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I hereby give notice that an Economic and Environment Committee Meeting will be held on:

Date: Monday, 1 November 2021
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Economic and Environment Committee Meeting 1 November 2021

A handwritten signature in black ink, appearing to read "Sarah Philpott".

Sarah Philpott
Chief Executive Officer
28 October 2021

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1 ACKNOWLEDGEMENT OF COUNTRY

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.

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

[Economic and Environment Committee Meeting - 6 September 2021](#)

RECOMMENDATION

That the minutes of the Economic and Environment Committee meeting held on 6 September 2021 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 STRATEGIC SUSTAINABILITY REPORT – REPORT NO. AR21/62236

Committee:	Economic and Environment Committee
Meeting Date:	1 November 2021
Report No.:	AR21/62236
CM9 Reference:	AF20/456
Author:	Aaron Izzard, Environmental Sustainability Officer
Authoriser:	Barbara Cernovskis, General Manager City Infrastructure
Summary:	This report provides a summary of actions undertaken that are congruent with Councils strategic commitment to environmentally sustainable practice.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR21/62236 titled 'Strategic Sustainability Report' as presented on 01 November 2021 be noted.
2. That a Strategic Sustainability briefing be scheduled for Council to discuss opportunities and prioritise key result areas.



TYPE OF REPORT

Corporate

BACKGROUND

At the 17 August 2021 Council meeting a motion was passed “That Council Officers prepare a report on our current strategic sustainability direction including energy efficiency initiatives and associated budget allocation.” The intent behind the request is for Council to have a better understanding of its sustainability direction into the future.

The City of Mount Gambier has a history of strong support for Environmental Sustainability. At the 20 May 2008 Council meeting, Council formerly adopted the Natural Step Framework, to be used as a planning tool to enable Council to integrate environmental and social considerations into strategic decisions as well as daily operations. Council has undertaken many environmental sustainability projects since the adoption of the Natural Step Framework.

Council’s strategic plans since 2008 have all strongly featured environmental sustainability. The City of Mount Gambier Futures Paper, and the 2020-2024 Strategic Plan, both have environment as one of their core goals.

PROPOSAL

This report provides a summary of actions undertaken that are congruent with Councils strategic commitment to environmentally sustainable practice.

Renewable Energy

Council has the following solar power systems on its facilities:

- Library 57.5 kW
- Depot 29.9 kW
- Carinya 10.4 kW
- Transfer Station 5.2 kW

The former Aquatic Centre had a 68.5 kW system. Options for reusing this system are currently being investigated. Options include the Riddoch Arts and Cultural Centre, Visitor Information Centre (VIC) or Caroline Landfill. The former Aquatic Centre also had the heat for the pools supplied by a biomass boiler, which used biomass from the local forestry industry. Council does not have any facilities that could use this boiler, therefore it is being sold.

To date Council’s solar systems have generated over 830 MWh of electricity. That’s enough to power over 125 South Australian homes for an entire year.

Energy Efficiency

As a result of a Council resolution, since 2014/15 Council allocates an annual amount of \$50,000 for energy efficiency and renewable energy measures. Since that time the funds have been used for the following projects:

- Solar system installed on the Library
- LED lights fitted throughout the Council areas of the Civic Centre, the VIC and the Library
- HVAC audit undertaken to assess the efficiency of Councils heating and cooling systems
- Solar systems installed at the Aquatic Centre, Depot, Waste Transfer Station and Carinya Gardens



Council made the decision to invest heavily in sustainability measures for the Wulanda Recreation and Convention Centre such as a fully electric heating and cooling system, supplied by 720 kW solar power system that, while increasing the initial capital cost, will reduce the whole of life costs of the building - for example, the solar capacity will enable the electricity to be cost neutral within seven years of the expected 50 year lifespan of the facility.

Electric Vehicle Charging Stations

The South Australian Government is investing up to \$13.4 million to leverage approximately \$25 million of private investment in the statewide public electric vehicle charging network. The Government sought Registrations of Interest from property owners and tenants interested in hosting electric vehicle chargers that are part of the public, statewide network.

Potential sites included:

- shopping centres, supermarkets and carparks
- town centres
- council-owned sites
- public amenities
- hotels, motels and holiday parks in metropolitan, regional and remote areas.

Proposals have also been sought from prospective charge point operators to develop a section or sections of South Australia's EV Charging Network. Applications for funding closed on 30 August 2021 and an evaluation process is currently underway.

Council submitted a Registration of Interest that included Commerce Place car park, the Visitor Information Centre, the Sturt Street car park and Frew Park. This does not mean chargers will be installed at all of these sites, they have just been presented as possible options. Normally a third party installs and operates the chargers, and Council would pay for the electricity with a cost recovery process in place to recoup the electricity costs.

Following the Registration of Interest Council was contacted by Linga Network, who deploy charging infrastructure in regional Australia. Council nominated the above sites for Linga's fast, up to 22kW AC, electric vehicle charging stations. Linga put in a grant application to the State Government program. Applications are now being assessed, and Council will be advised in due course. Council's nomination was non-exclusive and non-binding.

Council Fleet

The electric vehicle and machinery industry is constantly developing. Council operates a variety of plant and fleet vehicles. There may be an opportunity for incorporating electric vehicles into Council's fleet. In order to pursue this avenue though, EV charging infrastructure would be required. This infrastructure would be separate from the public charging network referred to above.

Opportunities for incorporating hybrid and electric vehicles into the fleet are being actively explored as opportunities arise, and consideration is included in the tender specifications for new vehicles.

Waste Management

Waste is one of the main services that Council offers the community. It is also a major cost. Caroline Landfill in particular requires significant financial and material resources to maintain and operate. Over the years Council has endeavoured to implement programs and projects to divert materials away from landfill. This began with the collection of greenwaste and recycling. In recent years the inclusion of food waste in the greenwaste bin (FOGO bin), the establishment of the ReUse Market (RUM), and expansion of items collected at the Waste Transfer Station (WTS), have collectively diverted large amounts of materials away from landfill. The WTS now collects a wide variety of items and materials for re-use or recycling, such as polystyrene, liquid paint, re-use items, metals, cardboard, timber, green waste, cooking oil, car batteries, mattresses etc.



The ReUse Market has been particularly popular with the community and gives them both an avenue to dispose of many items for free, as well as reducing waste to landfill.

In 2020/21 Council operations diverted over 6,500 tonnes away from landfill – to organics, recycling and re-use. Conversely, 8,930 tonnes from Council operations went to landfill. That includes kerbside general waste collection, general waste received at the WTS and from Council's operations including construction activities and street sweepings. Approximately 19,270 tonnes of waste from contractors went to landfill, for an annual total of 28,200 tonnes.

The rebranding of the greenwaste/organics bin to the FOGO bin (Food Organics Garden Organics) has been undertaken to emphasise that this bin also accepts food waste. Bin audits have shown that 36% of the content of the average Mount Gambier general waste bin is food waste, and 9% is garden waste. It is not only better for the environment to divert this material away from landfill, it is also much more cost effective. Commercial composting is a much cheaper option for Council than waste to landfill.

Education on the appropriate disposal and recycling of items is very important in reducing waste to landfill. Council has engaged a creative agency to design a contemporary education campaign to engage residents with simple but effective messages and information. The campaign should be ready for release by the end of the calendar year.

In addition to this, environmental sustainability staff regularly give talks to community and school groups on waste and recycling, as well as run tours of Council's three waste facilities. These talks and tours are very effective in conveying information to the community, as well as helping them see where their waste ends up, and the importance of proper waste management. Over the past year staff have given talks and tours to over 800 people in the local community, mostly to school and community groups.

Council is currently in the process of doing a trial utilising broken glass from the kerbside recycling process. This involves removing contamination, then crushing the glass for use in construction projects.

Council has supported local plastic recycling projects through the collection of materials. Plastic lids and bread tags are collected at the Civic Centre. The bread tags go to Transmutation in Robe. The lids go to the Precious Plastic program at Tenison Woods College. These materials are recycled into new products in our region. Additionally, Council has supported a local recycling start up "Ecoplas". This company recycles plastics like milk bottles and wheelie bins, and turns them into park benches, stakes, fencing materials etc. Council has provided space at the WTS for Ecoplas to test the business concept.

Active Transport

Active transport relates to walking and cycling. This can be for recreation, or for transport. Travelling around by foot or by bike has many benefits. To name just a few:

- It improves physical health, reducing the risk of many health issues like heart disease and obesity.
- Improves mental health. Cycling has been shown to reduce anxiety and depression.
- Studies show homes located close to bike paths are more valuable.
- Regular cyclists have 55% lower health costs and 32% fewer sick days.
- For every \$1 spent on cycling infrastructure there is a return on investment of \$4-\$12.
- Improves community connections, as well as passive surveillance to reduce crime.



The Rail Trail has proven very popular with the local community. People of all ages are using it for walking and cycling, for recreation, fitness and transport. It has built upon the extensive network of footpaths throughout the city, and gives residents a place to cycle safely, away from motor traffic. Cycling has a lot of benefit for assisting the community to be more active, be healthier and reduce their impact on the environment. It is a much quicker form of transport than walking. The largest barrier to the uptake of cycling is the lack of infrastructure that separates cyclists from motor traffic.

LEGAL IMPLICATIONS

This report presents no legal implications.

STRATEGIC PLAN

Goal 4 – Our Climate, Natural Resources, Arts, Culture and Heritage is one of the five main goals of the 2020-2024 Strategic Plan.

COUNCIL POLICY

This report does not have any immediate impact on any Council policies.

ECONOMIC IMPLICATIONS

As referenced in the Proposal.

ENVIRONMENTAL IMPLICATIONS

As referenced in the Proposal.

SOCIAL IMPLICATIONS

As referenced in the Proposal.

CULTURAL IMPLICATIONS

As referenced in the Proposal.

RESOURCE IMPLICATIONS

Environmental sustainability is a growth area. Future planning for Council will require financial consideration, training programs and specialist skillsets to be progressive in this area.

VALUE FOR MONEY

As reference in the Proposal.

RISK IMPLICATIONS

Retaining environmental sustainability as a strategic focus and key result area for Council will mitigate the risk implications to operations and the community.



EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

As referenced in Proposal.

IMPLEMENTATION STRATEGY

As referenced in Proposal.

CONCLUSION AND RECOMMENDATION

As a major waste collector, Council has opportunities to participate in a local circular economy approach. Council has had input into the Circular Economy blueprint project being run by Regional Development Australia Limestone Coast (RDALC) and Green Industries SA (GISA). This is an emerging area with much potential for job creation and waste reduction.

There are many current and emergent opportunities for Council to consider implementing in the space of environmental sustainability. Given our unique location, natural assets and underground aquifer system, strategically prioritising environmental sustainability is critical for the future of our community.

ATTACHMENTS

Nil



5.2 REGISTRATION OF RIDDOCH ARTS AND CULTURAL TRUST – REPORT NO. AR21/52752

Committee:	Economic and Environment Committee
Meeting Date:	1 November 2021
Report No.:	AR21/52752
CM9 Reference:	AF20/456
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Georgina Davison, Acting General Manager Community Wellbeing
Summary:	This report presents an update on the establishment of the Riddoch Arts and Cultural Trust as an incorporated association.
Strategic Plan Reference:	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR21/52752 titled 'Registration of Riddoch Arts and Cultural Trust' as presented on 01 November 2021 be noted.
2. That, in accordance with The Riddoch Arts and Cultural Trust Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:
 - *Tim Coote*
 - *Georgina Davison*
 - *Michael McCarthy*The Riddoch Arts and Cultural Trust Board be notified of the Board Observer appointments at their next available Board meeting.
3. That Council continue to support the establishment of The Riddoch Arts and Cultural Trust and that further reports be presented to update Council on progress of the establishment of the Trust and Board in accordance with previous resolutions.



TYPE OF REPORT

Corporate

BACKGROUND

In August 2020 in consideration of People and Place Committee Report AR20/42200 titled 'The Riddoch Arts and Cultural Trust Incorporated' Council resolved, amongst other things:

4. *That Council hereby forms The Riddoch Arts and Cultural Trust Incorporated which is to operate under the Constitution endorsed in resolution 3 for educational, charitable and recreational purposes and for the purpose of promoting art, with the defined objects and purpose of the operation of the Riddoch Art Gallery in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit of the public.*
5. *That application be made to the Corporate Affairs Commission under the Associations Incorporations Act 1985 for registration of The Riddoch Arts and Cultural Trust Incorporated with Council as the sole member to operate in accordance with the Constitution endorsed in resolution 3.*
8. *That, in accordance with the Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:*
 - *Ms Barbara Cernovskis*
 - *Dr Judy Nagy*
 - *Mr Michael McCarthy*
9. *That, subject to registration of The Riddoch Arts and Cultural Trust Incorporated as an association and the issuance of a certificate of incorporation and any other requisite activities of the association;*
 - *All applications necessary (including for Deductible Gift Recipient status) be made to any relevant regulatory body (including the Australian Taxation Office and/or Australian Charities and Not-for-Profit Commission); and,*
 - *Eligibility, application and appointment procedures be prepared for non-voting associates including Friends of the Riddoch, Riddoch Ambassadors and Patrons; and,*
 - *Administration documentation be prepared for the holding of Ordinary and Special Board Meetings, Committee Meetings and Special and Annual General Meetings; and,*
 - *Such other activities as are necessary to ensure the proper administration of the association including but not limited to financial and insurance arrangements.*
10. *That the costs and expenses associated with the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated and in its first two years of operation, or until the earlier arrangement of alternate arrangements, be borne by Council from within the existing Riddoch Art Gallery operational budget.*
12. *That further reports be presented to Council on:*
 - *The progress of the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated; and,*
 - *Incurred expenses (and revenues received – if applicable) that are solely attributable to The Riddoch Arts and Cultural Trust Incorporated in the first two years of operation; and*
 - *Proposed arrangements for the transition of the Riddoch Art Gallery, Main Corner and associated business unit activities into The Riddoch Arts and Cultural Trust Incorporated Board's Annual Plan.*

This report provides an update on the establishment of the Riddoch Arts and Cultural Trust.



PROPOSAL

On 19 August 2021, after some delay, the Corporate Affairs Commission confirmed the certification of The Riddoch Arts and Cultural Trust Incorporated as an Association.

Accordingly, the necessary steps to establish the operations of The Riddoch Arts and Cultural Trust may now be progressed, which will include the convening of an inaugural meeting of The Riddoch Arts and Cultural Trust Board.

Board Observers

Members will note that Council previously appointed the following Officers as Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:

- Ms Barbara Cernovskis
- Dr Judy Nagy
- Mr Michael McCarthy

Dr Judy Nagy ceased employment as a Council Officer in late 2020 and in accordance with clause 11.6 of The Riddoch Arts and Cultural Trust Constitution her term of office as a Board Observer ceased. It is therefore proposed that Council appoint a replacement Board Observer. This report recommends that Council's General Manager City Growth, Tim Coote be appointed to provide oversight.

Also, since the above appointments were made, Georgina Davison is currently acting in the role of General Manager Community Wellbeing that includes the Council business unit comprising the Riddoch Arts and Cultural Centre. Noting the current vacancy in the position of Gallery Director Council might consider appointing Georgina Davison to replace Barbara Cernovskis as a Board Observer.

It is proposed that Michael McCarthy remain as a Board Observer during the initial establishment period in his position as Manager Governance and Property.

Administration and associated activities

In accordance with parts 9 and 10 of the August 2020 resolution and in Council's capacity as the sole Member of the Riddoch Arts and Cultural Trust the administration will now proceed with providing administrative support:

- to ensure the proper administration of the association including but not limited to financial and insurance arrangements and administration documentation for the holding of Ordinary and Special Board Meetings, Committee Meetings and Special and Annual General Meetings; and
- to establish eligibility, application and appointment procedures for non-voting associates including Friends of the Riddoch, Riddoch Ambassadors and Patrons; and
- to make necessary applications (including for Deductible Gift Recipient status) to relevant regulatory body (including the Australian Taxation Office and/or Australian Charities and Not-for-Profit Commission).
- with the costs and expenses associated, including for application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated and in its first two years of operation or earlier arrangement of alternate arrangements, to be borne by Council from within the existing Riddoch Arts and Cultural Centre operational budget.



As noted in earlier reports presenting The Riddoch Arts and Cultural Trust model, Council support to the initial board operations including associated costs/expenses are to be on a fee for service basis, whereby an administrative service level agreement is to be established to clearly set out the scope and extent of services provided to the Trust through the Riddoch Arts and Cultural Centre business unit (and other Council business units – as appropriate) to assist both the Riddoch Arts and Cultural Centre (Council business unit) and The Riddoch Arts and Cultural Trust to begin developing their own co-dependent business plans and budgets into the future.

In the immediate period the focus for The Riddoch Arts and Cultural Trust is to be on establishing necessary governance and administrative requirements, including bank accounts and record keeping, deductible gift recipient (DGR) status, non-voting associate (Friends, Ambassadors and Patron) membership arrangements, and any inaugural collection policy, promotional and commercial arrangements as may be necessary or opportune to set a foundation for future success.

Future arrangements between Council and The Riddoch Arts and Cultural Trust, via Council's Riddoch Arts and Cultural Centre business unit, are anticipated to include art co-collection access and sharing agreements and other promotional arrangements to support the coordinated management of both entities toward the objects and purposes as set out in The Riddoch Arts and Cultural Trust Constitution.

LEGAL IMPLICATIONS

As an incorporated association and separate legal entity to Council (although inextricably linked to Council by the terms of the Constitution and Council as the sole founding member) it is imperative that the operation of The Riddoch Arts and Cultural Trust, its Board and its activities are in accordance with the Associations Incorporation Act 1985, and that Council support activities are also appropriately managed in accordance with the Local Government Act 1999 and relevant obligations.

To ensure the appropriateness of such arrangements is the reason for an initial board focus on governance and administrative matters to ensure The Riddoch Arts and Cultural Trust has a solid grounding for its future activities.

STRATEGIC PLAN

As the background and objectives that led to the establishment The Riddoch Arts and Cultural Trust identified, this newly created entity shares common arts and cultural objectives with Council, and the Constitution has been specifically drafted to align it's business planning and budgeting with Council's Riddoch Arts and Cultural Centre business unit planning and budget, so that each entity is working collaboratively toward these common objectives. It is anticipated that future business plans, budgets and activities of the Riddoch Arts and Cultural Centre and Trust will be developed in a co-operative manner.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A



SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

As previously reported and resolved the resourcing of initial Board operations for The Riddoch Arts and Cultural Trust will be borne from within the Riddoch Arts and Cultural Centre business unit operating budget, supplemented by in-kind support in the form of administrative resources for essential Board administration.

Future reporting will be necessary to meet the resolved position of Council in relation to

- The progress of the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated; and,
- Incurred expenses (and revenues received – if applicable) that are solely attributable to The Riddoch Arts and Cultural Trust Incorporated in the first two years of operation; and
- Proposed arrangements for the transition of the Riddoch Art Gallery, Main Corner and associated business unit activities into The Riddoch Arts and Cultural Trust Incorporated Board's Annual Plan.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

As referenced under the heading of 'Legal Implications', as a new entity it is necessary to ensure the establishment of appropriate practices and mechanisms to ensure the activities of both Council and The Riddoch Arts and Cultural Trust are compliant with their respective legislative requirements.

Legal support has been engaged in the drafting and registration of The Riddoch Arts and Cultural Trust Constitution, and to guide the initial Board operations.

The initial Board meeting agenda will include risk related items to ensure a risk management focus of the Trust activities.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

As a separate legal entity, The Riddoch Arts and Cultural Trust will commence its own engagement and communication with its stakeholders independent of Council, albeit with in-kind administrative support from Council in the initial stages and consistent with the Riddoch Arts and Cultural Centre business unit plan.



By way of example, the establishment of non-voting associates in the form of Friends of the Riddoch, Patrons and Ambassadors are Board activities intended to support Council's Riddoch Arts and Cultural Centre business unit and the Trust through the engagement of interested community participants. Such activities would be Board/Trust led with the administrative support of the Council administration.

IMPLEMENTATION STRATEGY

The Riddoch Arts and Cultural Trust and Board activities will be supported by Council resources in a manner that aligns with the Riddoch Arts and Cultural Centre business unit plan. As mentioned elsewhere in this report, the immediate focus being on establishing necessary governance and administrative requirements, including bank accounts and record keeping, deductible gift recipient (DGR) status, non-voting associate (Friends, Ambassadors and Patron) membership arrangements, and other arrangements as may be necessary or opportunistic to set a foundation for future success.

CONCLUSION AND RECOMMENDATION

Having provided an update on the registration of The Riddoch Arts and Cultural Trust, this report recommends the appointment of replacement Board Observers to oversight initial Board meetings on behalf of Council and that Council continue to support the establishment of The Riddoch Arts and Cultural Trust in accordance with previous resolutions.

ATTACHMENTS

Nil



5.3 RAIL CORRIDOR LICENCE – REPORT NO. AR21/67626

Committee:	Economic and Environment Committee
Meeting Date:	1 November 2021
Report No.:	AR21/67626
CM9 Reference:	AF20/456
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Darren Barber, General Manager Shared Services
Summary:	This report presents a proposal to execute documentation to secure tenure of the railway corridor lands for shared use path purposes, and to exclude the subject lands from classification as community land.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR21/67626 titled 'Rail Corridor Licence' as presented on 01 November 2021 be noted.
2. That the Chief Executive Officer (or representative) finalise documentation with the Department for Infrastructure and Transport as is necessary to secure tenure of the railway corridor lands listed in Attachment 1 for shared use path purposes, and the Mayor and Chief Executive Officer be authorised to affix the Common Seal to such documentation.
3. That, in accordance with section 193(4) of the Local Government Act 1999 the railway corridor lands listed in Attachment 1 to Report No. AR21/67626 be excluded from classification as community land.



TYPE OF REPORT

Corporate

BACKGROUND

At the Council meeting on 15 September 2015 in relation to the first stage of the rail corridor shared use path Council resolved:

- (b) Council authorise the Mayor and Chief Executive Officer to execute lease documentation for the lease of the railway corridor from Pick Avenue to White Avenue (excluding Bay Road to Wehl Street South) when such documentation becomes available.*

To-date, no formal tenure has been secured for the rail corridor sections upon which the Shared Use Path has been constructed, including for the further extensions to Tollner Road and Wandillo Road.

PROPOSAL

On 20 October 2021 Council received a draft *Shared Use Path Head Agreement* and *Shared Use Path Licence Agreement* for the purpose of formalising the use of the railway corridor for this purpose.

The intent of the documentation is to provide a standard head agreement applicable to any railway corridor land within the City that is to be used for shared use path purposes, with an associated licence (or licences) to identify each relevant land parcel(s) subject to the head agreement.

The commencing term of the agreements is proposed to be nine (9) years.

Upon review the documentation has been found to be essentially in a satisfactory form for execution on behalf of Council, with only minor contractual provisions identified that warrant some further negotiation and amendment to ensure Council is not liable for pre-existing assets or site conditions.

LEGAL IMPLICATIONS

As with any contractual arrangement, the Shared Use Path Head Agreement and Shared Use Path Licence Agreement are drafted to identify the intended use, conditions, obligations, and manage the risks and liabilities of each party.

Accordingly, the documentation exposes Council to the risk and liability associated with the use of the railway corridor for the shared use path purpose and the management of the lands and Council's assets located upon the lands. Council assumed these risks when it entered into the shared use path projects and constructed the assets on the subject lands.

The further negotiation and amendments to be undertaken are to ensure that Council does not assume liability associated with pre-existing assets and site conditions, beyond the extent to which Council may contribute to any such liabilities through its management and use of the land and assets.

To avoid the railway corridor lands being captured by the community land implications of the Local Government Act 1999, it is further proposed that the land to be held under licence only be excluded from classification as community land. Unless validly excluded, Council will be required to prepare, conduct public/stakeholder consultation and adopt a community land management plan (or plans) for the DIT railway corridor lands.

Whilst this may not alter the manner in which the land is to be managed for permitted purpose, it provides administrative and statutory obligations and constraints on potential further uses of the subject lands, which is unnecessary and may be validly avoided under the provisions of the Act.



STRATEGIC PLAN

The rail corridor shared use path is specifically identified within several objectives in Council's Strategic Plan 2020 – 2024, under Goal 2 'Our Location' and Goal 4 'Our Climate, Natural Resources, Arts, Culture and Heritage':

2.1.3 Consolidating, upgrading and seeking funding for a number of walking and cycling trails throughout the city, including the Rail Trail and the Crater Lakes precinct [Owner / Custodian, Advocate, Partnership].

2.2.2 Taking an active role in regional working groups to realise major regional initiatives such as the delivery of a recycling facility, improved regional procurement and cohesive infrastructure planning including regional rail trails [Partnership].

4.4.1 Delivering a network of safe and convenient walking trails and cycle paths linking relevant land uses and recreation opportunities [Owner / Custodian, Information Provider / Promoter].

4.5.3 Create spaces in major developments, the Railway Lands and our reserves for public art and work with our community to fill these spaces and work with DPTI to include these along the Rail Trail [Owner / Custodian, Service Provider (Part Funder)].

Securing appropriate land tenure is a significant aspect of being able to deliver on these objectives into the future.

The land comprising the railway corridor associated with this report are listed in **Attachment 1**.

COUNCIL POLICY

Council's [Prudential Management Policy](#) and [Risk Management Policy](#) are relevant to this proposal.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Council's exposure to the continuing management of the railway corridor lands was committed when Council previously progressed the construction and management of the shared use paths upon the railway corridor lands. No additional resource implications are anticipated as a result of formalising the tenure arrangements associated with these lands.

VALUE FOR MONEY

N/A



RISK IMPLICATIONS

A licence only for the railway corridor land upon which Council is investing in community infrastructure is at the risk that the land could be resumed for rail purposes in the future, however unlikely that such circumstances might arise. Ownership of the railway corridor would provide more secure tenure. DIT have affirmed in recent verbal discussions their policy position to retain rail corridors in DIT ownership.

Other risk matters have been addressed under the heading of Legal Implications'.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

No engagement or communication activities are anticipated as a result of the proposal in this report. However subsequent activities associated with the railway corridor lands may require such activities.

IMPLEMENTATION STRATEGY

Should Council endorse the proposal in this report then the administration will progress to finalise the associated documentation for execution by the Mayor and Chief Executive Officer under the Common Seal.

CONCLUSION AND RECOMMENDATION

This report recommends that, following finalisation of negotiations and associated amendments to a *Shared Use Path Head Agreement* and *Shared Use Path Licence Agreement* for the railway corridor lands, that the Mayor and Chief Executive Officer be authorised to affix the Common Seal to such agreements, and that the railway corridor lands be excluded from classification as community land.

ATTACHMENTS

1. Railway Corridor Shared Use Path (DIT) Land Parcels



(DIT) Railway Corridor Land Parcels for Shared Use Path

DCDBID	LOT_NO	STREET_NAM	STREET_TYP	SUBURB	PREFIX	VOLUME	FOLIO	LOCATION
F194377AL575	Lot 575	White	Ave	Mount Gambier	CT	5962	699	White Avenue to Wehl St South
F217337AL17	Lot 575	White	Ave	Mount Gambier	CT	5962	699	
D49151AL26	40A	Bertha	ST	Mount Gambier	CT	5962	699	
F171490AL92	38A	Bertha	ST	Mount Gambier	CT	5962	699	
D22507AL1	9	Hammer	CT	Mount Gambier	CT	5962	699	
D33040AL28	20	Webb	ST	Mount Gambier	CT	5962	699	
F217335AL56	70	Shepherdson	RD	Mount Gambier	CT	5962	699	
F194415AL613	15B	Bertha	ST	Mount Gambier	CT	5962	699	
F194416AL614	40A	Bertha	ST	Mount Gambier	CT	5962	699	
F194417AL615	40A	Bertha	ST	Mount Gambier	CT	5962	699	
F194418AL616	40A	Bertha	ST	Mount Gambier	CT	5962	699	
F206483AL93	40A	Bertha	ST	Mount Gambier	CT	5962	699	
D32683AL4	38	Wehl	ST	Mount Gambier	CT	5962	699	
D32346QP2	Lot 2	Heriot	ST	Mount Gambier	CT	5962	700	Bay Rd to Crouch St South
D32346QP7	Lot 2	Heriot	ST	Mount Gambier	CT	5962	700	
D32346QP9	Lot 2	Heriot	ST	Mount Gambier	CT	5962	700	
D32346QP10	Lot 2	Heriot	ST	Mount Gambier	CT	5962	700	
D22618AL100	21	Heriot	ST	Mount Gambier	CT	5962	700	
F194010AL208	20A	Crouch	ST	Mount Gambier	CT	5962	700	
D48960AL6	Lot 6	Sturt	ST	Mount Gambier	CT	5962	700	Crouch St South to Pick Ave
F193614AL622	Lot 622	Sturt	ST	Mount Gambier	CT	5962	700	
F217195AL59	Lot 59	Pick	Av	Mount Gambier	CT	5962	700	Pick Av to end of Telford St
F217216AL75	Lot 59	Pick	AV	Mount Gambier	CT	5962	700	
F38297AL10	1	Oak	ST	Mount Gambier	CT	6089	38	White Av to Jubilee Hwy West
F194667AL865	Lot 864	Graham	RD	Mount Gambier	CT	6089	38	
F194666AL864	Lot 864	Graham	RD	Mount Gambier	CT	6089	38	
F206337AL110	241	Jubilee	HWY	Mount Gambier	CT	6089	38	
F194710AL98	241	Jubilee	HWY	Mount Gambier	CT	6089	38	
F194711AL99	241	Jubilee	HWY	Mount Gambier	CT	6089	38	
F194629AL827	Lot 827	Avey	Rd	Mount Gambier	CT	5848	60	
D194650AL848	Lot 848	White	Av	Mount Gambier	CT	5848	60	Avey Rd to Tollner Rd
F194713AL101	Lot 101	Jubilee	HWYW	Suttontown	CT	6089	38	Jubilee Hwy West to Wandilo Rd
F217266AL194	Lot 194	Jubilee	HWYW	Suttontown	CT	6089	38	
F194734AL122	Lot 122	Jubilee	HWYW	Suttontown	CT	6089	38	



5.4 JOINT PLANNING BOARD – REPORT NO. AR21/68151

Committee:	Economic and Environment Committee
Meeting Date:	1 November 2021
Report No.:	AR21/68151
CM9 Reference:	AF20/456
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Tim Coote, General Manager City Growth
Summary:	A report proving an update on the formation of a Joint Planning Board
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR21/68151 titled 'Joint Planning Board' as presented on 01 November 2021 be noted.



TYPE OF REPORT

Legislative

BACKGROUND

Council at its meeting in March 2020 considered the opportunity to form a Joint Planning Board incorporating the seven councils within the Limestone Coast Local Government Association. At this meeting Council determined:

“That Council endorses the draft Joint Planning Board Agreement (at attachment 1) and agrees that the Mayor and Chief Executive Office execute the agreement on behalf of the City of Mount Gambier.

That the Mayor be the City of Mount Gambier representative on the Joint Planning Board, with the Deputy Mayor appointed as proxy.”

The Planning, Development and Infrastructure Act 2016 provides councils with the ability to enter Planning Agreements to form Joint Planning Boards (JPBs) which are intended to foster collaborative arrangements between Council and the State.

JPBs can form a range of functions, including the core function of preparing a Regional Plan for the area, in this case a Regional Plan for the Limestone Coast which provides opportunity to drive strategic planning at a regional level and set the vision and objectives for the region. In circumstances where there is no JPB established the State Planning Commission will lead the preparation of the Regional Plan.

The formation of a Joint Planning Board for the Limestone Coast was being facilitated and managed by the Limestone Coast Local Government Association on behalf of the seven member Councils.

PROPOSAL

The formation of a Joint Planning Board for the Limestone Coast was discussed at the Limestone Coast Local Government Association meeting held on 15th October, 2021.

At this meeting the Limestone Coast LGA have determined to not proceed with the formation of a Joint Planning Board for the Limestone Coast Councils with the Limestone Coast LGA investigating alternative opportunities to partner with the State Government in the development of the Regional Plan for the Limestone Coast.

Some of the reasons for not proceeding with the formation of a Joint Planning Board included:

- Councils can still be involved in the development of a Regional Plan without forming a JPB
- It is unclear if insurance could be obtained to cover the Joint Planning Board
- The Joint Planning Board is an additional level of governance requiring additional funding
- Other opportunities are available to development with the State Government to develop a Regional Plan, such as a partnership arrangement with the Limestone Coast LGA

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

N/A



COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

Council will still have the ability to provide input in the preparation of a Regional Plan for the Limestone Coast on behalf of the community.

ENVIRONMENTAL IMPLICATIONS

Council will still have the ability to provide input in the preparation of a Regional Plan for the Limestone Coast on behalf of the community.

SOCIAL IMPLICATIONS

Council will still have the ability to provide input in the preparation of a Regional Plan for the Limestone Coast on behalf of the community.

CULTURAL IMPLICATIONS

Council will still have the ability to provide input in the preparation of a Regional Plan for the Limestone Coast on behalf of the community.

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

Council will no longer need to consider funding support for the operation of a Joint Planning Board.

RISK IMPLICATIONS

Council will still have the ability to provide input in the preparation of a Regional Plan for the Limestone Coast on behalf of the community.

EQUALITIES AND DIVERSITY IMPLICATIONS

Council will still have the ability to provide input in the preparation of a Regional Plan for the Limestone Coast on behalf of the community.

ENGAGEMENT AND COMMUNICATION STRATEGY

There may be some involvement from Council to encourage input and/or feedback from the community in respect to the formation of the Regional Plan. At this time, this process has not been determined.

IMPLEMENTATION STRATEGY

Yet to be determined.



CONCLUSION AND RECOMMENDATION

At this time there is no further action required from Council.

ATTACHMENTS

Nil



6 MEETING CLOSE



**MINUTES OF CITY OF MOUNT GAMBIER
ECONOMIC AND ENVIRONMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON MONDAY, 6 SEPTEMBER 2021 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Christian Greco (Presiding Member), Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec, Cr Frank Morello

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Executive Administrator Community Wellbeing	- Ms A Lavia

1 ACKNOWLEDGEMENT OF COUNTRY

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.

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

That the apology from Cr Ben Hood be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Mayor Lynette Martin

That the minutes of the Economic and Environment Committee meeting held on 3 May 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil



5 CONFIDENTIAL ITEMS

5.1 COMMUNITY HEALTH INFORMATION – REPORT NO. AR21/51525

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors C Greco, K Amoroso, M Bruins, B Hood, P Jenner, S Mezinec and F Morello and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.1 AR21/51525 Community Health Information.

The Economic and Environment Committee is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- 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, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes third party commercial information provided to Council in confidence which, if released, could confer an advantage or prejudice the commercial position of a third party and breach a duty of confidence.

CARRIED



COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Mayor Lynette Martin

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR21/51525 Community Health Information and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order is made by Council, to be reviewed at least once every 12 months.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/53732

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors C Greco, K Amoroso, M Bruins, B Hood, P Jenner, S Meziniec and F Morello and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.2 AR21/53732 Sale of Land for Non-Payment of Rates.

The Economic and Environment Committee is satisfied that, pursuant to section 90(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)

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED



COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.2 AR21/53732 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/53765

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors C Greco, K Amoroso, M Bruins, B Hood, P Jenner, S Meziniec and F Morello and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.3 AR21/53765 Sale of Land for Non-Payment of Rates.

The Economic and Environment Committee is satisfied that, pursuant to section 90(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)

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED



COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.3 AR21/53765 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

6 MEETING CLOSE

The Meeting closed at 5:59 pm.

The minutes of this meeting were confirmed at the Economic and Environment Committee held on 1 November 2021.

.....
PRESIDING MEMBER

