



Reference: AF15/37 SW

5 February 2015

MEMBERS

NOTICE is hereby given that the Rail Lands Development and Management Committee will meet in the following Meeting Room on the day, date and time as follows:

Rail Lands Development and Management Committee
(Conference Room - Level 1):

Tuesday, 10th February 2015 at 5:30 p.m.

An agenda for the meeting is enclosed herewith.

Mark MCSHANE
CHIEF EXECUTIVE OFFICER

RAIL LANDS DEVELOPMENT AND MANAGEMENT COMMITTEE

Meeting to be held on Tuesday, 10th February 2015 at 5:30 p.m.

AGENDA

1. GOVERNANCE - Committees - Election of Rail Lands Development and Management Committee Presiding Member - Ref. AF11/858
2. GOVERNANCE - Committees - Rail Lands Development and Management Committee - Call for Nominations - Ref. AF11/858
3. GOVERNANCE - Scheduling of Rail Lands Development and Management Committee Meetings - Ref. AF14/283
4. PROPERTY MANAGEMENT - Railway Lands - Review of Adopted Master Plan for Stage 1 and 2 - Ref. AF13/439
5. PROPERTY MANAGEMENT - Railway Lands - Budget Update and Works in Progress - Ref. AF13/439
6. PROPERTY MANAGEMENT - Railway Lands - On-Site Inspection - Ref. AF13/439
7. PROPERTY MANAGEMENT - Railway Lands - Community Markets - Ref. AF14/166
8. PROPERTY MANAGEMENT - Railway Lands - Next Stages of Development - Ref. AF13/439

RAIL LANDS DEVELOPMENT AND MANAGEMENT COMMITTEE

Meeting to be held in the Conference Room, Level One of Civic Centre,
10 Watson Terrace, Mount Gambier, on Tuesday, 10th February 2015 at 5:30 p.m.

AGENDA

PRESENT: Mayor A Lee
Crs C Greco, F Morello, S Mezinec, S Perryman and M Lovett

COUNCIL OFFICERS: Director - Operational Services, Daryl Sexton
Engineering Manager, Daryl Morgan
Manager - Regulatory Services, Michael Silvy
Team Leader - Administration (Operational Services) - Sally Wilson

COUNCIL MEMBERS
AS OBSERVERS:

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.

The Director - Operational Services took the Chair for the following business:

1. **GOVERNANCE - Committees - Election of Rail Lands Development and Management Committee Presiding Member - Ref. AF11/858**

Goal: Governance
Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

The Director - Operational Services reported:

- (a) Council, at its meeting of Tuesday, 27th January 2015 adopted Terms of Reference for the Rail Lands Development and Management Committee (refer to Attachment 1);
- (b) Terms of Reference 5.5 states "The Committee will appoint a Presiding Member". It is suggested that the Committee appoint the Presiding Member using the same process recently adopted for its two (2) Standing Committees and as set out in the following parts;
- (c) the term of office for the position of Rail Lands Development and Management Committee Presiding Member be one (1) year commencing 10th February 2015;
- (d) the Rail Lands Development and Management Committee determines that the method of choosing a Presiding Member be by an election process undertaken by secret ballot;
- (e) the successful candidate will be the candidate with the highest number of votes;
- (f) where two or more candidates have an equal number of votes one of those candidates will be determined as successful from a drawing of lots by the Returning Officer;
- (g) the Director - Operational Services be appointed the Returning Officer for the election;

Railway Lands Development and Management Committee Agenda for 10th February 2015 Cont'd...

- (h) upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the position of the Rail Lands Development and Management Committee Presiding Member;
- (i) upon declaration of the Returning Officer the candidate be appointed to the position of Rail Lands Development and Management Committee Presiding Member for the term of office determined by this resolution.

moved it be recommended:

- (a) The report be received;
- (b) the above process to appoint the Presiding Member for the Rail Lands Development and Management Committee be adopted.

seconded

2. GOVERNANCE - Committees - Rail Lands Development and Management Committee - Call for Nominations - Ref. AF11/858

Goal: Governance
Strategic Objective: (i) Demonstrate innovative and responsible organisational governance

- (a) The Director - Operational Services called for nominations for the position of Presiding Member for the Rail Lands Development and Management Committee;
- (b) The following nominations were received:
 - 1. Cr _____ nominated Cr _____ to be Rail Lands Development and Management Committee Presiding Member.
 - 2. Cr _____ nominated Cr _____ to be Rail Lands Development and Management Committee Presiding Member.

The Returning Officer declared Cr _____ be elected to the position of Presiding Member for the Rail Lands Development and Management Committee.

moved it be recommended the report be received.

- (a) The report be received;
- (b) Cr _____ be appointed to the position of Presiding Member of the Rail Lands Development and Management Committee.

seconded

Cr _____ took the Chair for the following business:

APOLOGIES: _____ moved the apology received from _____ be accepted.

seconded

- QUESTIONS:
- (a) With Notice - nil submitted.
 - (b) Without Notice -

3. GOVERNANCE - Scheduling of Rail Lands Development and Management Committee Meetings - Ref. AF14/283

- Goal:* Governance
- Strategic Objective:*
- (i) Establish measures for Council's performance and continually compare against community expectations
 - (ii) Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Councils service deliver and performance

The Director - Operational Services reported:

- (a) The Committee is requested to consider the time of meetings and the scheduling of meetings.

moved it be recommended:

- (a) To be determined at the meeting.

seconded

4. PROPERTY MANAGEMENT - Railway Lands - Review of Adopted Master Plan for Stage 1 and 2 - Ref. AF13/439

- Goal:* Building Communities
- Strategic Objective:*
- (i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met

The Director - Operational Services reported:

- (a) Staff will update the Committee on the progress of works that are being undertaken in accordance with the adopted Master Plan.

moved it be recommended:

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

seconded

5. PROPERTY MANAGEMENT - Rail Lands - Budget Update and Works in Progress - Ref. AF13/439

- Goal:* Building Communities
- Strategic Objective:*
- (i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met
 - (ii) The identified needs of the community are met, through implementing Long Term Asset Management Plans and Infrastructure Plans

The Director - Operational Services reported:

- (a) The below Budget Update and Works Schedule is provided for Members information:

2013/14 Budget	\$1,650,000
2014/15 Budget	\$2,598,000
Total Project Budget (Stage 1 & 2)	\$4,248,000

Funds Spent to date	\$2,917,599
Funds Committed to date	\$533,884
Total	\$3,451,483

Current Budget Remaining **\$796,517**

Works Remaining to realise vision:

Paver Install	\$365,000
Artistic balustrade	\$60,000
Path lighting install	\$15,000
Feature lighting supply/install	\$20,000
Fence around pond	\$5,000
Signal Box Toilet Redevelopment	\$70,000
Perimeter fence	\$10,000
Nature scape completion	\$10,000
Major Art Concept Design	\$12,000
Major Art Commission	\$100,000
Site Artwork/Interpretive signage	\$128,000
Nature Play Wooden Sculptures	\$40,000
Total	\$835,000

Budget - Forecast Expenditure **-\$38,483**

Variations not on original budget:

Additional demolition works (resolved 17 th September 2013)	\$17,500
Installation of fence around pond (resolved 15 th July 2014)	\$15,000
Total	\$32,500

moved it be recommended:

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

seconded

6. PROPERTY MANAGEMENT - Railway Lands - On-Site Inspection - Ref. AF13/439

The Director - Operational Services reported:

- (a) Members may wish to adjourn the meeting and undertake an on-site inspection of the Rail Lands site.

moved it be recommended:

- (a) The report be received;

- (b) the meeting be adjourned to allow an on-site inspection of the Rail Lands.

seconded

7. PROPERTY MANAGEMENT - Railway Lands - Community Markets - Ref. AF14/166

Goal: Building Communities

- Strategic Objective:*
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
 - (ii) *Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community*

The Director - Operational Services reported:

- (a) Council has held very preliminary discussions with the Rotary Club of Mount Gambier with regard to the possible option of a community based market at the Rail Lands site. As previously directed by Council, the site is being constructed to provide flexibility for the operation of a variety of outside activities;
- (b) the Committee may now wish to consider how the Rail Lands will be occupied with respect to markets and other occasional land use activities;
- (c) possible management models may include Council being responsible for all market type activities and assume responsibility for the administration of each individual market, or alternatively appoint one organisation to administer this type of activity on Council's behalf in accordance with a detailed procedure established by Council.

moved it be recommended:

- (a) The report be received;
- (b) to be determined at the meeting.

seconded

8. PROPERTY MANAGEMENT - Railway Lands - Next Stages of Development - Ref. AF13/439

Goal: Building Communities

- Strategic Objective:*
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*

The Director - Operational Services reported:

- (a) The Committee may wish to consider any future development of the site (e.g. Railway Station building, sand shell, north/south pedestrian link to Margaret Street etc);
- (b) Council has received correspondence from Mr Steve Toope (attached to agenda) regarding future possible use of part of the site.

moved it be recommended:

- (a) The report be received;

(b) to be determined at the meeting.

seconded

OTHER MATTERS -

MOTIONS WITHOUT NOTICE -

The meeting closed at _____ p.m.

AF15/37
5 February 2015
SW

Railway Lands Development & Management Committee

TERMS OF REFERENCE

A Committee of Council Established pursuant to the provisions of Section 41 of the Local Government Act 1999.

Terms of Reference for the conduct of the business of the Council Committee were approved and adopted by the City of Mount Gambier at its meeting held on XXXXXXXXXX.

Railway Lands Development & Management Committee

The Railway Lands Development & Management Committee has been established to:

- Oversee the development of the final vision for the Railway Lands property.
- Oversee the construction of the Railway Lands property having regard to environmental, heritage and financial aspects of the development.
- Review and make recommendations to the Council on any public feedback received or directed towards the Railway Lands project, which may include approaches from or to adjoining property owners.
- Be the first point of call for any potential land users who may seek to occupy part of the site and make recommendations to the Council accordingly.
- Provide feedback and recommendations to the Council and the design team on any design and/or construction related issue (which may involve an amendment to the agreed vision) that may arise during the implementation and construction stages of the capital works project.
- Implementing changes and amendments to the project that may from time to time be directed by resolution of Council.
- Commence investigations into the extension of the linear park concept of which the current Rail Land forms the hub using other parts of the existing rail corridor not owned by Council noting that such investigations may include public consultation and liaising with relevant State Government departments.
- Act under any delegated authority that Council may from time to time extend to the committee.
- Lead the ongoing development and use of the site of the Rail Lands including but not limited to:
 - Future stages of development.
 - Additional recreational facilities and amenities.
 - Develop, review and provide recommendations to Council on policies and procedures for:
 - handling requests by individuals and organisations to use the space (or parts thereof) for special events; and
 - for granting of any 'license to occupy'.

Railway Lands Development & Management Committee

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1. NAME

The name of the Council Committee shall be the Railway Lands Development & Management Committee (in these Terms of Reference referred to as “the Committee”).

2. INTERPRETATION

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context:

2.1 Definition

2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.

2.1.2 “Committee” means the Committee of Council established pursuant to 3.0.

2.1.3 “Committee Member” means the person appointed by resolution of Council.

2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to 3.2.

2.1.5 “Council” means the City of Mount Gambier.

2.1.6 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to 5.3.

2.1.7 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Members.

2.1.8 “Singular” includes a reference to the “plural”.

2.2 Defined Terms

Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

2.3 Local Government Act

These Terms of Reference shall be interpreted in line with the provisions of the Act.

2.4 Notices

All communication to be given to the Committee shall be addressed to: -

Presiding Member
Railway Lands Development & Management Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3. ESTABLISHMENT

3.1 The Committee is established under Section 41 of the Local Government Act 1999.

3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.

4. OBJECTIVES

4.1 The Committee is created for the purposes of:

- assisting the Council to oversee the construction of the Railway Lands Redevelopment Project consistent with Stage 1 & Stage 2 plans up to the Budget limits set by Council (LGAct S41(7)).
- Providing oversight for Council of co-ordination and administration of ongoing management of the site including and possible future activities and uses on the site.
- Furthering the concept of creating a linear park utilising other parts of the rail corridor within the Council boundary.

5. MEMBERSHIP

5.1 Membership will be as determined by resolution of Council.

5.2 Membership of the Committee may comprise Elected Members and Community Members.

5.3 The Mayor has Ex-Officio membership on this Committee.

5.4 The Council reserves the right from time to time to remove any Member of the Committee and appoint another Member in their stead. All Members hold office at the pleasure of the Council.

5.5 The Committee will appoint a Presiding Member.

6 CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES

6.1 The Council may replace any Member on the Committee or fill any casual vacancies, by notifying the Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

7 NO PROXY

7.1 The appointment of a person as proxy for any Member on the Committee is not permissible.

8 RESIGNATION OF REPRESENTATIVES

8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

9 QUORUM

9.1 At all Meetings of the Committee a quorum must be present.

9.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

10 MEETINGS OF THE COMMITTEE

10.1 The Committee shall meet as and when determined by the Presiding Member.

10.2 The CEO or his appointee shall give notice to each Committee Member at least five clear days prior to any meeting.

10.3 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Committee.

10.4 All notices of meetings shall be issued under the hand of the CEO or his appointee.

10.5 No business shall be transacted at any meeting of the Committee unless a quorum of Members is present.

10.6 Each Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.

10.7 Each Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

11 PROCEDURES AT MEETINGS

The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2000.

12 LIABILITY OF THE COMMITTEE

12.1 A liability incurred by the Committee rests against Council.

12.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

13 MINUTES OF THE COMMITTEE

13.1 Administration

13.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.

13.1.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.

13.1.3 The Minutes of the proceedings of a meeting must include:

13.1.3.1 the names of the Members present and the time at which they entered or left the meeting;

13.1.3.2 the names of observers or visitors to any meetings;

13.1.3.3 every motion or amendment and the names of the mover and seconder;

13.1.3.4 any disclosure of interest declared by a Member;

13.1.3.5 whether the motion or amendment is carried, lost or lapsed;

13.1.3.6 Minutes of the Committee Meeting shall be distributed within 5 days of the meeting;

13.1.3.7 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

14 AMENDMENTS TO THESE TERMS OF REFERENCE

14.1 It will be lawful for the Council by resolution to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.

14.2 Notwithstanding 14.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Committee shall be obtained.

15 INTERPRETATION OF THESE TERMS OF REFERENCE

15.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Council shall determine the dispute and the decision of the Council shall be final and binding.

16 WINDING UP

16.1 The Council may cease the operation of the Committee and the Committee may make such recommendation to the Council on the completion of its function.

29 January 2015

Mr Mark McShane
Chief Executive Officer
City of Mount Gambier
10 Watson terrace
MOUNT GAMBIER SA 5290

Re: Mount Gambier Railway Land Development

Dear Mr McShane

I am making an inquiry into the development of the railway land, specifically in respect of consideration for commercial opportunities. I do understand the land is primarily for community use.

I wish to ask if the Council is looking for any expression of interest for commercial development within the present. Of particular interest to me is part of the platform and/or current station building. I am particularly interested in establishing a licensed eatery and live entertainment venue.

I would welcome any opportunity to discuss this with you if further development was within the Council's future vision.

I can be contacted by email on dialatoner@secnet.net.au or 0438230770.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Steven Toope
8 Eleanor Street
Mount Gambier SA 5290