

17 November, 2017

**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, 21 November 2017 at 6.00 p.m.**
2. **NOTICE** is given that the Standing Committees (Committee Room and Level 1 Conference Room) and Council 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:

Strategic Standing Committee	Monday, 11 December 2017
Operational Standing Committee	Tuesday, 12 December 2017
Council Development Assessment Panel	Thursday, 19 December 2017

An agenda for the meeting is enclosed.



Mark McSHANE
CHIEF EXECUTIVE OFFICER

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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, 21 November 2017 at 6.00 p.m.

PRESENT
Mayor Andrew Lee
Cr Christian Greco
Cr Mark Lovett
Cr Josh Lynagh
Cr Sonya Mezinac
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman
Cr Hanna Persello
Cr Penny Richardson
Cr Ian Von Stanke

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 Infrastructure - Mr N Serle
Manager Governance and Property - Mr M McCarthy
Media and Communications Coordinator - Ms S McLean
Administrative Officer Executive Support - 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)

Apology(ies) received from Cr

That the apology from Cr be received.

Moved:

Seconded:

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 17 October 2017.

That the minutes of the Ordinary Council meeting held on 17 October 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:



4. MAYORAL REPORT - Ref. AF11/881

That the Mayoral report made on 21 November 2017 be received.

Moved:

Seconded:

5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Member

.....
.....

That the reports made by Councillors on 21 November 2017 be received.

Moved:

Seconded:

6. QUESTIONS

6.1. With Notice

Nil submitted.

6.2. Without Notice

7. PETITIONS

Nil

8. DEPUTATIONS

Mayor Lee has granted his permission for a presentation by Willie Van Niekerk, General Manager Green Triangle and Anne Kerr, Sustainability & Corporate Affairs Manager of OneFortyOne Plantations.

9. NOTICE OF MOTION TO RESCIND

Nil

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

23/10/2017	Tennis SA Presentation
6/11/2017	Bentley Effect

Records of proceedings are attached.

That the Record of Proceedings for the Tennis SA Presentation Workshop held 23/10/2017 and the Bentley Effect Workshop held 6/11/2017 respectively be received and the contents noted.

Moved:

Seconded:



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 17 October 2017.

That the Action Items referred to the Council Meeting held 17 October 2017 be received.

Moved:

Seconded:



13. COMMITTEE MINUTES AND RECOMMENDATIONS

13.1. Minutes of Strategic Standing Committee – 13 November 2017

That the minutes of the Strategic Standing Committee meeting held 13 November 2017 be noted.

Moved: Seconded

13.2. First Nations of the South East Native Title Claim - Report No. AR17/43714

- (a) That Strategic Standing Committee Report No. AR17/43714 titled '*First Nations of the South East Native Title Claim*' and represented to the Council on 21 November 2017 be noted with the change on page 2 "tabled with the Aboriginal Elders Group for information" not "This matter has also been raised with the Reconciliation Action Plan Focus Group for information".
- (b) That Council engage Norman Waterhouse Lawyers to represent Council in conjunction with the other Limestone Coast Councils on matters relating to the First Nations of the South East Native Title Claim.
- (c) That Council Register to become a party to proceedings if the First Nations of the South East's Native Title Claim (No 1) is registered by the National Native Title Tribunal and that the Chief Executive Officer and Mayor be authorised to execute any documentation necessary to give effect to this resolution.

Moved: Seconded:

13.3. Olympic Park Tennis Proposal - Report No. AR17/43678

- (a) That Strategic Standing Committee Report No. AR17/43678 titled '*Olympic Park Tennis Proposal*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council commits a \$400,000 financial contribution toward the Olympic Park Tennis Redevelopment Proposal to be funded from Council's Cash Advance Debenture facility and/or capital budget over the 2018/2019 and/or 2019/2020 financial years conditional upon the proponents securing full funding commitments for the estimated \$1,200,000 proposal.
- (c) The Chief Executive Officer and Mayor be authorised to negotiate and execute funding, development and land tenure agreements for the proposed development of the Olympic Park Tennis Facilities.

Moved: Seconded:



13.4. Governance Review of Confidentiality Orders - Report No. AR17/42663

- (a) That Strategic Standing Committee Report No. AR17/42663 titled '*Governance Review of Confidentiality Orders*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the following Confidential Orders, having been reviewed by Council, remain in operation on the grounds provided within Attachment 1 to Report AR17/42663:
- i. Council 20/09/2016 – Corporate and Community Services Committee 12/03/2016 – Item 12 DEVELOPMENT CONTROL - Development Applications - Environment Resources Development (ERD) Court Actions – Ref. AF12/246.
 - ii. Council 18/10/2016 – Operational Services Committee 11/10/2016 – Item 10 FINANCIAL MANAGEMENT - Caroline Landfill - Economic Analysis - Ref. AF16/159.
 - iii. Council 18/10/2016 – Operational Services Committee – 11/10/2016 - Item 13 OPERATIONAL SERVICES REPORT NO. 7/2016 - Tender AF16/277 - Caroline Landfill Development (Stage 3) Construction of Cell 3 (B & C) and Leachate Pond 4.
 - v. Council (Special) 31/01/2017 – Item 1 Allegations regarding Mayor Andrew Lee to be referred to ICAC – Ref. AF13/275.
- (c) The following confidential order having been reviewed by Council be released immediately following the Council meeting on 21 November 2017
- iv. Council (Special) 5/12/2016 – Item 1 STRATEGIC MANAGEMENT – Best People Best Community – Council's Organisation Structure – Ref. AF16/185.

Moved:

Seconded:



13.5. Leasing - Blue Lake Golf Course - Report No. AR17/41635

- (a) That Strategic Standing Committee Report No. AR17/41635 titled '*Leasing – Blue Lake Golf Course*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the Chief Executive be authorised to commence public consultation on a proposed lease and licence areas for the Blue Lake Golf Course and Driving Range allotments shown as Areas "A", "B" and "C" in the plans attached to Report No. AR17/41635 on 'community terms' for a period to 31 October 2035.
- (c) A further report to be presented for Council to consider any submissions received on the proposed leases of the Blue Lake Golf Course and whether to grant leases to the Queen Elizabeth Park Trust.
- (d) In the event that no submissions are received or no submissions are received objecting to the proposal, the Chief Executive Officer be authorised to negotiate, have prepared and to affix the Council seal to any documents necessary to give effect to a lease and licence for the Blue Lake Golf Course and Driving Range allotments located on Grant Avenue and shown as Areas "A", "B" and "C" in the plans attached to Report No. AR17/41635 on Grant Avenue to the Queen Elizabeth Park Trust.

Moved:

Seconded:

13.6. Governance – Council / Strategic Standing Committee Meeting Arrangements for January 2018 - Report No. AR17/43492

- (a) That Strategic Standing Committee Report No. AR17/43492 titled '*Governance – Council / Strategic Standing Committee Meeting Arrangements for January 2018*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) The Strategic Standing Committee meeting scheduled for 8 January 2018 be cancelled and all items referred directly to the full Council meeting in January 2018 with agenda items closing on Friday 5 January 2018.
- (c) That the Council meeting calendar be prepared to reflect this resolution.

Moved:

Seconded:



13.7. Precinct Activation Model for Prioritised Strategic Projects - Report No. AR17/45449

- (a) That Strategic Standing Committee Report No. AR17/45449 titled 'Precinct Activation Model for Prioritised Strategic Projects' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council endorse the proposed precinct activation model and the proposed Strategic Planning Precinct Implementation Program contained in 'Strategic Standing Committee Report No. AR17/45449 - Precinct Activation Model for Prioritised Strategic Projects.'

Moved:

Seconded:

13.8. Initial Public Wi-Fi Project - Report No. AR17/37775

- (a) That Operational Standing Committee Report No. AR17/37775 titled '*Initial Public Wi-Fi Project*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council accept the quotation from TDRS and proceed with the proposed installation of the Wi-Fi hardware at the Blue Lake, Umpherston Sinkhole and Railway Lands.

Moved:

Seconded:



13.9. Quarter One Budget Review for Financial Year Ending 30 June 2018 - Report No. AR17/44973

- (a) That Strategic Standing Committee Report No. AR17/44973 titled '*Quarter One Budget Review for Financial Year Ending 30 June 2017*' as represented to the Council Meeting on 21 November 2017 be noted with the change "Item 14.03 *Mount Gambier Community RSL Discretionary Rate Rebate* has resulted in a \$14,000 increase to Rate Rebates for 2017/2018" from "Item 14.03 *Mount Gambier Community RSL Discretionary Rate Rebate* has resulted in a \$14,000 reduction to Rate Rebates for 2017/2018".
- (b) That Council adopts the Quarter One Budget Review (BR1) for the financial year 1 July 2017 to 30 June 2018 as detailed in Attachment 1 of the report titled '*Quarter One Budget Review for the Financial Year Ending 30 June 2018*' and dated 5 November 2017 which reflects a \$533,500 forecast deficit. Council notes that majority of the movement is largely attributable to the SA Government Grants Commission's 50% forward payment actually received in late June of the 2016/17 financial year. This forward payment resulted in an actual operating surplus in the 2016/17 financial year and subsequently a forecast deficit in the 2017/18 financial year. An adjustment of approximately \$960,000 is reflected in BR1 for 2017/18. If the SA Government Grants Commission's 50% forward payment had been received in the 2017/18 financial year, BR1 would result in an estimated operating surplus of \$426,500.

Moved:

Seconded:

13.10. Local Government Professionals Australia Rural Management Challenge - 12 October 2017 - Report No. AR17/45241

- (a) That Strategic Standing Committee Report No. AR17/45241 titled '*Local Government Professionals Australia Rural Management Challenge - 12 October 2017*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.

Moved:

Seconded:

13.11. Update on Tourism Mount Gambier - Report No. AR17/45556

- (a) That Council Report No. AR17/45556 titled '*Update on Tourism Mount Gambier*' as presented to Council on 21 November 2017 be noted.

Moved:

Seconded:



13.12. Policy Review - E135 Encroachments / Protection of Public during Building / Maintenance Work over Public Places - Report No. AR17/44080

- (a) That Strategic Standing Committee Report No. AR17/44080 titled '*Policy Review - E135 Encroachments / Protection of Public during Building / Maintenance Work over Public Places*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*Policy Review - E135 Encroachments / Protection of Public during Building / Maintenance Work over Public Places*' as attached to the Strategic Standing Committee Report No. AR17/44080 be adopted.

Moved:

Seconded:

13.13. Policy Review - R270 Road Pavement Excavation and Reinstatement Of - Report No. AR17/34513

- (a) That Strategic Standing Committee Report No. AR17/34513 titled '*Policy Review - R270 Road Pavement Excavation and Reinstatement Of*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*R270 Road Pavement Excavation and Reinstatement Of*' as attached to the Strategic Standing Committee Report No. AR17/34513 be adopted.

Moved:

Seconded:

13.14. Policy Review - W115 Waste Management - Receival of Waste - Caroline Landfill - AR17/45432

- (a) That Strategic Standing Committee Report No. AR17/45432 titled '*Policy Review - W115 Waste Management - Receival of Waste - Caroline Landfill*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*Policy Review - W115 Waste Management - Receival of Waste - Caroline Landfill*' as attached to the Strategic Standing Committee Report No. AR17/45432 be adopted.

Moved:

Seconded:



13.15. Policy Review – R180 Administration – Records Management - Report No. AR17/37214

- (a) That Strategic Standing Committee Report No. AR17/37214 titled '*Policy Review – R180 – Administration – Records Management*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*R180 Administration – Records Management*' be adopted as attached to Strategic Standing Committee Report No. AR17/37214.

Moved:

Seconded:

13.16. Policy Review - E240 Expiation Notice - Cancellation and Waiver - Report No. AR17/45051

- (a) That Strategic Standing Committee Report No. AR17/45051 titled '*Policy Review - E240 Expiation Notice - Cancellation and Waiver*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*E240 Expiation Notice - Cancellation and Waiver*' as attached to the Strategic Standing Committee Report No. AR17/45051 be adopted.

Moved:

Seconded:

13.17. Policy Review - A170 Advertising and Signage - Report No. AR17/45074

- (a) That Strategic Standing Committee Report No. AR17/45074 titled '*Policy Review – A170 Advertising and Signage*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*A170 Advertising and Signage*' as attached to the Strategic Standing Committee Report No. AR17/45074 be adopted.

Moved:

Seconded:



13.18. Minutes of Operational Standing Committee – 14 November 2017

That the minutes of the Operational Standing Committee meeting held 14 November 2017 be noted.

Moved:

Seconded:

13.19. Minutes of Environmental Sustainability Sub-Committee - 7 November 2017

That the minutes of the Environmental Sustainability Sub-Committee meeting held 7 November 2017 be noted.

Moved:

Seconded:

13.20. Sustainable Developments and Efficient Homes Project 2015-2016 - Report No. AR17/39555

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/39555 titled '*Sustainable Developments and Efficient Homes Project 2015-2016*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.
- (b) That Council staff further investigate the possibility of influencing developments to go beyond the minimum requirements of the building code.
- (c) That the Efficient Homes Project be continued.
- (d) That the matter be presented to the LCLGA Climate Change Adaption Committee via Council representative.

Moved:

Seconded:

13.21. Environmental Sustainability Sub-Committee Terms of Reference Update - Report No. AR17/39477

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/39477 titled '*Environmental Sustainability Sub-Committee Terms of Reference Update*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.
- (b) That the Environmental Sustainability Sub-Committee Terms of Reference section 5.1 be updated to comprise four (4) City of Mount Gambier Elected Members.

Moved:

Seconded:



13.22. ReUse Market Update - October 2017 - Report No. AR17/39533

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/39533 titled '*ReUse Market Update*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.

Moved:

Seconded:

13.23. Caroline Landfill Waste to Energy Pre-Feasibility Study - Report No. AR17/43576

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/43576 titled '*Caroline Landfill Waste to Energy Pre-Feasibility Study*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.
- (b) That Council staff keep a watching brief on the waste to energy sector, with particular attention to options that may become feasible for the City of Mount Gambier.

Moved:

Seconded:

13.24. Minutes of Heritage Sub-Committee - 25 October 2017

That the minutes of the Heritage Sub-Committee meeting held 25 October 2017 be noted.

Moved:

Seconded:

13.25. Heritage Advisor Report - September 2017 - Report No. AR17/43013

- (a) That Heritage Sub-Committee Report No. AR17/43013 titled 'Heritage Advisory Report - September 2017' as presented to the Heritage Sub-Committee on 25 October 2017 be noted.

Moved:

Seconded:



13.26. Governance - Heritage Committee - Development of Work Plan - Ref. AF17/294

That the following items form the basis of the Heritage Sub-Committee work plan to be further developed and prioritised for implementation:

- Lake Terrace Cemetery Preservation
- Social History Exhibitions (e.g. projection of historical civic leaders on screens)
- Oral history project (with students)
- Acquire and preserve WIN TV film archive
- Preserve Old School - Sturt Street
- Celebrate 175 years of Mount Gambier - 10 May 2022
- List history resources available
- Women's history of Mount Gambier
- Celebrate Bi centenary of SA - 2036
- Host Stakeholder group meeting
 - City of Mount Gambier Heritage and Library
 - Heritage Group
 - National Trust
 - RSL
 - Stakeholder - group meeting
- Promote Sir Robert Helpmann
- Extend historic bollards
- Identify and promote Boandik sites of cultural significance
- Establish a Pioneer Walk: (e.g. buy a brick)
- Writing history classes
- Establish long term heritage action plan
- Street names signage historical list (update digitalising and make available online)
- Preserve Moorak Station (Tenison Woods)

Moved:

Seconded:

13.27. Governance - Heritage Committee - Rook Walk Celebration - Verbal Report - Ref. AF17/294

- (a) That Council recognise the 100 year anniversary of the establishment of Rook Walk and support the development of an event or series of events to bring together and engage the community in celebrating the milestone.
- (b) The Heritage Sub-Committee will develop the structure of the event/s and the associated budget for further consideration by Council.

Moved:

Seconded:



13.28. Minutes of Junior Sports Assistance Committee - 4 October 2017

That the minutes of the Junior Sports Assistance Committee meeting held 4 October 2017 be noted.

Moved:

Seconded:

13.29. Statement of Revenue and Expenditure for Year Ended 30/06/2017 - Report No. AR17/36963

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/36963 titled '*Statement of Revenue and Expenditure for Year Ended 30/06/2017*' dated 12 September 2017 as presented to the Junior Sports Assistance Fund Committee on 4 October 2017 be noted.
- (b) The Statement of Income and Expenditure for period ended 30 June, 2017 detailing payments to or payments from the Fund with a 30 June 2017 cash balance of \$76,612.79 be received.

Moved:

Seconded:

13.30. General Developments of the Fund since Thirty First Annual Meeting - Report No. AR17/36975

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/36975 titled '*General Developments of the Fund since Thirty First Annual Meeting*' dated 12 September 2017 as presented to the Junior Sports Assistance Fund Committee on 4 October 2017 be noted.

Moved:

Seconded:

13.31. Members Organisation Contributions 2017/2018 - Report No. AR17/37006

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/37006 titled '*Member Organisations Contributions 2017/2018*' dated 12 September 2017 as presented to the Junior Sports Assistance Fund Committee on 4 October 2017 be noted.
- (b) The Member Organisation contributions for the 2017/2018 financial year continue to be based on the funding formula as adopted at the Annual Meeting of Members held on 2nd August 2005 and as attached to this agenda (in respect of the required 2017/2018 contributions).
- (c) The "previous five (5) year annual average" be interpreted and calculated on a rolling basis i.e. the previous five (5) year annual average include the then financial year just ended so that the Member Organisation contributions reflect the most current figures and the minimum payment of \$400 and the maximum payment of \$800 apply for the 2017/2018 financial year.

Moved:

Seconded:



13.32. Minutes of Mount Gambier Building Fire Safety Committee - 3 November 2017

That the minutes of the Mount Gambier Building Fire Safety Committee meeting held 3 November 2017 be noted.

Moved:

Seconded:

13.33. Works in Progress - City Infrastructure - Report No. AR17/44839

- (a) That Operational Standing Committee Report No. AR17/44839 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 14 November 2017 be noted.

Moved:

Seconded:

13.34. Governance - Council / Operational Standing Committee Meeting Arrangements for January 2018 - Report No. AR17/43415

- (a) That Operational Standing Committee Report No. AR17/43415 titled '*Governance - Operational Standing Committee Meeting Arrangements for January 2017*' as presented to the Operational Standing Committee on 13 November 2017 be noted.
- (b) The Operational Standing Committee meeting scheduled for 9 January 2018 be cancelled and all items referred directly to the full Council meeting in January 2018 with agenda items closing on Friday 5 January 2018.
- (c) That the Council meeting calendar be prepared / updated to reflect this resolution.

Moved:

Seconded:

13.35. Junior Sports Assistance Fund Secretary - Report No. AR17/43897

- (a) That Operational Standing Committee Report No. AR17/43897 titled '*Junior Sports Assistance Fund Secretary*' as presented to the Operational Standing Committee on 14 November 2017 be noted.

Moved:

Seconded:



13.36. Design and Construction of Civic Centre Flytower Façade - Project Completion - Report No. AR17/43690

- (a) That Operational Standing Committee Report No. AR17/43690 titled '*Design and Construction of Civic Centre Flytower Façade - Project Completion*' as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council authorise the Chief Executive Officer to amend the contract with Dycer Construction for the Civic Centre Flytower Upgrade to a final contract amount of \$1,386,000 (plus GST) including contingencies and professional fees.
- (c) That Country Arts SA be invoiced for 50% of the works, including professional fees.
- (d) That Council refer the estimated shortfall of \$8,000 between its current budget allocation (\$685,000, 16/17 and 17/18) and the final contract price including professional fees to a future budget review, with the view that the increased costs be offset by reductions in expenditure within the Capital Works Program (resulting in a nil impact on the budget).

Moved:

Seconded:

13.37. Drift Challenge Australia - King of the Hill National Drift Event 2018 - Valley Lake - 16/02/2018 - 18/02/2018 - Report No. AR17/44158

- (a) That Operational Standing Committee Report No. AR17/44158 titled '*Drift Challenge Australia - King of the Hill National Drift Event 2018 - Valley Lake - 16/02/2018 - 18/02/2018*' as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council approve the closure of the Valley Lake precinct from Thursday, 15 February 2018 to Monday, 19 February 2018 inclusive to allow for the event to be held.
- (c) That Council provide in-kind support up to the value of \$2,000 to assist with closure of the Valley Lake precinct, track sweeping, waste management, grandstands and fencing.
- (d) That approval is conditional upon an appropriate Risk, Safety and Traffic Management plan, receipt of a Certificate of Currency for Public Liability insurance to be provided at least two months prior to the event and all approvals received from relevant authorities.

Moved:

Seconded:



13.38. 2018 Local Government Election Update - Report No. AR17/43713

- (a) That Operational Standing Committee Report No. AR17/43713 titled '*2018 Local Government Election Update*' as presented to the Operational Standing Committee on 14 November 2017 be noted.

Moved:

Seconded:

13.39. Exhibition - Ancient Rome: The Empire that Shaped the World - Report No. AR17/45747

- (a) That Operational Standing Committee Report No. AR17/45747 titled '*Exhibition - Ancient Rome: The Empire that Shaped the World*' as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council support the proposal as presented for '*Ancient Rome: The Empire that Shaped the World*' for the period 16 August 2019 - 10 November 2019 be supported and the 2018-2019 and 2019-2020 budget incorporate both the expenditure and anticipated income.
- (c) That Council, once costs have been recovered for *Ancient Rome: The Empire that Shaped the World*, allocate surplus revenue to support future exhibition and programming for the Riddoch Art Gallery.

Moved:

Seconded:

13.40. 2018 Mount Gambier Fringe Festival - Report No. AR17/45777

- (a) That Operational Standing Committee Report No. AR17/45777 titled '*2018 Mount Gambier Fringe Festival*' as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council approve to progress a 2018 Mount Gambier Fringe event with the funding secured by Country Arts SA via Arts SA.
- (c) That Council representatives be involved in the planning and delivery of the event to support the cultural development of local artists.

Moved:

Seconded:



13.41. Country Arts 25 Years Celebration - Report No. AR17/45790

- (a) That Operational Standing Committee Report No. AR17/45790 titled '*Country Arts 25 Years Celebration*' as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council support the proposal as presented for '*Country Arts 25 Years Celebration*' to the value of \$15,000 to be paid as follows:
- First instalment of \$7,000 from 2017-2018 budget (GL 6350.0805).
 - Second instalment of \$8,000 be allocated to GL 6350.0805 in the 2018-2019 budget preparation.

Moved:

Seconded:

13.42. Minutes of Development Assessment Panel – 19 October 2017

That the minutes of the Council Development Assessment Panel meeting held 19 October 2017 be noted.

Moved:

Seconded:



14. COUNCIL REPORTS

Council Reports commence on the following page.



14.1. City of Mount Gambier Annual Report 2016/2017 - Report No. AR17/44366

COMMITTEE	Council
MEETING DATE:	21 November 2017
REPORT NO.	AR17/44366
RM8 REFERENCE	AF16/105
AUTHOR	Mark McShane
SUMMARY	City of Mount Gambier Annual Report 2016/2017 tabled for adopted as per legislative requirements.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

- (a) That Council Report No. AR17/44366 titled '*City of Mount Gambier Annual Report 2016/2017*' dated 30 October 2017 as presented to the Council on 21 November 2017 be noted.

Moved:

Seconded:



Background

Section 131 of the Local Government Act 1999 requires Council to prepare and adopt on or before 30th November in each year an Annual Report containing the prescribed information and documents relating to the operations of Council.

Discussion

Council's Annual Report in respect of the 2016/2017 financial year is to be tabled for adoption (draft copy to be provided at the meeting).

Conclusion

Council may now consider the adoption of the 2016/2017 Annual Report.



Mark McSHANE
CHIEF EXECUTIVE OFFICER

30 October 2017
MJT



15. MOTION(S) - With Notice

15.1. SOCIAL, CULTURAL AND COMMUNITY SERVICES – ADVICE ABORIGINAL AND INDIGENOUS ADVICE AND INFORMATION – Ref: AF11/1595

At the October 2017 Council Meeting I raised a Question Without Notice regarding the custodianship of the “Out of the Dark” fibreglass castings created by Kelvin Smibert, currently stored at the Old Stables. Councillors will recall a workshop earlier this year attended by Kelvin, regarding his work and Aboriginal Rock Art, prompted by an earlier Council resolution on the matter. The importance to this region, and to the Boandik people of Aboriginal Rock Art and the extensive work by Kelvin Smibert (and others) cannot be overestimated.

The CEO has informed me of a recent meeting between Kelvin Smibert, General Manager Community Wellbeing and the CEO to discuss the ongoing storage and custodianship of the fibreglass castings. Several options were explored with one being the storage, safekeeping and ownership of the castings to be passed to Council. Kelvin Smibert was supportive of this option recognising that this provided safe and community ownership into the future and links to other institutions such as the Riddoch Art Gallery and the network of Art Galleries and museums and importantly links to the Aboriginal Community including and going beyond the RAP Advisory Group. In addition to the fibreglass castings there is additional material (photographs, interpretive signage) that may be stored in Council’s Records Management System in perpetuity.

Cr Richardson moved;

- (a) The report from Cr Richardson be received.
- (b) That the City of Mount Gambier makes a formal offer to Mr Kelvin Smibert to receive ownership of the Out of the Dark fibreglass castings of ancient Aboriginal cave art and associated material including interpretive display signage and that Council be kept informed of outcomes.
- (c) That the CEO arranges secure and appropriate storage on Council property for the fibreglass castings and other material as necessary.
- (d) That the fibreglass castings and other material be photographed and recorded in Council’s Records Management System.
- (e) That Council’s RAP Advisory Group be informed of this action along with Aboriginal corporations based in Mount Gambier.
- (f) That should this offer be accepted Council writes to Mr Kelvin Smibert acknowledging the transfer of ownership of Out of the Dark and thanking him on behalf of the community.
- (g) That Council maintains ownership of the material acknowledging the possible future display in an appropriate location / setting and facility that is sympathetic to the nature of the collection.

seconded



16. MOTION(S) - Without Notice



17. CONFIDENTIAL ITEMS

17.1. Consideration for Exclusion of the Public

Item 17.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinec, F Morello, D Mutton, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, N Serle, M McCarthy, S McLean and F McGregor) be excluded from the meeting in order for the Agenda Item (Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd) to be considered in confidence.

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

- Information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, between Council and a third party.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because it involves legal action before a court.

Item No.	Subject Matter	S90(3) Grounds
17.2	Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd - Report No. AR17/44088	(i)

Moved:

Seconded:

Meeting closed at p.m.

AR17/44595



18. REPORT ATTACHMENTS

Report attachments commence on the next page.



**DESIGNATED INFORMAL GATHERING
TENNIS SA PRESENTATION
5:30pm MONDAY 23rd OCTOBER 2017**

RECORD OF PROCEEDINGS
5:30pm Monday 23rd October, 2017
Committee Room, Level 4
Civic Centre
10 Watson Terrace, Mount Gambier

GUESTS:-

Brett Hidson - Manager Participation - Tennis SA

Lynton Franzi - Manager Major Projects - Tennis SA

MEMBERS PRESENT:-

Cr Von Stanke
Cr Morello
Cr Richardson
Cr Mezinec

STAFF PRESENT:-

Chief Executive Officer
General Manager Council Business Services
General Manager Community Wellbeing
Manager Governance and Property

MEMBERS APOLOGIES:-

Mayor Lee
Cr Mutton
Cr Persello
Cr Greco
Cr Lovett

LEAVE OF ABSENCE:-

DISCUSSION:

Discussions regarding Olympic Park Tennis Proposal.

Discussion closed at 6:45 p.m.

DESIGNATED INFORMAL GATHERING
Bentley Effect
5:30pm MONDAY 6TH NOVEMBER 2017

RECORD OF PROCEEDINGS
5:30pm Monday 6th November, 2017
Dress Circle, Main Corner
1 Bay Road, Mount Gambier

MEMBERS PRESENT:-

Cr Mezinec
Cr Richardson
Cr Persello
Cr Von Stanke
Cr Mutton

STAFF PRESENT:-

General Manager Community Wellbeing
Environmental Sustainability Officer
Main Corner Co-ordinator

MEMBERS APOLOGIES:-

Cr Morello

LEAVE OF ABSENCE:-

DISCUSSION:

Discussions regarding viewing of Bentley Effect.

Discussion closed at 7:20 p.m.

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Audit Committee - Minutes of Meeting held 28/09/2017		Kahli Rolton	13.02	That the minutes of the Ordinary Audit Committee meeting held on 28 September 2017 be noted.	No Action
Resignation - Jeroen Zwijnenburg	AF11/863	Pamela Lee	13.03	(a) The report be received; (b) Mr Zwijnenburg's resignation be received and he be thanked for his services to the Audit Committee over the past years	No Action
Internal Financial Controls - Budget and Procedure Update	AR17/39233	Kahli Rolton	13.04	(a) That Audit Committee Report No. AR17/39233 titled 'Internal Financial Controls – Budget and Procedure Update' as presented to the Audit Committee on 28 September 2017 be noted.	Completed
Annual Financial Statements for 2016/2017	AR17/39210	Kahli Rolton	13.05	(a) That Audit Committee Report No. AR17/39210 titled 'Annual Financial Statements for 2016/2017' as presented to the Audit Committee on 28 September 2017 be noted. (b) That in accordance with Section 126 of the Local Government Act 1999 the Audit Committee advises that it has reviewed the Draft Annual Financial Statements of the Council for the financial year 2016/2017 and is satisfied they present fairly the state of affairs of Council as at 30 June 2017.	Completed
Local Government Risk Services Member Update - 2017 Special Distribution Payments and New Member Risk Fund	AR17/39227	Pamela Lee	13.06	(a) That Audit Committee Report No. AR17/39227 titled 'Local Government Risk Services Member Update – 2017 Special Distribution Payments and New Member Risk Fund' as presented to the Audit Committee on 28 September 2017 be noted.	No Action
Commonwealth Financial Assistance Grants for 2017/2018	AR17/39226	Pamela Lee	13.07	(a) That Audit Committee Report No. AR17/39226 titled 'Commonwealth Financial Assistance Grants for 2017/2018' as presented to the Audit Committee on 28 September 2017 be noted.	No Action
2017/2018 Council Insurance Policies Overview	AR17/39439	Pamela Lee	13.08	(a) That Audit Committee Report No. AR17/39439 titled '2017/2018 Council Insurance Policies Overview and Premiums' as presented to the Audit Committee on 28 September 2017 be noted.	No Action
Policy Review - S115 - Fencing of Stormwater Retention Basins	AR17/39535	Daryl Morgan	13.09	(a) That Strategic Standing Committee Report No. AR17/39535 titled 'Policy Review - S115 Fencing of Stormwater Retention Basins' as presented to the Strategic Standing Committee on 9 October 2017 be noted. (b) That the updated Council Policy 'S115 Fencing of Stormwater Retention Basins' as attached to the Strategic Standing Committee Report No. AR17/39535 be adopted.	Completed

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Policy Review - C355 - Council Land - Irrigation Policy	AR17/39634	Sinaway Georgiou	13.10	(a) That Strategic Standing Committee Report No. AR17/39634 titled 'Policy Review - C355 Council Land - Irrigation' as presented to the Strategic Standing Committee on 9 October 2017 be noted. (b) That the updated Council Policy 'C355 Council Land - Irrigation' as attached to the Strategic Standing Committee Report No. AR17/39634 be adopted.	Completed
Community Plan KPI Report - Q1 2017/2018	AR17/37140	Tracy T	13.11	(a) Strategic Standing Committee Report No. AR17/37140 titled 'Community Plan Summary KPI Report - September' as presented to the Strategic Standing Committee on 9 October 2017 be noted. (b) The September 2017 Quarterly Summary KPI report be endorsed by Council.	No Action
City Growth Strategies- Prioritisation Workshops	AR17/39704	Judy Nagy	13.12	(a) That Strategic Standing Committee Report No. AR17/39704 titled 'City Growth Strategies – Prioritisation Workshops' as presented to the Strategic Standing Committee on 9 October 2017 be noted. (b) That Council endorse the Prioritised City Growth Strategy Recommendations contained in 'Recommendations Listed in City Growth Portfolio Reports' – Ref. AR17/37250[v2].	No Action
Financial Statement and Analysis 2016/2017	AR17/40586	Kahli Rolton	13.13	(a) That Strategic Standing Committee Report No. AR17/40586 titled 'Financial Statement and Analysis 2016/2017' as presented to the Strategic Standing Committee on 9 October 2017 be noted. (b) That Council: i. Endorse the Draft Annual Financial Statements 2016/2017 as presenting fairly and accurately the financial state of affairs of Council for the financial year ended 30 June 2017; ii. Adopt the Draft Annual Financial Statements 2016/2017 as FINAL. iii. Authorise the Chief Executive Officer and the Mayor of the City of Mount Gambier to certify the Financial Statements on behalf of Council.	Completed
Heritage Sub-Committee Minutes of Meeting held 27/09/2017		Judy Nagy	13.15	That the minutes of the Heritage Sub-Committee meeting held 27 September 2017 be noted.	No Action

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Heritage Sub-Committee Report - Presiding Member Selection	AR17/38043	Judy Nagy/Michael McCarthy	13.16	(a) That Heritage Sub-Committee Report No. AR17/38403 titled 'Heritage Sub-Committee - Presiding Member Selection' dated 19 September 2017 as presented to the Heritage Sub-Committee on 27 September 2017 be noted. (b) That Cr Richardson be elected as Presiding Member of the Heritage Sub-Committee for a term to expire on 30 November 2018.	No Action
Heritage Sub-Committee Report - Heritage Advisor Report - August 2017	AR17/38436	Judy Nagy/Michael McCarthy	13.17	(a) That Heritage Sub-Committee Report No. AR17/38436 titled 'Heritage Advisory Report - August 2017 ' dated 19 September 2017 as presented to the Heritage Sub-Committee on 27 September 2017 be noted.	No Action
Works In Progress - City Infrastructure	AR17/39445	Daryl Morgan	13.18	(a) That Operational Standing Committee Report No. AR17/39445 titled 'Works in Progress - City Infrastructure' as presented to the Operational Standing Committee on 10 October 2017 be noted.	No Action
Advice of Office Closure - Christmas / New Year Period	AR17/39509	Mark McShane	13.19	(a) That Operational Standing Committee Report No. AR17/39509 titled 'Office Closure - Christmas/New Year 2017' as presented to the Operational Standing Committee on 10 October 2017 be noted.	Completed

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
2017 Christmas Parade - Street Closure	AR17/39691	Nick Serle	13.20	<p>(a) That Operational Standing Committee Report No. AR17/36961 titled '2017 Christmas Parade - Street Closures' as presented to the Operational Standing Committee on 10 October 2017 be noted.</p> <p>(b) That Council, being of the opinion that the 2017 Christmas Parade is an event to which Section 33 of the Road Traffic Act applies to, pass the following order in relation to road closures for the purpose of the 2017 Christmas Parade on Saturday, 18 November 2017.</p> <p>ORDER</p> <p>Council, pursuant to Section 33 of the Road Traffic Act 1961 and instrument of Delegation from the Minister of Transport makes the following order to close the following roads on Saturday, 18 November 2017:</p> <p>(a) COMMERCIAL STREET EAST - between East side of Davison Street and Bay Road/Penola Road Between the hours of 7.00am and 1:00pm. With the exception of the Ferrers Street/Mitchell Street intersection, north/south traffic will be permitted to cross Commercial Street East until 8.30am. The portion of Commercial Street East between Crouch Street and East side of Davison Street may remain open to 10:30am.</p> <p>(b) COMMERCIAL STREET WEST - between Bay Road/Penola Road and Wehl Street. Between the hours of 8.30am and 1:00pm. North/South bound vehicles will be permitted to access Commercial Street West intersection until 10:55am.</p> <p>(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.</p> <p>(d) WATSON TERRACE - north south leg adjacent to Jens Hotel/Cave Garden Between the hours of 6:30am and 5:00pm.</p> <p>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:</p> <ol style="list-style-type: none"> 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 	Completed

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Delegation of Powers - Update	AR17/36894	Michael McCarthy	13.21	<p>(a) That Operational Standing Committee Report No. AR17/36894 titled 'Delegation of Powers - Update' as presented to the Operational Standing Committee on 10 October 2017 be noted.</p> <p>(b) That having reviewed the Local Government Association delegation templates the Council:</p> <p>1. Revocations</p> <p>1.1. Hereby revokes all previous delegations to the Chief Executive Officer of those powers and functions under the following:</p> <p>1.1.1. Dog and Cat Management Act 1995 1.1.2. Heavy Vehicle National Law (SA) Act 2013 1.1.3. Local Government Act 1999 1.1.4. Planning, Development and Infrastructure Act 2016 1.1.5. Work Health and Safety Act 2012 1.1.6. Road Traffic Act 1961 (SA), Road Traffic (Misc) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Misc Provisions) Regulations 2014.</p> <p>2. Delegations made under Local Government Act 1999</p> <p>2.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation (Appendices as individually identified as indicated below) are hereby delegated this Tuesday 17th October 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instruments of Delegation:</p> <p>2.1.1. Dog and Cat Management Act 1995 (Appendix 2) 2.1.2. Heavy Vehicle National Law (SA) Act 2013 (Appendix 31) 2.1.3. Local Government Act 1999 (Appendix 14) 2.1.4. Planning, Development and Infrastructure Act 2016 (Appendix 35) 2.1.5. Work Health and Safety Act 2012 (Appendix 30) 2.1.6. Road Traffic Act 1961 (SA), Road Traffic (Misc) Regs 2014 and Road Traffic</p>	Completed

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Community Engagement and Social Inclusion Nominees	AR17/40746	Barbara Cernovskis	13.22	(a) That Operational Standing Committee Report No. AR17/40476 titled 'Community Engagement and Social Inclusion Nominees' as presented to the Operational Standing Committee on 10 October 2017 be noted. (b) That the recommended community nominees for appointment to the Community Engagement and Social Inclusion subcommittee, namely: <ul style="list-style-type: none"> • Dr Suzanne Mutton • Melissa Stephenson • Judy McKay • Kate Amoroso be accepted.	Completed
Minutes of Development Assessment Panel Meeting - 21/09/2017	AR17/39007	Judy Nagy	13.23	That the minutes of the Council Development Assessment Panel meeting held 21 September 2017 be noted.	Completed
Attendance at 2017 LGA Conference and AGM	AR17/40974	Lynne Dowling	14.01	(a) That Council Report No. AR17/40974 titled 'Attendance at 2017 LGA Conference and Annual General Meeting' as presented to the Council on 17 October 2017 be noted; (b) That the Mayor be appointed as the delegate to represent Council at the 2017 LGA Conference and Annual General Meeting to be held in Adelaide on Wednesday 15 November 2017 and Thursday 16 November 2017 at the Adelaide Oval; (c) Cr Persello 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) The Mayor and the Chief Executive Officer attend the 2017 LGA Conference and Annual General Meeting and Dinner on Wednesday 15 November 2017 and Thursday 16 November 2017 with all associated costs met by Council; (f) Other Councillors may wish to attend the 2017 LGA Conference and Annual General Meeting and Dinner, with all associated costs met by Council and should express their interest to CEO and Mayoral Support by Friday 27 October 2017.	Completed

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Audit Committee Membership Vacancy	AR17/41551	Michael McCarthy	14.02	<p>(a) That Council Report No. AR17/41551 titled 'Independent Member Audit Committee' as presented to the Council on 17 October 2017 be noted;</p> <p>(b) That suitably qualified and experienced candidates be sought for the position of Independent Audit Committee Member by an Expression of Interest process including public notice in a newspaper circulating in the area; and a further report be presented for Council to consider the appointment of an Audit Committee Member and Presiding Member.</p>	Completed
Mount Gambier Community RSL Discretionary Rate Rebate	AR17/41827	Michael McCarthy	14.03	<p>(a) That Council Report No. AR17/41827 titled 'RSL Discretionary Rate Rebate' as presented to the Council on 17 October 2017 be noted.</p> <p>(b) That Council agree to a discretionary rate rebate for the RSL Assessment Numbers 1191/2884/13760 commencing from 1 July 2017 of 50% on each of the rateable areas over a 2 year period to be reviewed at the conclusion of the 2 year period.</p>	Completed
2017 New Year's Eve Event	AR17/41824	Michael McCarthy	14.04	<p>(a) That Council Report No. AR17/41824 titled '2017 New Year's Eve Event' as presented to the Council on 17 October 2017 be noted.</p> <p>(b) That Council acknowledge the considerable effort taken by the Mount Gambier Community Events committee to reduce costs and secure additional sponsorship.</p> <p>(c) That Council approve a one off sponsorship increase of \$5,000 cash and \$500 in-kind support (totalling \$10,000 cash and \$3,000 in-kind) for the 2017 New Year's Eve event from GL6240.0038</p>	Completed
Newstart Allowance - Anti-Poverty Network SA Campaign AF17/954		Cr Sonya Mezinec	15.01	<p>(a) The City of Mount Gambier join Playford, Port Adelaide Enfield, Streaky Bay, Kangaroo Island, Copper Coast, Clare Valley and Onkaparinga in supporting the Anti- Poverty Network SA campaign to increase the Newstart Allowance;</p> <p>(b) The City of Mount Gambier writes to the relevant Government Ministers advocating for an increase to the Newstart Allowance and a copy be sent to the Federal Member for Barker.</p>	Completed
Vacant Shops - Commercial Street AF16/361		Cr Sonya Mezinec	15.02	Cr Mezinec moved the City of Mount Gambier facilitate a Members Workshop in the coming weeks and invite key stakeholders to discuss strategies and incentives to encourage a range of activities including start-up businesses and enterprises to rent premises on Commercial Street to revitalise the centre of our city.	In Progress

Council Action Items

Report Title	Report Number	Author	Item	Action	Status
Environmental Management - Gas Mining in the Limestone Coast AF14/38		Cr Richardson	16.01	(a) That Marcia Lorenz and Ruth Vander Hoek, Limestone Coast Protection Alliance be invited to an Elected Members Workshop to provide their view point on the issues of conventional gas mining in the Limestone Coast; (b) That Beach Energy be invited to an Elected Members Workshop to provide their view point on the issues of conventional gas mining in the Limestone Coast.	In Progress
Property Management Leasing - 7 Eucalypt Drive	AR17/37588	Michael McCarthy	17.02	Refer In Confidence Register	In Progress

REPORT TITLE

Report No. AR17/46613 – Updated Report - First Nations of the South East Native Title Claim

COMMITTEE	Strategic Standing Committee
MEETING DATE:	13 November 2017
REPORT NO.	AR17/46613
RM8 REFERENCE	AF17/296
AUTHOR	Michael McCarthy
SUMMARY	This report provides notice of a native title claim lodged with the Federal Court for the south east region of South Australia and recommends that Council engage legal representation in conjunction with the other Limestone Coast Councils on matters relating to the claim.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR17/46613 titled '*First Nations of the South East Native Title Claim*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council engage Norman Waterhouse Lawyers to represent Council in conjunction with the other Limestone Coast Councils on matters relating to the First Nations of the South East Native Title Claim.
- (c) That Council Register to become a party to proceedings if the First Nations of the South East's Native Title Claim (No 1) is registered by the National Native Title Tribunal and that the Chief Executive Officer and Mayor be authorised to execute any documentation necessary to give effect to this resolution.

Background

Native Title is a body of indigenous rights that may be recognised as existing in land and waters under Commonwealth and State legislation. Such rights can be found to exist where Native Title has not been extinguished by the land being held in freehold title (i.e. alienated from the Crown) or by some past extinguishing act such as public works like a road or other public infrastructure.

Historically, a number of Native Title claims have been made for areas of South Australia and other states with each having distinct characteristics and merits and generally necessitating the allocation of significant resources by each level of government to be resolved.

This report presents that a Native Title claim, The First Nations of the South East Native Title Claim (No 1) has been filed with the Federal Court that identifies the claim areas as South East South Australia near the Victorian border and includes the area comprising the City of Mount Gambier.

It is not intended that this report background provide detail in relation to the administration and implications of Native Title other than to identify that Native Title is a complex area of law and land rights and that generally has application to Crown Land.

In respect of the City of Mount Gambier it is anticipated that affected lands will include the Crown Land parcels of which Council is custodian or has care, control and management comprising most of the Crater Lake Precinct, portions of Hastings Cunningham Reserve and Olympic Park, and the perimeter of the Blue Lake. Other land parcels granted to Council by the Crown are also potentially implicated as they may not sufficiently meet the 'freehold' test that acts to extinguish Native Title.

Discussion

The First Nations of the South East Native Title Claim (No 1) was filed with the Federal Court on 4 August 2017 for an area generally described as South East South Australia near the Victorian Border and including the areas of each of the seven Limestone Coast Councils and the Coorong District Council (refer Attachment 1).

The Chief Executive Officers of the Limestone Coast Councils included in the claim area have met and received preliminary advice from Norman Waterhouse Lawyers that presently act for half of the Councils in South Australia with regard to Native Title matters. In-principle agreement has been reached on engaging Norman Waterhouse Lawyers to represent each Council in conjunction with the other Limestone Coast Councils on a split costs basis for shared matters. Ordinary fee for service arrangements would apply to matters that specifically affect or relate to any one Council.

Should Council determine to be represented, an initial action would be to register to become a Party to proceedings in the First Nations of the South East's Native Title Claim (No 1) is registered by the National Native Title Tribunal.

Whilst it is too early to anticipate what further action and resources might be necessary with respect to the progression of a Native Title claim, it would be prudent to note that Native Title claims can take significant time (years) to be resolved and that the significant administrative and financial resources (including legal representation) involved should not be underestimated.

It should also be noted that failure to engage in a Native Title claim process can be detrimental to a potential Party as any relevant considerations, needs and opportunities may be overlooked by the claimants, other parties to the proceedings and the court/tribunal.



Conclusion

This report recommends that Council engage Norman Waterhouse Lawyers to represent Council in conjunction with other Limestone Coast Councils on matters relating to the First Nations of the South East Native Title Claim and Register to become a Party to proceedings if the claim is registered by the National Native Title Tribunal.

This matter has also been tabled with the Aboriginal Elders Group for information.

Attachments

Nil – Attachment on original report AR17/43714



Michael McCARTHY
MANAGER GOVERNANCE & PROPERTY



Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

25 October 2017
MMcC



REPORT TITLE

Report No. AR17/46727 – Updated Report - Quarter One Budget Review for Financial Year Ending 30 June 2018

COMMITTEE	Strategic Standing Committee
MEETING DATE:	13 November 2017
REPORT NO.	AR17/46727
RM8 REFERENCE	AF16/329
AUTHOR	Kahli Rolton
SUMMARY	This report provides the Quarter One Budget Review for the period ending 30 September 2017 within the financial year ending 30 June 2018; and is for consideration by Committee.
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. AR17/44973 titled '*Quarter One Budget Review for Financial Year Ending 30 June 2017*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council adopts the Quarter One Budget Review (BR1) for the financial year 1 July 2017 to 30 June 2018 as detailed in Attachment 1 of the report titled '*Quarter One Budget Review for the Financial Year Ending 30 June 2018*' and dated 5 November 2017 which reflects a \$533,500 forecast deficit. Council notes that majority of the movement is largely attributable to the SA Government Grants Commission's 50% forward payment actually received in late June of the 2016/17 financial year. This forward payment resulted in an actual operating surplus in the 2016/17 financial year and subsequently a forecast deficit in the 2017/18 financial year. An adjustment of approximately \$960,000 is reflected in BR1 for 2017/18. If the SA Government Grants Commission's 50% forward payment had been received in the 2017/18 financial year, BR1 would result in an estimated operating surplus of \$426,500.

Background

In accordance with the Local Government (Financial Management) Regulations 2011, Regulation 9 requires Council to prepare and consider the following reports relating to the review of budgets:

- 9.1(a) *At least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year (where at least 1 report must be considered before the consideration of the report under sub regulation (1)(b), and at least 1 report must be considered after consideration of the report under sub regulation (1)(b))—a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances;*
- 9.1(b) *Between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.*
- 9.2 *A council must also include in a report under sub regulation (1)(b) revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.*

Council has scheduled to undertake and present budget reviews as follows:

Budget Review	Inclusive Dates	Council Meeting in
Quarter One (BR1)	1 July to 30 September	November
Quarter Two (BR2)	1 October to 31 December	February
Quarter Three (BR3)	1 January to 31 March	May

Section 123 7(a)(b) of the Local Government Act 1999 (the 'Act') states that each budget of council must:

- 7(a) *Be considered in conjunction with the council's annual business plan (and must be consistent with that plan, as adopted); and*
- 7(b) *Be adopted by the council after the council has adopted its annual business plan.*

The Annual Business Plan and Budget for 2017/2018 was adopted on 5 July 2017 at a special meeting of Council. Since its adoption, Council has resolved the following (refer Table 1) financial matters that impact on the adopted budget and may require adjustment in the quarter one budget review.



Table 1: Financial matters resolved by Council since adoption of the original 2017/2018 Budget.

Council Meeting Item	Description	Resolution
14.03	Mount Gambier Community RSL Discretionary Rebate	<p>(a) That Council Report No. AR17/41827 titled 'RSL Discretionary Rate Rebate' as presented to the Council on 17 October 2017 be noted.</p> <p>(b) That Council agree to a discretionary rate rebate for the RSL Assessment Numbers 1191/2884/13760 commencing from 1 July 2017 of 50% on each of the rateable areas over a 2 year period to be reviewed at the conclusion of the 2 year period.</p>
13.4	Commercial Hall Kitchen Future Operation	<p>(a) (a) That Strategic Standing Committee Report No. AR17/28073 titled 'City Hall Commercial Kitchen Future Operation' as presented to the Strategic Standing Committee on 7 August 2017 be noted.</p> <p>(b) The Commercial Kitchen and Community Kitchen be reconfigured and consolidated into the Commercial Kitchen space.</p> <p>(c) The Community Kitchen equipment where possible is used in the Commercial Kitchen and the Community Kitchen be utilised as storage and/or general purpose area.</p> <p>(d) The City Hall Kitchen be made accessible to:</p> <ul style="list-style-type: none"> • Pre-qualified commercial caterers at a fee and bond recognising the commercial nature of the hire. • General users (non-commercial caterers) at a fee and bond recognising the nature of the use. • Council's 2017/2018 building maintenance budget is reviewed and re-prioritised with an amount of up to \$20,000 reallocated to the required City Hall kitchen upgrades.
13.19	Capex Carry Overs from 2016/2017	<p>(a) That Operational Standing Committee Report No. AR17/34863 titled 'Capital Expenditure Carry Overs from 2016/2017' as presented to the Operational Standing Committee on 12 September 2017 be noted.</p> <p>(b) That the Work In Progress allocations from 2016/2017 as presented with this report be adopted by Council with all amendments made to the 2017/2018 Council Budget.</p>

Discussion

Council resolutions post the adoption of the Annual Business Plan and Budget 2017/2018

In relation to Council Meeting items 14.03, 13.4 and 13.19 (refer Table 1) the following outcomes have occurred:

1. Item 14.03 *Mount Gambier Community RSL Discretionary Rate Rebate* has resulted in a \$14,000 increase to Rate Rebates for 2017/2018.
2. Item 13.4 *Commercial Hall Kitchen Future Operation* project financial costs are yet to be identified and therefore no adjustments have been made to BR1 review.
3. Item 13.19 *Capex Carry Overs* from the financial year 2016/2017 have been completed and a budget amendment of \$1.314M was processed on 27 September 2017. The carry over budget figures are reflected in the BR1 review figures.



Comparison to the adopted Annual Business Plan and Budget 2017/2018

	BR1 2017/2018	Original 2017/2018	Movement
SUMMARY	\$	\$	\$
OPERATING REVENUE			
ADMINISTRATION REVENUE	21,191,000	22,125,000	934,000
COMMUNITY SERVICES REVENUE	850,000	111,000	(739,000)
CULTURAL REVENUE	501,000	556,000	55,000
ECONOMIC DEVELOPMENT REVENUE	313,000	313,000	0
ENVIRONMENTAL REVENUE	2,810,000	2,810,000	0
RECREATION REVENUE	82,000	82,000	0
REGULATORY REVENUE	388,000	388,000	0
TRANSPORT REVENUE	358,000	358,000	0
UNCLASSIFIED ACTIVITIES REVENUE	230,000	280,000	50,000
TOTAL OPERATING REVENUE	26,723,000	27,023,000	300,000
OPERATING EXPENDITURE			
ADMINISTRATION EXPENDITURE	1,417,000	1,511,000	94,000
GOVERNANCE AND STRATEGY EXPENDITURE	483,300	475,000	(8,300)
SUPPORT SERVICES EXPENDITURE	3,598,100	3,447,000	(151,100)
COMMUNITY SERVICES EXPENDITURE	2,185,000	1,700,000	(485,000)
CULTURAL EXPENDITURE	3,152,600	3,140,000	(12,600)
ECONOMIC DEVELOPMENT EXPENDITURE	2,154,900	2,130,000	(24,900)
ENVIRONMENTAL EXPENDITURE	5,203,500	5,198,000	(5,500)
RECREATION EXPENDITURE	2,702,900	2,698,000	(4,900)
REGULATORY SERVICES EXPENDITURE	1,123,000	1,114,000	(9,000)
TRANSPORT EXPENDITURE	3,336,200	3,372,000	35,800
ENGINEERING/INDIRECT EXPENDITURE	1,249,000	1,252,000	3,000
UNCLASSIFIED ACTIVITIES EXPENDITURE	651,000	653,000	2,000
TOTAL OPERATING EXPENDITURE	27,256,500	26,690,000	(566,500)
OPERATING (DEFICIT) / SURPLUS	(533,500)	333,000*	866,500
Plus - Non Operating Revenue	1,579,000	7,080,000	5,501,000
Plus - Capital Revenue	7,396,500	569,000	(6,827,500)
Less - Non Operating Expenditure	690,000	690,000	0
Less - Capital Expenditure	8,353,000	6,883,000	(1,470,000)
BUDGETED CASH SURPLUS / (DEFICIT)	(601,000)	409,000	1,010,000
<i>*Excludes amount received specifically for new or upgraded assets. Original Budgeted Financial Statements included \$295,000 in the total operating surplus.</i>			

The original adopted 2017/2018 Annual Business Plan and Budget included:

- An operating surplus of \$333,000
- Net capital expenditure (Capex) \$6.883M.



The 2017/2018 BR1 review has resulted in the following changes to the budget position:

- An operating deficit of \$533,500
- Net Capex \$8.353M.

Note: The material increase in capital expenditure is due to:

- \$1.314M capex carried forward from 2016/2017; and
- \$156,000 to bring to account Carinya Gardens Cemetery.

Commentary on BR1 Budget Review 2017/2018

The material changes as at QR1 budget review are:

1. Inclusion of the Carinya Gardens Cemetery (the 'Cemetery') operating and capital activities. Previously the Cemetery was not included as part of Council's annual budget. Due to the dissolution of the Mount Gambier Cemetery Trust as at 20 June 2017, budget estimates for the Cemetery can now be brought into Council's operations and treated similarly to any other function of Council. Key facts relating to the inclusion of the Cemetery budget:

Activity	\$'000	Description
Operating Revenue	735.4	Includes Burial, Chapel, Cremation, Plaques/Materials, Reservations/Leasing income
Operating Expenditure	505.1	Building costs, Employee costs, Training & Development, Finance costs, General operating, Utilities, Statutory expenses
Capital Expenditure	156.0	Machinery Shed, Lowering Devise, Safety fence and trailer, Family allotments, Air-conditioner, Waterfall area upgrade
Net Operating Surplus	230.3	Operating revenue minus operating expenditure
Net Cash Surplus	74.3	Includes capital expenditure

2. For transparency and accuracy the Commonwealth Financial Assistance Grants distributed via the SA Government Grants Commission, have been reduced in the 2017/2018 budget to reflect the 50% forward payment actually received in late June of the 2016/2017 financial year. The forward payment of Financial Assistance Grants by the SA Government Grants Commission is outside of Council's control and at this time Council has received no guarantee / assurance that a forward payment will be received in 2017/2018 for the 2018/2019 financial year to counteract this shortfall. An adjustment of approximately \$960,000 is reflected in BR1 review for 2017/2018.
3. Following Council's no surprise approach to BR1 budget review the following minor adjustments have occurred:

Income:

- A decrease of \$10,000 to Gain on Disposal of non-current assets due to the uncertainty surrounding budgeting for this type of item i.e. market conditions and values are unpredictable.
- A decrease of \$15,000 to Interest Received – General Investments due to the uncertainty surrounding budgeting for this type of item.



Expenditure:

- A decrease of \$9,300 to Emergency Services Levy expenditure. This adjustment is to remedy original budget differences now that Council's annual ESL notice has been received from and paid to Revenue SA.
- An increase of \$4,000 to Utilities to cover the anticipated on-going plan costs associated with installing WiFi in line with Council's Digital Strategy.
- An increase of \$27,300 to Workers Compensation Insurance. This adjustment is to rectify the shortfall presented in the original budget now that Council's quarterly instalments have been advised and are known.

Conclusion

The quarter one budget review forecasts an operating deficit of \$533,500 in comparison to the original budget adopted by Council on 5 July 2017 which had forecast an operating surplus of \$333,000. This equates to a movement of \$866,500 deficit from the adopted original budget to the quarter one budget review.

Details of these variances are provided in the discussion section of this report where it is noted that the material movement is largely attributable to the SA Government Grant Commission's 50% forward payment actually received in late June of the 2016/2017 financial year. An adjustment of approximately \$960,000 is reflected in BR1 review for 2017/2018.

Community engagement was undertaken on the Annual Business Plan and Budget for 2017/2018 financial year as part of the preparation of preparation of the plan and budget in accordance with the *Local Government Act 1999 Section 123 Annual Business Plan and Budget sub sections (3) and (4)* and *Council's Community Consultation and Engagement Policy (P195)*.

This budget review allows for the delivery of the 2017/2018 Annual Business Plan as previously adopted by Council on 5 July 2017.

Attachments

Attachment 1 (AR17/45297): Proforma Financial Statements BR1 2017/2018



Kahli ROLTON
MANAGEMENT ACCOUNTANT



Jeroen Zwijnenburg
MANAGER FINANCE AND CUSTOMER SERVICE



Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

5 November 2017
KR

