

MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON WEDNESDAY 20TH OF APRIL, 2016 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 Hanna Persello
Cr Steve Perryman
Cr Penny Richardson
Cr Ian Von Stanke

APOLOGY/IES:

Nil

COUNCIL OFFICERS:

Chief Executive Officer	- Mr M McShane
Director – Corporate Services	- Mr G Humphries
Director – Operational Services	- Mr D Sexton
Manager Community Services and Development	- Ms B Cernovskis
Manager Economic Development	- Ms K Roberts
Administrative Officer Executive Support	- Mrs T Nisbet

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 Mutton moved the minutes of the previous meeting held on 15th March be taken as read and confirmed.

Cr Von Stanke seconded

Carried

MAYORAL REPORT - Ref. AF11/881

- Close the Gap – Pangula Mannamurna
- Harmony Day Celebrations
- Performance of Limestone Coast Opera
- RDA Meeting
- Special Council Meeting - Budget
- Official Opening of 2016 Interschool Athletics Carnival
- State Delegation to China
- 2016 LGA Showcase and General Meeting
- Official Opening of UniSA new facility

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

<u>Member</u>	<u>Organisation</u>
Cr Von Stanke	Reconciliation Action Plan focus group meeting Official Opening of the Men's Shed Friendship Force Afternoon Tea for friends from New Zealand GTE Board Meeting Official Opening of UniSA new facility
Cr Morello	Harmony Day Celebrations Limestone Coast Opera Official Opening of UniSA new facility
Cr Meziniec	International Women's Day Breakfast a.c care Homelessness Luncheon Book In Home presentation Mulga Street Primary School Rosie Batty Breakfast Official Opening of UniSA new facility
Cr Persello	Reconciliation Action Plan focus group meeting Close the Gap day – Pangula Mannamurna Family Violence Action Group meeting Winda-Mara Budj Bim tour – Heywood Limestone Coast Community Services Round Table planning day Presentation to Junior Sports Assistance Fund Exceptional Junior Recipient – Lachlan Hunter Headspace Opening Youth Week Loud @ the Library LGTSTIQ Cultural Awareness Forum Official Opening of UniSA new facility Rosie Batty Forum Official Opening of the Men's Shed
Cr Lynagh	Youth Week Loud @ the Library South Western Skate Competition Harmony Day Celebrations

Cr Mutton	Official Opening of the Men's Shed Official Opening of UniSA new facility a.c care Homelessness Luncheon
Cr Richardson	Opening of the Pedal Prix Grug at Sir Robert Helpmann Theatre Riddoch Art Gallery Opening of 'My Mob' Netball Opening China Business Breakfast Property Club Haig's Chocolates 100 year celebration
Cr Greco	Senior PGA Beachport Liquid Minerals 10 th birthday celebration Official Opening of UniSA new facility a.c care Homelessness Luncheon Chamber of Commerce Breakfast meeting

Cr Von Stanke 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:

1. **PROPERTY MANAGEMENT - Jubilee Highway West – Relocation of Information Bay – Email from Henk Bruins - Ref. AF12/199**

Cr Perryman gave notice of the following motion to rescind:

- (a) That the resolutions made at the Council Meeting on 16th February 2016 in relation to relocation of the Tourist Information Bay at Jubilee Highway West, as follows:

“Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 3 be adopted

(a) The report be received;

(b) Council advise the owners of the property at Jubilee Highway West (adjacent to the Tourist Information Bay) that:

(i) the issue of providing sewer services to any eventual subdivision is a matter for the Planning Department to address at the appropriate time and does not form any part of the decision regarding the possible Tourist Information Bay relocation; and

(ii) Council will relocate the Tourist Information Bay at the total cost to the applicant.

Cr Von Stanke seconded

Carried

be rescinded.

Cr Perryman moved that the resolution referred to above in (a) be rescinded.

Cr Greco seconded

The motion was put and

LOST

ELECTED MEMBERS WORKSHOPS - Ref. AF15/83

<i>Date</i>	<i>Topic for Discussion</i>
23/03/2016	Review of the Strategic Plan
13/04/2016	Event Applications and Cladding of Flytower

Cr Greco moved that the Record of Proceedings for the Review of the Strategic Plan and the Event Applications and Cladding of Flytower be received and the contents noted.

Records for these Workshops are attached.

Cr Mezinec seconded

Carried

COUNCIL ACTION ITEMS - Corporate and Community Services Committee and Operational Services Committee referred to the Council Meeting held 15th March, 2016 - 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 15th March, 2016 be received and the contents noted.

Cr Mutton seconded

Carried

CORPORATE AND COMMUNITY SERVICES - 11th April, 2016

Cr Richardson moved that the minutes of the meeting held 11th April, 2016 be received.

Cr Morello seconded

Carried

1. FINANCIAL STATEMENT – as at 31st March, 2016

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Meziniec moved it be recommended the financial statement as at 31st March, 2016 be received.

Cr Lovett seconded

Carried

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

Cr Von Stanke seconded

Carried

2. GOVERNANCE – Committees – Lifelong Learning Sub-Committee – Minutes of Meeting held 18th March, 2016 – Ref. AF15/501

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Meziniec moved it be recommended:

(a) the Minutes of the Lifelong Learning Sub-Committee Meeting held on 18th March, 2016 be received;

(b) the following recommendations of the Lifelong Learning Sub-Committee be adopted by Council;

1. KEY FOCUS AREA – Wellbeing and Resilience - AF15/422

(a) The progress report on the Regional Wellbeing & Resilience Collaboration provided by the Manager Community Services & Development be received.

2. KEY FOCUS AREA – Wellbeing and Resilience - Ref. AF15/422

(a) The progress report on a Wellbeing Workforce/Positive Organisation project provided by the Manager Community Services & Development report be received;

3. KEY FOCUS AREA – Wellbeing and Resilience - Ref. AF15/422

- (a) The Manager, Community Services and Development prepare a formal report on the integration of the Wellbeing and Resilience Program with the STEM, South East Strategy and Action Plan 2015 - 2018 for the next meeting.

Cr Lovett seconded

Carried

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

Cr Mutton seconded

Carried

3. GOVERNANCE – Committees – Community Engagement and Social Inclusion Sub-Committee – Minutes of Meeting held 22nd March, 2016 – Ref. AF15/500

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Persello moved it be recommended:

- (a) the minutes of the Community Engagement and Social Inclusion Sub-Committee Meeting held on 22nd March, 2016 be received;
- (b) the following recommendations of the Community Engagement and Social Inclusion Sub-Committee be adopted by Council:
1. GUEST SPEAKERS – Mr David Copley, Pangula Mannamurna Inc., and Alan March, Regional Director, Families SA
 - (a) Mr David Copley and Mr Alan March be thanked for their presentation.
 2. RECONCILIATION ACTION PLAN – Reconciliation Action Plan Progress Table
 - (a) The Reconciliation Action Plan progress table be received;
 3. KEY FOCUS AREAS – Key Focus Area Progress Table
 - (a) The Community Engagement & Social Inclusion Key Focus Area progress table be received and noted for information.

Cr Lovett seconded

Carried

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

Cr Richardson seconded

Carried

4. **GOVERNANCE – Committees – Audit Committee – Minutes of Meeting held 22nd March, 2016 – Ref. AF11/863**

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Mezinec moved it be recommended:

- (a) the minutes of the City of Mount Gambier Audit Committee meeting held on 22nd March, 2016 be received;
- (b) the following recommendations of the Audit Committee meeting held on Tuesday, 22nd March, 2016 be adopted by Council.

1. **REPORTS FOR INFORMATION**

The reports be received.

2. **EXTERNAL AUDITOR - Ref. AF12/227**

(a) the report be received;

(b) the outstanding 2015 Audit findings continue to be monitored by the Audit Committee.

3. **AUDIT WORK PROGRAM 2014 - 2018 - Ref. AF11/863**

The report be received.

4. **FINANCIAL SUSTAINABILITY - Key Financial Indicators - Ref. AF14/81**

The report be received.

5. **TREASURY MANAGEMENT - Annual Review for 2014/2015 - Ref. AF11/810**

(a) the report be received;

(b) Corporate and Community Services Report No. 2/2016 be adopted by Council.

6. **ASSET REVALUATION STRATEGY - Ref. AF11/713**

(a) the report be received;

(b) Corporate and Community Services Report No. 3/2016 be adopted by Council.

7. **CONFLICT OF INTEREST - REVISED LEGISLATION - Ref. AF11/903**

The report be received for information.

8. CORPORATE AND COMMUNITY SERVICES REPORT NO. 19/2016 - Policy Review - Risk Management Framework Update and Policy Review - Ref. AF11/1950; AF11/1955
- (a) Corporate and Community Services Report No. 19/2016 be received;
 - (b) Council hereby re-adopts the following (unchanged) Policies as provided with this report:
 - F225 – Fraud and Corruption Prevention
 - W150 – Whistleblowers Protection
 - (c) Council hereby adopts replacement Council Policy R305 – Risk Management Framework Policy, as provided with this report;
 - (d) Council hereby revokes Policy I105 Internal Controls;
 - (e) Council makes the necessary amendments to Council's Policy Manual Index.
9. FINANCIAL INTERNAL CONTROLS - Ref. AF11/863
- (a) Audit Committee Report No. 1/2016 be received.

Cr Lynagh seconded

Carried

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

Cr Perryman seconded

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Persello disclosed a perceived conflict of interest in Item 5: *"My children play for North Gambier Junior Football Club where I volunteer - This Club is a member organisation of the fund. I am the Chair of this Committee."*

Cr Persello dealt with the perceived conflict of interest in the following transparent and following way: *"I will continue to perform my duties as normal"*.

In accordance with section 75A(2)(b) Cr Persello participated in the meeting in relation to the matter.

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in Item 5: *"Family members who are members of East Gambier Netball Club and Western Border Netball Association and Basketball Mount Gambier which are organisations that contribute to the fund."*

Cr Perryman dealt with the perceived conflict of interest in the following transparent and following way: *"Explain that these family members are participants in sport with their clubs / associations but are not recipients or nominees for grants from the fund"*.

In accordance with section 75A(2)(b) Cr Perryman participated in the meeting in relation to the matter.

5. GOVERNANCE - Committees - Junior Sports Assistance Fund - Minutes of Meeting held 30th March, 2016 - Ref. AF11/725

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Persello moved it be recommended:

- (a) the minutes of the City of Mount Gambier Junior Sports Assistance Fund General Meeting held on 30th March, 2016 be received;
- (b) the following recommendations of the City of Mount Gambier Junior Sports Assistance Fund held on 30th March, 2016 be adopted by Council:

1. FINANCIAL STATEMENT AS AT 29TH FEBRUARY, 2016

The financial statement as at 29th February, 2016 be received noting a cash balance of \$74,648.

2. APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS FROM 16TH DECEMBER, 2015 TO 20TH MARCH, 2016

The actions in making the above payments from the Fund be confirmed and ratified.

3. APPRECIATIONS - letters received/forwarded
The report be received.
4. GENERAL INFORMATION - Since 1st July 2015
The reports be received.
5. OTHER APPLICATIONS
The report be received.
6. MEMBER CONTRIBUTIONS - Unpaid Membership 2015/2016
 - (a) the report be received;
 - (b) a final reminder be sent to Member Organisations who have not paid their 2015/2016 Member contribution to the Junior Sports Assistance Fund advising if payment is not made on or before 30th April, 2016 that they will be suspended from the Fund until their 2015/2016 contribution has been paid.
7. COMMERCIAL CLUB INC. - Annual Donation - Exceptional Junior Program 2015
 - (a) the report be received;
 - (b) for the 2015 year the following junior receive the Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:

Awardee: applicant (c) (nominee 3)
 - (c) Applicant (a) (nominee 1) to receive correspondence from the Fund and encouraged to submit an application next year if funding for this program is received;
 - (d) the presentation of the Commercial Club Inc. donation take place at a time to be advised;
 - (e) details of the donation program and the awardee for 2015 be released to the media after the applicants have been advised.

Cr Lynagh seconded

Carried

Cr Persello moved the recommendation of the Corporate and Community Services Committee as contained in item 5 be adopted.

Cr Lovett seconded

Carried

Cr Persello and Cr Perryman voted in favour of the motion

6. PROPERTY MANAGEMENT - Railway Lands Activation Team update – Ref AF15/398

Goal: Building Communities
Strategic Objective: Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.
Encourage the development of community facilities and infrastructure, community events, and active and safe community spaces through direct support, seeking funding, facilitation etc.

The Manager – Community Services and Development reported:

During March 2016 the Railway Lands Activation Team continued to work with a number of community groups to deliver and facilitate community led events and activities at the site. The notable event for March was the Louise Adams concert *South East X South West* held on the 13th March 2016. This inaugural cross border event featured successful, up and coming musicians from around Australia that have hailed from the South East of South Australia or the South West pocket of Victoria. This event was designed to be free for the community, fundraise for a nominated charity with a longer term vision for the event to become a signature platform to showcase and celebrate the calibre of talented artists that our region produces.

Once more this was an event that achieved very healthy participant numbers and exceeded 7,000; the largest event since the opening day in November 2015. Licensees and food vendors again surpassed expectations.

The Barry Maney Group during this period has demonstrated an example of successful Commercial/Community Integration at the site. They have hosted an SUV come and drive event at the site that achieved impressive numbers and acknowledgement for the quality of their event and they have also hosted a product launch for the new Ford Mustang; both events attracted clients and positive feedback on the space from a catchment area including the lower South East and Western Victoria. This innovative launch was a twilight event that incorporated image projection on the walls of the site and made for a spectacular evening.

Another notable observation from the activation of the Railway Lands with the range of activities and events that have been held to date is the incremental increase in capacity and empowerment of the community to lead and work collaboratively for a common purpose – to create a dynamic place activated by people.

The Railway Lands Activation Team are working on finalising the local artworks installations, a Winter@theRail program, preparing to conduct a full evaluation of the test and trial phase of the site activation and have continued to progress temporary, low cost activations and events including the following initiatives:

Commercial/Community integration	
Railway Building	Short term commercial enquiry regarding use of the Railway building – interested party not yet returned to area
	Long term enquiry regarding use of the Railway building has been withdrawn

Site	<p>Short term hospitality option has been discussed for site – awaiting submission</p> <p>Barry Maney Ford Group held the Ford Mustang launch at the site. This was a huge success, the use of projection was a unique feature of their marketing.</p> <p>Barry Maney Ford Group also hosted an SUV come and drive day that was one of the most successful days of the franchise to date.</p>
Arts/Cultural/Music Activities	
Public Art @ The Rail Public Murals	<p><i>First Stop Public Art @ the Rail</i></p> <p>The successful local artists have finalised their agreements and it is expected that the first artwork will be installed within the next six weeks and all artwork installed by the end of the financial year.</p>
Nature Play Sculptures	A quality range of submissions that meet the brief of interactive nature play have been received from local artists and are currently being prepared for selection.
Harmony Day	This was a successful event held on Saturday 19 th March 2016 in the Amphitheatre. It was an intimate gathering of a couple of hundred people and included a number of touching performances that were able to demonstrate the rich and diverse cultures that we have in our community. Planning is already underway for next year's event.
Events	
RFDS 20 th Anniversary	This event attracted over 2,000 people. The RFDS were very happy with the funds that they were able to raise on the day and the overall event was very well received by the community and was a successful family oriented event.
Louise Adams Community Concert – South East X South West (<i>Fundraiser for Leukaemia Foundation</i>)	Very successful event. Achieved in excess of 7,000 people and has established a solid platform to grow a local signature music event showcasing our regional talent.
HPV Pedal Prix Scrutineering	The platform/s were a constant stream of interested onlookers speaking with the participating teams and viewing the vehicles.

Confirmed future events for the Railway Lands.

<u>Apr</u>	<u>May</u>	<u>June</u>
<u>LimeFM Family Day</u>	<u>STEMfun day</u> <u>Winter @ the Rail</u>	<u>Winter @ the Rail</u>

Cr Mezinec moved it be recommended:

(a) the progress report on the Railway Lands Activation Team be received.

Cr Lovett seconded

Carried

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

Cr Mutton seconded

Carried

7. CORPORATE AND COMMUNITY SERVICES REPORT NO. 23/2016 - Investment Review - Half Yearly Report - 1st July 2015 to 31st December, 2015 - Ref. AF11/684

Goal: Governance

Strategic Objective: Fully integrate long term asset and financial plans with the annual business plan and annual budget

Cr Mezinec moved it be recommended:

(a) Corporate and Community Services Report No. 23/2016 detailing the Half Yearly Investment Review report from 2015/2016 be received.

Cr Persello seconded

Carried

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

Cr Richardson seconded

Carried

8. CORPORATE AND COMMUNITY SERVICES REPORT NO. 24/2016 - Government Relations - Local Government Act 1999 Legislation and Regulations - Ref. AF11/1309

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Mezinec moved it be recommended:

(a) Corporate and Community Services Report No. 24/2016 be received and contents noted.

Cr Lynagh seconded

Carried

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

Cr Lovett seconded

Carried

9. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 25/2016 - Local Government Association of South Australia - Subscriptions Review - Ref. AF11/950**

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Meziniec moved it be recommended:

- (a) Corporate and Community Services Report No. 25/2016 be received.
- (b) Support be provided to Option 1, or such other option as the constituent Councils of the Limestone Coast Local Government Association might agree to support;
- (c) The Local Government Association also be requested to review their delivery and fees for access to services and activities by regional Councils.

Cr Persello seconded

Carried

Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 9 be adopted.

Cr Von Stanke seconded

Carried

10. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 26/2016 - Appointment of Representative - NDIS Implementation Reference Group - Ref. AF11/854**

Goal: Diversity

Strategic Objective: Develop the capacity of Council to effectively communicate and engage with our communities, other agencies and service providers

Cr Perryman moved it be recommended:

- (a) Corporate and Community Services Report No. 26/2016 be received;
- (b) Council seek nominations from Elected Members in accordance with Council Policy provisions to represent Council on the National Disability Insurance Scheme Reference Group.
- (c) Nominations made by close of business Wednesday 13th April 2016, to be presented to the April 2016 Council meeting.

Cr Lovett seconded

Carried

Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 10 be adopted.

Cr Mutton seconded

Carried

10a. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 26A/2016 - APPOINTMENT OF REPRESENTATIVE – NDIS IMPLEMENTATION REFERENCE GROUP – Ref. AF11/854**

Goal: Diversity

Strategic Objective: Develop the capacity of Council to effectively communicate and engage with our communities, other agencies and service providers.

Cr Meziniec moved it be recommended:

- (a) Corporate and Community Services Report No(s). 26/2016 and 26A/2016 be received;**
- (b) Cr Richardson be endorsed as Council's nominated representative on the National Disability Insurance Scheme Reference Group and Disability SA be notified accordingly.**
- (c) Travel and accommodation costs associated with Cr Richardson's attendance at National Disability Insurance Scheme Reference Group meetings be approved for the purpose of s77(1)(b) of the Local Government Act 1999 and clause 6 of Council Policy M405 Members Allowances, Re-imburement, Benefits & Facilities.**

Cr Von Stanke seconded

Carried

11. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 27/2016 - Delegations of Powers of Council - Ref. AF11/1020**

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance

Cr Meziniec moved it be recommended:

- (a) that having conducted its annual review of Councils Delegations Register in accordance with Section 44(6) of the Local Government Act, 1999, the Council;**

1.1 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, Development (Development Plans) Amendment Act 2006 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 1934
- 1.1.16 Local Government Act 1999
- 1.1.17 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.18 Public Assemblies Act 1972
- 1.1.19 Roads (Opening & Closing) Act 1991
- 1.1.20 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- 1.1.21 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013.
- 1.1.22 Supported Residential Facilities Act 1992
- 1.1.23 Unclaimed Goods Act 1987
- 1.1.24 Work Health & Safety Act 2012

1.1.25 Safe Drinking Water Act 2011

1.1.26 Real Property Act 1886

1.1.27 Strata Titles Act 1988

1.1.28 Heavy Vehicle National Law (South Australia) Act 2013

1.1.29 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 (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 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 20)
- 2.1.18 Unclaimed Goods Act 1987 (Appendix 25)
- 2.1.19 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 (Appendix 26)
- 2.1.20 Safe Drinking Water Act 2011 (Appendix 27)
- 2.1.21 Real Property Act 1886 (Appendix 28)
- 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)
- 2.2 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 delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-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 the proposed Instrument of Delegation (annexed to Corporate and Community Services Report No. 27/2016 and marked Appendix 21) are hereby delegated this 20th April, 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 3.2 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 the proposed Instrument of Delegation (annexed to Corporate and Community Services Report No. 27/2016 and marked Appendix 21 and which are specified in Schedule I, attached to this Report) are hereby delegated this 20th April, 2016 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:

Refer Schedule I (attached) for details of the Council Delegations to the Council Development Assessment Panel.

- 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 delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-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 (Appendix 22) are hereby delegated this 20th April, 2016 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 delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-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 the proposed Instrument of Delegation (annexed to Corporate and Community Services Report No. 27/2016 and marked Appendix 24) are hereby delegated this 20th April, 2016 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 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.
 - 5.4 For the purposes of these delegations all delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-delegate.
6. Authorisations and Subdelegation 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:

CHIEF EXECUTIVE OFFICER – Mark McShane
DIRECTOR OPERATIONAL SERVICES – Daryl Sexton

- 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:

DIRECTOR OPERATIONAL SERVICES – Daryl Sexton
ENGINEERING MANAGER – 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 the proposed Instrument of Sub-delegation (Appendix 20A) is hereby sub-delegated this 20th of April 2016 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 Subdelegation.; 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:

DIRECTOR OPERATIONAL SERVICES – Daryl Sexton

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 the proposed Instrument of Delegation (Appendix 27) are hereby delegated this 20th of April 2016 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 delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-delegate.

Cr Lynagh seconded

Carried

Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 11 be adopted.

Cr Lovett seconded

Carried

12. CORPORATE AND COMMUNITY SERVICES REPORT NO. 28/2016 - Register of Statutory Resolutions and Appointments - Ref. AF11/1020

Goal: Governance

Strategic Objective: Demonstrate innovative and responsive organisational governance.

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 28/2016 incorporating the “Register of Statutory Resolutions and Appointments” be received;
- (b) the Resolutions (Statutory and Non-Statutory) contained in *The Register of Statutory Resolutions and Appointments* be noted;
- (c) the Officer Appointments and Authorisations contained in *The Register of Statutory Resolutions and Appointments* be noted and affirmed.

Cr Persello seconded

Carried

Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 12 be adopted.

Cr Morello seconded

Carried

13. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 29/2016 - Member Appointment - Community Engagement and Social Inclusion Sub-Committee - Ref. AF15/500**

Goal: Governance

Strategic Objective: (i) Demonstrate innovative and responsive organisational governance.

(ii) Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Councils service delivery and performance.

Goal: Diversity

Strategic Objective: Develop the capacity of Council to effectively communicate and engage with our communities, other agencies and service providers.

Cr Persello moved it be recommended:

- (a) Corporate and Community Services Report No. 29/2016 be received.
- (b) a targeted approach be used by Council Members to identify suitable nominees for the Community Engagement and Social Inclusion Sub-Committee vacancy;
- (c) Council Members present nominations (with accompanying background information) for the Community Engagement and Social Inclusion Sub-Committee position to the Manager - Governance and Property by Friday 27th May 2016 for presentation to the June 2016 Corporate and Community Services Committee.

Cr Perryman seconded

Carried

Cr Persello moved the recommendation of the Corporate and Community Services Committee as contained in item 13 be adopted.

Cr Mutton seconded

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Mutton and Cr Von Stanke disclosed a perceived conflict of interest in Item 14: *As Board Members of the Queen Elizabeth Park Trust*

Cr Mutton dealt with the perceived conflict of interest in the following transparent and following way: *"Announce I may be perceived to have a conflict of but as I do not consider this to be so I will remain in the meeting"*.

Cr Von Stanke dealt with the perceived conflict of interest in the following transparent and following way: *"I believe I have no pecuniary interest or any personal interest"*

In accordance with section 75A(2)(b) Cr Mutton and Cr Von Stanke participated in the meeting in relation to the matter.

14. CORPORATE AND COMMUNITY SERVICES REPORT NO. 30/2016 - Appointment of Members on Outside Bodies or Organisations - Queen Elizabeth Park Trust - Ref. AF11/854

Goal: Diversity

Strategic Objective: Develop the capacity of Council to effectively communicate and engage with our communities, other agencies and service providers.

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 30/2016 be received;
- (b) the nomination of Mr Mervyn White for the vacant QEPT Board position be accepted and Mr Mervyn White be a Council appointed QEPT Board Member until 31st March, 2019 or such earlier date as Council may determine by resolution.

Cr Persello seconded

Carried

Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 14 be adopted.

Cr Lynagh seconded

Carried

Cr Mutton and Cr Von Stanke voted in favour of the motion

15. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 31/2016 – Flag Enquiry – Red Cross Month – Ref. AF11/2285**

Goal: Governance
Strategy: Demonstrate innovative and responsive organisational governance.

Council has received a request from the Australian Red Cross (Mount Gambier Branch) to conduct a flag raising ceremony on the morning of Monday 9th May 2016 at 9am (or thereabouts) to celebrate Red Cross Month, and for the flag to be flown until the end of the month.

At its meeting held on 15th March 2016 Council adopted updated Policy F140 Flags Protocol and resolved that requests to fly flags on special days be presented to Council in accordance with the guidelines contained in Corporate and Community Services Report No. 22/2016.

Council has not formally (by resolution) identified the 9th May or the month of May for the flying of the Red Cross Flag.

This report recommends that the request to fly the Red Cross Flag be supported.

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 31/2016 be received;
- (b) The request to fly the Red Cross Flag be supported.
- (c) The Red Cross Flag be raised at a flag raising ceremony at or around 9am on Monday 9th May 2016 using one of the special occasion flag poles located in the Cave Garden Courtyard.
- (d) The Red Cross Flag then be flown daily by Council for the remainder of the month of May 2016 only.
- (e) The Australian Red Cross to supply the flag that is to be flown in accordance with resolutions (c) and (d) and to make all necessary arrangements for the flag raising ceremony.
- (f) Being the applicant, it is therefore considered that the Australian Red Cross supports the flying of their flag by Council in the circumstances.

Cr Perryman seconded

Carried

Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 15 be adopted.

Cr Lovett seconded

Carried

OPERATIONAL SERVICES - 12th April, 2016

Cr Morello moved that the minutes of the meeting held 12th April, 2016 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**

Goal: Building Communities

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

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>
• Eagle Court drainage improvements	50%
• Tumut Drive footpath construction	50%
• Old Hospital landscaping works (paths and culdesac)	20%

Completed Tasks

- Wireless Road East kerbing and widening
- Penola Road - Wireless Road kerbing / footpath works (traffic signals)
- Umpherston Street footpath construction
- Wehl Street South kerbing
- James Street reconstruction

Cr Mutton moved the report be received.

Cr Morello seconded

Carried

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

Cr Greco seconded

Carried

2. **ENVIRONMENTAL MANAGEMENT - Caroline Landfill - Request - Waste Reveal - Ref. AF11/371**

Goal: Securing Economic Prosperity
Strategic Objective: Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region.
Constantly monitor the need for more revenue to meet demands caused by ageing infrastructure, increased local responsibilities and demands, cost shifting, and our desire for a safer more resilient community.

The Presiding Member reported:

- (a) Council has received a verbal enquiry from a regional waste collector regarding this Council's attitude to accepting waste collected from within the wider region;
- (b) the total annual tonnage is expected to be in the order of 5,000 tonnes, generating an income to Council in excess of \$500,000 per annum;
- (c) this additional volume will impact on the cell construction and rehabilitation frequency at the Landfill but as revenue exceeds expenditure it is a reasonable business proposition;
- (d) information to hand is that any new arrangement would likely start on 1st September 2016;
- (e) Council has the capacity to deal with this extra volume (it may require some additional labour hours per week - which will be drawn from the existing day labour workforce if required);
- (f) this arrangement would be with the contractor involved, and not the contractors clients. Normal gate charges would apply;
- (g) there will be no immediate impact on cell construction at the Landfill (Cell 3A is required to be constructed in the last of 2016 irrespective of any additional volume of waste being received), but future cell construction is likely to be accelerated marginally.

Cr Von Stanke moved it be recommended

- (a) The report be received;
- (b) Council advise the waste contractor that Council will accept its waste under Council's normal trading terms and conditions.

Cr Greco seconded

Carried

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

Cr Greco seconded

Carried

**3. HEALTH MANAGEMENT - Joint Ventures - Food Safe Training 2016 - Arrangements
- Ref. AF16/54**

Goal: Community Well-Being

Strategic Objective: Advocate for the health needs of the community by encouraging partnerships in the provision of affordable and viable facilities and infrastructure.

Target/KPI: Support the 'Registered Training Organisation' in the provision of affordable and accessible food safety training for food handlers.

The Presiding Member reported:

- (a) Council's first subsidised session for volunteers to attend an accredited food safety short course was held on Tuesday, 8th March 2016. Volunteers paid \$5.00 per person to Council, rather than the normal price of \$95.00 per person to Tafe SA (no concessions available);
- (b) Tafe SA provided the group course to Council for a flat fee of \$870;
- (c) 92 volunteers from the Limestone Coast area attended the subsidised training and 38 community groups were represented by volunteers. This is the highest attendance for food safety courses held by Tafe SA and the City of Mount Gambier;
- (d) it is recommended that Council support at least one (1) subsidised accredited food safety short course session in 2016/2017.

Cr Mutton moved it be recommended:

- (a) The report be received;
- (b) Council continue to provide support for one (1) subsidised volunteers accredited food safety short course to be held within the 2016/2017 financial year, with funding to come from the Community Health Operational Budget.

Cr Greco seconded

Carried

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

Cr Von Stanke seconded

Carried

4. **INFRASTRUCTURE - Maintenance - Removal of Pine Trees - Crater Lakes - Ref. AF15/412**

Goal: Environment

Strategic Objective: Plan and implement infrastructure to protect and enhance the natural and built environment, including in response to climate change influences.

Support the preservation and enhancement of the City's unique natural and built heritage for future generations.

The Presiding Member reported:

- (a) Council would be aware there is an allocation of \$100,000 on the 2015/2016 budget to remove diseased pine trees on the north/west slope of Mount Gambier adjacent to the Centenary Tower - referred to as the Centenary Tower Pines. This allocation was made based on the recommendations of an inspection and report produced by Diana Lloyd and Dr Charlma Phillips in May 2013 (was attached);
- (b) partial or total removal of the plantation will involve consultation and possibly approvals from State Heritage and timely information being provided to adjacent land owners and the broader community;
- (c) Council Officers have engaged with well respected, local forester, Lew Parsons (of Wokurna Forestry), to analyse the trees and provide options for removal strategies given the complexity of the sloping site, the sheer size of the trees and the proximity to pedestrian tracks. It is also important to note the plantation is covered in the Crater Lakes Conservation Management Plan and is recommended to be retained in the long term;
- (d) Wokurna Forestry have indicated the disease has stabilised and not spread significantly to more trees since the initial inspection in 2013. The report (was attached) recommends the plantation should be 'hygiene thinned' rather than removed because most (around 54%) of the trees are healthy;
- (e) hygiene thinning is a cost effective and less invasive process where dead and poor form trees are manually felled (because it is impossible with large machinery on this site) and shredded on site where possible. Those trees felled where shredding is impossible or costly will be trimmed and left to gradually rot over time;
- (f) the trees left on site following this process would be on average 64cm diameter and leave an appropriate 'park like' setting on the mountain slope. This plantation is likely to last many more years in this state;
- (g) the approximate cost to conduct the felling, shredding and trimming of dead and poor form trees is \$150,000. This is specialised work and it is recommended by Wokurna Forestry to be carried out by All Trees All Stumps (Brenton English) as he has the previous experience and the equipment required for working in the area. All Trees All Stumps are pre-qualified with Council and have experience working in the Crater Lakes felling large pine trees;

- (h) the Director Operational Services supports the recommendation of Wokurna Forestry to use local contractor All Trees All Stumps because of their extensive experience in past years felling pine trees in the Lakes area. This is complex work in very difficult terrain and the work is not “main stream” tree felling. If Council do not wish to nominate a contractor then a public tender can be utilised, and this will require a detailed specification and tender process to be implemented.

Cr Von Stanke moved it be recommended:

- (a) The report be received;
- (b) Council develop and implement a media strategy to engage with the adjacent land owners and the broader community;
- (c) Council Officers be authorised to contract with All Trees All Stumps to conduct felling trials on site, focussing initially on the high traffic areas, up to the current budget allocation of \$100,000.

Cr Morello seconded

Carried

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

Cr Lovett seconded

Carried

5. PROPERTY MANAGEMENT - Arrangements - Request for temporary closure of Valley Lake - Blue Lake Aero Modellers Inc. - Ref. AF14/475

Goal: Building Communities

*Strategic Objective: Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.
Encourage the development of community facilities and infrastructure, community events, and active and safe community spaces through direct support, seeking funding, facilitation etc.*

The Presiding Member reported:

- (a) Council has received a request (was attached) from the Blue Lake Aero Modellers Inc. to hold an inter club model aircraft float fly event at the Valley Lake on Saturday, 30th July and Sunday, 31st July 2016;
- (b) this event will involve the flying of model aircrafts over and on the Valley Lake waters and as such will require the Valley Lake waters to be closed to the general public during the period of the event.

Cr Mutton moved it be recommended:

- (a) The report be received;

- (b) Council authorise the closure of the Valley Lake waters to the general public to allow the Blue Lake Aero Modellers Inc. to hold an inter club model aircraft float fly event on Saturday, 30th July and Sunday, 31st July 2016;
- (c) the event organiser be advised of the above and requested to submit the appropriate documentation (including public liability insurance) to Council.

Cr Greco seconded

Carried

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

Cr Greco seconded

Carried

6. COMMITTEES - Council Development Assessment Panel - Minutes of Meeting held 17th March 2016 - Ref. AF15/554

Goal: Governance

Strategic Objective: Demonstrate innovative and responsible organisational governance.

Cr Von Stanke moved it be recommended:

- (a) Minutes of the Council Development Assessment Panel meeting held on Thursday, 17th March 2016 be received;
- (b) the decisions made by the Council Development Assessment Panel be noted.

Cr Greco seconded

Carried

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

Cr Von Stanke seconded

Carried

7. COMMITTEES - Environmental Sustainability Sub-Committee - Minutes of Meeting held 5th April 2016 - Ref. AF12/377

Goal: Governance

Strategic Objective: Demonstrate innovative and responsible organisational governance.

Cr Mutton moved it be recommended:

- (a) Minutes of the Environmental Sustainability Sub-Committee held on Tuesday, 5th April 2016 be received;
- (b) the following recommendations (number 1 to 4) of the Environmental Sustainability Sub-Committee be adopted by Council:

1. ELECTRIC VEHICLES OPPORTUNITIES

- The report be received and contents noted.
- Council provide Alan Richardson with a copy of this report.

2. CITY OF MOUNT GAMBIER 2016 WASTE AUDIT RESULTS

- The report be received.
- Investigate implementing a more stringent penalty system for contaminated bins.
- In February 2017 conduct a targeted waste audit to ascertain the results of the 2016-2017 kitchen caddy trial.

3. COUNCIL CARBON EMISSIONS - POTENTIAL FOR CARBON NEUTRALITY

- The report be received.
- The Committee recommend to Council that as from 1st July 2017, the City of Mount Gambier endeavour to operate in a carbon neutral environment, including a possible levy and on landfill customers to offset carbon emissions from the landfill.

4. REPORTS FOR INFORMATION

- The current table outlining projects for 2016 (as attached to the Environmental Sustainability Sub-Committee agenda) be received and noted for information.

Cr Von Stanke seconded

Carried

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

Cr Von Stanke seconded

AMENDMENT

Cr Perryman moved that items 1, 2 & 4 of the original recommendation be moved and item 3 be referred back to Operational Services for a full report to be submitted by Council staff.

Cr Perryman therefore moved as follows:

1. ELECTRIC VEHICLES OPPORTUNITIES

- The report be received and contents noted.
- Council provide Alan Richardson with a copy of this report.

2. **CITY OF MOUNT GAMBIER 2016 WASTE AUDIT RESULTS**

- The report be received.
- Investigate implementing a more stringent penalty system for contaminated bins.
- In February 2017 conduct a targeted waste audit to ascertain the results of the 2016-2017 kitchen caddy trial.

4. **REPORTS FOR INFORMATION**

- The current table outlining projects for 2016 (as attached to the Environmental Sustainability Sub-Committee agenda) be received and noted for information.

Cr Lovett seconded

The Amendment was put and voting was 5 For and 5 Against

TIED VOTE

The Mayor exercised his right to a casting vote and voted against the amendment and was

LOST

The Motion was put and voting was 5 For and 5 Against

The Mayor exercised his right to a casting vote and voted in favour of the original motion

The motion was declared

Carried

LATE ITEM

STRATEGIC PLANNING SUB-COMMITTEE

Cr Perryman moved that the minutes of the meeting held 15th March, 2016 be received.

Cr Lovett seconded

Carried

1. REVIEW OF THE STRATEGIC PLAN – Copy of the Community Plan (Strategic Plan) to be provided - Ref. 13/486

The Manager Business and Strategic Planning reported:

- (a) The public consultation/engagement process in relation to the Community Plan has commenced with submissions due by Thursday 31st March, 2015. Members are encouraged to promote the Community Plan and encourage feedback from contacts within the community.
- (b) The community are encouraged participate via Council's website, but hard copies of the Community Plan and a feedback sheet is available if Members would like them.

Cr Perryman moved that a detailed summary of the submissions received be referred to a meeting of the Strategic Planning Sub Committee after the conclusion of the public consultation/engagement period for the Community Plan.

Cr Richardson seconded.

Carried

Cr Morello moved the recommendation of the Strategic Planning Sub-Committee as contained in item 1 be adopted.

Cr Richardson seconded

Carried

2. COMMUNITY PLAN – Implementation and Resourcing Implications - Ref. AF15/179

The Manager Business and Strategic Planning reported:

- (a) Very initial discussions have commenced regarding the Community Plan, in particular the implementation of the Community Plan and it's implications for Council resources. It is considered appropriate to commence these discussions prior to the completion of the Community Plan so as to ensure it can implemented effectively and timely once endorsement by Council.
- (b) A Member's Workshop has been scheduled for Monday 21st March, 2016 commencing at 5.30p.m. in the Level 4 Committee Room to discuss this matter further.
- (c) Council will need to consider its existing resources the relationship to the proposed new Community Plan.

Cr Morello moved it be recommended:

- (a) the report be received.
- (b) The Gap Analysis presented at the meeting be refined and provided to all Council Members for further discussion.

Cr Richardson seconded.

Carried

Cr Morello moved the recommendation of the Strategic Planning Sub-Committee as contained in item 2 be adopted.

Cr Meziniec seconded

Carried

Cr Greco vacated the meeting at 7.12pm and did not return.

MOTIONS WITH NOTICE

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 1: *As an employee of a state arts organisation there may be a perception that Cr Morello will gain a personal benefit from the "Innovation and the Arts" training course delivered by the Committee for Economic Development of Australia (CEDA).*

Cr Morello dealt with the perceived conflict of interest in the following transparent and following way: *"The course focuses on the contribution the arts make to driving innovation and delivering economic and social prosperity to communities. Any personal benefit attained from the conference will be ancillary in nature, but the learning outcomes will benefit Council as it finalises its strategic plan, develops an economic strategy and starts work on producing a cultural plan. I intend to take part in the discussion but refrain from voting".*

In accordance with section 75A(2)(b) Cr Morello participated in the meeting in relation to the matter.

1. GOVERNANCE - Elected Member Training and Development – Ref. AF11/903

Goal: Securing Economic Prosperity

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

Cr Morello has sought permission of Council to attend the Committee for Economic Development of Australia (CEDA) Innovation of the Arts Forum, in Adelaide on Friday 29th April, 2016. Approval Request Form attached.

Cr Meziniec moved that Cr Morello be registered to attend the CEDA Innovation and the Arts Forum in Adelaide on Friday 29th April, 2016 with all associated costs to be met by Council.

Cr Richardson seconded

Carried

Cr Morello did not vote to the motion.

Pursuant to Division 3 - Conflict of Interest, Section 73 of the Local Government Act 1999, Cr Morello disclosed a material interest in Item 2 (*As an employee of Country Arts SA, a state statutory authority that shares ownership of the Civic Centre building with the City of Mount Gambier. Part of the Civic Centre will be redeveloped and co-funded by both parties*) and did not:

- (a) propose or second a motion relating to the matter; or
- (b) take part in discussion by the Committee relating to that matter; or
- (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
- (d) vote in relation to that matter.

In accordance with section 74(1)(b) Cr Morello vacated the meeting at 7.17pm.

2. FINANCIAL MANAGEMENT - Contract - Design and Construction of Civic Centre Flytower Façade System - Ref. AF15/133

Goal: Building Communities

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

The Presiding Member of Operational Services Committee reported:

- (a) As Members are aware the existing cladding (GRC panels) to the flytower of the Civic Centre / Sir Robert Helpmann Theatre has been progressively failing for a number of years and has now reached a 'critical' point where affirmative action is required to address the problem. The building is jointly owned by the City of Mount Gambier and Country Arts SA, hence any remedial action is a joint responsibility and also requires a joint decision;
- (b) in 2015 a process was undertaken to seek expressions of interest from suitably qualified and experienced organisations to develop a design proposal. This process (which was a public call for expressions) realised three responses and the adopted process then identified the successful organisation - local architects Chapman Herbert;
- (c) Chapman Herbert Architects have now finalised their proposal (shown as Option 1 in the attached images) and Country Arts SA have indicated their desire for this proposal to proceed to formal tender to obtain and finalise accurate pricing;
- (d) Mr Stephen Herbert of Chapman Herbert Architects attended the Members Workshop of Wednesday, 13th April 2016 and presented his findings to the Members in attendance;

- (e) this report will recommend that Council adopt Option 1 as its preferred solution and noting the decision of Country Arts SA now instruct the Architects to proceed to formal tender to obtain accurate pricing;
- (f) the total budget for this project is \$900,000 (50% from Council, 50% from Country Arts SA) and based on the quantity surveyors calculations, Option 1 should be in the vicinity of \$900,000;
- (g) by way of explanation, the proposed cladding system sits in front of the existing GRC panels (thus the thermal insulation properties of the GRC panels are not lost), separated by an air gap and zinc panels (approximately 400mm x 400mm) are fixed to a plywood backing sheet supported on a steel frame network, which in turn is attached to the existing steel structural frame of the flytower. The overall affect is to replicate a 'reptile skin' with an image of Sir Robert Helpmann on the south west facing wall.

Cr Mutton moved:

- (a) The report be received;**
- (b) Council instructs Chapman Herbert Architects to proceed to formal tender for the recladding of the flytower to the Civic Centre / Sir Robert Helpmann Theatre on the basis of Option 1 as attached to this report. The tender call to also indicate the costs of Options 2-4.**
- (c) Council obtain an additional quote for artwork for the Northern side of the flytower.**

Cr Mezinec seconded

Carried

Cr Morello resumed the meeting at 7.24 pm.

3. **COMMUNITY RELATIONS – EVENT MANAGEMENT – YEARLY EVENTS 2016 - Exceedier Events & Promotions – National Series Drift Event – Ref. AF14/210**

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

Goal: Learning
Strategic Objective: Foster partnerships that develop programs, services and opportunities that deliver learning excellence.

The Presiding Member of Corporate and Community Services Committee reported:

Council have been approached by a local start up company, Exceedier Events & Promotions, seeking approval to host the first ever street track Drift championship round for Australia at the Valley Lakes precinct on the 22nd to 25th September 2016 in partnership with Drift Challenge Australia (DCA), a nationally recognised Drifting competition.

This is an international event that organisers anticipate will attract up to 90 cars (with teams of 5) from across the nation competing for the first prize – a fully funded place overseas in the King of Asia and King of Nation series.

Luke Fink, Australia's Drift Champion made initial contact with Exceedier Events to enquire about coming to Mount Gambier after seeing in-car footage uploaded to social media of the Legends of the Lakes Hill Climb. Should approval in principle be given for the event, Luke would bring his vehicle as a matter of priority to Mount Gambier to test the Valley Lake track prior to confirming the venue as the second round in the series.

Should the event go ahead, Luke Fink will bring to Mount Gambier a rare Lamborghini Gallardo. In addition to the Drift Championship, a number of value add opportunities are included in the proposal to generate local support, a festival feel and involvement of businesses in the CBD.

Further discussion regarding logistics and in-kind support for the event are pending Council's decision.

A copy of the proposal has been attached for information.

Cr Mezinec moved:

- (a) The report be received;**
- (b) Council approve in principle closure of the Valley Lakes precinct on the 24th and 25th September 2016.**
- (c) Approval is conditional upon the track being suitable, an appropriate risk management plan, evidence of current public liability insurance and all approvals received from relevant authorities;**

Cr Richardson seconded

Carried

MOTION(S) WITHOUT NOTICE - Nil

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Richardson moved that the following item(s) 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 Council Members: Mayor A Lee, Cr C Greco, Cr M Lovett, Cr Lynagh, Cr S Mezinac, Cr F Morello, Cr D Mutton, Cr H Persello, Cr S Perryman and Cr I Von Stanke and Council Officers: Mr M McShane, Mr G Humphries, Mr D Sexton, Ms B Cernovskis, and Mrs T Nisbet now present) be excluded from the meeting in order for the item(s) to be considered in confidence as the Council (or Committee) is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act:

s90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), information regarding the financial and personal affairs of a ratepayer because the report proposes that Council issue orders in accordance with s184 of the Local Government Act 1999 to sell several properties which have rates in arrears in excess of three years.

and

s90(3)(i) information to be received, discussed or considered in relation to the Agenda Items is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council being legal action to enforce the recovery of outstanding rates and sale of land for non-payment of rates.

and

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 disclosure of the information would involve an unreasonable disclosure of the financial and personal affairs of a ratepayer and which could compromise Council's position in relation to recovering the outstanding rates and in any associated litigation and sale of land.

ITEM NO.	SUBJECT MATTER	S90(3) GROUNDS
Corporate and Community Services Committee		
16.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(a) & (i)
17.	<u>SALE OF LAND FOR NON PAYMENT OF RATES</u> - Notice of Intention to Sell Land for Non-Payment of Council Rates	(a) & (i)

Cr Von Stanke seconded

Carried

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Lovett moved that pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of other Council Members and Council Officers now present Mayor A Lee, Cr M Lovett, Cr J Lynagh, Cr S Mezinac, Cr F Morello, Cr D Mutton, Cr H Persello, Cr S Perryman, Cr P Richardson, Cr Ian Von Stanke, Mr M McShane, Mr G Humphries, Mr D Sexton, Ms B Cernovskis and Mrs T Nisbet) be excluded from the meeting in order for Item 4 Corporate and Community Services Report No. 32/2016 – Riddoch Art Gallery Heads of Agreement to be received, discussed and considered in confidence.

The Council is satisfied that the information to be received, discussed or considered in relation to this Agenda Item is information that pursuant to:

- **section 90(3)(b)** – the disclosure of which could reasonably be expected:
 - to confer a commercial advantage on a person with whom the Council is proposing to conduct business, and;
 - would prejudice the commercial position of the Council.
- **section 90(3)(d)** - is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, and;
 - to confer a commercial advantage on a third party.
- **section 90(3)(j)** - the disclosure of which would divulge information provided on a confidential basis by:
 - a Minister of the Crown, and
 - other public authorities, namely Country Arts SA, Arts SA and Artlab

The information to be received and discussed relates to the business of a Third party organisation with whom Council is considering to conduct business the disclosure of which would reasonably be expected to prejudice or confer advantage on the commercial positions of various stakeholders and the current operating activities of that organisation.

The information also contains correspondence and proposed details of arrangements that are to remain confidential until such time as the agreements are entered into and joint media announcements have been made.

The disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure would prejudice the Council's position in negotiating appropriate community outcomes with Third party stakeholders.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Corporate & Community Services Report No. 32/2016		
4.	Riddoch Art Gallery Heads of Agreement- Ref. AF15/428	(b), (d) & (j)

Cr Morello seconded

Carried

Resume Open Session

Cr Morello & Cr Richardson resumed the meeting at 7.43 pm

Meeting closed at 7.43pm

TLN