

## **MINUTES OF ORDINARY COUNCIL MEETING**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 20 February 2018 at 6.00 p.m.

### **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 Penny Richardson  
Cr Ian Von Stanke (arrived at 6.03 p.m.)

### **COUNCIL OFFICERS**

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Governance and Property	-	Mr M McCarthy
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Mrs M Telford

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

### **1. APOLOGY(IES)**

Apology received from Cr Steven Perryman.

That the apology from Cr Perryman be received.

Moved: Cr Richardson

Seconded: Cr Morello

Carried

### **2. LEAVE OF ABSENCE**

Nil

### **3. CONFIRMATION OF COUNCIL MINUTES**

Ordinary Meeting held on 16 January 2018.



That the minutes of the Ordinary Council meeting held on 16 January 2018 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Mutton

Seconded: Cr Meziniec

Carried

#### 4. MAYORAL REPORT - Ref. AF11/881

- Licensing Service Fr Neil Fernando - Anglican Church, Bay Road
- Tertiary Health Education Launch
- Members Workshop - Presentation Stand Like Stone, By-Laws Review and Planning Reform
- Mayoral Welcome - UniSA Teachers from Baotou
- Dinner with Vocational Teachers from Baotou
- Australia Day Breakfast and Celebrations
- Flag Off for Welcome Tour Veteran and Vintage Car Club
- 2018 Mount Gambier Naval Club Annual Dinner
- Mount Gambier Combined Church Service, Penola Road
- Citizenship Ceremony
- Opening of Lions Centennial Park
- CEO Performance Review Committee Meeting
- Welcome to Tenison Woods College students from Baotou
- Welcome to Tenison Woods College students from Italy
- Members Workshop IAMP, LTFP, Annual Business and Budget for 18/19
- Flinders Rural Health 2018 - Commencement Barbecue, welcome to students
- LCLGA Annual General Meeting and General Meeting

That the Mayoral report made on 20 February 2018 be received.

Moved: Cr Greco

Seconded: Cr Lynagh

Carried

#### 5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Member

Cr Richardson      Mount Gambier & Districts Health Advisory Council

Cr Lynagh          Australia Day Celebrations

Cr Morello          Australia Day Celebrations

Cr Meziniec        Pipe Dreams - Fractured Lives - Premier Oatmill Cinema  
Women in Business and Regional Development Inc. - Launch for 2018

Cr Greco            Australia Day Celebrations  
Mount Gambier Sprintcar Titles



Cr Persello                      Mayoral Welcome - UniSA Teachers from Baotou  
Dinner with Vocational Teachers from Baotou  
Meeting with Tenison Woods College and Miss Holly re student  
exchange Mount Gambier - Baotou

Cr Mutton                      Queen Elizabeth Park Trust Board Meeting

That the reports made by Councillors on 20 February 2018 be received.

Moved: Cr Richardson

Seconded: Cr Morello

Carried

Cr Von Stanke arrived at 6.03 p.m.

## 6. QUESTIONS

### 6.1. With Notice

Nil submitted.

### 6.2. Without Notice

Nil submitted.

## 7. PETITIONS

Nil

## 8. DEPUTATIONS

Perri-Anne Rasmussen regarding item 13.3 Review of Current By-Laws.

## 9. NOTICE OF MOTION TO RESCIND

Nil

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

23/01/2018	Stand Like Stone Foundation/Planning Reforms/By-Law Review
06/02/2018	2018/2019 Budget

Records of proceedings are attached.

That the Record of Proceedings for the Stand Like Stone Foundation/Planning Reforms/By-Law Review and the 2018/2019 Budget Workshops held 23 January 2018 and 6 February 2017 be received and the contents noted.

Moved: Cr Richardson

Seconded: Cr Meziniec

Carried



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

Nil submitted.

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

Items referred to the Council Meeting held 16 January 2018.

That the Action Items referred to the Council Meeting held 16 January 2018 be received.

Moved: Cr Greco

Seconded: Cr Meziniec

Carried

**13. COMMITTEE MINUTES AND RECOMMENDATIONS**

**13.1. Minutes of Strategic Standing Committee - 12 February 2018**

That the minutes of the Strategic Standing Committee meeting held 13 February 2018 be noted.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

**13.2. Governance Review of Confidentiality Orders**

- (a) That Strategic Standing Committee Report No. AR18/3499 titled '*Governance Review of Confidentiality Orders*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That the following Confidential Orders, having been reviewed by Council, remain in operation on the grounds provided within Attachment 1 to Report AR18/3499:
  - i. Council 18/06/2013 - Corporate and Community Services Committee 11/06/2013 - Item 6 SOCIAL, CULTURAL AND COMMUNITY SERVICES - Committees - City of Mount Gambier Junior Sports Assistance Fund ( Section 41 ) Committee - Minutes of Meeting held 22<sup>nd</sup> May, 2013 – Ref. AF11/725
  - ii. Council 17/12/2013 - Corporate and Community Service Committee – 10/12/2013 - Junior Sports Assistance Fund Committee – 20/11/2013 – Item 15 - ROTARY CLUB OF MOUNT GAMBIER LAKES - Donations to Financially Disadvantaged Junior Sportspeople
  - iii. Council 17/12/2013 - Corporate and Community Service Committee – 10/12/2013 - Junior Sports Assistance Fund Committee – 20/11/2013 – Item 15 - COMMERCIAL CLUB INC. - Donation to exceptional junior sportsperson



- iv. Council 15/04/2014 – Corporate and Community Services Committee – 08/04/2014 – GOVERNANCE – Committees – City of Mount Gambier Junior Sports Assistance Fund (Section 41) - Minutes of Meeting held 2<sup>nd</sup> April, 2014 – Ref. AF11/725
  - v. Council 18/08/2015 – Railway Lands Development and Management Committee – 11/08/2015 - Item 8 - PROPERTY MANAGEMENT - Railway Lands - Expression of Interest - Occupation and Use Of Old Railway Station Building - Ref. AF15/262
  - vi. Council 18/08/2015 – Railway Lands Development and Management Committee - 11/08/2015 - Item 7 - PROPERTY MANAGEMENT - Railway Lands - Expression of Interest - Management of Community Markets - Ref. AF15/261
  - vii. Council 16/02/2016 – Corporate and Community Services Committee – 08/02/2016 - Item 11 - CORPORATE AND COMMUNITY SERVICES REPORT NO. 14/2016 - Frew Park (Ambulance Station) Development - Ref. AF16/11, AF13/65
  - x. Council 21/02/2017 – Operational Services Committee – 14/02/2017 - Item 13 - DEVELOPMENT CONTROL - Illegal Development - Operation of a Storage Yard - Ref. AF11/304
  - xiii. Council 18/04/2017 – Corporate Services Committee – 10/04/2017 - Item 11 - SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF17/71
  - xiv. Council 18/04/2017 - Item 1 - CEO REPORT ON CONFIDENTIAL MATTERS - Ref. AF11/1894
- (c) That the following confidential orders having been reviewed by Council be released immediately following the Council meeting on 20 February 2017:
- viii. Council 15/03/2016 – Operational Services Committee – 08/03/2016 - Item 6 - DEVELOPMENT CONTROL - Regulating - District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69
  - ix. Council 21/02/2017 – Operational Services Committee – 14/02/2017 - Item 19 - OPERATIONAL SERVICES REPORT NO. 3/2017 - Legal Action - 211 Wehl Street North, Mount Gambier - Mr K Pearson (Amberich Pty Ltd) - Ref. AF12/113



- xi. Council 21/02/2017 – Operational Services Committee – 14/02/2017 - Item 16 - DEVELOPMENT CONTROL - Illegal Development - Operation of a Storage Yard - Ref. AF11/304
- xii. Council 18/04/2017 – Corporate Services Committee – 10/04/2017 - Item 8 - SALE OF LAND FOR NON PAYMENT OF RATES - Notice of Intention to Sell Land for Non-Payment of Council Rates - Ref. AF17/69

Moved: Cr Lynagh

Seconded: Cr Mutton

Carried

### 13.3. Review of Current By-Laws

- (a) That Strategic Standing Committee Report No. AR18/3190 titled '*Review of Current By-Laws*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That the following proposed replacement By-Laws as attached/tabled at the Strategic Standing Committee meeting held on 12 February 2018 be endorsed for the purpose of undertaking public consultation and consultation with necessary referral agencies:
  - By-Law No.1 – Permits & Penalties
  - By-Law No.2 – Local Government Land
  - By-Law No.3 – Roads
  - By-Law No.4 – Moveable Signs
  - By-Law No.5 – Dogs.
- (c) That the repeal of the last remaining provisions of the Local Government Act 1934 having removed the legal basis for Council's Taxi By-Law and Taxi Licensing scheme, that:
  - Council's Taxi Licensing scheme will cease after 31 December 2018, and
  - The Council administration liaise with current licensed Taxi Operators and the Department of Planning, Transport and Infrastructure for the transition of Taxi Operators to an unlicensed regime as operates across the rest of the State of South Australia.
  - Council supports the local and wider taxi industry to lobby the state government for improved state wide regulation and oversight of regional taxi services. Such support might occur as part of the transition up to and beyond 1 January 2019 if sought and supported by the local taxi industry.



- (d) A further report be presented for Council to consider resource implications for enforcement and a community engagement process for the potential introduction of a Cats By-Law.
- (e) A further report be presented for Council to consider any submissions received from the public consultation and/or the outcomes of referral processes and any proposed changes.

Moved: Cr Morello

Seconded: Cr Lynagh

Carried

#### **13.4. Policy Review - F500 - Footways and Council Land - Removal of Objects**

- (a) That Strategic Standing Committee Report No. AR18/3538 titled '*Policy Review - F500 - Footways and Council Land - Removal of Objects*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council Policy '*F500 - Footways and Council Land - Removal of Objects*' as attached to Strategic Standing Committee Report No. AR18/3538 be adopted.

Moved: Cr Morello

Seconded: Cr Greco

Carried

#### **13.5. Policy Review - F505 - Footways and Council Land - Sale of Commodities**

- (a) That Strategic Standing Committee Report No. AR18/3550 titled '*Policy Review - F505 - Footways and Council Land - Sale of Commodities*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council Policy '*F505 - Footways and Council Land - Sale of Commodities*' as attached to Strategic Standing Committee Report No. AR18/3550 be adopted.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried



**13.6. Policy Review - F510 - Footways and Council Land - Fundraising and Promotion**

- (a) That Strategic Standing Committee Report No. AR18/3577 titled '*Policy Review - F510 - Footways and Council Land - Fundraising and Promotion*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council Policy '*F510 - Footways and Council Land - Fundraising and Promotion*' as attached to Strategic Standing Committee Report No. AR18/3577 be adopted.

Moved: Cr Morello

Seconded: Cr Richardson

Carried

**13.7. Policy Review - A515 - Animal Control - Dogs**

- (a) That Strategic Standing Committee Report No. AR18/3220 titled '*A515 - Animal Control – Dogs*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council Policy '*A515 - Animal Control - Dogs*' as attached to Strategic Standing Committee Report No. AR18/3220 be adopted.

Moved: Cr Morello

Seconded: Cr Mutton

Carried

**13.8. Policy Review - A520 - Animal Control**

- (a) That Strategic Standing Committee Report No. AR18/3250 titled '*A520 - Animal Control*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council Policy '*A520 - Animal Control*' as attached to Strategic Standing Committee Report No. AR18/3250 be adopted.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried





**13.9. Policy Review - F135 - Flammable Undergrowth**

- (a) That Strategic Standing Committee Report No. AR18/3265 titled '*F135 - Flammable Undergrowth*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council Policy '*F135 - Flammable Undergrowth*' as attached to Strategic Standing Committee Report No. AR18/3265 be adopted.

Moved: Cr Morello

Seconded: Cr Richardson

Carried

**13.10. Policy Review – D160 - Planning – Development Act Inspection and Copying of Documents**

- (a) Strategic Standing Committee Report No. AR18/4783 titled 'Policy Review – D160 - Planning – Development Act Inspection and copying of documents ' be received.
- (b) Updated Council Policy 'D160 - Planning – Development Act Inspection and copying of documents be adopted as attached to Council Report No. AR18/4783.

Moved: Cr Morello

Seconded: Cr Meziniec

Carried

**13.11. Quarter Two Budget Review for Financial Year ending 30<sup>th</sup> June 2018**

- (a) That Strategic Standing Committee Report No. AR18/4412 titled '*Quarter Two Budget Review for Financial Year Ending 30 June 2018*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council adopts the Quarter Two Budget Review (BR2) for the financial year 1 July 2017 to 30 June 2018 as detailed in Attachment 1 of the report titled '*Quarter Two Budget Review for the Financial Year Ending 30 June 2018*' which reflects a \$1,046,000 forecasted deficit.  
  
This represents a reduction of \$1,369,000 from the Original Budget of \$323,000 surplus and a reduction of \$578,000 from Quarter One Budget Review (BR1).
- (c) That Council notes for Quarter Two Budget Review:



- The major contributing factor is the reduction of \$1,152,000 in grants, including the SA Government Grants Commission's 50% forward payment received in late June 2017 of \$1,327,882 (i.e. received and account for in the 2016/2017 financial year rather than in the 2017/2018 financial year). \$960,000 of this adjustment was already included in Quarter One Budget Review.
- Had the SA Government Grants Commission's 50% payment been received in the 2017/2018 financial year instead, Quarter Two Budget Review would result in an estimated operating surplus of \$282,000.

Moved: Cr Morello

Seconded: Cr Richardson

Carried

### 13.12. Youth Engagement Strategy

- (a) That Strategic Standing Committee Report No. AR18/4767 titled '*Youth Engagement Strategy*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council acknowledge the depth of youth engagement, volume of input and willing participation throughout the engagement activities.
- (c) That the Youth Engagement Strategy be referred to a Council workshop on Tuesday, 27 February 2018.

Moved: Cr Morello

Seconded: Cr Lynagh

Carried

### 13.13. Culture and Heritage Plan

- (a) That Strategic Standing Committee Report No. AR18/4774 titled '*Culture and Heritage Plan*' as presented to the Strategic Standing Committee on 12 February 2018 be noted.
- (b) That Council acknowledge the extensive community input, feedback, active contribution and involvement throughout the engagement activities undertaken.
- (c) That the Culture and Heritage Plan be referred to a Council workshop on Tuesday, 27 February 2018.

Moved: Cr Morello

Seconded: Cr Richardson

Carried

Cr Greco left the Chamber at 6.56 p.m.



**13.14. Minutes of Operational Standing Committee - 13 February 2018**

That the minutes of the Operational Standing Committee meeting held 13 February 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Von Stanke

Carried

Cr Greco re-entered the Chamber at 6.57 pm.

**13.15. Minutes of Community Engagement and Social Inclusion Sub-Committee - 18 January 2018**

That the minutes of the Community Engagement and Social Inclusion Sub-Committee meeting held 18 January 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Persello

Carried

**13.16. Community Engagement and Social Inclusion Sub-Committee - Ref. AF17/432**

(a) That the Community Engagement and Social Inclusion Sub-Committee 2018 Work Plan be as follows:

<b>Key Focus Area</b>	
Reconciliation Action Plan	
Suicide Prevention	
Vulnerable Families	
<ul style="list-style-type: none"><li>• Child Removal</li><li>• Support and Education for Parents</li><li>• Foster Parents</li></ul>	
<b>Deputations</b>	
February, 2018	Adam Box – DECD
March, 2018	Julie Baum – Principal Grant High School
April, 2018	Representatives from Pangula Mannamurna, ac.care and Centacare
May, 2018	Families SA Representative
June, 2018	Mount Gambier Prison

Moved: Cr Lovett

Seconded: Cr Persello

Carried

Cr Von Stanke left the Chamber at 6.58 pm.



Cr Von Stanke re-entered the Chamber at 7.01 pm.

**13.17. Minutes of Heritage Sub-Committee - 31 January 2018**

That the minutes of the Heritage Sub-Committee meeting held 31 January 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**13.18. Letter of Appreciation - Local Heritage Restoration Grant - Ref. AF11/196**

The following advice from Catherine Rymill has been received for the information of the Heritage Sub-Committee:

*Thank you for advising me about the grant I have received. I would be grateful if you can extend my thanks to Mr McShane and the Heritage Sub-Committee for considering my application favourably. With kind regards Catherine.*

The advice from Catherine Rymill be received.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**13.19. Heritage Advisor Report - November 2017 - Report No. AR18/1022**

(a) That Heritage Sub-Committee Report No. AR18/1022 titled '*Heritage Advisory Report - November 2017*' as presented to the Heritage Sub-Committee on 31 January 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried

**13.20. Governance - Heritage Committee - Further Development of Work Plan - Ref. AF17/294**

(a) The attached Work Plan includes work to date. The Committee continue with the development of a work plan to include the following items:

- Extend historic bollards
- Identify and promote Boandik sites of cultural significance
- Establish a Pioneer Walk: (e.g. buy a brick)
- Writing history classes
- Establish long term heritage action plan



- Street names signage historical list (update digitalising and make available online)
- Preserve Moorak Station (Tenison Woods)
- Migrant History

(b) The revised Work Plan is attached to the Minutes.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

### 13.21. Kitchen Caddy Roll Out Stage 2 - Report No. AR17/43697

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/43697 titled '*Kitchen Caddy Roll Out Stage 2*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That Council roll out the kitchen caddy system to all remaining 2018-2019 greenwaste subscribers at an approximate cost of \$53,000.
- (c) In the 2018/2019 financial year Council purchase replacement compostable bags at an approximate cost of \$27,000. Residents should be entitled to one 'free' roll of compostable bags per financial year. The annual greenwaste fee should be increased to \$86.30 (pro rata) to cover this cost. Additional rolls of replacement bags should be made available to residents for purchase at a cost of \$6 per roll. This replacement compostable bag system should be undertaken on an ongoing annual basis.
- (d) Council subscribe to the Compost Revolution program for the 2018/2019 financial year at an approximate cost of \$3,790.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried

### 13.22. ReUse Market Update - Report No. AR18/1706

- (a) That Environmental Sustainability Sub-Committee Report No. AR18/1706 titled '*ReUse Market Update - February 2018*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) Council endorse the ReUse Market Project Plan AR17/36980.

Moved: Cr Lovett

Seconded: Cr Mezinec

Carried



**13.23. Plastics Recycling - Mount Gambier - Report No. AR18/1778**

- (a) That Environmental Sustainability Sub-Committee Report No. AR18/1778 titled '*Plastics Recycling - Mount Gambier*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That Council endeavor to purchase items with high levels of recycled content as a matter of priority.

Moved: Cr Lovett

Seconded: Cr Lynagh

Carried

**13.24. Works in Progress - City Infrastructure - Report No. AR18/3158**

- (a) That Operational Standing Committee Report No. AR18/3158 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 13 February 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

**13.25. Request to review parking on Railway Terrace - Report No. AR17/48336**

- (a) That Council Report No. AR17/48336 titled '*Request to review parking on Railway Terrace*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That the Traffic Impact Statement attached to the Council agenda be endorsed by Council.
- (c) That the City of Mount Gambier pursuant to Ministerial delegation resolves the following:
  - Prohibited Area 2 HOUR PARKING  
3.2.118
  - RAILWAY TERRACE (northern side) - from 50.0 metres west of the intersection with Gray Street to 173.0 metres west of the said intersection, to apply from 8:00 a.m. to 5:00 p.m. Monday to Friday, 8:00 a.m. to 12:00 p.m. Saturday



Prohibited Area  
3.2.119

2 HOUR PARKING

RAILWAY TERRACE (southern side) - from 67.8 metres west of the intersection with Gray Street to 168.3 west of the said intersection, to apply from 8.00 a.m. to 5.00 p.m. Monday to Friday and 8.00 a.m. to 12.00 p.m. Saturday

to be effective from the time of installation of appropriate signage.

Moved: Cr Lovett

Seconded: Cr Von Stanke

Carried

**13.26. Schedule of Fees and Charges - 2018/2019 - Report No. AR18/611**

- (a) That Operational Standing Committee Report No. AR18/611 titled '*Schedule of Fees and Charges - 2018/2019*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That Council adopt all recommended of fees and charges identified in the "Schedule of Fees and Charges - 2018/2019" as presented in Operational Standing Committee Report AR18/611 noting that:
  - (i) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges - 2018/2019" will come into effect on 1 July 2018.
  - (ii) Council may see fit to amend any fee or charge as circumstances arise or change.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried

**13.27. Supplementary Local Roads Funding and Roads to Recovery Funding updates to Roads Program - Report No. AR18/2076**

- (a) That Operational Standing Committee Report No. AR18/2076 titled '*Supplementary Local Roads Funding and Roads to Recovery Funding updates to Roads Program*' as presented to the Operational Standing Committee on 13 February 2018 be noted;



(b) That Council:

- Bring forward the reconstruction of Elizabeth Street (Commercial Street to Jane Street) to the 2017/2018 works program and use 50% of the current funding available from Caldwell Street reconstruction, in order to expend the funds received from the Special Local Roads Funding (SLRF), and
- That any additional funding required to match the \$140,000 Special Local Roads Funding (SLRF) be acquired from any surplus within the current 2017/2018 works program.

(c) That Council make the following adjustments to the Roads to Recovery Program (R2R) in order to expend all funds available for this program by the end of 2018/2019 financial year;

- 2017/2018 R2R Program to now include Railway Terrace (Bay Road to Elizabeth Street) reconstruction - \$207,308 to the original program of works.
- 2018/2019 R2R Program to comprise the following road reconstruction projects:

Robin Street (Brolga Street to Finch Street) - \$66,000

Helen Street (Elizabeth Street to Gray Street) - part funded by R2R - \$104,658

Laurie Street (Shepherdson Road to Millard Street) - \$50,000

Moved: Cr Lovett

Seconded: Cr Greco

Carried

**13.28. Long Term Infrastructure and Asset Management Program - Report No. AR18/4490**

(a) That Operational Standing Committee Report No. AR18/4490 titled '*Long Term Infrastructure and Asset Management Program*' as presented to the Operational Standing Committee on 13 February 2018 be noted.

(b) That all projects listed in Attachments 1-6 inclusive for 2018/2019 be incorporated into the 2018/2019 Draft Budget.

(c) That the additional allocation of \$78,000 for installation of a playground at Carnoustie Court / Pinehurst Drive reserve (Attamura Heights) and construction of a footpath on Ferrers Street (west side) between Gwendoline Street and Heriot Street be referred to the next budget workshop in March 2018.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried





**13.29. Strategic Projects - Report No. AR18/3745**

- (a) That Operational Standing Committee Report No. AR18/3745 titled '*Strategic Projects*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That Strategic Project reports be presented to the Operational Standing Committee every two months.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

**13.30. Annual Delegations Review - Report No. AR18/3996**

- (a) That Operational Standing Committee Report No. AR18/3996 titled '*Annual Delegations Review*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That the verbal report provided by the Manager Governance & Property to the Operational Standing Committee meeting held on 13 February 2018 be noted and the updated LGA Delegation templates as tabled be presented together with updated recommendations to the Council meeting to be held on 20 February 2018.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**13.31. Sponsored Events - Contributions To Economic Development And Community Wellbeing - Report No. AR18/3821**

- (a) That Operational Standing Committee Report No. AR18/3821 titled '*Sponsored Events - Contributions to Economic Development and Community Wellbeing*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That the contributions of Events and support staff be acknowledged.

Moved: Cr Lovett

Seconded: Cr Mezinec

Carried



**13.32. 2018 Local Government Election - Council Voters Roll - Report No. AR18/3371**

- (a) That Operational Standing Committee Report No. AR18/3371 titled '*2018 Local Government Election - Council Voters Roll*' as presented to the Operational Standing Committee on 13 February 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**13.33. One Library System - Novation Agreement - Report No. AR18/3471**

- (a) That Operational Standing Committee Report No. AR18/3471 titled '*One Library Management System - Novation*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That the CEO and Mayor be authorised to execute a Novation Agreement for the One Library Management System from Local Government Corporate Services to the Libraries Board of SA and to affix the Common Seal to any necessary documentation.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**13.34. Boarding House - 73 Gray Street Mount Gambier - Discretionary Rate Rebate - Report No. AR18/3419**

- (a) That Operational Standing Committee Report No. AR18/3419 titled '*Boarding House - 73 Gray Street Mount Gambier Discretionary Rate Rebate*' as presented to the Operational Standing Committee on 13 February 2018 be noted.
- (b) That Council agree to a discretionary rate rebate for Assessment Number 9753 commencing from 1 July 2018 of 50% over a 2 year period.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried

**13.35. Mobile Unit - Community Engagement, Tourism & Events – Ref. AF17/237**

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

*Purpose of the Suspension:*



*To discuss the following:*

- *Mobile Unit*

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

*Meeting Procedures were suspended at 7.14 p.m.*

Cr Lovett left the chamber at 7.14 p.m.

Cr Lovett re-entered the chamber at 7.16 p.m.

Cr Persello left the chamber at 7.20 p.m.

Cr Persello re-entered the chamber at 7.22 p.m.

*The Presiding Member determined that the period of suspension should be brought to an end.*

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

*The Period of Suspension came to an end and Meeting Procedures resumed at 7.26 p.m.*

**13.36. Minutes of Development Assessment Panel - 18 January 2018**

That the minutes of the Council Development Assessment Panel meeting held 18 January 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

**13.37. Minutes of Chief Executive Officer Performance Review Committee - 5 February 2018**

Minutes of the Chief Executive Officer Performance Review Committee - 5 February 2018 be noted.

Moved: Cr Lovett

Seconded: Cr Mutton

Carried



## 14. COUNCIL REPORTS

### 14.1. Attendance at 2018 Council Next Practice Showcase and LGA Ordinary General Meeting - Report No. AR18/5577

- (a) That Council Report No. AR18/5577 titled '*Attendance at 2018 Council Next Practice Showcase and LGA Ordinary General Meeting*' as presented to the Council on 20 February 2018 be noted.
- (b) That the Mayor be appointed as the delegate to represent Council at the 2018 Council Next Practice Showcase and LGA Ordinary General Meeting to be held in Adelaide on Thursday 12 April 2018 and Friday 13 April 2018 at the Adelaide Town Hall.
- (c) Cr Persello be appointed proxy delegate to represent Council should the Mayor not be able to attend.
- (d) The Local Government Association be advised Council does not wish to submit any notice of motions.
- (e) Other Councillors who may wish to attend the 2018 Council Next Practice Showcase and LGA Ordinary General Meeting should express their interest to CEO and Mayoral Executive Support by Friday 9 March 2018.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried



## 14.2. Annual Delegations Review - Report No. AR18/5656

- (a) That Council Report No. AR18/3996 titled '*Annual Delegations Review*' as presented to the Operational Standing Committee on 20 February 2018 be noted.
- (b) That having reviewed the Local Government Association delegation templates 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 (*Repealed*)
- 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 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014



- 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. Electronic Conveyancing National Law (SA) Act 2013
- 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
- 1.1.30. Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- 1.1.31. Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.32. Planning, Development and Infrastructure Act 2016
- 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 - 35 (each of which is individually identified as indicated below) are hereby delegated this Tuesday, 20<sup>th</sup> February, 2018 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 and 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. Land & Business (Sale & Conveyancing) Act 1994 (Appendix 11)
- 2.1.11. Liquor Licensing Act 1997 (Appendix 12)
- 2.1.12. Local Government Act 1999 (Appendix 14)
- 2.1.13. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 16)
- 2.1.14. Public Assemblies Act 1972 (Appendix 17)
- 2.1.15. Roads (Opening and Closing) Act 1991 (Appendix 18)
- 2.1.16. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 20/20A/20B)
- 2.1.17. Unclaimed Goods Act 1987 (Appendix 25)
- 2.1.18. 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)
- 2.1.19. Safe Drinking Water Act 2011 (**Appendix 27) – Attachment 3**
- 2.1.20. Real Property Act 1886 (Appendix 28) and Electronic Conveyancing National Law (SA) Act 2013 (Appendix 28A)
- 2.1.21. Strata Titles Act 1988 (Appendix 29)
- 2.1.22. Work Health & Safety Act 2012 (Appendix 30)
- 2.1.23. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 32)
- 2.1.24. Local Nuisance and Litter Control Act 2016 Local Nuisance and Litter Control Regulations 2017 (Appendix 33)
- 2.1.25. Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 34)
- 2.1.26. Planning, Development and Infrastructure Act 2016 (Appendix 35)



- 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 – Attachment 1**) are hereby delegated this 20<sup>th</sup> February, 2018 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 1 – Council Assessment Panel Delegations) are hereby delegated this 20<sup>th</sup> February, 2018 to the Council 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 – Attachment 2**) are hereby delegated this 20<sup>th</sup> February, 2018 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 20<sup>th</sup> February, 2018 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  
Nick Serle  
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:

Nick Serle  
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 20<sup>th</sup> of February 2018 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 sub-delegation 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:

Nick Serle  
Daryl Morgan

6.5. An authorisation or sub-delegation made to any Council Officer under this clause 6 shall expire immediately upon:

- The termination or other cessation of the officers employment with Council;
- Such authorisation or sub-delegation being revoked by resolution of Council;
- The revocation or replacement of the statute under which the authorisation or sub-delegation is made making the authorisation or sub-delegation redundant.

## **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 21<sup>st</sup> 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 Instruments of Delegation (Appendix 7A & 7B) are hereby delegated this 20<sup>th</sup> of February 2018 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.

**9. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013**

9.1. In exercise of the powers contained in Section 44 of the Local Government Act 1999 and Section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act 2013 contained in Instrument of Delegation (Appendix 31) are hereby delegated this 20<sup>th</sup> day of February 2018 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 Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

9.2. 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 Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

9.3. 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.



9.4. 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.

**10. Delegation of Powers under Council's By-Law No. 1 Permits and Penalties**

10.1. The Council hereby delegates this 20<sup>th</sup> February 2018 to the Chief Executive Officer and any person acting in that position, the following powers under the Council's By-law No. 1 - Permits and Penalties 2010 to:

10.1.1. to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law or to otherwise grant permission under any Council By-law;

10.1.2. to attach any conditions that the delegate sees fit to a grant of permission issued under a By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person(s) to whom permission was granted;

10.1.3. to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person(s) to whom permission was granted; and

10.1.4. to commence proceedings to prosecute an offence under a Council By-law.

10.2. Such powers may be further delegated by the Chief Executive Officer to other officers and Authorised Officers of the Council as the Chief Executive Officer considers fit.

10.3. For the purposes of these delegations all powers to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

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.

Moved: Cr Lovett

Seconded: Cr Mezinec

Carried



**14.3. Fringe Festival 2018 - Temporary Road Closures - Report No. AR18/5274**

- (a) That Council Report No. AR18/5274 titled '*Fringe Festival 2018 - Temporary Road Closures*' as presented to the Council on 20 February 2018 be noted.
- (b) That 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, 23 March 2018, Saturday, 24 March 2018 and Sunday, 25 March 2018:

Location	From	To
Commercial Street East, between Bay Road and Ferrers Street	3:00pm, Friday, 23 March 2018	12:00 midnight, Friday 23 March 2018
Watson Terrace (east west end) off Bay Road	7:00am, Saturday 24 March 2018	12:00 midnight, Saturday 24 March 2018
Watson Terrace (north south end) off Commercial Street East	3:00pm, Friday, 23 March 2018	7:00pm, Sunday 25 March 2018

Moved: Cr Lovett

Seconded: Cr Richardson

Carried



**14.4. Out of the Dark - Aboriginal Rock Art Collection - Report No. AR18/5908**

- (a) That Council Report No. AR18/5908 titled '*Out of the Dark - Aboriginal Rock Art Collection*' as presented to the Council on 20 February 2018 be noted.
- (b) That Council staff proceed to relocated, record and safely store the collection.
- (c) That Mr Kelvin Smibert be formally thanked for his transfer of ownership of the collection.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**15. MOTION(S) - With Notice**

Nil submitted.

**16. MOTION(S) - Without Notice**

Nil submitted.



## 17. CONFIDENTIAL ITEMS

### 17.1. Consideration for Exclusion of the Public

The following item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of Council Members Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinec, F Morello, D Mutton, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, S McLean and M Telford now present) be excluded from the meeting in order for the item to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

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

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer in that details person to the Chief Executive Officer will be disclosed.

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

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
17.2.	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Chief Executive Officer’s KPI’s for 2018 – Ref. PERS	(a)

Moved: Cr Von Stanke

Seconded: Cr Lovett

Carried





**IN-CONFIDENCE**

**17.2. PERSONNEL – Chief Executive Officer Performance Review – Discussion regarding Chief Executive Officer’s KPI’s for 2018 – Ref. PERS**

- (a) that the CEO Performance Development Review Report as previously endorsed by Council be received and noted.

Moved: Mayor Lee

Seconded: Cr Greco

Carried



**17.3. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

That an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to item 2 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>
17.2.	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW – Discussion regarding Chief Executive Officer’s KPI’s for 2018 - Ref. PERS	(a)	All reports, documentation and discussion associated with Item 17.2.  with the exception of resolutions only to be released including publication in the Council Minutes	12 months

Moved: Cr Lovett

Seconded: Cr Greco

Carried

Meeting closed at 7.35 p.m.  
MJT

