the council will, in turn, extend the lease on the land that the Golf Links is on when the current lease expires.

One of the priorities of the QEPT is to continue to improve facilities and beautify the land with the upkeep of trees already present and the replacement program of damaged and dangerous trees. With the two areas combined, the QEPT can continue its beautification of the area.

We look forward to a positive outcome for the QEPT in regard to the submissions re the Caravan Park land.

Yours faithfully



M. Toogood
Chairman

Douglas A Mullen

Chartered Accountant

ABN 44 302 507 126

PO Box 2145
Mount Gambier SA 5290
Mobile 0419 829 391

8 August 2014

The Mayor
City of Mount Gambier
Watson Terrace
Mount Gambier SA 5290

Dear Sir,
RE: BLUE LAKE HOLIDAY PARK

In the Border watch of 22 July 2014 it stated that the "...Council had proposed that a new lease be granted for 21 years, subject to public consultation".

It further quoted the Council governance officer Michael McCarthy in respect to grant the Queen Elizabeth Park Trust's request for a new 21 year lease that " council is under no obligation to offer the lease to the open market."

I have been awaiting the current Financial Accounts so that I may make a considered submission if sought fit to do so.

A mutual acquaintance advised he was seeking this information and would provide a copy for my perusal.

He now informs me that **only** a copy of the Balance Sheet as at 30 June **2013** was made available to him after exhaustive submissions to obtain Financial Accounts which previously were provided to him. I have today-the final date for submission-received a copy of that Balance Sheet.

This secretive and uncooperative approach indicates that QEPT and/or the Council do not want realistic submissions.

This makes me suspicious that all information is not going to be transparent to the public.

From the limited information in the Balance Sheet of 30 June 2013 I note:

There is approximately \$263000 in cash available

There are \$30000 in liabilities

The Caravan Park assets are \$55613 written down value and the Golf Club Assets \$730360 WDV

The profit for the year was \$10436

Page 2

Of the \$10436 profit what proportion was the Caravan Park and what was Golf contribution?

What depreciation was charged against that profit for the Caravan Park and the Golf?

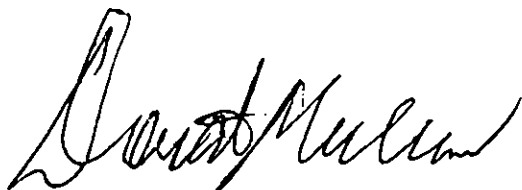
What are the income streams to QEPT from the Caravan Park and the Golf?

With Tourism being promoted and particularly the Lakes area as a major drawcard how does the QEPT integrate with any planned development?

Are the ratepayers getting the best return from this lease?

It is impossible to make an informed submission on the scanty information provided and can only conclude that submissions were not welcomed and the article in the Border Watch was lip service.

Yours faithfully

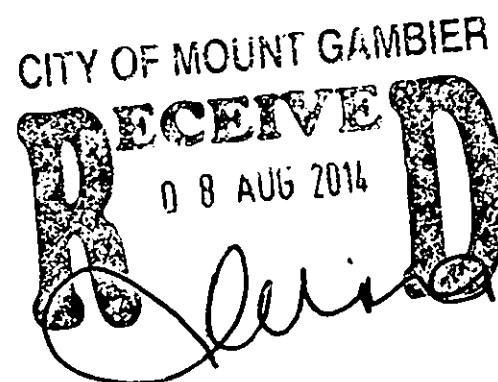


Douglas A Mullen

PO Box 1733
MOUNT GAMBIER SA 5290

8 August 2014

The Mayor
City of Mount Gambier
Watson Terrace
MOUNT GAMBIER SA 5290



Dear Sir

RE: BLUE LAKE HOLIDAY PARK

I write in response to your request for submissions regarding the continuation of the lease of the Blue Lake Holiday Park by the Queen Elizabeth Park Trust Inc, for a further 21 years.

In making your decision, I draw your attention to the Objects of the QEPT, as outlined in the Trust's Constitution and Rules (copy attached for your quick reference). You will note that, apart from Object (a), there are five objectives, which all appear to be of equal importance.

Whilst I acknowledge that the Trust has been successful in developing the Caravan Park area and the Golf Course, it is apparent that Objects (d), (e) and (f) have all been largely ignored for many years. In fact, I would also question as to whether Object (c) has been complied with, particularly with respect to Corporate Governance. Here I am specifically referring to the very large amount spent on the Golf Course, to some significant benefit of one Board Member of the QEPT.

In fact, one of your own appointed Trustees made the comment to me that it was the QEPT's role to spend the money made from the Caravan Park on the Golf Course, ie that Object (b) was the one and only true Object of the QEPT. If that is the case, then maybe we should change the Constitution of the QEPT.

As I have discussed with your Governance Officer, it is extremely disappointing that the public are not able to review the operations of the QEPT in any way. After requesting a copy of recent Financial Statements from Council (which I used to have access to several years ago), I was advised that this information was only available from the QEPT itself. As soon as your advice that

submissions were called for, I wrote to QEPT seeking copies of recent Financial Statements. After being ignored for two weeks, I followed them up and insisted they respond, which they did, with a letter advising that the Financials needed to be obtained from Council. A further verbal request to your Governance Officer today denied me access to this information, unless I went through the lengthy Freedom of Information request system.

Consequently, it makes it virtually impossible for anybody to scrutinise what the QEPT has been doing with our ratepayers' money. However, anecdotal evidence would indicate that profits from the Caravan Park are being siphoned across to the Golf Club, and thus benefiting a very small group in the community, to the detriment of some 23,000 other city residents.

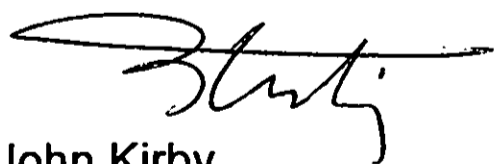
In light of the recent publicity, and hopefully a positive push, to promote tourism in the immediate Mount Gambier area, then I believe it is about time that the QEPT started to direct the profits made from the Caravan Park back into the whole community of Mount Gambier, and specifically further developing the Lakes Area and a relevant Mount Gambier tourism body.

In summary, I request that Council defer a decision on granting a further lease on the Blue Lake Holiday Park to the QEPT, until either Council or the QEPT make Financial Statements available to the public, and in fact defer any decision until after the forthcoming Council elections.

Further, I request that Council scrutinise the corporate governance performance of the QEPT, which has been sadly lacking in the past due to a significant conflict of interest of at least one Trustee, who was for many years also Chairman.

It will only be once we have received or have access to Financial Statements and Minutes can we scrutinise the QEPT, so that we can form a fair opinion as to whether or not it is an appropriate body to lease the Holiday Park. Once again, I very strongly request that no decision be made until such scrutiny can be made.

Yours faithfully



John Kirby