



Reference: AF11/866 SW

4 June 2015

MEMBERS

NOTICE is hereby given that the Operational Services Committee will meet in the following Meeting Room on the day, date and time as follows:

Operational Services Committee
(*Conference Room - Level 1*):

Tuesday, 9th June 2015 at 7:30 a.m.

An agenda for the meeting is enclosed herewith.

Grant HUMPHRIES
ACTING CHIEF EXECUTIVE OFFICER

OPERATIONAL SERVICES COMMITTEE

Meeting to be held on Tuesday, 9th June 2015 at 7.30 a.m.

AGENDA

1. COMMITTEES - Internal - Operational Services Committee - re Projects to be undertaken by the Operational Services Department, Engineering Division, during month - Ref. AF11/866
2. ANIMAL MANAGEMENT - Project Management - Enclosed Off-Leash Dog Park - Ref. AF11/138
3. DEVELOPMENT APPLICATION - TAFE On-site Wastewater System Review Project - 172-174 Wireless Road West, Suttontown - Wastewater Investigation - Ref. DA15/171 (381/0143/2015)
4. ENVIRONMENTAL MANAGEMENT - Backyard Burning within City - Ref. AF11/356
5. GOVERNANCE - Committees - Council Development Assessment Panel - Terms of Reference - Ref. AF14/283
6. GOVERNANCE - Committees - Environmental Sustainability Sub-Committee - Terms of Reference - Ref. AF14/283
7. COMMITTEES - Environmental Sustainability Sub-Committee - Minutes of Meeting held 2nd June 2015 - Ref. AF12/377
8. PROPERTY MANAGEMENT - Committees - Report of the Aquatic Centre Management Advisory Group meeting held at 7:00 a.m. Wednesday, 6th May 2015 - Ref. AF11/1370
9. OPERATIONAL SERVICES REPORT NO. 13/2015 - Governance - Section 41 Committee - Operational Services Committee - Terms of Reference - Ref. AF14/283

OPERATIONAL SERVICES COMMITTEE

Meeting to be held in the Conference Room, Operational Services Area, Level One of Civic Centre, 10 Watson Terrace, Mount Gambier, on Tuesday 9th June 2015 at 7.30 a.m.

AGENDA

PRESENT: Cr I Von Stanke (Presiding Member)
Crs C Greco, P Richardson and F Morello

APOLOGIES: moved the apology received from Cr D Mutton be accepted.

seconded

COUNCIL OFFICERS: Director - Operational Services, Daryl Sexton
Engineering Manager, Daryl Morgan
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.

MINUTES: moved the minutes of the previous meeting held on Tuesday, 12th May 2015 be taken as read and confirmed.

seconded

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

1. **COMMITTEES - Internal - Operational Services Committee - re Projects to be undertaken by the Operational Services Department, Engineering Division, during month - Ref. AF11/866**

The Engineering Manager reported the following works are to be undertaken/are currently being undertaken by the Operational Services Department, Engineering Division, during the month:

| <u>Commenced Tasks</u> | <u>% Completed</u> |
|--|--------------------|
| • Railway Lands Paving Works | 60% |
| • Road Reconstruction Program (various roads) | 90% |
| • Caroline Landfill Cell 1 & 2 capping | on hold |
| • Wireless Road East construction and widening | 30% |
| • Buronga Avenue carpark construction | 90% |
| • North Terrace concrete footpath construction | 80% |
| • Dog Park development | 30% |

Completed Tasks

- John Watson Drive concrete footpath construction
- Blue Lake solar light installation

moved the report be received

seconded

2. ANIMAL MANAGEMENT - Project Management - Enclosed Off-Leash Dog Park - Ref. AF11/138

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) *Encourage the development of community facilities and infrastructure, community events, and active and safe community spaces through direct support, seeking funding, facilitation etc*

Goal: *Community Well-Being*
Strategic Objective: (i) *Advocate for the health needs of the community by encouraging partnerships in the provision of affordable and viable facilities and infrastructure*

The Community Health Officer reported:

- (a) Building works for the enclosed off-leash dog park at Hastings Cunningham Reserve have commenced as approved by Council on 17th March 2015;
- (b) it is requested that Council approve a consultation to be held to gain suggestions from the public to formally name the facility. A simple consultation along the same lines as being used for the naming of the Former Hospital Site would be appropriate (i.e. Round 1 is a call for suggestions, Council nominate 5 names and Round 2 is the final selection by the Community).

moved it be recommended:

- (a) The report be received;
- (b) Council proceed to consultation to gain suggestions from the public to formally name the Dog Park at Hastings Cunningham Reserve in line with the methodology outlined in this report.

seconded

3. DEVELOPMENT APPLICATION - TAFE On-site Wastewater System Review Project - 172-174 Wireless Road West, Suttontown - Wastewater Investigation - Ref. DA15/171 (381/0143/2015)

Goal: *Community well-being*
Strategic Objective: (i) *Advocate for the health needs of the community by encouraging partnerships in the provision of affordable and viable facilities and infrastructure*

Goal: *Environment*
Strategic Objective: (i) *Partner with the community to conserve and reduce the quantity of water use and improve the quality of water entering our groundwater and lakes system*

Operational Services Committee Agenda for 9th June 2015 Cont'd...

| | |
|-----------------------------|---|
| <i>Goal:</i> | <i>Environment</i> |
| <i>Strategic Objective:</i> | (i) <i>Plan and implement infrastructure to protect and enhance the natural and built environment, including in response to climate change influences</i> |
| | (ii) <i>Support initiatives that value and preserve our unique environment and contribute to environmental sustainability</i> |

The Environmental Health Officer reported:

- (a) An incomplete application has been received from Mates Rates Mount Gambier for installation of an on-site aerated wastewater treatment system (AWTS) which includes surface irrigation disposal at TAFE SA and to be connected to a portable classroom as part of their sustainable class project (letter of intent attached);
- (b) the on-site wastewater system is on the Department of Health and Ageing approved product list;
- (c) part of the TAFE SA funding for this project is for this current financial year and is an urgent priority for the project manager;
- (d) this is a regional educational institution and will potentially educate system use across Council and State Borders;
- (e) Council Policy B150 Building - Sewer Connections, Waste Management Control and the Provision of Toilet Facilities incorporates:

3 Sewer Connections - Existing buildings

- a. All premises are to be connected to the SA Water Corporation sewer if available to the parcel of land.*
- b. All premises to which sewer is not currently available are to be connected to the SA Water Corporation sewer system within three (3) months of such sewer becoming available to the parcel of land.*

6 Dispensation

Council may, in any case in which Council deems it expedient, dispense with the observance of this policy, or any part thereof, either absolutely or on such terms and conditions as the Council deems proper.

- (f) risk to Council is setting a precedent for (non complying) on-site disposal systems in areas serviced by mains sewer;
- (g) two of the recommendations of the On-site Wastewater Policy Investigation Report prepared for Council in May 2013 by Australian Water Environments are:
 - a. subsurface disposal systems should be encouraged in preference to surface irrigation systems*
 - b. All disposal systems incorporate sequential pressure dosing, which allows for more even distribution and resting time between trenches / zone (and encourage 'bio-mat' growth).*

moved it be recommended:

- (a) The report be received;

Operational Services Committee Agenda for 9th June 2015 Cont'd...

- (b) Council not require TAFE SA to comply with Council Policy B150 “Building Sewer Connections, Waste Management Control and The Provision of Toilet Facilities” subject to all normal administration of the application and approval process;
- (c) in addition of the above and in the interest of ensuring TAFE SA are indeed promoting sustainable systems Council requires ground water monitoring in a form approved by Council administration to be undertaken annually for 10 years to verify the system is not adversely impacting on the environment with the report to be presented to Council on an annual basis;
- (d) in the event that the monitoring program indicates on-site pollution TAFE SA agree to decommission (and remove) the AWTS and connect to mains sewer;
- (e) if the transportable classroom is removed the AWTS is decommissioned and removed within three months.

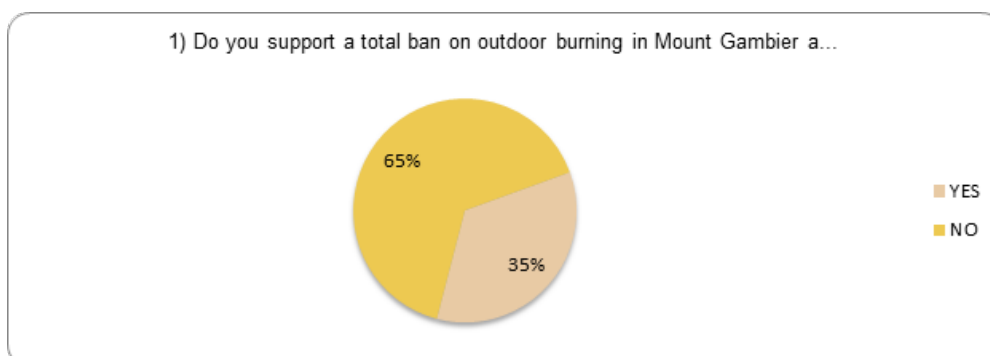
seconded

4. ENVIRONMENTAL MANAGEMENT - Backyard Burning within City - Ref. AF11/356

- Goal:* Environment
- Strategic Objective:*
- (i) Plan and implement infrastructure to protect and enhance the natural and built environment, including in response to climate change influences
 - (ii) Support initiatives that value and preserve our unique environment and contribute to environmental sustainability

The Director - Operational Services reported:

- (a) Council, at its meeting of 10th March 2015 resolved:
 - “(a) the report be received;
 - (c) Council undertake City wide community consultation (in accordance with its public consultation policy) regarding the proposition to ban domestic burning in all areas of the City, year round, and a further report be prepared for Council’s consideration following such consultation.”;
- (b) the public consultation period has now concluded, resulting in 130 responses (approximately 0.5% of the residential population of the City), of which 65% were not supporting a ban and 35% were supporting a ban (copies of all responses received can be provided to Members upon request);



Operational Services Committee Agenda for 9th June 2015 Cont'd...

- (c) the main reasons provided by the public for supporting the proposed ban was around air quality issues and getting smoked out by neighbours;
- (d) the main reasons provided by the public for not supporting the proposed ban were people on larger properties (1 or more acres) wanting to burn sticks and branches from trees, and people wanting 'free' green waste drop off / collection;
- (e) there were also numerous incomplete names (just first names) and anonymous;
- (f) a number of responses came from residents on the outlying area of the City who have large allotments (in excess of 1 acre);
- (g) Members will recall from the March 2015 report that the origin of this matter coming before Council related to enforcement by SAPOL and a high number of expensive call outs experienced by the MFS in responding to complaints. Air quality concerns by the EPA is also a significant factor in this matter;
- (h) with all the systems in place for residents to dispose of unwanted material (of any description) there is no necessary reason for residents to undertake outdoor burning (noting exception for food preparation activities).

moved it be recommended:

- (a) The report be received;
- (b) Council proceed to ban all forms of outdoor burning within the City of Mount Gambier (with the exception of recognised forms of outdoor burning for food preparation purposes).

seconded

5. GOVERNANCE - Committees - Council Development Assessment Panel - Terms of Reference - 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 delivery and performance

The Director - Operational Services reported:

- (a) Council at its meeting held on Tuesday, 27th January 2015 resolved:
"Council or the relevant standing committee will review the Terms of Reference of all Committees and Sub-Committees by 31st August, 2015 to provide for the opportunity to alter or amend Terms of Reference to reflect Council's aims and objectives. This review does not preclude the winding up of any Committee or Sub-Committee.";
- (b) the Council Development Assessment Panel at its meeting held on Thursday, 19th February 2015 reviewed and re-adopted the existing Terms of Reference (with no recommended changes) for this Statutory Committee;

Operational Services Committee Agenda for 9th June 2015 Cont'd...

- (c) a copy of the Terms of Reference for the Council Development Assessment Panel is attached for Members perusal;
- (d) in accordance with Section 56A (19) of the Development Act 1993 the conduct of the business of the Council Development Assessment Panel is as prescribed by regulation or as determined by the Panel.

moved it be recommended:

- (a) The report be received;
- (b) the Terms of Reference (as attached to the agenda) for the Council Development Assessment Panel be received and noted by Council.

seconded

6. GOVERNANCE - Committees - Environmental Sustainability Sub-Committee - Terms of Reference - 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 delivery and performance

The Director - Operational Services reported:

- (a) Council at its meeting held on Tuesday, 27th January 2015 resolved:
"Council or the relevant standing committee will review the Terms of Reference of all Committees and Sub-Committees by 31st August, 2015 to provide for the opportunity to alter or amend Terms of Reference to reflect Council's aims and objectives. This review does not preclude the winding up of any Committee or Sub-Committee.";
- (b) The Environmental Sustainability Sub-Committee at its meeting held on Thursday, 19th February 2015 reviewed the Terms of Reference for this Sub-Committee and have made the following recommendation:
 - item 5.1 be amended to remove the words "and Community Members"
- (c) a copy of the amended Terms of Reference for the Environmental Sustainability Sub-Committee is attached for Members perusal.

moved it be recommended:

- (a) The report be received;
- (b) in accordance with the above recommendation of the Environmental Sustainability Sub-Committee item 5.1 of the Terms of Reference be amended to remove the words "and Community Members";
- (d) the amended Terms of Reference (as attached the agenda) be endorsed and adopted by Council.

seconded

7. COMMITTEES - Environmental Sustainability Sub-Committee - Minutes of Meeting held 2nd June 2015 - Ref. AF12/377

Goal: Governance

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

moved to be recommended:

(a) The minutes of the Environmental Sustainability Sub-Committee held on Tuesday, 2nd June 2015 be received;

(b) the following recommendations (number 1 to 8) of the Environmental Sustainability Sub-Committee be adopted by Council:

1. TERMS OF REFERENCE

- The report be received;
- item 5.1 of the Environmental Sustainability Sub-Committee Terms of Reference be amended to remove the words “and Community Members”;
- noting the amendment to item 5.1, the Terms of Reference of the Environmental Sustainability Sub-Committee be adopted.

2. BIN TAGGING

- The report be received;
- Council staff continue the bin tagging program throughout the city. The frequency of tagging being determined by staff workloads.

3. ASSESSMENT OF VIABILITY FOR SOLAR POWER ON OTHER SITES

- The report be received and the Environmental Sustainability Sub-Committee await a further extended report on the findings of the assessments undertaken by Quark Consulting.

4. AQUATIC CENTRE ENERGY AUDIT

- The report be received and the Environmental Sustainability Sub-Committee await a further detailed report addressing the outcomes of the electricity audit and the Aquatic Centre Management response;
- Council formally thank Zero Waste SA for funding the audit.

5. CAROLINE LANDFILL INCOMING WASTE AUDIT

- The report be received;
- Council staff now work with contractors and clients to seek voluntary improvements to the waste stream entering the Caroline Landfill;
- the results of this assessment be forwarded to SELGA Waste Committee.

6. FRUIT AND NUT TREES

- The report be received.

7. NATURAL STEP SESSION AND WATER SUSTAINABILITY DISCUSSION

- The report be received.

8. REPORTS FOR INFORMATION

(a) Environmental Sustainability program 2015 - Project Progress

- The report be received;
- item (a) as above be received and noted for information.

seconded

8. **PROPERTY MANAGEMENT - Committees - Report of the Aquatic Centre Management Advisory Group meeting held at 7:00 a.m. Wednesday, 6th May 2015 - Ref. AF11/1370**

Goal: *Building Communities*

Strategic Objective: (i) *Encourage the development of community facilities and infrastructure, community events, and active and safe community spaces through direct support, seeking funding, facilitation etc.*

The Director - Operational Services reported:

(a) The Aquatic Centre Management Advisory Group met on Wednesday, 6th May 2015 at 7:00 a.m. This meeting was attended by:

- Cr Mark Lovett
- Daryl Sexton, Director - Operational Services
- Peter Collins, Manager - Aquatic Centre

(b) the matters discussed were as follows:

1. Outstanding Required Maintenance Tasks

- Painting of major pole structure
- Playground audit - to be included on Council's regular inspections
- Tiling around pool edge - still waiting on tiles from Turkey

2. Woodchips

- Still an unresolved issue, hopefully contracts for wood chipping supply will be negotiated in the next 2-3 months

3. Aqua Aerobics

- Peter has noted strong growth in numbers in Aqua Aerobics

4. Inflatable Play Equipment

- Current equipment is near the end of its usable life
- Replacement cost is the order of \$8,000-\$9,000
- It was noted that there is no allowance in the draft 2015/16 Budget to replace this item

Operational Services Committee Agenda for 9th June 2015 Cont'd...

5. Unisex Shower

- A customer has noted the lack of a unisex shower
- Item for further review

moved it be recommended:

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

seconded

9. **OPERATIONAL SERVICES REPORT NO. 13/2015 - Governance - Section 41 Committee - Operational Services Committee - Terms of Reference - Ref. AF14/283**

Goal: Governance

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

(ii) *Establish measures for Council's performance and continually compare against community expectations.*

moved it be recommended:

- (a) Operational Services Report No. 13/2015 be received;
- (b) Council adopts the Operational Services (Section 41) Committee Terms of Reference, incorporating the functions of s101A of the Development Act 1993 as provided as an attachment to this Report and marked as 'Attachment 1';
- (c) the Strategic Planning and Development Policy Committee be disbanded immediately.

seconded

MOTIONS WITHOUT NOTICE -

The meeting closed at _____ a.m.

AF11/866

SW

TAFESA SUSTAINABILITY AND RENEWABLE ENERGY INITIATIVES

TAFESA is committed to establishing, promoting and maintaining a culture of Environmental Responsibility, both within the Institute and in the wider community.

By incorporating environmental best practice into all technological solutions, establishing strategies for greening the lifecycle functions of the building management process and conserving and managing consumption of finite resources, we can work towards this end.

At TAFESA Mount Gambier Campus we believe we have the potential to be the Premier Renewable Energy Training Centre in SA.

At the TAFESA Mount Gambier Campus, we have designed, and the students have built a 105 m² passive solar, sustainable building.

Our intention is that the "Green Room" will be a stand alone, off the grid, training room that will use real examples we have integrated into the building to educate about energy efficient lighting, building design, rainwater harvesting systems, and waste treatment systems, amongst other things.

Adjacent to the Green Room, we have an Off grid, 10 kW solar and 10kW Wind turbines experimental training facility.

Due to the fact we are using real examples, and the building is a stand alone facility, we feel we need to use an independent Waste treatment system, which itself, can be used as a teaching aid, rather than connecting to mains sewer, which will have no teaching benefits to students and public.

Apprentices, prospective home builders, and students alike, will be able to see how a Home Sewage Treatment Plant physically works, and is serviced, as well as learning about other waste treatment options and trends currently available.

We have decided to use a Taylex Aerated Wastewater Treatment System (AWTS).

We believe the Green Room and Solar/Wind to have benefits not only to TAFE students, but also the wider community, as it is utilised to educate the public on the benefits of, and showcase the latest technology in sustainable building design, renewable energy, and sustainable living.

R. Gilbertson

Building Lecturer TAFESA



1. Term of office for all appointees: 2 years from the date of appointment
2. Sitting Fees:
 - (i) Refer Part 3.1.5 of the Council Development Assessment Guide 2006 by the Local Government Association;
 - (ii) Sitting fees (including GST):-
 - Independent Presiding Member \$250
 - Other Independent Members \$200
 - Council Member appointees \$200
 - Council Officer appointees NIL*

(the above sitting fees are for formal ordinary meetings of a Panel which are likely to be monthly when a substantial majority of the DAP business will be conducted)
 - (iii) Should it be necessary to convene formal special meetings of a Panel then the likely sitting fees will be as follows on the basis of the lesser number of items on the agenda:-
 - Independent Presiding Member \$60
 - Other Independent Members \$50
 - Council Member appointees \$50
 - Council Officer appointees NIL*

*Special Note: It is not the intention of the Councils to appoint any Council Officers to any Panel.
 - (iv) Where the meeting does not require the attendance of Members in person and can be undertaken by phone link up due to a small agenda and the minor nature of items for discussion and no site inspection is necessary the sitting fees be as follows:
 - Independent Presiding Member \$60
 - Other Independent Members \$50
 - Council Member appointees \$50
 - Council Officer appointees NIL*
 - (v) Travel reimbursement of 57.8 cents per kilometer may be available upon application to Council should a member of the Council Development Assessment Panel not be a resident within the City of Mount Gambier and the District Council of Grant.

- (vi) A review of the sitting fees and expenses etc. will be undertaken within 6 months of the formation of the new panel.
 - (vii) Invoices seeking payment for attendance at a meeting of the Council Development Assessment Panel shall be submitted regularly, on a monthly basis, after the meeting of the Council Development Assessment Panel for that month.
- 3. Panel Member Expenses:
 - (i) Refer Part 3.1.5 of the Council Development Assessment Guide 2006 by the Local Government Association;
 - (ii) It is the view of the Councils that the sitting fees referred to above are sufficient to be inclusive of:
 - (a) view of all sites to be considered (and related travel costs);
 - (b) review of the agenda for each meeting;
 - (c) assessment of the applications against the provisions of the Development Plan;
 - (d) attendance at every Panel meeting; and
 - (e) discussions with Council Officers, at the DAP meeting, regarding alternate recommendations or queries in relation to agenda items.
- 4. Voting at Meetings:
 - (i) Refer Part Four of the Council Development Assessment Guide 2006 by the Local Government Association;
 - (ii) All votes to be made and recorded specifically for each matter determined;
 - (iii) Quorum for meetings is four.
- 5. Presiding Member:
 - (i) The respective Council will appoint the Presiding Member for their Development Assessment Panel;
 - (ii) The Presiding Member must not be a member or officer of Council.
 - (iii) The Presiding Member will have a deliberative vote and in the case of equal vote, the Presiding Member at the meeting is entitled to a second or casting vote.
- 6. Training:
 - (i) It will be a requirement that all Members of each Development Assessment Panel attend formal training as organised either statewide or by Council. (the costs will be borne by Council);
 - (ii) Council will provide training to the Council Development Assessment Panel at the commencement of the new term of the Panel, and further training at a minimum of twelve (12) month intervals, to assist the CDAP within its role and to facilitate and encourage a high quality of decision making.

7. Panel Operation:
- (i) The Panel will comprise seven (7) Members i.e. four (4) independent and three (3) Council Members;
 - (ii) At least one member of the Panel must be a woman and at least one member must be a man;
8. Public Officer:
- (i) The Panel must have a Public Officer (who must not be a member of the Panel) and is appointed by Council;
 - (ii) The legislation requires each Council DAP to have a designated public officer to ensure that any complaints about the conduct of a Member of the Panel are properly investigated;
 - (iii) The legislation in respect of the public officer reads:
 - Each Council Development Assessment Panel must have a public officer (who must not be a member of the Panel) appointed by the Council.
 - A Council must, on appointing a public officer, ensure that notice of the appointment (including the public officer's name and contact details) is published in the Gazette.
 - The functions of a public officer include ensuring the proper investigation of complaints about the conduct of a Member of the relevant Panel (but nothing in this section prevents a person making a complaint to the Ombudsman at any time under the Ombudsman Act 1972 or the public officer referring a complaint to another person or authority for investigation or determination).
 - (iv) The Chief Executive Officer of Council is the public officer for the Council Development Assessment Panel.
9. Panel Composition:
- (i) Ideally the mix of skills, experiences and qualifications of Panel Members should seek to include:
 - (a) Introducing knowledge that pertains to common issues considered by Councils current Panel, e.g. flood mitigation, heritage value, native vegetation conservation, stormwater management; economic development, tourism.
 - (b) A balance of gender and age to provide different points of view when interpreting the Development Plan provisions.
 - (c) Combining knowledge that satisfies the economic, social and environmental sustainability objectives of the *Development Act*;

- (d) The ability of the potential members to provide advice that can assist the strategic planning initiatives of Council;
 - (e) The value of potential members that are currently working in their field of expertise and the continued development of their knowledge for the benefit of the Panel;
 - (f) Whether potential independent members may have an inherently higher perceived conflict of interest due to current employment or external activities or other membership alliances;
 - (g) The flexibility of potential members to attend scheduled and spontaneous meetings; and
 - (h) The ability of potential members to make decisions and speak openly and confidently in a public environment.
- (ii) Other requirements of the Development Act include:
- (a) A reference to a Council Officer will be taken to include a person that is engaged as a consultant by the Council;
 - (b) At least one member of the Panel must be a woman and at least one member of the Panel must be a man;
 - (c) The term of office of a Panel Member will be for a period as determined by Council, provided that the period does not exceed two years; and
 - (d) A Panel Member will be eligible for reappointment at the expiration of the term of office.
- (iii) The Panel Members must select the Deputy Presiding Member.
10. Public Access to Meetings:
- (i) Refer Part 4.1.2 of the Council Development Assessment Guide 2006 by the Local Government Association;
 - (ii) A meeting of the Panel must still be conducted in a place open to the public subject to certain circumstances in which the public may be excluded (outlined in subsection 56A(12) of the *Development Act*).
 - (iii) The common circumstances include, but are not limited to:
 - (a) Where development applications to be considered involve the unreasonable

disclosure of information concerning the personal affairs of any person;

- (b) Where development applications involve information that could reasonably be expected to confer a commercial advantage on a person, or prejudice the commercial position of a person;
- (c) Where a trade secret may be revealed;
- (d) Where commercial information of a confidential nature is to be considered;
- (e) Where a development application might involve discussion of matters affecting the safety or security of any person or property;
- (f) When legal advice is being considered; and/or
- (g) Where information provided on a confidential basis by or to a Minister of the Crown is involved and on balance would be contrary to the public interest.

(iv) In addition, whilst the hearing of objector and applicant submissions must be held in public, each Councils DAP can still resolve to deliberate in private in order to facilitate discussion between DAP members and the raising of questions with officers.

11. Hearing of Representations at meetings:

- (i) Refer Part 4.1.3 of the Council Development Assessment Guide 2006 by the Local Government Association;
- (ii) The position under Section 38 of the Development Act remains unchanged;
- (iii) The Panel may in its absolute discretion allow a person who made a category 2 representation to appear personally or by representative before it to be heard in support of the representation;
- (iv) The Panel must allow a person who made a category 3 representation and who, as part of that representation, indicated an interest in appearing before the authority, a reasonable opportunity to appear personally or by representative before it to be heard in support of the representation.

12. Conflicts of Interests:

- (i) Refer Part 3.2.2 of the Council Development Assessment Guide 2006 by the Local Government Association;
- (ii) Refer Part 4.1.4 of the Council Development Assessment Guide 2006 by the Local Government Association.

13. Register of Interests:

14. Pecuniary Interests: (i) Refer Part 4.1.4 of the Council Development Assessment Guide 2006 by the Local Government Association.



City of
Mount Gambier

DRAFT

Environmental Sustainability Sub-Committee

TERMS OF REFERENCE

A Sub-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 Sub-Committee were approved and adopted by the City of Mount Gambier at its meeting held on **## Month** 2015.

Environmental Sustainability Sub-Committee

The Environmental Sustainability Sub-Committee has been established to:

- Assist Council achieve its environmental sustainability goals and objectives.
- Provide advice to Council, staff and community on sustainability including assistance with assessment of projects and initiatives against Council's adopted environmental sustainability framework.
- Monitor achievements in environmental sustainability against the adopted Strategic Plan, annual business plan and budget.
- Promote environmental sustainability to the organisation and community.
- Develop programs and activities that fit the adopted environmental sustainability framework and submit to the Operational Services Committee for its consideration.

Environmental Sustainability Sub-Committee

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1. NAME

The name of the Council Sub-Committee shall be the Environmental Sustainability Sub-Committee (in these Terms of Reference referred to as “the Sub-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 “Sub-Committee” means the Sub-Committee of Council established pursuant to 3.0.
- 2.1.3 “Sub-Committee Member” means the person appointed by the Standing Committee.
- 2.1.4 “Commencement Date” means the date on which the Sub-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 Sub-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 Sub-Committee of Council, but not having a vote on any matter to be determined by the Sub-Committee and not having been appointed as Members.
- 2.1.8 “Singular” includes a reference to the “plural”.
- 2.1.9 Standing Committee means the Committee that established the Sub-Committee and to which the Sub-Committee reports.

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 Sub-Committee shall be addressed to: -

Environmental Sustainability Sub-Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3. ESTABLISHMENT

- 3.1 The Sub-Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Sub-Committee will be established and become operative from the time a resolution of the Standing Committee is passed.
- 3.3 The Sub-Committee is established by the Standing Committee to assist in the co-ordination and administration of advising on and implementation of Council's Environmental Sustainability program.

4. OBJECTIVES

- 4.1 The Sub-Committee is created for the express purpose of assisting the Standing Committee to develop and implement a range of environmental sustainability initiatives and programs (LGAct S41(7)).

5. MEMBERSHIP

- 5.1 Membership of the Sub-Committee will comprise of Elected Members. The Mayor has Ex-Officio membership on this Sub-Committee.
- 5.2 The Standing Committee reserves the right from time to time to remove any Member of the Sub-Committee and appoint another Member in their stead. All Members hold office at the pleasure of the Standing Committee.
- 5.3 The Sub-Committee will appoint a Presiding Member.

6 CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES

- 6.1 The Standing Committee may replace any Member on the Sub-Committee or fill any casual vacancies, by notifying the Sub-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 Sub-Committee is not permissible.

8 RESIGNATION OF REPRESENTATIVES

- 8.1 Any Sub-Committee Member may resign from the Sub-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 Sub-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 Sub-Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

10 MEETINGS OF THE SUB-COMMITTEE

- 10.1 The Sub-Committee shall meet as and when determined by the Presiding Member.
- 10.2 The CEO or his appointee shall give notice to each Sub-Committee Member at least five clear days prior to any meeting.
- 10.3 The CEO or his appointee shall send a copy of the notice of a meeting and minutes of the Sub-Committee to the Standing Committee.
- 10.4 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Sub-Committee.
- 10.5 All notices of meetings shall be issued under the hand of the CEO or his appointee.
- 10.6 No business shall be transacted at any meeting of the Sub-Committee unless a quorum of Members is present.
- 10.7 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 10.8 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-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 Sub-Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2000.

12 LIABILITY OF THE SUB-COMMITTEE

12.1 A liability incurred by the Sub-Committee rests against Council.

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

13 MINUTES OF THE SUB-COMMITTEE

13.1 Administration

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

13.1.2 Minutes of the Sub-Committee shall be available to all Members of the Sub-Committee, Standing 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 Sub-Committee Meeting shall be distributed within 5 days of the meeting;

13.1.3.7 Minutes of the Sub-Committee Meeting shall be submitted for confirmation at the next meeting of the Sub-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 Standing Committee by resolution of the Standing Committee 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 Standing Committee resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Sub-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 Standing Committee shall determine the dispute and the decision of the Standing Committee shall be final and binding.

16 WINDING UP

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

##th May, 2015
Ref: AF####
SW

OPERATIONAL SERVICES REPORT NO. 13/2015

SUBJECT: GOVERNANCE - Section 41 Committee - Operational Services Committee -
Terms of Reference - Ref. AF14/283

Goal: Governance
Strategic Objective: (i) Demonstrate innovative and responsible organisational governance.
(ii) Establish measures for Council's performance and continually compare against community expectations.

Council at its meeting on 27th January, 2015 in consideration of developing a Terms of Reference for the Operational Services Committee resolved that Terms of Reference for the Operational Services Committee be referred to an Elected Members Workshop.

The Terms of Reference were the subject of an Elected Members Workshop held on 18th February 2015, from which the Presiding Members of both the Corporate and Community Services and Operational Services Committees were charged with developing draft terms of reference in conjunction with the Chief Executive Officer and Manager - Governance and Property.

The resulting draft Terms of Reference for the Operational Services Committee are presented for consideration by the Committee and Council (Attachment 1).

Members attention is brought to the inclusion of the functions required by Section 101A of the Development Act 1993, formerly performed by the Strategic Planning and Development Policy Committee, a statutory committee with the same membership as the Operational Services Committee.

The proposed adoption of formal Terms of Reference for the Operational Services Committee would enable these Development Act functions to be undertaken by the Operational Services Committee.

RECOMMENDATION

- (a) Operational Services Report No. 13/2015 be received;
- (b) Council adopts the Operational Services (Section 41) Committee Terms of Reference, incorporating the functions of s101A of the Development Act 1993 as provided as an attachment to this Report and marked as 'Attachment 1';
- (c) the Strategic Planning and Development Policy Committee be disbanded immediately.



Michael McCARTHY
MANAGER - GOVERNANCE AND PROPERTY

sighted:



Grant HUMPHRIES
ACTING CHIEF EXECUTIVE OFFICER

2 June 2015
SW

Attachment 1: Draft Terms of Reference (Operational Services Committee)

(Refer Item of Operational Services Committee Minutes)



City of
Mount Gambier

DRAFT

Operational Services Standing Committee

TERMS OF REFERENCE

A Committee of Council

established pursuant to the provisions of

Section 41
of the Local Government Act 1999

and

Section 101A
of the Development Act 1993.

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 **## Month** 2015.

Operational Services Committee

The Operational Services Committee has been established to:

- review recommendations received from the administration, sub-committees, other reporting committees, and the committee itself, relating to, but not limited to, matters falling within the following broad headings:
 - Asset Management
 - Roads, Transport and Traffic Management
 - Drainage, Stormwater and Water quality Management
 - Environmental Protection and Waste Stream Management
 - Regulatory Services

and for the purpose of Section 101A of the Development Act 1993, to:

- provide advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.
- To assist Council in undertaking strategic planning and monitoring directed at achieving:
 - orderly and efficient development within City of Mount Gambier Council area;
 - high levels of integration of transport and land use planning;
 - relevant targets set out in the planning strategy within the City of Mount Gambier Council area;
 - the implementation of affordable housing policies set out in the planning strategy within the area of Council;
 - other outcomes of a prescribed kind (if any).
- To provide advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:
 - a Strategic Directions Report; or
 - a Development Plan Amendment proposal.
- Other functions (other than functions relating to development assessment or compliance) assigned to the committee by Council.

Operational Services Committee

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1. NAME

The name of the Council Committee shall be the Operational Services Committee (in these Terms of Reference referred to as “the Committee”).

2. DEFINITIONS

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

2.1.1 “Committee” means the Committee of Council established pursuant to clause 3.

2.1.2 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.

2.1.3 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.

2.1.4 “Council” means the City of Mount Gambier that established the Committee and to which the Committee reports.

2.1.5 “Prescribed Committee” means a Prescribed Committee as defined in the Remuneration Tribunal Determination 7 of 2014 (or any replacement determination)

2.1.6 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.

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 Committee Members.

2.1.8 “Sub-Committee” means a sub-committee established in accordance with the Local Government Act 1999.

2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Local Government Act 1999 or the Development Act 1993 shall have the same meanings as are given to them in those Acts.

2.3 A reference in these Terms of Reference to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

2.4 These Terms of Reference shall be interpreted in line with the provisions of the Local Government Act 1999 and Development Act 1993.

2.5 Notices

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

City of Mount Gambier Operational Services Committee
c/o:- Director Operational Services
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3. ESTABLISHMENT

3.1 The Operational Services Committee is established under Section 41 of the Local Government Act 1999 and Section 101A of the Development Act 1993.

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

3.3 The Committee is established by the Council for the purpose of:

3.3.1 reviewing recommendations received from the administration, sub-committees, other reporting committees, and the committee itself, relating to, but not limited to, matters falling within the following broad headings:

- Asset management
- Roads, transport & traffic management
- Drainage, stormwater & water quality management
- Environmental protection and waste stream management
- Regulatory services

and for the purposes of Section 101A of the Development Act 1993, for:

3.3.2 provision of advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.

3.3.3 assisting Council in undertaking strategic planning and monitoring directed at achieving:

- orderly and efficient development within City of Mount Gambier Council area;
- high levels of integration of transport and land use planning;
- relevant targets set out in the planning strategy within the City of Mount Gambier Council area;
- the implementation of affordable housing policies set out in the planning strategy within the area of Council;
- other outcomes of a prescribed kind (if any).

3.3.4 provision of advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:

- a Strategic Directions Report; or
- a Development Plan Amendment proposal.

3.3.5 other functions (other than functions relating to development assessment or compliance) assigned to the committee by Council.

3.4 The Committee shall be a Prescribed Committee that is enduring to perform, assist and provide advice to Council on matters described in these Terms of Reference.

4. OBJECTIVES

The Committee is created with the express objective of providing considered advice to Council within the scope of its purpose and reasons for establishment

5. MEMBERSHIP

5.1 Membership of the Committee will comprise Elected Members as determined by resolution of Council in accordance with Council policy guiding appointment to committees.

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

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

5.4 The Committee will determine the Committee Member to be appointed to the position of Presiding Member of the Committee, which appointment will be reviewed by the Committee every 12 months.

6 CASUAL VACANCIES AND REPLACEMENT MEMBERS

6.1 If a Committee Member is absent from 3 or more consecutive meetings of the Committee without an apology accepted by the Committee then that Committee Members position shall be considered vacant.

6.2 The Council will determine the filling of any vacancy in the Committee Membership in accordance with clause 5.

7 NO PROXY

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

8 RESIGNATION OF COMMITTEE MEMBER

8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member and Council 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 Operational Services Committee Members formally appointed to the Committee ignoring any fraction and adding 1.

10 ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS

A Committee Member (including, subject to the operation of clause 11.2, the Presiding Member) may be considered as being present at a Committee Meeting despite not being physically present at the meeting, subject to the following conditions:

10.1 Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committees Presiding Member and

confirmed to the Chief Executive Officer not less than 24 hours prior to the meetings scheduled commencement time, and;

- 10.2 The Chief Executive Officer having confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Members participation in the meeting and compliance with the Local Government Act 1999, and;
- 10.3 A Committee Member participating by such means being for the specified meeting only and not for 2 or more consecutive meetings of the Committee, and;
- 10.4 All Committee Members being able to hear each other Committee Member whilst a Committee Member is participating by telephone or other electronic means, and;
- 10.5 The Committee Member that is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
- 10.6 The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
- 10.7 Such participation is not to be accommodated (and any connection terminated) for any matter that is to be considered in-confidence in accordance with a s90(2) order, and;
- 10.8 Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;

Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

11 MEETINGS OF THE COMMITTEE

- 11.1 The Committee shall meet in accordance with its ordinary meeting schedule or otherwise in accordance with this clause.
- 11.2 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.
- 11.3 No business shall be transacted at any meeting of the Committee unless a quorum of Operational Services Committee Members is present.
- 11.4 Each Operational Services Committee 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.
- 11.5 Each Operational Services Committee Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

12 PROCEDURES AT MEETINGS

- 12.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013.
- 12.2 In accordance with s89 of the Local Government Act 1999, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

13 LIABILITY OF THE COMMITTEE

- 13.1 A liability incurred by the Committee rests against Council.
- 13.2 No liability attaches to a Operational Services Committee Member of the Committee for an honest act or omission by that Operational Services Committee 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.

14 DELEGATION

- 14.1 The Committee has no delegation to act with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by full Council for final decision and resolution.

15 SUB-COMMITTEES

- 15.1 The Committee may establish a subcommittee to assist in a matter.
- 15.2 When establishing a subcommittee the Committee must set out Terms of Reference for the subcommittee.
- 15.3 The membership of a Sub-Committee established to undertake specific tasks for the Committee.
- 15.4 Meetings of any Sub-Committee must include one or more Committee Members who are appointed to the Sub-Committee one of whom shall preside over meetings of the Sub-Committee.
- 15.5 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-Committee is established to assist with.
- 15.6 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee as defined in the Local Government Act 1999.
- 15.7 If a Sub-Committee Member is absent from or 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 15.8 If a Sub-Committee established under this Clause 15 fails to achieve quorum on 3 consecutive occasions then the Sub-Committee will be considered to be in recess

and the Chief Executive Officer is to present a report to the Operational Services Committee for consideration.

16 MINUTES OF THE COMMITTEE

16.1 Administration

- 16.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 16.1.2 Minutes of the Committee shall be available to all Operational Services Committee Members of the Committee, Council and the public.
- 16.1.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Local Government Act 1999 and Regulations.
- 16.1.4 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.
- 16.1.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

17 AMENDMENTS TO THESE TERMS OF REFERENCE

- 17.1 It will be lawful for the Council by resolution of the Council 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 1999, the Development Act 1993 and other relevant legislation.
- 17.2 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.

18 INTERPRETATION OF THESE TERMS OF REFERENCE

- 18.1 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.

19 WINDING UP

- 19.1 Subject to the making of alternate arrangements to fulfill it's obligations under Section 101A of the Development Act 1993 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.