



City of
Mount Gambier

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

Date: Monday, 6 July 2020
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Economic and Environment Committee Meeting 6 July 2020

Andrew Meddle
Chief Executive Officer

2 July 2020

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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)

That the apology(ies) from Cr Steven Perryman be received.

3 CONFIRMATION OF MINUTES

[Economic and Environment Committee Meeting - 2 March 2020](#)

RECOMMENDATION

That the minutes of the Economic and Environment Committee meeting held on 2 March 2020 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 REMOVAL OF PARKING SPACES AND INSTALLATION OF NO STOPPING AREAS ON COMPTON STREET – REPORT NO. AR20/33840

Committee:	Economic and Environment Committee
Meeting Date:	6 July 2020
Report No.:	AR20/33840
CM9 Reference:	AF19/412
Author:	Andrew Thompson, Design Engineer
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	This report proposes the removal of a parking bay and the installation of a “No Stopping” area in Compton Street (eastern side) to facilitate truck deliveries.
Community Plan Reference:	Goal 1: Our People

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/33840 titled ‘Removal of parking spaces and installation of No Stopping areas on Compton Street’ as presented on 06 July 2020 be noted.
2. The Traffic Impact Statement attached to the Economic and Environment Committee Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage;
 - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Prohibited area	NO STOPPING
1.1.505	
 - (b) COMPTON STREET (Eastern Side) - From 118 metres to 126 metres south of the intersection with Commercial Street East-to apply at all times.

Prohibited area	NO STOPPING
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BACKGROUND

Council has received a request from the Management of “She’s Apples” for the removal of one car park space on Compton Street and replace it with a “No Stopping” zone as part of the new She’s Apples development. The removal of the parking will allow safe navigation of delivery trucks.

DISCUSSION

Before the development of ALDI, Coles and She’s Apples; the existing number of car parks in the area were 587 spaces. After the new development of ALDI, Coles and She’s Apples; there will be a total of 630 car parking spaces. See figures broken down below. On balance, the removal of the car parking space adjacent to the She’s Apples driveway will have negligible impact.

The She’s Apples development did not require planning approval as the existing building was a shop and there was no change in use.

Before Development:

Target car park: 346 spaces

Fidlers car park: 40 spaces

Compton Street shopping precinct (Now She’s Apples): 74 spaces

South Australian Hotel: 8 spaces

On street: 119 spaces total

Compton Street: 45 spaces

Sturt Street: 23 spaces

Ferrers Street: 29 spaces

Commercial Street East: 22 spaces

Total: **587 Spaces**

After New Developments:

COLES car park: 326 spaces

ALDI car park: 114 spaces

Compton Street shopping precinct (Now She’s Apples): 74 spaces

South Australian Hotel: 8 spaces

On street: 108 spaces total

Compton Street: 40 spaces

Sturt Street: 23 spaces

Ferrers Street: 23 spaces

Commercial Street East: 22 spaces

Total: **630 Spaces**



CONCLUSION

It is recommended that Council remove the car park and establish a “No Standing” area as noted.

ATTACHMENTS

1. New Shes Apples Site - Southern Driveway - Park Removal Request - Street Photo [↓](#) 
2. Photograph Target Carpark [↓](#) 
3. Traffic Impact Statement Compton Street [↓](#) 





Additionally, this is an aerial photograph of the Target carpark on a busy day in 2016. Even with 103 vehicles in the car park, it is only at 30% capacity.



TRAFFIC IMPACT STATEMENT

Removal of Parking Bay and Installation of No Stopping Area Compton Street

Part A – Traffic Management

It is the view of the undersigned that the Removal of a Parking Bay and Installation of No Stopping Area in Compton Street will not be detrimental to traffic management in the area.

Part B – Road Safety Effects

It is anticipated that the proposal will not have any negative impacts on road safety.

Conclusion

In the opinion of the undersigned, the Removal of a Parking Bay and Installation of No Stopping Area in Compton Street will not have negative impacts on traffic management or road safety and is therefore deemed appropriate for the area.



.....
Nick SERLE
GENERAL MANAGER-CITY INFRASTRUCTURE

30 June 2020



5.2 REGIONAL ASSESSMENT PANEL - PROPOSED MODEL – REPORT NO. AR20/38060

Committee:	Economic and Environment Committee
Meeting Date:	6 July 2020
Report No.:	AR20/38060
CM9 Reference:	AF19/412
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report presents a proposed model for a Regional Assessment Panel prepared by the four Councils in the Lower Limestone Coast.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/38060 titled 'Regional Assessment Panel - Proposed Model' as presented on 06 July 2020 be noted.
2. That Council endorse the Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models as presented with Report No. AR20/38060.
3. That the Chief Executive Officer (or delegate/s) be authorised to finalise any administrative arrangements necessary to reach agreement between the proposed member Councils on Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models, provided that any further amended details are based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.
4. That the Chief Executive Officer be authorised to approach the Minister to seek the establishment of a Regional Assessment Panel and to prepare a cost sharing / resourcing agreement between the member Councils the outcome of which to be the subject of a future report to Council.



BACKGROUND

Council considered and endorsed a proposal for a Joint Planning Board. This proposal is separate to that and uses existing powers for two or more Councils to request the formation of a Regional Assessment Panel from the Minister for Planning. This request is a result of a struggle across the Limestone Coast to find accredited professionals to serve on Council Assessment Panels.

At the Economic and Environment Committee Meeting held on 2 March 2020 and subsequent March Ordinary Council meeting Report No. AR20/10881 titled '*Joint Planning Board for the Limestone Coast Region*' was considered and Council resolved as follows:

"1. That Economic and Environment Committee Report No. AR20/10881 titled 'Joint Planning Board for the Limestone Coast Region' as presented on 02 March 2020 be noted.

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

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

Progression of the Joint Planning Board will continue but has been overshadowed by a more pressing regional issue associated with the requirement to establish (Development) Assessment Panels with the imminent commencement of the outstanding provisions of the Planning, Development and Infrastructure Act and associated Assessment Panel Member accreditation requirements.

As Council are aware, South Australia is currently undergoing the biggest modernisation of its planning system in almost 30 years. The new planning system is underpinned by the new Planning, Development and Infrastructure Act 2016 and introduces a raft of new tools and a 24/7 digital e-planning system that will allow South Australians quick and easy access.

On 1 July 2019, Phase 1 of the new planning system became operational in outback areas. Phase 2 (rural areas) are intended to go live in the new system at the end of July, 2020 (including the District Council of Grant, Wattle Range Council and District Council of Robe). Phase 3 Councils are anticipated to go live in the new system at the end of September, 2020 (City of Mount Gambier). As a result of this time pressure, the three other (District Council of Grant, Wattle Range Council and District Council of Robe) are recruiting for a regional assessment manager.

One of the key challenges for non-metropolitan Adelaide/regional Council's will be the establishment of suitably qualified and accredited Assessment Panels and Assessment Managers, given the scarcity of such people in the regions. Without some form of assessment panel, Council will be in breach of its legislative requirements and would be placing a road block to development approvals that required a panel decision, but for which a panel will not exist on the implementation of the Planning and Design Code for the City.

DISCUSSION

This report proposes the City of Mount Gambier work towards establishing a Regional Assessment Panel with the District Council of Grant, Wattle Range Council and the District Council of Robe. This is separate to the establishment of a Joint Planning Board.

The PDI Act encourages the involvement of Elected Members in the creation and setting of the strategic direction for the region through the establishment of a Joint Planning Board and the development of a Regional Plan rather than through involvement in development assessment.



It is through the establishment of a Regional Plan that councils can influence the scale, location and types of developments that are encouraged or envisaged to occur within the Limestone Coast and each Council area.

The assessment of Development Applications is then guided by the direction the Regional Plan identifies. In relation to an actual Assessment Panel it is noted the Planning Development and Infrastructure Act 2016 (PDI Act) enables one member of a Council to be a Member on a Council Assessment Panel. The Act also enables a former member of Council to be a Member of a Council Assessment Panel should Council be satisfied of the person's experience in Local Government.

In accordance with the new Act the City of Mount Gambier established a Council Assessment Panel (replacing the former Council Development Assessment Panel - CDAP) in 2017.

Under the soon to commence provisions of the new Act, Members of Assessment Panels as well as Assessment Managers will be required to attain prescribed qualifications and accreditation. Although the Act does recognise if a member of an Assessment Panel is a former member of a Council, and is appointed to a Panel on account of the person's experience in local government, the person does not need to be an accredited professional. This latter exemption will cease when the City of Mount Gambier goes live as a Phase 3 Council.

It has become apparent that our neighbouring Councils in the Limestone Coast region, as well as the City Council Assessment Panel, will struggle to maintain a locally sourced membership that meet the accreditation requirements. Neighbouring Councils will also be deficient in eligible persons to be appointed and fulfil the duties of an Assessment Manager, hence the recruitment underway by them currently.

The northern Limestone Coast Councils (Tatiara, Kingston and Naracoorte Lucindale Councils) have already acknowledged these deficiencies and are acting to obtain Ministerial consent to establish a Regional Assessment Panel for the three councils thus reducing their collective panel membership requirements and requiring only a single Assessment Manager appointment between them.

Discussions between the Chief Executive Officers and Professional Officers (including Building, Planning and Governance) have identified that the lower Limestone Coast District Councils (DC Grant/Wattle Range Council and DC Robe) will reach a critical point with regard to their Assessment Panel memberships and Assessment Managers at the end of July 2020 when Stage 2 Councils complete their transition to the new Act, with the City of Mount Gambier Assessment Panel membership to be similarly affected later in 2020.

Currently the City of Mount Gambier Assessment Panel (CAP) consists of four members: three independent members and one Council Member. The CAP is currently operating with one vacancy, which Council has and continues to experience difficulties in appointing a suitably accredited fifth Member. Discussions with the independent members indicate that three current members would be prepared to be part of the panel once the new requirements are in place.

Council's unsuccessful attempts to recruit a suitably qualified fifth member, supports the recommendations in this report to progress to a Regional Assessment Panel with the other Lower Limestone Coast Councils. As an *aide memoir*, the City Council has now attempted to recruit three times to the vacancy and has increased the fees payable for such work. Discussions with third parties who might be interested include the need to pay for travel, accommodation, preparation time and meeting time, together with ancillary expenses.

The City of Mount Gambier currently employs two people who meet the accreditation requirements for the Assessment Manager, with a third employee working to attain the accreditation (By August 2020) and a further employee anticipated to meet the accreditation requirements in two years. Council's Manager Development Services, Tracy Tzioutziouklaris is Council's current appointed Assessment Manager, and who meets accreditation requirements and can continue in this role.



The strength in the level of accredited professionals within the Council is something that may be of benefit in terms of sharing across the region on a cost recovery basis, rather than a need to employ an additional member of staff across the three or four councils involved.

This report therefore explores the principle, the requirements and the mechanics of forming a Regional Assessment Panel (RAP) with DC Grant, DC Wattle Range and DC Robe.

This situation puts the regional District and City Councils at a crossroad, with three apparent options:

1. To do nothing, and be continually addressing deficiencies in Panel Membership and inability to appoint local Assessment Managers and placing the Council at legislative risk;
2. To address the deficiencies through appointment of (Adelaide) City based consultancy firms and/or individuals to the Assessment Panels, with associated costs and loss of local planning assessment input; or
3. To collaborate as a region and, like the northern Limestone Coast and other regional Councils, establish a Regional Assessment Panel thus supporting the promotion of local/regional input into the planning process, including the continued development of potential eligible future Assessment Panel Members and Assessment Managers.

Decisions by each of the Southern Limestone Coast Councils in this regard have become somewhat urgent, due to the lead time required to obtain approvals and to implement alternate panel arrangements and the looming deadline for the Stage 2 Councils.

The urgency for the City of Mount Gambier is not as acute as for the District Councils, but will become so in the coming months if no decision is made, and if the opportunity to collaborate with the other three councils is missed then the default position for the City of Mount Gambier will likely be a combination of options 1 and 2 above.

The proposed approach is to share a single (Regional) Assessment Panel and Assessment Manager. The administration associated with the Panel and Assessment Manager would be addressed in a cost sharing / resourcing agreement between the councils including review provisions and a level of flexibility in the location where meetings are held to accommodate applicants and respondents from each council area.

It should be noted that certain matters associated with Regional Assessment Panels and Assessment Manager appointments are prescribed in the Act and Regulations and not for debate. Once approved and gazetted by the Minister the Regional Assessment Panel would replace the Council Assessment Panels and would be an irreversible decision without further Ministerial approval.

At this stage the establishment of a Regional Assessment Panel would not have a direct effect on the local assessment of development applications by the relevant officers of each council under delegation, in the same manner that planning and building administration currently occurs, or will occur under the e-planning regime that will be implemented under the new Act irrespective of whether each council has its own or participates with a Regional Assessment Panel.

It should be noted however that a Regional Assessment Manager, which would result from the establishment of a Regional Assessment Panel, will solely determine the delegations to be granted to individual positions or persons of each member council, in the same manner as each council's own Assessment Manager would under the new Act.

In terms of Elected Member representation, the legislation around Regional Assessment Panels would allow for a single Elected Member to serve. It is recommended that two are appointed from the four Councils – a primary member and a proxy (from different councils) to prevent conflicts of interest preventing local representation.



This report recommends that Council, having considered the impending deficiencies and implications of maintaining its own Council Assessment Panel, Council endorse the Regional Assessment Panel approach and authorise the Chief Executive Officer (or delegate/s) to finalise the administrative details associated with the proposal, and to further authorise an application to the Minister for the establishment of a Regional Assessment Panel that includes the City of Mount Gambier.

Decisions as to the composition of a Regional Assessment Panel – for both Accredited Professionals and Elected Members – would be subject to a further decision of Council.

CONCLUSION

Having received the report detailing anticipated deficiencies with the continuation of a Council Assessment Panel and considered the benefits of a regional model, this report recommends the establishment of a Regional Assessment Panel and associated administration.

ATTACHMENTS

Nil



5.3 ADELAIDE CITY COUNCIL ENERGY PROJECT – REPORT NO. AR20/38224

Committee: Economic and Environment Committee
Meeting Date: 6 July 2020
Report No.: AR20/38224
CM9 Reference: AF19/412
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer
Summary:
Community Plan Reference: Goal 1: Our People
Goal 2: Our Location
Goal 3: Our Diverse Economy
Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/38224 titled 'Adelaide City Council Energy Project' as presented on 06 July 2020 be noted.



BACKGROUND

The following Question Without Notice was asked at the Council meeting on 18th February 2020:

“Can the City of Mount Gambier gather detailed information about this plan, costs, arrangements etc. so that Council can examine whether such a plan may have benefits for Council operations and our community as part of our strategic plan implementation?”

As a result of this question, the Chief Executive Officer contacted Adelaide City Council for further information. The Chief Executive Officer received the information in the following section as a result of the result.

What is clear from the limited amount of information provided, is that this a project of the scope and scale of a capital city municipality, which required significant investment. The lessons learned may have limited transferability.

DISCUSSION

Adelaide City Council (ACC) uses 22,000MW per annum [Mount Gambier uses to support its operation of a range of council facilities including offices, libraries, community facilities, an aquatic centre, traffic lights, car parks, etc.. The Council set itself a target in 2007/8 to be carbon neutral by 2020. Part of that work was to focus on renewable energy sources.

ACC already have a significant renewable energy source from their photovoltaic cells on their buildings. However, increasing the building coverage would still not have met their needs. In order to understand what they wanted, a specialist energy consultant was engaged to support a tender process, as this was expected to be the largest contract that ACC had entered into, with exclusion of property acquisition.

The reason that ACC wanted to explore this space was to ensure:

- Actual cost of electricity;
- Cost certainty over the longer term; and
- Renewable energy preference.

The energy consultant considered the amount of energy use, the time that usage occurred, the options for procurement and how best value could be delivered. As a result of advice from their energy consultant, they reduced their options to three, as follows:

1. Procure through a normal electricity contract and pay a premium for renewable energy;
2. Build, own and operate their own renewable energy installation; or
3. Link ACC need to a supply and generation contract.

The first two were discounted as the first was considered too expensive and the second was considered to not be the role of ACC. The third option was chosen, but there was a very limited understanding of such an agreement in SA. There was more use of such agreements interstate where bigger corporates and universities had entered into such agreements. As a result ACC were not confident that any companies would express an interest in such an agreement. The specialist consultant engaged with seven or eight companies anonymously to test demand.

As a result an Expressions of Interest process was undertaken and ten companies responded. One of these were late, one was non-conforming and a third had a conflict of interest requiring a change to ACC's legal provision. As a result, a select tender process was undertaken and six companies responded. All of these offers were then modelled by ACC's specialist against a variety of current and future scenarios.



The Council used the services of a Probity Advisor and a required a Prudential Review, which was undertaken by BRM Advisory (who are providing advice to this Council on the Community and Recreation Hub). They then had to change their legal representation mid-project as their existing company had a conflict of interest with one of the tenderers and the work went to an inter-state firm.

The resultant work was then processed by Council staff and the external support and presented back to Council. Each tenderer was given a pseudonym. A decision was then taken and delegated to the CEO for negotiation. This then became difficult given the complexity of the negotiations and further specialist help was needed.

As part of this a number of Adelaide City Council sites were transferred to smart meters as part of the agreement, affecting about 150 premises in total. The agreement will deliver electricity from three sources:

- Clements Gap wind farm (75%) [existing]; and
- Coonalpyn & Streaky Bay (25%) [both new]

The two solar farms give an increased timeframe for generation given their geographical location.

CONCLUSION

This approach represents a capital city solution to a problem faced by a number of large councils and organisations in this state. Whilst it has merit for the scale of the issue faced, it is not necessarily transferrable for smaller councils or councils with smaller electricity demand. Council will need to take specialist advice should it seek to commit to a large scale solar facility at Caroline as to the way in which that might be consistent with the Adelaide City Council approach.

ATTACHMENTS

Nil



5.4 LOCAL GOVERNMENT REFORM UPDATE – REPORT NO. AR20/38225

Committee:	Economic and Environment Committee
Meeting Date:	6 July 2020
Report No.:	AR20/38225
CM9 Reference:	AF19/412
Author:	Andrew Meddle, Chief Executive Officer
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	A report enabling consideration of the Local Government Review Bill 2000 – Summary of Major Changes paper and for a response to be provided to the LGA.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/38225 titled 'Local Government Reform Update' as presented on 06 July 2020 be noted.
2. That Council support the content of the LGA Local Government Review Bill 2020 – Summary of Major Changes paper **OR**
That Council support the content of the LGA Local Government Review Bill 2020 – Summary of Major Changes paper with the exception of the text relating to **[enter content]**.
3. That the Chief Executive Officer be instructed to advise the LGA, in writing, of the Council's decision.



BACKGROUND

In August 2019 the Minister for Transport, Infrastructure and Local Government / Minister for Planning released “*Reforming Local Government in South Australia - Discussion Paper*” for consultation on 72 proposed reforms which was provided Discussion paper was provided to Members on the evening of its release. Elected Members were made aware of the document’s release at a briefing on 5 August 2019 and the briefing was placed on the extranet the following day. The Local Government Association also released a response paper in August 2019.

These documents were re-circulated to Members in the Friday Edition on 27 September 2019 in preparation for a Member Briefing on Monday 30 September 2019. Submissions on the reform proposals were sought by the Minister by 1 November 2019. The matter was considered by the People and Place Committee on 8 November 2019 and a response submitted following the Council meeting that month.

Following consideration of the draft responses, a draft Bill has now been put before Parliament. As a response to the Bill, the Local Government Association has published its *Local Government Reform Bill 2020 - Summary of Major Changes*, which can be found as **Attachment 1**. They are seeking feedback on their responses by 9 August 2020. There is also the possibility of a regional workshop as part of this process, the arrangements for which are currently unknown.

DISCUSSION

The principal issues in this document appear to be dominated not just by sectoral reform, but also by rate capping.

S.59 and S.62 are particularly relevant in light of recent activities affecting the Community and Recreation Hub.

S.123 and S.273 both give cause for concern for the LGA and for member councils. Whilst a number of provisions require greater clarity before member councils can consider their position, these two provisions have a likely significant impact and adopt a position to which the LGA has been fundamentally opposed.

The general thrust of the paper is consistent with the LGA’s position, whilst the Bill itself is consistent with the approach taken to reform in 2019. As such, there are no significant surprises, but there is a level of detail lacking which will only become apparent when the flesh is put on the bones of any future Act, through secondary legislation.

CONCLUSION

It is recommended that Council consider the LGA Major Changes paper and support the LGA proposed position or provide a list of those sections where it does not support the LGA proposed position.

ATTACHMENTS

1. LGA - Summary of Local Government Review Bill 2020 - Last updated 23/06/2020 [↓](#) 





The voice of local government.

Local Government Review Bill 2020

Summary of major changes

The Local Government Review Bill 2020 ('the Bill') was introduced in the House of Assembly by the Minister for Transport, Infrastructure and Local Government on 17 June

The following table sets out the substantive changes proposed in the Local Government Review Bill 2020 and provides preliminary LGA comments on the proposed reforms. The LGA will consult with member councils before finalising a position on the Bill.

The 'LGA Guidance' colour code is based upon previous consultation with member councils, decisions of LGA General Meetings and positions taken by the LGA Board.

The LGA has been advocating for sensible and effective legislative change and adopted a local government reform agenda in 2017. The Bill includes some of the reforms advocated by the LGA, particularly in relation to an improved framework for managing issues of behaviour.

Unfortunately, the Bill also includes unwarranted and expensive proposals that can replace local decision making on council budgets and services with broad powers for a Minister to direct a council in these matters, such as setting a cap on council rates. The local government sector has a longstanding policy position to oppose rate capping in any form. Information about why rate capping is bad public policy can be found [here](#).

The Bill is expected to be debated in the House of Assembly in July 2020 and the Legislative Council in September. If passed by the Parliament, the new clauses would probably not commence for several further months.

The LGA is seeking submissions from councils on the Bill by Friday 9 August 2020.

Details about consultation workshops being held for metropolitan and regional councils will be available shortly.





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
6 Principal role of council.	New. “6(b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities.”		The LGA is seeking clarification on what that means in practice and whether this additional principal creates grounds for council budgetary decisions to be contested.
7 Functions of a Council	New. (ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council.		A number of additions in the ‘role’ and ‘functions’ sections tie into later changes relating to rate setting and Ministerial directions. These preliminary sections related to the role and functions of council are considered to be acceptable, but the later sections on rate capping and new Ministerial ability to override council policies are strongly opposed.
8 Principles to be observed by a council	(ea) Seek to collaborate, form partnerships and <i>share resources</i> with other councils... (h) seek to ensure that council resources are used fairly, effectively and efficiently <i>and council services, facilities and programs are provided effectively and efficiently.</i> (ia) seek to balance the provision of services facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers.		The additional wording introduced by this clause is in <i>italics</i> . A number of additions in the ‘role’ and ‘functions’ and ‘principles’ sections tie into later changes relating to rate setting processes.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
11A Number of elected members	<p>The number of members of a council (including the Mayor) will be capped at 12.</p> <p>Remove current Representation Review clauses.</p> <p>New requirement to review number of wards and number of electors per ward. But no longer need to review the number of members.</p> <p>If a council conducts a review by 2022, they can implement this change for 2022 council elections.</p> <p>If not, then must implement by the 2026 elections.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p> <p>During sector consultation in 2019, most councils preferred to retain their current arrangements.</p> <p>If councils have started a Representation Review under current Act, they can use this process for purpose of this section.</p> <p>This proposal is designed to be a simpler process and respond to feedback from councils that the current Representation Review process is overly complex.</p>
12 Rep review process -deleted	<p>If a council has area councillors but not wards, they will not need to perform a representation review.</p> <p>Councils must consult with the public re the representation report. The resulting report must include public submissions.</p>		<p>If a council has wards, they may still need to conduct a representation review on the optimal number of electors in each ward.</p> <p>The Bill includes transitional provisions that will capture reviews that have already commenced or will commence before the 2022 council elections.</p>
44 Delegations	<p>Amendment to include Joint Planning Boards as a possible delegate.</p>		<p>Councils retain the ability to make decisions about delegations and the terms and conditions of a delegation. There is no requirement to make a delegation.</p>



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
<p>50</p> <p>Current public consultation sections deleted</p>	<p>New.</p> <p>Introduces one Community Engagement Charter for the whole local government sector.</p> <p>This will replace many individual sections requiring councils to report info, consult, publish in newspapers, keep hard copy at principal office, etc</p> <p>The Charter will be decided by the Minister and Gazetted and will apply across all councils.</p> <p>Some parts will be mandatory, others will be up to council policy (See 50A).</p> <p>The Minister approves and varies the Charter, after consultation with the LGA.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position</p> <p>The concept of a state-wide Community Engagement Charter is consistent with the LGA's previous local government reform submission.</p> <p>Consolidating consultation arrangements within one state-wide charter could lead to savings and efficiencies by reducing duplication and allowing for more targeted and effective consultation to occur.</p> <p>Local government will be consulted on the development of and any variation to the Charter, via a process facilitated by the LGA.</p> <p>To be effective, it is considered that the Charter needs to:</p> <ul style="list-style-type: none"> • Clarify the matters that councils must consult on, but not require councils to consult on minor or uncontroversial decisions; and • Ensure complaints about non-compliance with the Charter are dealt with in an efficient manner through an administrative process.
<p>50A</p>	<p>Each council must have its own policy on how to implement the Community Engagement Charter.</p>		<p>A large number of sections in the Act relating to specific consultation on specific matters are deleted, as a consequence of new ss 50 and 50A.</p> <p>Councils must consult with the community regarding adoption of their Policy or if they want to vary it. This policy must be consistent with the Charter.</p> <p>A failure to comply with a Community Engagement Charter or the council's related community engagement policy still exposes the subsequent council decision to judicial review.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
54 Casual vacancy	<p>If a council member resigns to take up another position (eg Mayor) their position as member becomes vacant.</p> <p>Councils can go to next election without filling the casual vacancy if an election is to be held within the next 12 months (currently 7 months) or January 1.</p>		<p>This proposal is consistent with the LGA's previous local government reform submission.</p>
55A Elected Members running for Parliament	<p>If a council member runs for State Parliament, they are automatically granted a 'leave of absence'.</p> <p>The leave commences at the close of nominations –even if the member/candidate is campaigning earlier.</p> <p>The provision applies to any council office - including council committees and subsidiaries.</p> <p>If a candidate withdraws their nomination, - they are automatically reinstated to their council position.</p> <p>Members will not receive remuneration/ allowances during the leave period.</p> <p>In subsection 5, candidates can't use council facilities in this leave period.</p>		<p>This proposal is consistent with the LGA's previous local government reform submission.</p> <p>During previous elections, there have been inconsistent approaches by candidates in relation to standing down from council roles and payment of allowances. These proposed provisions create a level playing field for all council members.</p> <p>It appears that council members can still call themselves 'Mayor' or 'Councillor' during the leave of absence.</p> <p>The LGA will seek feedback from member councils on the optimal wording for this section.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
58 Role of Principal Member (usually called Mayor)	<p>New sections clarifying the role of a principal member of council. This includes:</p> <ul style="list-style-type: none"> • “Providing leadership and guidance to the council. • To lead the promotion of positive and constructive working relationships amongst members of the council • To provide guidance to council members on the performance of their role; and • To support council members understanding on the separation of responsibilities between elected representatives and employees of the council.” 		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p> <p>Mayors are not given specific new powers.</p> <p>The proposed section states general principles, setting out what the principal member’s leadership role entails.</p>
59 Role of members of council	<p>New.</p> <p>It will be a role of council members to act with integrity.</p>		<p>‘Integrity’ is not defined and will have a common law definition.</p> <p>The existing Act and Bill contain specific sections about integrity, which are still primarily regulated by ICAC, the OPI and Ombudsman.</p>
62 General Council Member duties	<p>The prohibitions on disclosure of confidential council information are extended to documents that the council member “knows or ought reasonably to have known is ...required to be treated confidentially”.</p>		<p>This change will clarify council member confidentiality obligations and make it easier to establish that a breach has occurred.</p>



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
68 Council Member Register of Interests	<p>(1a) If a council member fails to return their Register after a defined period (in most cases 12 months) the member will be suspended.</p> <p>(1b) If a member is suspended under this section, so are their member allowances.</p> <p>(3a) If the member subsequently submits a return, to the satisfaction of the CEO, the CEO will publish a notice on website to this effect.</p> <p>(3a)(b) The suspension is revoked upon publication of this notice.</p> <p>(3b) If the failure to submit a return continues, the CEO may refer to SACAT</p>		<p>Consultation with member councils in 2019 showed support for clear consequences for a breach of this requirement.</p> <p>The proposed clause gives council CEOs a role in imposing consequences, including exercising a degree of discretion (ie determining whether the return is satisfactory).</p> <p>The LGA will seek feedback from member councils on the optimal wording for this section.</p>
70 Inspection of a Register	<p>The Register will now no longer publish the home address of a councillor.</p> <p>Additional information can be suppressed for personal safety.</p>		<p>This proposal is consistent with the LGA's previous local government reform submission.</p>
73 Register of gifts and benefits	<p>The Minister will declare the threshold amount for the purpose of this clause.</p> <p>The Minister must consult the LGA prior to making this declaration.</p>		<p>This proposal is consistent with the LGA's previous local government reform submission.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
74-75C Conflicts of Interest	<p>The three categories of Conflict of Interest are reduced to two: 'General Conflicts of Interest' and 'Material Conflicts of Interest'.</p> <p>A member of a council will not be regarded as having a conflict of interest in a matter if the interest is held in common with a 'substantial proportion' of the ratepayers, electors or residents of the council area (if that interest is equal).</p> <p>Onus is on the council member to declare/decide whether they have a conflict. Failure to declare a conflict can result in penalties.</p>		<p>The new sections are simpler and less confusing. They should allow greater council member participation in decision-making where there is no actual conflict, or the conflict can be managed appropriately.</p> <p>Areas where further clarification is required include:</p> <ul style="list-style-type: none"> • circumstances where the council has nominated an elected member to the board of another legal entity, • mechanisms for abstaining; and • the 'substantial proportion' test.
75E Member 'Behaviour Standards'	<p>The Minister may publish and vary 'Member Behaviour Standards'. These Standards are not set out in the Bill.</p> <p>They apply State-wide.</p> <p>The Minister must consult the LGA first.</p> <p>Minister's decision will be published in the <i>Government Gazette</i>.</p>		<p>There will continue to be multiple (but slightly different) sources of rules that govern member behaviour. This includes:</p> <ul style="list-style-type: none"> • the Act, • in these proposed 'Member 'Behaviour Standards'; and • in the 'Council Behavioural Support Policies' (see s75F). <p>This could be confusing, and it will be important for the LGA to provide support and guidance.</p> <p>These standards will be reviewable by Parliament, which provides a level of oversight of the decisions made by a Minister.</p>



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
<p>75F Council Behavioural Support Policies.</p>	<p>Council may implement their own policies on how to support “appropriate behaviour by members of the council”. These can’t be inconsistent with the Behavioural Standards.</p> <p>Council must review these within 6 months of general elections.</p> <p>Council must consult the public on these.</p> <p>Council members must comply with their CBSPs.</p>		<p>Sector feedback indicated that dedicated meetings (usually just after elections), where councillors deliberated and then agreed on behavioural standards, led to strong improvements in meeting culture.</p> <p>The Bill will enable each council to address these issues and to approve their own policy.</p> <p>Members may face sanctions for a breach of a CBSP.</p> <p>The Council itself can impose limited sanctions (see s262C).</p> <p>A breach of the CBSP could constitute ‘misbehaviour’ (s262E), could be referred to the new Behavioural Standards Panel and could result in more serious sanctions or penalties.</p>
<p>75G Council member health and safety obligations</p>	<p>New.</p> <p>Council members are not ‘workers’ for the purpose of the WHS Act. But they will now have specific WH&S obligations.</p> <p>Council members must not adversely affect the health and safety of other members of council or employees.</p> <p>Could include a direction that a member of a council not attend a meeting of the council.</p> <p>Council members must follow the reasonable directions of a responsible person (usually the CEO) in this respect.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p> <p>The CEO will have clear powers to put in place arrangements to ensure employee safety. This could include, for example implementing administrative arrangements to limit contact between council members or between a council member and an employee.</p> <p>The LGA has sought advice from Norman Waterhouse Lawyers to clarify the proposed role of CEOs in administering this provision.</p> <p>Where appropriate in the circumstances, provision for alternative participation in a council or committees should be considered.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
76 Member Allowances	<p>Remaining: Member Allowances set by Remuneration Tribunal.</p> <p>LGA to pay Remuneration Tribunal their "reasonable costs".</p>		<p>The requirement of the Remuneration Tribunal to consult with the LGA and reach agreement on arrangements has been deleted.</p> <p>Clarification is required regarding "reasonable costs" to ensure there are appropriate limits on the cost to councils (via the LGA).</p> <p>100% of South Australian councils are currently members of the LGA and the enjoy the numerous savings and benefits that result from their membership. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future.</p>
80A Training & Development	<p>'LGA Training Standards' will still be specified in the Regs.</p> <p>Each council must adopt their own policy for conduct and completion of training and development by their members.</p> <p>If a council member has not completed the training, the CEO must suspend the council member unless the council member satisfies the CEO that good reasons exist.</p> <p>(See s262 for referral to Behavioural Standards Panel and penalties.)</p>		<p>The LGA submission recommended that there be approved candidate training and candidates must indicate whether they have completed the approved candidate training, when nominating for council elections.</p> <p>At present, the State Government does not intend to include these in the (yet to be drafted) Regulations.</p> <p>Feedback from members is required about the proposed role for council CEOs in enforcing compliance with the training standards.</p>



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
80B Suspension of Council Member subject to an intervention order	Suspend a council member who is the subject of an intervention order. The CEO will have a discretion to suspend a member		This proposal needs to be tested with member councils before the LGA forms a position. The LGA has sought advice from Norman Waterhouse Lawyers to clarify the proposed role of CEOs in administering this provision. Feedback from members is required about the proposed role for council CEOs.
90(3)(o) Meetings held in public	New exemption, allowing councils to discuss potential award recipients in confidence.		This is a minor but welcome amendment. This will allow the names of award-winners to not enter the public domain until the award is presented.
S90(8) Informal Meetings held in public	The rules relating to informal gatherings are simplified. The Bill replaces 'informal gatherings or discussions' with a simpler scheme of clearly defined 'information and briefing sessions'.		The current provisions are confusing and unintentionally broad. These new sessions will enable councils to more easily discuss and better understand their business but will also retain the expectation that these sessions cannot be used to obtain, or effectively obtain, decisions that should be made in a public council meeting.
New S90A	The concept of 'Information or briefing session' is described more carefully. If it is one of these, it needs to be open to the public and a record made. The CEO makes decisions regarding whether a matter will be on the agenda and if the group has 'effectively made the decision'.		As per S90(8) above.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
<p>S92 Access to meetings and documents</p>	<p>Councils must already have a Code of Practice about meetings and access to documents. The new obligation requires councils to consult with the public before adopting, altering or substituting this Code.</p> <p>Council reporting obligations are taken out of the various sections of the Act and will be replaced by a schedule, making it easier for councils and the public to understand what needs to be reported (and how).</p>		<p>Almost all of the reporting consultation provisions are removed from the Act and will be replaced by a schedule.</p> <p>Similarly, the Bill also removes requirements to have documents available to the public (online or in office) e.g. sections 77, 79, 105, 252, 259.</p>
<p>97(3)(a) Terminate a CEO</p>	<p>Before council can terminate a CEO's employment, they must have regard to advice from a "qualified independent person".</p> <p>Definition: "a legal practitioner OR someone determined by the council to have appropriate qualifications or experience in human resource management".</p>		<p>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</p> <p>Council must consider the advice but is not bound by it.</p> <p>This provision only applies to some of the grounds for termination. There is no requirement to obtain this advice if the CEO is 'guilty of an offence', etc.</p>
<p>98 Fill CEO Vacancy</p>	<p>Councils no longer need to advertise in a newspaper -instead, can use a website.</p> <p>Selection Panel: At least one is not a council member or member of staff.</p> <p>Before the CEO appointment, council must obtain and consider independent advice on the assessment of applications and recommendation on appointment</p>		<p>Councils will typically engage a suitably qualified and experienced third party to assist with CEO recruitment.</p> <p>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
99 (ia) and (ib) Role of CEO	<p>New subsections relating to CEO functions.</p> <p>A CEO must:</p> <ul style="list-style-type: none"> - ensure council has effective policies systems procedures, etc - Report annually to the relevant audit and risk committee on the council's internal audit process. 		<p>The section clarifies a role that most council CEOs perform already.</p>
99A Remuneration Tribunal extends to CEOs	<p>The Remuneration Tribunal will determine minimum and maximum remuneration for CEOs.</p> <p>The Remuneration Tribunal may have regard to any matter set out in the Regulations.</p> <p>ss(4) remuneration may differ based on geographical factors or other factors.</p> <p>Amounts may be indexed.</p> <p>The LGA will pay for the Remuneration Tribunals' reasonable costs.</p> <p>Councils must ensure the remuneration they pay is within the range set by the Remuneration Tribunal.</p>		<p>The proposed provisions are modelled on the Western Australia legislative scheme and were broadly supported by councils and the LGA in previous local government reform submissions.</p> <p>Clarification is required about how additional allowances (such as mobile phone, travel/fuel for country CEOs etc) will be considered/determined by the Tribunal.</p> <p>The Bill allows for a determination to be made 'from time to time'. Greater certainty should be provided about the minimum / maximum frequency of determinations, particularly as the cost of this process will be borne by councils (via the LGA).</p> <p>100% of South Australian councils are currently members of the LGA. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
102A CEO Performance review	New. A CEO Performance Review must occur at least once a year <u>and</u> "if relevant" before reappointment. Council must obtain independent advice by "qualified independent person" who is not a member of council and determined by the council (same as the requirements for CEO termination but a legal practitioner is not listed as an option. see 97(3), above).		The detail of this proposal needs to be tested with member councils before the LGA forms a position.
110 Code of conduct for employees	This is replaced by s119A		The employee register is designed to mirror the requirements for council members. CEOs have responsibility to manage this through council policies and industrial arrangements.
110A Duty to protect confidential information	Duty of employees to protect confidential information. Adds a new limb "employee knew or ought to have known that the information is to be treated confidentially".		This is consistent with the clarification for council members' confidentiality obligations.
119A Register of Gifts and Benefits for Employees	This was previously dealt with by Code of Conduct. The limit is intended to be the same as is currently declared by Minister.		The aim is for consistency in these arrangements, for employees and council members.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
<p>120A Employee Behavioural standards</p>	<p>Council must prepare and adopt standards. An employee must comply with these standards. These standards will set out: - grounds for suspending or dismissing, disciplinary action against the employee. Before a council adopts or alters these standards, they must consult with relevant industrial association re the Employee Behavioural standards and any subsequent variation. Within 6 months of periodic election, council must review these standards.</p>		<p>While the council will adopt the overall policy, the CEO otherwise remains in charge of employee matters. The LGA will consult with member councils and with the relevant trade unions</p>
<p>122 Strategic Management Plan</p>	<p>A Council's Long-Term Financial Plan -must be for a 10yr period. The LTFP must: (New) - outline council's approach to funding services and infrastructure - Set out council total revenue for the period - Outline the sources of revenue including fees, grants, rates and charges. (3a) Regulations may require the inclusion of other information.</p>		<p>The LGA acknowledges the significant work that almost all councils have undertaken in developing their LTFPs and is comfortable with this codification of existing practice. Note that the Consultation Charter arrangements:</p> <ul style="list-style-type: none"> • will require councils to consult with their communities on their LTFPs; and • are likely to require councils to undertake further consultation before changes are made to the LTFP.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
<p>123 Annual Business Plan</p>	<p>An Annual Business Plan (ABP) must include:</p> <ul style="list-style-type: none"> - New: a statement on the proposed change in total revenue from general rates for the financial year and if ABP sets out a growth component in relation to general rates it may only relate to growth in the no of rateable properties and must not relate to the growth in the value of rateable properties. - an explanation of how the proposed change is consistent with the council's LTFP. - A summary of other reasons for the proposed change. - Details of impact of the proposed change on average rates for each land use category. - The advice received from the 'Designated Authority' (which looks like being the Essential Services Commission of SA); and - The council's response to the advice which must set out whether the proposed change in total revenue from general rates is consistent with the advice and if not the reasons for the inconsistency. <p>(3a) The draft ABP must be provided to the Designated Authority by 31 Dec in the FY preceding and must include:</p> <ul style="list-style-type: none"> - The proposed change in total revenue from general rates. 		<p>This section would impose a series of expensive and unwarranted new requirements on councils in drafting and adopting their Annual Business Plan and Budget.</p> <p>This proposal introduces another layer of bureaucracy and gives a significant role to an unelected body that has no relationship with or accountability to the local community.</p> <p>This process will place councils in a continuous cycle of administrative planning and reporting that will detract from the councils' role in providing local services and facilities that benefit the local community.</p> <p>The timeframes outlined in this section are unrealistic and unworkable. A council will be required to adopt a draft Annual Business Plan and Budget in December – 6 months prior to the commencement of the new financial year. This provides limited flexibility to respond quickly and effectively to changing economic and social circumstances, such as those we have experienced in 2020 during the Covid-19 public health emergency.</p> <p>In 2019, the South Australian Productivity Commission undertook an Inquiry into Local Government Costs and Efficiency. The Inquiry found that SA councils are achieving high levels of efficiency and did not make any recommendations that are consistent with the rate capping proposals contained within the Bill.</p> <p>The Commission did, however, find that regulatory compliance costs and the expansion of mandated responsibilities under state legislation have created additional cost pressures for councils.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
	<ul style="list-style-type: none"> - The council's view of the impact of the change. - Information about consideration given by council to alternatives to the proposed change including total revenue resulting from such alternative measures. <p>(d) information as to how the proposal is consistent with the Council's LTFP.</p> <ul style="list-style-type: none"> - Any other matter set out in the in Regs. <p>The Designated Authority must provide its advice back to the council by 31 March of each year.</p> <p>The Designated Authority must have regard to:</p> <ul style="list-style-type: none"> - Information provided by, AND any matter directed by the Minister; and - Any other matter considered relevant by the Designated Authority. <p>The Designated Authority must publish a copy of any direction given by the Minister as soon as practicable.</p> <p>If the Designated Authority considers a council has failed to respond to its advice - it May provide a report to the Minister.</p>		<p>This Bill introduces a range of new compliance requirements that will need to be funded by councils. The costs of this process are likely to be significant. A 'Designated Authority' (likely to be ESCOSA) will need to undertake an individual assessment of every councils plans and budget, every year.</p> <p>As a reference, the Essential Services Commission in Victoria spent \$2 million in 2018/19 administering its local government regulatory role.</p> <p>Every extra dollar that is needed to fund new reporting requirements in an extra dollar that needs to be paid by ratepayers, or one less dollar that is invested in local services and facilities.</p> <p>This proposal is inconsistent with the LGA's longstanding policy position to oppose rate capping in any form.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
Ch 13 s273 Reviews Initiated by Minister	<p>Minister may ask the council to report.</p> <p>If the council has “failed to adequately respond” to the Minister / Designated Authority advice, then....</p> <p>The Minister can give directions to the council to “rectify the matter” or to prevent recurrence of the “act, failure or irregularity”.</p> <p>This is not limited to situations where there has been a breach or failure by a council. It could relate to any council budgetary decision -eg where the Minister and council merely have different financial priorities.</p>		<p>Councils already publicly consult and report on Annual Business Plans and Budgets, which outline proposed rate increases.</p> <p>Councils also have Audit Committees and are subject to an annual external audit. The Auditor General also has broad powers to review a councils’ financial decision making.</p> <p>Ultimately, councils are accountable to the community and are held to account via democratic elections that are held every 4 years.</p> <p>This proposal centralised more power with an individual Minister, who will be given extremely broad scope to direct a council in relation to its budget and the delivery of local services and projects.</p> <p>This proposal is inconsistent with the LGA’s longstanding policy position to oppose rate capping in any form.</p>
125 Internal Control policies	New Regulation making powers. Councils must ensure their policies, practices and procedures comply with these Regulations.		<p>This is a potentially significant power and has the potential for the State government to significantly encroach on the decision-making of local representatives.</p> <p>The scope of the section extends to any policy, procedure, etc.</p> <p>The section could be used to effectively take away almost all council discretion and undermines the role of local government as an independent, democratic sphere of government.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
<p>126 Audit and Risk Committee</p>	<p>A majority of members of council Audit and Risk Committees must not be members of the council and may not be an employee of the council.</p> <p>The role of these committees is expanded to include 'risk'.</p> <p>'Functions' of Audit and Risk Committees expanded:</p> <p>New functions include:</p> <ul style="list-style-type: none"> - Monitoring expenses of council. - to make recommendations for improvements based on previous audit/risk assessments. - Review powers when CEO assists audit committee. - Liaise with council auditor in accordance with the Regulations <p>(g) if a council has an internal audit function - to review/comment on an annual report by CEO in internal report re the scope of internal audit work; and</p> <ul style="list-style-type: none"> - The objectivity and standard demonstrated in the carrying out of the function. <p>If a council does not have internal audit function, the CEO must report on polices of council etc</p> <p>The must be one meeting of the Audit and risk Committee each quarter.</p>		<p>The LGA's previous local government reform submission provided broad support for an expanded role for council Audit Committees. will seek advice on these details from the sector.</p> <p>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
	Audit and risk Committee must provide a report to council every 3 months.		
126A	Regional audits permitted, where 2 or more councils share audit resources. This is optional.		This option may be useful for regional councils who struggle to recruit qualified independent auditors.
128 Auditor	Councils must use a different audit firm at least every 5 years. Then a council must wait five years before re-engaging that same auditor.		Unlike the Corporations Act, councils can't just change the particular auditor within the same firm.
129 Conduct of Audit	If the SA Auditor-General exercises (existing) powers to perform the council audit, then a normal audit is not required. If the Auditor -General conducts the audit, the council must pay for the reasonable costs incurred.		Note that the Auditor-General also has new powers to conduct a 'review' which is not a full audit but might be, for example, an investigation into a particular aspect of a council's affairs. The broad powers that are already available to the Auditor General to review or audit a council's financial management are further justification that the additional, expensive rates oversight processes outlined in the Bill are unnecessary and unwarranted.
151 Basis of rating	Delete council power to use 'site value' as a means of rating. All councils will use 'capital value' method.		The OLG advise that currently only 8 councils use site value. This will mean state-wide consistency for ratepayers, but the detail of this proposal needs to be tested with member councils before the LGA forms a position.
170 Notice of declaration of rates	Requirements to give the public notice of the declaration of rates.		The specific requirements to give the public notice of the declaration of rates will be set out in the Community Engagement Charter.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
194 Revocation of community land	Simplification of current unwieldy process to revoke community lands. Cases where the Minister will be required to make the decision is clarified. More situations where councils can make the decision to revoke uncontroversial community land (eg unmade roads). Does not apply to Adelaide Parklands.		On an initial review of this proposed clause the LGA is not convinced that the drafting achieves the policy intention. With assistance from Norman Waterhouse Lawyers, we hope to clarify this and ensure the Minister is not required to approve minor or uncontroversial applications.
222 (1a) – permits for mobile food vending business	Removal of automatic granting of permits to mobile food vendors (food trucks).		Mobile food vending business will now be treated like any other business seeking a council permit. This is consistent with ongoing submissions from the sector and LGA advocacy.
262A Council Member Behaviour	First step requires the council deal with issue in accordance with their (new) behaviour management policy and behaviour support policy.		Council has initial obligation to deal with council member behavioural issues, according to their own 'Code'. This is consistent with previous LGA local government reform submissions.
262C Member Behaviour - Action	Council has powers to insert consequences/ penalties into their policy for breaches of their Council policy. Councils may: (a) censure (b) Require a public apology. (c) Require the councillor to undertake a specified course of training or instruction. (d) remove or suspend the member from 1 or more offices held by the member		Most of these changes are welcome. Legal advice, mediation and other options can be used, if a council elects. Based on the consultation with the sector in 2019, there may be some concern if a majority of council members have a power to suspend a council member, even after a formal process had been completed. The LGA will seek feedback from member councils on the detail of this proposal.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
	<p>In dealing with these, council must proceed with as little as possible formality and technicality</p> <p>The clause has been designed in an attempt to enable councils to operate without requiring lawyers.</p> <p>Councils are not bound by the rules of evidence but must provide procedural fairness</p> <p>Council can refuse to deal with a matter because it is frivolous, vexatious, trivial. Council can also decide to take a matter no further.</p>		
262D - Member Behaviour - Reasons	If a council refuses to deal with a complaint or determines to take no further action, then the council must provide written reasons.		This is a new administrative step that, ideally, will be part of an overall scheme that is faster and less expensive than currently operating.
262E Behaviour Panel	<p>Misbehaviour means:</p> <ul style="list-style-type: none"> - A failure by a member of council to comply with a requirement under 262C(1) (ie the council determination about the complaint) - Failure to comply with a council behaviour management policy. <p>A failure to comply with an agreement reached following mediation, conciliation arbitration, dispute resolution process (ie a councillor has agreed and re-negged).</p> <p>Repeated misbehaviour.</p> <p>Misbehaviour, repeated behaviour and serious misbehaviour are defined.</p>		<p>Classifying these levels of poor behaviour will enable the new Behaviour Panel to issue guidelines on likely penalties.</p> <p>The proposal will give the Panel power to define bullying and harassment, for the purposes of the Local Government Act.</p>





The voice of local government.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
	'Serious misbehaviour' means bullying or harassment of another member or employee of council.		
S262F Panel	Local Government Behaviour Panel will have 3 members: 1. Jointly appointed by Minister and LGA 2. appointed by Minister 3. appointed by LGA		This proposal is consistent with the LGA's previous local government reform submissions.
262J	Remuneration and expenses of the Panel will be determined by Governor.		Early estimates (based on Local Government Grants Commission Model) indicate costs will be \$300-350K for all three Panel Members (and including an Executive Officer and one administrative person). It is proposed that the LGA pay these fixed costs with councils paying on a fee for service basis when their matters come before the Panel. The LGA seeks feedback on whether the sector is prepared to fund the proposed model.
S262N	The Panel must: - Publish guidelines - Publish model behavioural management policies - Practice directions Panel can perform other functions assigned.		The LGA will seek further details on the funding model. At present, the LGA would pay extra, if the Minister assigned the Panel additional functions. This appears to present an open-ended financial commitment. There is a danger that the State Government could use LGA to take on extra regulatory roles (cost shifting). Extra LGA and sector funding needs to be <i>by agreement</i> .



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
S262Q Referral	Matters can be referred to the Panel by <ul style="list-style-type: none"> - Resolution of council - CEO of council - at least 3 members of council - the Minister + any person dissatisfied with council decision 		Council policies should have processes to deal with complaints from the public, council staff and council members. However, appeals do not need to be treated consistently. This clause needs to distinguish members of the public complaining about council member behaviour (already dealt with by s273 with appeals to Ombudsman) and complaints from staff and council members. The public already have the ability to complain about council member behaviour. There is no need (and have been no calls) for an additional grievance process for members of the public. Council staff and members should have access to the Panel where internal council processes have not been successful. This is the specific problem that the Panel is established to solve.
S262S	Panel may arrange for investigations, compel reports from council, etc.		Council will often conduct an initial investigation. While the Panel should be a fast and low-cost forum, it may need to (but should not be required to) conduct its own investigation.
262W Powers of the Behaviour Panel.	The Panel may: <ul style="list-style-type: none"> - Reprimand - Direct a council to censure - Require a public apology - Require a councillor to undertake a course of training or development. - Require a councillor to reimburse an amount of money. - Remove or suspend an office in capacity as member of another body - Suspend for up to 3 months 		The LGA queries why the Panel refers censures back to councils and doesn't have the power to censure, itself.



Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
	<p>- Direct council to lodge complaint with SACAT (SACAT can suspend for longer or remove a person from council).</p> <p>If a councillor fails to comply with an order, this is defined as an integrity issue and goes to SACAT (not OPI) and the Panel must make a report to the Minister.</p>		
S262Y	<p>If corruption or integrity issue - it goes to Office of Public Integrity.</p> <p>Council or Panel can refer a matter to OPI.</p>		Clarification is required regarding where appeals from Panel go, where there is not corruption.
S273 Action a Minister can take on Report	<p>A Minister may, on the basis of information received from:</p> <ul style="list-style-type: none"> • ICAC • Ombudsman • A Designated Authority under s123 • A report of the Small Business Commissioner • A report of the behavioural standards panel; or • A report of a council administrator, <p>ask council why s/he shouldn't direct the council.</p> <p>If not satisfied, the Minister can direct the council</p>		This is the clause that gives the Minister broad powers to direct a council on matters arising out of these bodies.



5.5 STATE GOVERNMENT CONSULTATIONS - DRAFT SOUTH AUSTRALIA'S WASTE STRATEGY 2020-2025 AND SOUTH AUSTRALIA'S FOOD WASTE STRATEGY – VALUING OUR FOOD WASTE – REPORT NO. AR20/39770

Committee:	Economic and Environment Committee
Meeting Date:	6 July 2020
Report No.:	AR20/39770
CM9 Reference:	AF19/412
Author:	Aaron Izzard, Environmental Sustainability Officer
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	The State Government is currently consulting on two proposed waste related strategies - Draft South Australia's Waste Strategy 2020-2025 and South Australia's Food Waste Strategy – Valuing our Food Waste.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/39770 titled 'State Government Consultations - Draft South Australia's Waste Strategy 2020-2025 and South Australia's Food Waste Strategy – Valuing our Food Waste' as presented on 06 July 2020 be noted.
2. Council authorises the Chief Executive Officer, or his delegate, to make a submission on Council's behalf to the State Government Consultations - Draft South Australia's Waste Strategy 2020-2025 and South Australia's Food Waste Strategy – Valuing our Food Waste. The submission should be consistent with the points raised in this report.



BACKGROUND

The State Government is currently consulting on two proposed waste related strategies Draft South Australia's Waste Strategy 2020-2025 and South Australia's Food Waste Strategy – Valuing our Food Waste.

The proposed next Waste Strategy for the State, proposes targets, objectives and actions to continue efforts to achieve positive environmental outcomes while building local industry and creating business opportunities locally and overseas. Its objective is to support South Australia's transition to a circular economy and to make the state a national centre for reuse, remanufacturing, recycling and composting.

South Australia's Food Waste Strategy will be the State's first comprehensive strategy for reducing and preventing food waste going to landfill. It proposes actions to support households and businesses to reduce food waste sent to landfill and further opportunities for the organics recovery and processing sectors in South Australia.

In view of the significant role that state and local government, business and the South Australian community will play in achieving the objectives in both strategies, feedback on the proposed strategies is encouraged. Feedback will help Green Industries SA develop the final documents which will be released in late 2020.

Submissions close 14 August 2020.

DISCUSSION

Draft South Australia's Waste Strategy 2020-2025

The overall 2025 target for non-metropolitan (all waste sectors) is "Maximise diversion to the extent practically and economically achievable". The target for metropolitan municipal solid waste (MSW) is 75% diversion.

The document poses five questions to local government:

- Q17. What would you like local government to have achieved in waste management, resource recovery and the circular economy?
- Q18. What would you like your organisation to have achieved in waste management, recycling and the circular economy?
- Q19. What do you see as essential in the provision of waste and recycling services to households?
- Q20. What do you see as potential barriers for encouraging further diversion of waste away from landfill?
- Q21. What do you expect from waste management contracts? What are the key criteria used by council in awarding these contracts?

Below are possible responses to these questions, to be considered for inclusion in a Council submission.

Q17. What would you like local government to have achieved in waste management, resource recovery and the circular economy?

A relatively simple activity that would lead to less waste to landfill, improved sorting and processing of recycling, and less contamination, is funding the changeover of all council wheelie bin lids in the state to the Australian standards – red for general waste, yellow for recycling, and green for organics. This will reduce confusion among the community, and make universal messaging a lot easier.



Further develop the “Which Bin” education program to provide a wide array of educational material that is consistent across the state. This would greatly assist councils, especially if bin lid colours across the state are harmonised to the Australian standards. Also, funds for local specific education messages would greatly assist reducing waste to landfill.

Assistance to support councils progress to best practice kerbside management.

Assistance to councils who manage waste transfer stations, landfill and other waste management facilities – in order to be able to operate these facilities as best practice, and minimise waste to landfill.

Q18. What would you like your organisation to have achieved in waste management, recycling and the circular economy?

With State Government support, significant reductions in waste to landfill – through the actions highlighted in the strategy and this report.

Q19. What do you see as essential in the provision of waste and recycling services to households?

Three kerbside bins, kitchen caddies and compostable bags, as well as options for residents to manage all their organics at home. Options for items that cannot go into kerbside bins – waste transfer stations, re-use markets/tip shops etc.

Q20. What do you see as potential barriers for encouraging further diversion of waste away from landfill?

Convenience is a major barrier, as are insufficient education programs and infrastructure.

Q21. What do you expect from waste management contracts? What are the key criteria used by council in awarding these contracts?

The City of Mount Gambier run their own kerbside collection service, waste transfer station, re-use market and landfill. It is more efficient for our circumstances.

Further comments for inclusion in the City of Mount Gambier submission;

Funding for pre-landfill sorting of commercial and industrial and construction and demolition waste would greatly reduce the amount of waste going to Caroline Landfill.

It would be good if the priority actions of the strategy were more specific.

State government should lobby federal government for universal product stewardship, where end-of-life waste and recycling costs are incorporated into the purchase price of all products. Sufficient funds from this scheme should be allocated to councils to run collection services, as well as to specific recycling programs, as happens for the national TV and computer recycling scheme.

Investigate and fund processes that lead to better sorting at the source – for both commercial and domestic waste streams – as mixed recycling collection does lead to lower quality materials.

There should be greater support to develop local (including regional) recycling processes and markets, including the necessary infrastructure. Since China’s National Sword Policy the local recycler ceased taking plastics for recycling from businesses. All these plastics are now ending up in landfill. With some financial support for machinery to accept and process these plastics Council could potentially accept these materials.

South Australia’s Food Waste Strategy – Valuing our Food Waste

The draft strategy supports the proposed state waste targets and proposes specific actions to reduce and divert food waste across three program areas:

- Prevention and diversion of household generated food waste
- Commercial sector food waste generation and collection systems
- Attracting and supporting investment and markets



Currently there are large amounts of food waste going to landfill, from households and industry. This is not only a large waste of resources, as the material can be recycled via composting, it also creates methane and leachate when buried in landfill.

The State Government should be commended for putting the focus on food waste, and endeavouring to find solutions to the many issues that contribute to food waste to landfill. The “Actions for change framework” listed in the document is comprehensive, and Council supports these actions.

There should be greater support for home based options for processing food waste, including funding. Home based options are even more viable in regional towns, as many dwellings have larger backyards than in the big cities. Dealing with food waste at home should be highly encouraged for its many benefits, not least that there is no ongoing cost for residents, local or state government.

Fund should be provided to carry out trials for diverting business food waste, as businesses require a different model than households. Trials should take place in a variety of areas, including regional centres.

Enable and fund councils to adopt segregated three-bin systems for council run events and require minimum three-bin systems for event permits.

CONCLUSION

It is recommended that Council authorises the Chief Executive Officer, or his delegate, to make a submission on Council’s behalf to the State Government Consultations - Draft South Australia’s Waste Strategy 2020-2025 and South Australia’s Food Waste Strategy – Valuing our Food Waste by 14 August 2020. The submission should be consistent with the points raised in this report.

Draft South Australia’s Waste Strategy 2020 - 2025

<https://yoursay.sa.gov.au/decisions/draft-south-australia-s-waste-strategy-2020-2025/about>

South Australia’s Food Waste Strategy - Valuing Our Food Waste

<https://yoursay.sa.gov.au/decisions/valuing-our-food-waste/about>

ATTACHMENTS

Nil



6 URGENT MOTIONS WITHOUT NOTICE



7 CONFIDENTIAL ITEMS

7.1 COMMERCIAL LEASE - REQUEST FOR EXTENDED LEASE – REPORT NO. AR20/38059

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, M Bruins, B Hood, P Jenner, S Meziniec, F Morello and Council Officers A Meddle, N Serle, J Nagy, T Tzioutziouklaris, A Watson and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR20/38059 Commercial Lease - Request for Extended Lease.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information 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

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 financial and commercial information of the operators and Council's own commercial position in relation to the leased facility, the premature disclosure of which would be an unreasonable release of personal information regarding the operators intentions and could reasonably be prejudice the commercial position of the Council and the party that provided the information and confer an advantage on 3rd parties.

The public interest in the consideration of this matter in open session is outweighed by the benefits associated with ensuring a sound commercial outcome is achieved by Council on behalf of the community for its commercially let property.

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 7.1 AR20/38059 Commercial Lease - Request for Extended Lease 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), (b) and

(d) be kept confidential and not available for public inspection until 12 months have elapsed or a new arrangement has been entered into for the subject property, whichever is the later.

2. Further that Council delegates the power to review, revoke, but extend of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

8 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, 2 MARCH 2020 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Christian Greco, Cr Max Bruins, Cr Ben Hood,
Cr Paul Jenner, Cr Sonya Meziniec, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Mrs A Watson
	Executive Administration Officer	- Mrs M Telford

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)

Due to telecommunication difficulties, the request from Cr Kate Amoroso to dial in was unsuccessful.

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

That the minutes of the Economic and Environment Committee meeting held on 13 January 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil



5 DEPUTATIONS

5.1 DEPUTATION - LIMESTONE COAST PROSTATE CANCER SUPPORT GROUP

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR20/12751 titled 'Deputation - Limestone Coast Prostate Cancer Support Group' as presented on 02 March 2020 be noted.

CARRIED

The confidential presentation by Beach Energy was brought forward and presented at 5.45 p.m. due to time restraints. Refer to item 8.1 in confidential minutes.

6 REPORTS

6.1 PUBLIC OPEN SPACE SERVICE LEVELS

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR20/10721 titled 'Public open space service levels' as presented on 02 March 2020 be noted.
2. Council supports the improvement measures contained in report AR20/10721.
3. That a report on the 2020/2021 peak weed season be brought back to Council in March 2021, updating Council on the impact of the proposed improvements.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 6.2:

"I am a CAP Member".

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 6.2.

Cr Jenner left the meeting at 6.46 p.m.

6.2 COUNCIL ASSESSMENT PANEL FEES AND RECRUITMENT UPDATE

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

1. That Economic and Environment Committee Report No. AR20/10875 titled 'Council Assessment Panel Fees and Recruitment Update' as presented on 02 March 2020 be noted.

CARRIED



Cr Jenner resumed the meeting at 6.49 p.m.

Pursuant to Section 75A of the Local Government Act 1999, Cr Jenner disclosed a perceived conflict of interest in Item 6.3:

"I am a CAP Member.

Cr Jenner informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 6.3 as follows:

"In accordance with Section 75A of the Local Government Act 1999 I do not intend to participate in the meeting in relation to the matter."

Cr Jenner left the meeting at 6.50 p.m.

6.3 JOINT PLANNING BOARD FOR THE LIMESTONE COAST REGION

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

1. That Economic and Environment Committee Report No. AR20/10881 titled 'Joint Planning Board for the Limestone Coast Region' as presented on 02 March 2020 be noted.
2. That Council endorses the draft Joint Planning Board Agreement (at attachment 1) and agrees that the Mayor and Chief Executive Officer execute the agreement on behalf of the City of Mount Gambier.
3. That the Mayor be the City of Mount Gambier representative on the Joint Planning Board, with the Deputy Mayor appointed as a proxy.

CARRIED

Cr Jenner resumed the meeting at 6.53 p.m.

6.4 INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Mayor Lynette Martin

1. That Economic and Environment Committee Report No. AR20/11623 titled 'Inquiry into Local Government Costs and Efficiency' as presented on 02 March 2020 be noted.

CARRIED



6.5 INFORMATION LEAFLET - VARIABLE MESSAGE DISPLAY UNITS TO BE USED AS A TEMPORARY ADVERTISING DISPLAY

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR20/12496 titled 'Information Leaflet - Variable Message Display Units to be used as a temporary advertising display' as presented on 02 March 2020 be noted.
2. The draft wording and plan for the information leaflet identifying where the Variable Message Display Units and that this will be subject to graphic design prior to publication be noted.

CARRIED

7 URGENT MOTIONS WITHOUT NOTICE

Nil



8 CONFIDENTIAL ITEMS

8.1 PRESENTATION BY BEACH ENERGY – REPORT NO. AR20/8188

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Frank Morello

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, M Bruins, B Hood, P Jenner, S Mezinec, F Morello and S Perryman and Council Officers A Meddle, N Serle, J Nagy, T Tzioutziouklaris, A Watson and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 8.1 AR20/8188 Presentation by Beach Energy.

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

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

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 Future operational plans discussed which are in the planning stages.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

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 8.1 AR20/8188 Presentation by Beach Energy 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) (d) be kept confidential and not available for public inspection until After operational plans are released by Beach Energy.
2. Further that Council delegates the power to review, revoke, but not extension of 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



9 MEETING CLOSE

The Meeting closed at 6.54 p.m.

The minutes of this meeting were confirmed at the Economic and Environment Committee held on 4 May 2020.

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PRESIDING MEMBER

