

MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY 21ST FEBRUARY, 2017 AT 6.00 P.M.

COUNCIL

PRESENT:

Mayor Andrew Lee

Cr Christian Greco
Cr Mark Lovett
Cr Josh Lynagh
Cr Sonya Meziniec
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman
Cr Hanna Persello
Cr Ian Von Stanke

APOLOGY/IES:

Cr Lovett moved that the apology from Cr Penny Richardson be received.

Cr Greco seconded

Carried

COUNCIL OFFICERS:

Chief Executive Officer	- Mr M McShane
Director – Operational Services	- Mr D Sexton
Manager Governance and Property	- Mr M McCarthy
Manager Community Services and Development	- Ms B Cernovskis
Manager Business and Strategic Planning	- Mrs T Tzioutziouklaris
Administrative Officer Executive Support	- Mrs M Telford
Administrative Officer Executive Support	- Miss A Lavia

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:

Cr Morello moved the minutes of the previous meeting held on 17th January, 2017 and the minutes of the special meeting held 31st January, 2017 be taken as read and confirmed.

Cr Meziniec seconded

Carried

MAYORAL REPORT - Ref. AF11/881

- First Anniversary of Establishment of Chinese Consulate General in South Australia
- Launch 2017 Tertiary Health Education Grant
- Members Workshop – Member for Barker, Cultural Development
- Australia Day Festivities
- 2017 Naval Club Annual Dinner
- Visit by His Excellency The Honourable Hieu Van Le AC, Governor of South Australia and Mrs Le
- Welcome to Chinese Students – Tenison Woods College
- SA Liberal Team Community Breakfast
- Welcome to Chinese Teachers – Tenison Woods College
- LCLGA AGM and GM
- Corporate and Community Services Committee Meeting
- Welcome at St Martin’s Lutheran College to Students from Shouguan Century School, China
- Citizenship Ceremony
- Opening United International Container Services
- Members Workshop – Operational Flinders, LCLGA, Pre-Parental Art
- Chamber Visit – Representatives from The Junction

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

<u>Member</u>	<u>Organisation</u>
Cr Josh Lynagh	Australia Day Breakfast
Cr Sonya Meziniec	Mayoral Reception for Governor and Mrs Le, Dinner with Governor and Mrs Le
Cr Hanna Persello	Mayoral Reception for Governor and Mrs Le, Dinner with Governor and Mrs Le, Limestone Coast Local Government Association Annual General Meeting and General Meeting

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

Cr Morello seconded

Carried

QUESTIONS:

- (a) With Notice - Nil submitted
- (b) Without Notice – Nil received

PETITIONS: Nil

NOTICE OF MOTION TO RESCIND: Nil

ELECTED MEMBERS WORKSHOPS - Ref. AF15/83

18/01/2017	Digital Strategy Action Plan
24/01/2017	Briefing from Mr Tony Pasin MP, Member for Barker and Presentation from Rachel Healey on Cultural Development
07/02/2017	Council Decision Making Structure

Records for these Workshops are attached.

Cr Mezinec moved that the Records of Proceedings for the workshops held:

- **Digital Strategy Action Plan**
- **Briefing from Mr Tony Pasin MP, Member for Barker and Presentation from Rachel Healey on Cultural Development**
- **Council Decision Making Structure**

be received and the contents noted.

Cr Lovett seconded

Carried

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

Nil submitted.

COUNCIL ACTION ITEMS - Corporate and Community Services Committee and Operational Services Committee referred to the Council Meeting held 17th January, 2017 - Ref. AF11/1718, AF11/866

Cr Mezinec moved that the Council Action Items for the Corporate and Community Services Committee and the Operational Services Committee referred to the Council Meeting held 17th January, 2017 be received and the contents noted.

Cr Morello seconded

Carried

CORPORATE AND COMMUNITY SERVICES - 13th February, 2017

Cr Meziniec moved that the minutes of the meeting held 13th February, 2017 be received.

Cr Greco seconded

Carried

1. FINANCIAL STATEMENT - as at 31st January, 2017

Cr Lynagh moved it be recommended the financial statement as at 31st January, 2017 be received.

Cr Persello seconded

Carried

Cr Lynagh moved the recommendation of the Corporate and Community Services Committee as contained in item 1 be adopted.

Cr Von Stanke seconded

Carried

2. FINANCIAL MANAGEMENT - Budgeting - Annual Business Plan and Budget Consultation 2017/18 Financial Year - Ref. AF15/461

The Chief Executive Officer reported:

- (a) In accordance with Section 123 of the Local Government Act 1999, the following Program leading up to the adoption of Annual Business Plan and Budget for 2017/2018 is proposed (actual dates to be confirmed):

Date (2017)	Description
early March	Audit Committee Meeting (LTFP, AIMP and Budget)
early April	Members LTFP, SIMP and Budget Briefing(s)
late April	Draft Business Plan and Budget released for public comment.
mid/late May	Public submissions on draft Business Plan and Budget close.
late May	First Special (public) Meeting to hear any public submissions and to discuss the draft Business Plan and Budget.
late May / early June	Second Special (public) Meeting to be held to discuss/finalise the draft Business Plan and Budget (if required).
mid/late June	Special Council meeting to be held to finalise and endorse draft Business Plan and Budget (if required).
mid July	Last date for finalisation/distribution of first quarterly rate notice and distribution of summary Annual Business Plan.
8 th September	First quarterly rate installment final payment date.

Cr Lynagh moved it be recommended:

- (a) the report be received;
- (b) the Draft 2017/2018 Annual Business Plan and Budget Program be endorsed by Council.

Cr Meziniec seconded

Carried

Cr Lynagh moved the recommendation of the Corporate and Community Services Committee as contained in item 2 be adopted.

Cr Meziniec seconded

Carried

3. CORPORATE AND COMMUNITY SERVICES REPORT NO. 04/2017 - Budget Update as at 31st December, 2016 - Ref. AF15/461

Cr Lynagh moved it be recommended:

- (a) Corporate and Community Services Report No. 04/2017 be received;
- (b) the Budget Update as at 31st December, 2016 as presented with this Report be adopted by Council with all amendments to be made to the 2016/2017 Council Budget.

Cr Persello seconded

Carried

Cr Lynagh moved the recommendation of the Corporate and Community Services Committee as contained in item 3 be adopted.

Cr Meziniec seconded

Carried

4. CORPORATE AND COMMUNITY SERVICES REPORT NO. 08/2017 - Policy P420 Procurement and Disposal of Land and Assets - Ref. AF11/1950

Cr Lynagh moved it be recommended:

- (a) Corporate and Community Services Report No. 08/2017 be received;
- (b) Council hereby adopts updated Council Policy:

P420 – Procurement, & Disposal of Land and Assets

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

Cr Meziniec seconded

Carried

Cr Lynagh moved the recommendation of the Corporate and Community Services Committee as contained in item 4 be adopted.

Cr Lovett seconded

Carried

5. CORPORATE AND COMMUNITY SERVICES REPORT NO. 09/2017 - Authorised Banking Signatories - Ref. AF11/636

Cr Lynagh moved it be recommended:

- (a) Corporate and Community Services Report No. 09/2017 be received;

- (b) that the authorised signatories of the Council's general accounts and financial bank accounts and transactions etc. be any two (2) of the following:
- Mayor
 - Deputy Mayor
 - Chief Executive Officer
 - General Manager Council Business Services
 - General Manager City Growth
 - General Manager City Infrastructure
 - General Manager Community Wellbeing
 - Director Operational Services
 - Manager Business & Strategic Planning
 - Manager Community Services and Development
 - Manager Governance & Property
 - Manager Regulatory Services (Manager Development & Regulatory)
 - Engineering Manager (Engineering Design & Contract Management)
- (c) that the Chief Executive Officer may by written instrument add/amend/revoke the bank signatory authorisation of officers listed in resolution (b) as necessary to align with the organisational structure, position titles/appointments, and absence/availability of officers, for further review at the next statutory Council meeting following the November 2018 local government elections.

Mayor Lee seconded

Carried

Cr Lynagh moved:

- (a) **Corporate and Community Services Report No. 09/2017 be received;**
- (b) **that the authorised signatories of the Council's general accounts and financial bank accounts and transactions etc. be any two (2) of the following:**
- **Mayor**
 - **Deputy Mayor**
 - **Chief Executive Officer**
 - **General Manager Council Business Services**
 - **General Manager City Growth**
 - **General Manager City Infrastructure**
 - **General Manager Community Wellbeing**
 - **Director Operational Services**
 - **Manager Business & Strategic Planning**
 - **Manager Governance & Property**
 - **Manager Regulatory Services (Manager Development & Regulatory)**
 - **Engineering Manager (Engineering Design & Contract Management)**
- (c) **that the Chief Executive Officer may by written instrument add/amend/revoke the bank signatory authorisation of officers listed in resolution (b) as necessary to align with the organisational structure, position titles/appointments, and absence/availability of officers, for further review at the next statutory Council meeting following the November 2018 local government elections.**

Cr Mezinec seconded

Carried

6. CORPORATE AND COMMUNITY SERVICES REPORT NO. 10/2017 - Delegations of Powers of Council - Ref. AF11/1020

Cr Lynagh moved it be recommended:

- (a) Corporate and Community Services Report No. 10/2017 be received;
- (b) that having conducted its annual review of Councils Delegations Register in accordance with Section 44(6) of the Local Government Act, 1999, the Council;

1. Revocations

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

- 1.1.1. Community Titles Act 1996
- 1.1.2. Development Act 1993 and Development Act Regulations 2008
- 1.1.3. Dog & Cat Management Act 1995
- 1.1.4. Electricity Act 1996
- 1.1.5. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
- 1.1.6. Expiation of Offences Act 1996
- 1.1.7. Fences Act 1975
- 1.1.8. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.9. Food Act 2001
- 1.1.10. Freedom of Information Act 1991
- 1.1.11. Graffiti Control Act 2001
- 1.1.12. Housing Improvement Act 1940
- 1.1.13. Land & Business (Sale and Conveyancing) Act 1994
- 1.1.14. Liquor Licensing Act 1997
- 1.1.15. Local Government Act 1999
- 1.1.16. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.17. Public Assemblies Act 1972
- 1.1.18. Roads (Opening & Closing) Act 1991
- 1.1.19. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999

- 1.1.20. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013.
- 1.1.21. Supported Residential Facilities Act 1992
- 1.1.22. Unclaimed Goods Act 1987
- 1.1.23. Work Health & Safety Act 2012
- 1.1.24. Safe Drinking Water Act 2011
- 1.1.25. Real Property Act 1886
- 1.1.26. Strata Titles Act 1988
- 1.1.27. Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.28. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

1.2. Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.

2. Delegations made under Local Government Act 1999

2.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1 - 32 (each of which is individually identified as indicated below) are hereby delegated this Wednesday, 20th April, 2016 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 Instrument of Delegation.

- 2.1.1. Community Titles Act 1996 (Appendix 1)
- 2.1.2. Dog & Cat Management Act 1995 (Appendix 2)
- 2.1.3. Electricity Act 1996 (Appendix 3)
- 2.1.4. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 4)
- 2.1.5. Expiation of Offences Act 1996 (Appendix 5)
- 2.1.6. Fences Act 1975 (Appendix 6)
- 2.1.7. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 7A and 7B)
- 2.1.8. Freedom of Information Act 1991 (Appendix 8)
- 2.1.9. Graffiti Control Act 2001 (Appendix 9)
- 2.1.10. Housing Improvement Act 1940 (Appendix 10)
- 2.1.11. Land & Business (Sale & Conveyancing) Act 1994 (Appendix 11)
- 2.1.12. Liquor Licensing Act 1997 (Appendix 12)
- 2.1.13. Local Government Act 1999 (Appendix 14)

- 2.1.14. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 16)
 - 2.1.15. Public Assemblies Act 1972 (Appendix 17)
 - 2.1.16. Roads (Opening and Closing) Act 1991 (Appendix 18)
 - 2.1.17. Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 20/20A/20B)
 - 2.1.18. Unclaimed Goods Act 1987 (Appendix 25)
 - 2.1.19. South Australian Public Health Act 2011 South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Appendix 26)
 - 2.1.20. Safe Drinking Water Act 2011 (Appendix 27)
 - 2.1.21. Real Property Act 1886 (Appendix 28) and Electronic Conveyancing National Law (SA) Act 2013 (Appendix 28A)
 - 2.1.22. Strata Titles Act 1988 (Appendix 29)
 - 2.1.23. Work Health & Safety Act 2012 (Appendix 30)
 - 2.1.24. Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 31)
 - 2.1.25. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 32)
 - 2.1.26. Local Nuisance and Litter Control Act 2016 (Appendix 33)
 - 2.1.27. Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 34)
- 2.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
 - 2.3. For the purposes of these delegations all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
 - 2.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.
- 3. Delegations made under Development Act 1993**
 - 3.1. In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21) are hereby delegated this 21st February, 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

- 3.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 3.3. In exercise of the power contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21 and which are specified in Schedule I) are hereby delegated this 21st February, 2017 to the Council's Development Assessment Panel, subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993:
- 3.4. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 3.5. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.
- 4. Delegations made under Food Act 2001**
 - 4.1. In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation contained in Instrument of Delegation (Appendix 22) are hereby delegated this 21st February, 2017 to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency" for the purposes of the Food Act 2001), subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
 - 4.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
 - 4.3. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
 - 4.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.
- 5. Delegations under Supported Residential Facilities Act 1992**
 - 5.1. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in Instrument of Delegation (Appendix 24) are hereby delegated this 21st February, 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
 - 5.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

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

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

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

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

Mark McShane
Daryl Sexton
Daryl Morgan

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

Daryl Sexton
Daryl Morgan

6.3. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in Instrument of Sub-delegation (Appendix 20A) is hereby sub-delegated this 21st of February 2017 to the person occupying the office of Chief Executive Officer of the Council subject to:

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

6.4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management plans:

Daryl Sexton
Daryl Morgan

7. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

- 7.1. In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in Instrument of Delegation (Appendix 27) are hereby delegated this 21st of February 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.
- 7.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.
- 7.3. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 7.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.
- 8. Delegations under Fire and Emergency Services Act 2005 to a Fire Prevention Officer**
- 8.1. In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in Instrument of Delegation (Appendix 7B) are hereby delegated this 21st of February 2017 to the person appointed Fire Prevention Officer of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.
- 8.2. Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.
- 8.3. For the purposes of these delegations, all delegations to the Fire Prevention Officer extend to any person appointed to act in the position of Fire Prevention Officer.

Cr Persello seconded

Carried

Cr Lynagh moved the recommendation of the Corporate and Community Services Committee as contained in item 6 be adopted.

Cr Greco seconded

Carried

7. CORPORATE AND COMMUNITY SERVICES REPORT NO. 11/2017 - Mount Gambier Community RSL - Request for Support - Saluting Monash - Ref. AF11/213

Cr Lynagh moved it be recommended:

- (a) Corporate and Community Services Report No. 11/2017 re Saluting Monash be received;

- (b) Council write a letter of support to Mr Bob Sandow, Chairman of the Reserve Forces Council of South Australia to support the posthumous promotion of General Sir John Monash, one step in rank, to Field Marshal.

Cr Mezinec seconded

Carried

Cr Lynagh moved the recommendation of the Corporate and Community Services Committee as contained in item 7 be adopted.

Cr Von Stanke seconded

Carried

8. STRATEGIC MANAGEMENT - Establishment - Implementation of the Community Plan - Ref. AF16/185

Cr Sonya Mezinec reported:

The City of Mount Gambier Community Plan 2015-2019 identifies the development of a cultural plan, youth strategy, digital plan and economic development growth strategy as key outcomes.

Development of the digital plan and economic development growth strategy is largely completed, a briefing session on the cultural plan in January 2017 and work on the youth strategy is yet to commence.

Cr Mezinec moved it be recommended that to progress the above goals, Council will:

- (a) Prepare timelines for the development of a youth strategy and cultural plan by the end of March 2017;
- (b) Complete the youth strategy and cultural plan by the end of the 2017 calendar year;
- (c) Table bi-monthly progress reports on the youth strategy, cultural plan, digital plan and economic development growth strategy at the Corporate and Community Services Committee;
- (d) Devise a community engagement/consultation strategy for the digital plan by the end of March 2017.

Mayor Lee seconded

Carried

Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 8 be adopted.

Cr Morello seconded

Carried

OPERATIONAL SERVICES - 14th February, 2017

Cr Greco moved that the minutes of the meeting held 14th November, 2017 be received.

Cr Von Stanke seconded

Carried

1. **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>
• James Street (paving works)	30%
• Foote Street (kerbing works)	40%
• Sparrow Avenue (kerbing works)	40%
• Hosking Avenue (kerbing works)	40%
• Kurrajong street (kerbing works)	40%
• Swan Street (kerbing works and stump removal)	50%
• Road Reseal Program	0%

Railway Lands

• Heritage elements (fence and stobie poles)	80%
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Completed Tasks

- Lansell Street (concrete footpath and kerbing works)
- Duigan Street (road reconstruction)

Cr Greco moved the report be received.

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 1 be adopted.

Cr Morello seconded

Carried

2. **ENVIRONMENTAL MANAGEMENT - Waste Transfer Station - Waste Dumping Passes - Ref. AF11/374**

The Presiding Member reported:

- (a) Cr Greco has requested that consideration be given to the provision of four (4) free dump passes to each rateable property in the 2017/2018 Budget;

- (b) Members should also note that they will shortly be presented with a proposal for a material recovery facility (a workshop has been scheduled for early March 2017);
- (c) Cr Greco has requested some information regarding the “costs” for the four (4) free pass proposal. In order to “quantify” the costs for the proposal, a number of realistic assumptions need to be made;
- (d) The following financial model assumes:
- Each free pass will allow up to one (1) cubic metre of waste to be disposed of free (a standard 6x4 trailer, loaded 460mm high is one (1) cubic metre).
 - 50% of available passes are used during the year (this could be “light” but many properties such as flats, units etc do not generate bulk waste).
 - The make up of the waste will be predominately hard waste which will not go to Caroline Landfill - it will go to Sandyridge Landfill and Council will pay the posted gate charge (currently \$155/tonne, including GST).
- (e) On the basis of the above, the following is provided:
- Council will allocate $13,000 \times 4 = 52,000$ passes that allow the “free” dumping of up to 52,000 cubic metres of waste if all passes are used.
- (f) Based on the above assumption Council will likely:
1. Lose revenue from the Waste Transfer Centre gate takings by say 50% of annual “casual” takings.
= \$78,000
 2. 26,000 cubic metres of hard waste will need to be dealt with at the Waste Transfer Centre for “free” - waste is removed in 30 cubic metre bins at \$122.17 per bin (based on $26,000 \div 30 = 867$ loads (plus GST)).
= \$105,900
- (g) Based on one (1) cubic metre of waste weighing, on average, 200kg, the cost to dispose of 26,000 cubic metres ($26,000 \times 0.2 = 5,200$ tonnes) is $5,200 \times \$140.91$ (plus GST).
= \$732,732 (*this could vary significantly from \$300,000 to \$1 million*)
- Total direct cost to Council (per annum) = \$916,000
(equates to about a 5% rate increase)
- (h) Conclusion: This proposal is neither financially or environmentally sound, but may be well received by the community. Council needs to consider the materials recovery facility options before making any commitment to a “free” waste service.

Cr Greco moved it be recommended:

- (a) The report be received and contents noted.
- (b) All new Councillors and last term Councillors receive a copy of the Blue Environment Report.

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 2 be adopted.

Cr Von Stanke seconded

Carried

3. EQUIPMENT, PLANT AND STORES - Plant Replacement Program - Ref. AF11/629

The Presiding Member reported:

- (a) Council has an allocation in the 2016/2017 Budget to replace Roller Number 34 (Caterpillar Roller). Whilst this unit was purchased ten years ago, it is in very good condition and worthy of retaining for a further five year period. This report will recommend this roller be retained rather than replaced;
- (b) Council also has two graders and the method of road reconstruction has changed substantially over the last ten years (more emphasis on pavement strengthening with asphalt rather than replacement) and one of the graders is surplus to requirements. This report will recommend that Council proceed to sell, by public tender, Unit 49 - Caterpillar 120H Grader.

Cr Greco moved it be recommended:

- (a) The report be received;
- (b) Council delete the replacement of Unit Number 34 - Caterpillar Roller from the 2016/2017 Budget and retain this unit for a further five years;
- (c) Council proceed to sell Unit 49 - Caterpillar 120H Grader by public tender (having determined that this unit is now surplus to Council's requirements).

Cr Morello seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 3 be adopted.

Cr Lovett seconded

Carried

4. PROPERTY MANAGEMENT - Arrangements - Temporary Closure of Valley Lake to Powered Water Craft - 2017 Carpathon Event - Ref. AF15/453

The Presiding Member reported:

- (a) Council are again partnering with the Department of Environment, Water and Natural Resources (Natural Resources South East) for Water Week 2017 and one of the activities involves running the Carpathon event at the Valley Lake on Sunday, 26th March 2017;
- (b) Natural Resources South East have requested to have the Valley Lake closed to powered water craft during the period of the Carpathon event from 9:00 a.m. to 3:00 p.m.

Cr Greco moved it be recommended:

- (a) The report be received;
- (b) Council approve the closure of the Valley Lake to powered water craft on Sunday, 26th March 2017 between 9:00 a.m. and 3:00 p.m.

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 4 be adopted.

Cr Meziniec seconded

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Morello disclosed a perceived conflict of interest in Item 5: *“Employed by Country Arts SA and a Fringe Committee Member.”*

Cr Morello dealt with the perceived conflict of interest in the following transparent and following way: *“Explain the above. Stay in meeting, debate, vote.”*

5. TRAFFIC MANAGEMENT - Compliance - Temporary Road Closures - Fringe Festival 2017 - Commercial Street East - Watson Terrace - Ref. AF17/16; AF11/1850

The Presiding Member reported:

- (a) Council, at its meeting held on 18th October 2016, resolved to support the 2017 Fringe Festival being held in Mount Gambier (including sponsorship and in kind support);
- (b) the Fringe Festival ‘closing’ event is scheduled to be held within the Cave Garden precinct on Friday, 24th March 2017 and Saturday, 25th March 2017 and as part of this event they have requested the below road closures:

Location	From	To
Watson Terrace, between Bay Road and Ferrers Street (off Commercial Street East)	4:30 p.m. Friday, 24 th March 2017	11:59 p.m. Saturday, 25 th March 2017
Commercial Street East, between Bay Road and Ferrers Street	4:30 p.m. Friday, 24 th March 2017	11:59 p.m. Friday, 24 th March 2017

Watson Terrace, between Bay Road and Sturt Street (off Bay Road)	4:30 p.m. Friday, 24 th March 2017	11:59 p.m. Saturday, 25 th March 2017
Commercial Street East, between Bay Road and Ferrers Street	10:00 a.m. Saturday, 25 th March 2017	11:59 p.m. Saturday, 25 th March 2017

- (c) an order to close the above roads can be made by the Mayor, under Section 59 of the Summary Offences Act 1953, to facilitate their request.

Cr Greco moved it be recommended:

- (a) The report be received;
- (b) The Mayor be requested to authorise the following temporary road closures, pursuant to the powers contained in Section 59 of the Summary Offences Act 1953, to occur on Friday, 24th March 2017 and Saturday, 25th March 2017:

Location	From	To
Watson Terrace, between Bay Road and Ferrers Street (off Commercial Street East)	4:30 p.m. Friday, 24 th March 2017	11:59 p.m. Saturday, 25 th March 2017
Commercial Street East, between Bay Road and Ferrers Street	4:30 p.m. Friday, 24 th March 2017	11:59 p.m. Friday, 24 th March 2017
Watson Terrace, between Bay Road and Sturt Street (off Bay Road)	4:30 p.m. Friday, 24 th March 2017	11:59 p.m. Saturday, 25 th March 2017
Commercial Street East, between Bay Road and Ferrers Street	10:00 a.m. Saturday, 25 th March 2017	11:59 p.m. Saturday, 25 th March 2017

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 5 be adopted.

Cr Von Stanke seconded

Carried

Cr Morello voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Steven Perryman disclosed an actual conflict of interest in Item 6: *“I am the Honorary Secretary of the East Gambier Sportsmen's Club which is located at McDonald Park. The property leased by East Gambier Sportsmen's Club fronts Davison Street on one side”*.

I intend to deal with the perceived conflict of interest in the following transparent and accountable way: *“Will not participate.”*

Cr Steven Perryman did not participate in the meeting and left the room at 6.20 p.m.

6. TRAFFIC MANAGEMENT - Safety Concerns - Davison Street - Ref. AF11/1867
p.m.

The Presiding Member reported:

- (a) Council has received a complaint regarding concerns over traffic safety in Davison Street from a local resident (copy attached to agenda);
- (b) the basis of this complaint was around that of traffic congestion and road safety attributed mainly due to on street parking along Davison Street (between Commercial Street and John Street);
- (c) as a result, Council Officers have completed an investigation of this matter which also included a survey of all residents and businesses along Davison Street to gauge their views on the matter (a copy of the survey sheet was attached to agenda);
- (d) the attached spreadsheet shows the responses received to the survey questions that were sent out but the following dot points summarise the survey results:
 - 16 responses received to the survey questionnaire;
 - 81% believe road safety is an issue in Davison Street;
 - 81% of responses indicated that on street parking is causing congestion in Davison Street;
 - only 56% were willing to consider prohibiting parking on one side of the street with only 2 responses (13%) willing to support prohibition of parking on the west side and 7 responses (44%) willing to support prohibition of parking on the east side;
 - survey results do not give any clear direction to which side of the street parking should be prohibited if Council was even to consider this as a safety improvement measure.
- (e) in addition, recent traffic counts for this section of Davison Street were also collected which determined that the average daily volume for Davison Street is 650 vehicles/day. This figure is well within the carrying capacity for a street of this class and whilst it is acknowledged that the presence of on street parking on both sides of the roadway does reduce the travel lane width to only one way, this congestion does however assist with discouraging through traffic and also assists with reducing vehicle speeds;
- (f) speed data was also recorded as part of the recent counts but the data does not give a true reflection of actual speeds along the street as the count was taken closer to the Commercial Street end rather than at midblock. However the average speed was 27.9 km/h and the 85%tile speed was 34.2 km/h;
- (g) there was also no accident history on Davison Street;
- (h) based on the lack of supporting data to support the survey claims that road safety is a real issue rather than a perception, and also that there is no general consensus amongst local residents/businesses to removing on street parking on one side of the

roadway, it will be recommended that Council take no further action with respect to this matter at this point in time.

Cr Greco moved it be recommended:

- (a) Council take no further action with respect to this matter given the lack of supporting data and lack of consensus to implementation of prohibition of on street parking;
- (b) Council write to all properties surveyed and advise of the Council resolution accordingly.

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 6 be adopted.

Cr Lynagh seconded

Carried

7. PROPERTY MANAGEMENT - Advisory Group - Report of the Aquatic Centre Management Advisory Group meeting held Wednesday, 11th January 2017 - Ref. AF11/1370

The Presiding Member reported:

- (a) The Aquatic Centre Management Advisory Group met on Wednesday, 11th January 2017 at 7:00 a.m. This meeting was attended by:
 - Cr Mark Lovett, City of Mount Gambier
 - Daryl Sexton, Director Operational Services
 - Peter Collins, Manager Aquatic Centre
- (b) the matters discussed were as follows:
 1. VacSwim
 - 241 attendances, up 10 on last year.
 - 240 is a comfortable number for this facility.
 - Public can attend the pool whilst VacSwim is on.
 2. DECS
 - Lessons have been good to the end of December 2016.
 - New school starting this year.
 3. After Schools Program (in house swimming program)
 - Enrolments high, extra classes scheduled to meet demand.
 - Positive public feedback.

4. Attendances

- Generally down due to poor weather in late 2016.
- January 2017 may be about average.

5. Diving Classes

- There has been an increase in the number of scuba diving classes.

6. Solar

- Installation due to be done next week.

7. Budgets

- Peter Collins to submit budget for the next year.

8. Heat Exchanger

- Ready to be installed.

Cr Richardson moved it be recommended:

- (a) The report be received and contents noted.

Cr Morello seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 7 be adopted.

Cr Lovett seconded

Carried

Cr Perryman resumed the meeting at 6.22 p.m.

8. COMMITTEES - Council Development Assessment Panel - Minutes of Meeting held 19th January 2017 - Ref. AF16/445

Cr Greco moved it be recommended:

- (a) Minutes of the Council Development Assessment Panel meeting held on Thursday, 19th January 2017 be received;
- (b) the decisions made by the Council Development Assessment Panel be noted.

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 8 be adopted.

Cr Von Stanke seconded

Carried

9. **COMMITTEES - Environmental Sustainability Sub-Committee - Minutes of Meeting held 7th February 2017 - Ref. AF12/377**

Cr Richardson moved it be recommended:

- (a) Minutes of the Environmental Sustainability Sub-Committee held on Tuesday, 7th February 2017 be received;
- (b) the following recommendations (number 1 to 6) of the Environmental Sustainability Sub-Committee be adopted by Council:

1. **ELECTION OF PRESIDING MEMBER**

- The report be received.
- the above process to appoint the Presiding Member for the Environmental Sustainability Sub-Committee be adopted.

2. **CALL FOR NOMINATIONS**

- The Director - Operational Services called for nominations for the position of Presiding Member for the Environmental Sustainability Sub-Committee.
- The following nominations were received:
Cr Richardson nominated Cr Mutton to be Environmental Sustainability Sub-Committee Presiding Member.
- The Returning Officer declared Cr Mutton be elected to the position of Presiding Member for the Environmental Sustainability Sub-Committee on and from 7th February 2017, for a period of 1 year.

3. **RECYCLE RIGHT BIN TAGGING - INITIAL ROUND FOLLOW UP**

- The report be received.
- Council continue the Bin Tagging Program.

4. **2015/2016 GREENHOUSE GAS EMISSIONS**

- Environmental Sustainability Report No. 1/2017 be received.
- Council refer an amount of \$15,000 in the 2017-2018 budget to purchase foreign carbon offsets to cover the 11,156 GHG's emitted in 2015-2016.
- Council engage Dr Tim Moore to assist with the development of a long term carbon mitigation strategy and to review the measuring and reporting approach for the Carbon Report with relevant staff.
- Council undertake an ongoing educational campaign regarding organics and recycling in order to divert waste to landfill and improve point source segregation to assist with appropriate waste diversion at the Waste Transfer Centre.
- Council continue to investigate the feasibility of a 3 bin kerbside collection system (i.e. weekly organics collection, fortnightly recycling and general refuse collection).

- Council continue to roll out energy efficiency and renewable energy measures within the organisation and the community within budget constraints.
- Council continue educational campaigns to assist residents and businesses with reducing carbon emissions across the City.

5. CARBON CONSCIOUS COMMUNITY BUILDINGS PROGRAM

- Environmental Sustainability Report No. 2/2017 be received.
- Council refer \$30,000 in the 2017/2018 budget, for the establishment of the Carbon Conscious Community Buildings Program.

6. REPORTS FOR INFORMATION

- The current table outlining projects for 2017 (as attached to the Environmental Sustainability Sub-Committee agenda) be received and noted for information.

Cr Morello seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 9 be adopted.

Cr Mutton seconded

Carried

10. OPERATIONAL SERVICES REPORT NO. 2/2017 - Infrastructure - Road Closing and Transfer - Portion of Willow Avenue - Ref. AF16/517

Cr Greco moved it be received:

- Operational Services Report No. 2/2017 be received;
- a Road Process be commenced for the closure of portions of Willow Avenue marked 'Part A' and 'Part B' on the Preliminary Plan attached to Operational Services Report No. 2/2017 to be amalgamated with the adjoining Allotment 2;
- Council re-imburse Ryder Cheshire Foundation for out-of-pocket expenses incurred in the engagement of professional services for the administration for the Road Process;
- a further report be presented to Council to consider any objections and the making of a Road Process Order;
- in the event that no objections are received, the Chief Executive Officer and Mayor be authorised to make a Road Process Order and prepare a Final Plan to close and transfer any part or portion of Willow Avenue as shown on the Preliminary Plan attached to Operational Services Report No. 2/2017 to adjoining owners for amalgamation with the adjoining Allotment 2 for nil consideration;

- (f) the Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to resolution (e).

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 10 be adopted.

Cr Meziniec seconded

Carried

11. OPERATIONAL SERVICES REPORT NO. 4/2017 - Long Term Infrastructure and Asset Management Program - Ref. AF11/1255; AF11/1253; AF11/1254; AF11/1491; AF11/629; AF13/7

Cr Greco moved it be recommended:

- (a) Operational Services Report No. 4/2017 be received;
- (b) all projects listed in Appendix 1 to Appendix 6 of Operational Services Report 4/2017 inclusive for 2017/2018 be referred to the 2017/2018 Draft Budget for further consideration.

Cr Von Stanke seconded

Carried

Cr Greco moved the recommendation of the Operational Services Committee as contained in item 11 be adopted.

Cr Lovett seconded

Carried

COUNCIL ITEMS

1. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 12/2017** - Riddoch Art Gallery - Gifts and Collection Policy - Ref. AF16/233

Mayor Lee moved:

- (a) Corporate and Community Services Report No. 12/2017 be received and contents noted;
- (b) The Riddoch Art Gallery, Gallery Director - Manager Arts and Cultural Development be authorised to assess and document and accordingly:
 - i. accept (or refuse) on behalf of Council art gifts to the Riddoch Art Gallery/Collection taking into account the pre-existing (Riddoch Art Gallery Incorporated) Collection Policy and other relevant organisational risk factors.
 - ii. to accept on long term loan any proposed art gift pending the obtaining of Deductible Gift Recipient status for the Riddoch Art Gallery.
- (c) A further report be presented to consider governance structure options for Deductible Gift Recipient status and a Collection Policy for the Riddoch Art Gallery.

Cr Morello seconded

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Lynagh disclosed a material conflict of interest in Item 2: *"The item relates to me specifically, the results of which will determine action taken against me"*.

In accordance with section 74(1)(b) I will be leaving the meeting room while the matter is being discussed and voted on.

Cr Lynagh did not participate in the meeting and left the room at 6.35 p.m.

2. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 13/2017** - Code of Conduct Complaint - Councillor Lynagh - Ref. AF11/896

Mayor Lee moved:

- (a) Corporate and Community Services Report No. 13/2017 be received;
- (b) the finding that Cr Lynagh has breached clauses 2.4, 2.5 & 2.6 of the Code of Conduct for Council Members be noted;
- (c) Council require Cr Lynagh to:
 - i. make a public clarification regarding his online comments

- ii. undertake to manage his online and media presence in compliance with the Code of Conduct for Council Members and Council Policy M130 – Media – Statements on behalf of Council.

Cr Von Stanke seconded

Carried

Cr Lynagh resumed the meeting at 6.36 p.m.

3. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 14/2017 - Council Development Assessment Panel (CDAP) Position Nominations - Ref. AF11/896**

Mayor Lee moved:

- (a) Corporate and Community Services Report No. 14/2017 and Councillor nominations for the vacant Council Development Assessment Panel positions be received;
- (b) The following nominees be appointed to the Council Development Assessment Panel for a term commencing February 2017 and whilst they remain Elected Members of the City of Mount Gambier Elected Members until February 2019:
 - Cr Ian Von Stanke
 - Cr Christian Greco
 - Cr Des Mutton

Cr Greco seconded

Carried

MOTION WITH NOTICE - Nil

MOTION(S) WITHOUT NOTICE -

1. **GOVERNMENT RELATIONS** – Liaison – District Council of Grant – Airport Funding - Ref. AF11/2339

Cr Perryman reported:

The District Council of Grant, by Deputation to the Corporate and Community Services Committee meeting held on 13th February 2017 presented its proposal to secure State and Commonwealth Funding to upgrade the Mount Gambier Airport, and sought support including funding from the City of Mount Gambier.

No further supporting information has yet been provided to assist Council in considering the risks and benefits associated with supporting a project of this scale and cost.

Cr Perryman moved:

- (a) The City of Mount Gambier inform the District Council of Grant of its support in principle that the Mount Gambier Airport is a significant infrastructure asset and funding contributions to the project proposed in the District Council of Grant application to the Building Better Regions Fund Program for the Mount Gambier Airport Upgrade should be shared in like manner by Grant, Wattle Range and City of Mount Gambier Councils;
- (b) The City of Mount Gambier will commit up to \$1 million dollars to the Building Better Regions Fund Program for the Mount Gambier Airport Upgrade, should the application be approved for funding by the Australian Government to the amount requested by District Council of Grant in the application;
- (c) Should the Airport Upgrade project be funded by the Building Better Regions Fund Program, the management structure of the Mount Gambier Airport be amended to reflect the funding contributions of the new partners.

Cr Mezinec seconded

Cr Perryman sought leave of the meeting to speak longer as the mover in reply.

Leave Granted

The motion was put and

Carried

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Greco moved that 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 Council Members: Mayor Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Sonya Meziniec, Cr Frank Morello, Cr Des Mutton, Cr Steven Perryman, Cr Hanna Persello and Cr Ian Von Stanke and Council Officers: Mark McShane, Daryl Sexton, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris, Melissa Telford and Ashlee Lavia now present) be excluded from the meeting in order for the agenda item (Development Control - Illegal Development - Operation of a Storage Yard - Ref. AF11/304) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which could reasonably be expected:

- 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); and
- S.90(3)(i) - information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

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 a person. The information that is to be received, discussed or considered in relation to this item relates to the commencement of prosecution proceedings pursuant to the Development Act 1993.

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 of a personal nature.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
OPERATIONAL SERVICES COMMITTEE - 14TH FEBRUARY, 2017		
13.	DEVELOPMENT CONTROL - Illegal Development - Operation of a Storage Yard - Ref. AF11/304	(a) (i)

Cr Meziniec seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Greco moved that an order be made pursuant to Section 91 (7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 13 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>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
<u>OPERATIONAL SERVICES COMMITTEE - 14TH FEBRUARY, 2017</u>				
13.	<u>DEVELOPMENT CONTROL</u> - Illegal Development - Operation of a Storage Yard - Ref. AF11/304	(a) (i)	All details	Until the matter is resolved or abandoned, to be reviewed at least once in every year

Cr Meziniec seconded

Carried

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Greco moved that 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 Councillors - : Mayor Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Sonya Meziniec, Cr Frank Morello, Cr Des Mutton, Cr Steven Perryman, Cr Hanna Persello and Cr Ian Von Stanke and Council Officers: Mark McShane, Daryl Sexton, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris, Melissa Telford and Ashlee Lavia now present) be excluded from the meeting in order for the agenda item (Development Control - Illegal Development - Operation of a Storage Yard - Ref. AF11/304) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which could reasonably be expected:

- 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); and
- S.90(3)(i) - information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

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 a person. The information that is to be received, discussed or considered in relation to this item relates to the commencement of prosecution proceedings pursuant to the Development Act 1993.

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 of a personal nature.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
<u>OPERATIONAL SERVICES COMMITTEE - 14TH FEBRUARY, 2017</u>		
16.	<u>DEVELOPMENT CONTROL</u> - Illegal Development - Operation of a Storage Yard - Ref. AF11/304	(a) (i)

Cr Lovett seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Greco moved that an order be made pursuant to Section 91 (7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 16 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>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
<u>OPERATIONAL SERVICES COMMITTEE - 14TH FEBRUARY, 2017</u>				
16.	DEVELOPMENT CONTROL - Illegal Development - Operation of a Storage Yard - Ref. AF11/304	(a) (i)	All details	Until the matter is resolved or abandoned, to be reviewed at least once in every year

Cr Von Stanke seconded

Carried

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Greco moved that 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 Councillors - : Mayor Andrew Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr Sonya Meziniec, Cr Frank Morello, Cr Des Mutton, Cr Steven Perryman, Cr Hanna Persello and Cr Ian Von Stanke and Council Officers: Mark McShane, Daryl Sexton, Barbara Cernovskis, Michael McCarthy, Tracy Tzioutziouklaris, Melissa Telford and Ashlee Lavia now present) be excluded from the meeting in order for the agenda item (Legal Action - 211 Wehl Street North, Mount Gambier - Mr K Pearson (Amberich Pty Ltd)) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected:

- S.90(3)(g) - matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty; and
- S.90(3)(h) - legal advice.

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 a person. The information that is to be received, discussed or considered in relation to this item relates to the commencement of legal action involving prosecution proceedings pursuant to the Development Act 1993.

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 of a personal nature.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
<u>OPERATIONAL SERVICES COMMITTEE - 14TH FEBRUARY, 2017</u>		
19.	<u>OPERATIONAL SERVICES REPORT NO. 2/2017</u> - Legal Action - 211 Wehl Street North, Mount Gambier - Mr K Pearson (Amberich Pty Ltd) - Ref. AF12/113	(g) (h)

Cr Lovett seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Greco moved that an order be made pursuant to Section 91 (7) and recorded in the publicly released version of the minutes in accordance with S91(9) of the Local Government Act, 1999 that the document in relation to item 19 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>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
<u>OPERATIONAL SERVICES COMMITTEE - 14TH FEBRUARY, 2017</u>				
19.	<u>OPERATIONAL SERVICES REPORT NO. 3/2017 - Legal Action - 211 Wehl Street North, Mount Gambier - Mr K Pearson (Amberich Pty Ltd) - Ref. AF12/113</u>	(g) (h)	All details	13 months or until the matter is resolved, whichever is the later

Cr Lovett seconded

Carried

Meeting closed at 6.54 p.m.

MJT