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

Date: Monday, 2 September 2019
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Economic and Environment Committee Meeting 2 September 2019

Andrew Meddle
Chief Executive Officer

29 August 2019

Order Of Business

1	Acknowledgement of Country	3
2	Apology(ies)	3
3	Confirmation of Minutes	3
4	Questions without Notice	3
5	Reports	4
5.1	Proposed Meeting Dates for the Economic and Environment Committee for 2019/20 - Report No. AR19/45836	4
5.2	Terms of Reference of the Economic and Environment Committee - Report No. AR19/45837	7
5.3	Update on progress to establish a tri-party agreement with KPIs between the City of Mount Gambier, District Council of Grant and the South East Animal Welfare League - Report No. AR19/45977	16
5.4	Lakes Rotary Club Works Proposal - Report No. AR19/45839	27
5.5	Proposed Road Closing - 11-13 Peake Street - Report No. AR19/43466	32
5.6	1 Hour Parking Zone Sturt Street (Northern Side) – Report No. AR19/46048.....	36
5.7	Policy Review - O110 Order Making and C305 Caretaker Policy - Report No. AR19/43867	42
5.8	WINTV Right of Way / Easement Update – Report No. AR19/45842.....	62
5.9	Work in Progress Budget Carry Overs from 2018/2019 – Report No. AR19/41788.....	68
5.10	Work Program for the Economic and Environment Committee for 2019/20 – Report No. AR19/46229	72
6	Urgent Motions without Notice	74
7	Confidential Items	75
8	Meeting Close	82



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)

Cr Christian Greco and Cr Kate Amoroso

3 CONFIRMATION OF MINUTES

Nil

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 PROPOSED MEETING DATES FOR THE ECONOMIC AND ENVIRONMENT COMMITTEE FOR 2019/20 - REPORT NO. AR19/45836

Meeting: Economic and Environment Committee
CM9 Reference: AF18/497
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/45836 titled 'Proposed Meeting Dates for the Economic and Environment Committee for 2019/20' as presented on 02 September 2019 be noted.
2. That its meeting schedule for 2019/20, be as set out in Attachment 1 to this report.



BACKGROUND

At the Council meeting on 20th August 2019, Council resolved a new committee structure. The resolution, in part, stated:

“(b) Economic and Environment Committee:...

...(iii) That the first meeting of this committee be held Monday 2nd September 2019 and subsequent meetings be the first Monday of the month unless otherwise determined by the Committee.”

CONCLUSION

Based upon the resolution of Council around meeting dates, a proposed schedule is set out in **Attachment 1** to this report, for the remainder of this municipal year. As such, it is recommended that the dates in Attachment 1 be agreed, so that they may be diarised for Elected Members.

ATTACHMENTS

1. Proposed Meeting Dates for the Economic and Environment Committee for 2019/20 [📄](#)



ECONOMIC & ENVIRONMENT COMMITTEE

Meeting dates for the remainder of the 2019/20 municipal year.

Council resolution of 20th August 2019 stated that meeting would take place on the first Monday in the relevant month. This has been taken to except public holidays (hence the delay in January 2020).

Monday, 4th November 2019

Monday, 13th January 2020

Monday, 2nd March 2020

Monday, 4th May 2020



**5.2 TERMS OF REFERENCE OF THE ECONOMIC AND ENVIRONMENT COMMITTEE -
REPORT NO. AR19/45837**

Meeting: Economic and Environment Committee
CM9 Reference: AF18/497
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/45837 titled 'Terms of Reference of the Economic and Environment Committee' as presented on 02 September 2019 be noted.
2. That the following changes be made to the Terms of Reference for the Economic and Environment Committee:
 - a)...
3. That this is / is not a prescribed Committee for the purposes of payments as required by the SA Remuneration Tribunal.



BACKGROUND

At the Council meeting on 20th August 2019, where it was resolved to form the new committee structure, it was requested that the Terms of Reference be reviewed by the Committees at their first meetings. Accordingly the Terms of Reference may be found as **Attachment 1** to this report.

CONCLUSION

The Terms of Reference allow the Committee to formally reconsider them at any meeting and that any changes recommended by this Committee will be the subject of future Council endorsement before they come into effect.

ATTACHMENTS

1. Terms of Reference - Economic and Environment Committee [□](#)





Economic and Environment 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 Economic and Environment Committee were approved and adopted by the City of Mount Gambier at its meeting held on 20th August 2019.



Economic and Environment Committee

The Economic and Environment Committee has been established with a strategic and key project focus on the areas of broad relationship to the Council's Strategic Planning suite.

The term '*strategic*' is used in two senses:

- Important, general aspects of something (such as a policy), especially when these are decided in advance, which may affect the organisational focus and direction; and/or
- Being of size and scale that makes the project of significance to the organisation or the whole community.

The term 'key project' is used in the sense of a project of scope and scale to be considered significant to the Council (in terms of finance or risk), but which is not a form of capital expenditure.



Economic and Environment Committee

CONTENTS

1.	Name	1.
2.	Interpretation	1.
	Notices	1.
3.	Establishment	1.
4.	Objectives	2.
5.	Membership	2.
6.	Quorum	2.
7.	Meetings of the Committee	2.
8.	Procedures at Meetings	3.
9.	Liability of the Committee	3.
10.	Delegation	3.
11.	Sub-Committees	3.
12.	Minutes of the Committee	4.
13.	Amendments to these Terms of Reference	4.
14.	Interpretation of these Terms of Reference	4.
15.	Winding Up	4.



1 NAME

- 1.1 The name of the Council Committee shall be the Economic and Environment Committee (in these Terms of Reference referred to as “the Committee”).

2 INTERPRETATION

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

- 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 clause 3.
- 2.1.3 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.
- 2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.
- 2.1.5 “Council” means the City of Mount Gambier that established the Committee and to which the Committee reports.
- 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 Act.

- 2.2 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 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 Act.

2.5 Notices

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

City of Mount Gambier Economic and Environment Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3 ESTABLISHMENT

- 3.1 The Economic and Environment 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.



3.3 The Committee is established by the Council with a strategic and key project focus on the areas of broad relationship to the Council's Strategic Planning suite and in particular the Council's Strategic Plan.

3.4 The Committee will focus primarily, but not exclusively, on matters which relate to economic and environmental matters, noting that there may be overlap or duplication between this Committee and the People and Place Committee, where Council will determine the Committee best placed to deal with the subject matter.

4 OBJECTIVES

4.1 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 eight Councillors.

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

5.3 The Committee has the right to co-opt individual members who have special expertise to assist the Committee under its objective. Such co-opted members have the right to attend meetings and participate in discussion but will have no voting rights on the Committee.

5.4 Council will appoint a Presiding Member.

5.5 Council reserves the right not to appoint, to remove or to replace any co-opted member.

6 QUORUM

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

6.2 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).

7 MEETINGS OF THE COMMITTEE

7.1 The Committee shall hold ordinary meetings at least bi-monthly.

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

7.3 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.

7.4 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.

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



8 PROCEDURES AT MEETINGS

- 8.1 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 2013.
- 8.2 In accordance with s89 of the Act, 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.

9 LIABILITY OF THE COMMITTEE

- 9.1 A liability incurred by the Committee rests against Council.
- 9.2 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.
- 9.3 All members of the committee are bound by the Council Member Code of Conduct as published in accordance with Section 63 of the Act.

10 DELEGATION

- 10.1 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.

11 SUB-COMMITTEES

- 11.1 The Committee may establish a Sub-Committee to assist it in a matter directly related to the Committees objectives.
- 11.2 When establishing a Sub-Committee the Committee must set out the Terms of Reference for the subcommittee.
- 11.3 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.
- 11.4 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 Act.
- 11.5 If a Sub-Committee Member is absent from 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.
- 11.6 If a Sub-Committee established under this Clause 14 fails to achieve quorum on 2 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 Committee for consideration.



12 MINUTES OF THE COMMITTEE

- 12.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 12.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.
- 12.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act.
- 12.4 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.
- 12.5 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.

13 AMENDMENTS TO TERMS OF REFERENCE

- 13.1 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 Act and any other relevant legislation.
- 13.2 Notwithstanding 16.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference it may, but will be under no obligation, to obtain the opinion of the Committee.

14 INTERPRETATION OF TERMS OF REFERENCE

- 14.1 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 that are unable to be resolved by the Presiding Member then the Council shall determine the dispute and the decision of the Council shall be final and binding.

15 WINDING UP

- 15.1 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.

13th August 2019



5.3 UPDATE ON PROGRESS TO ESTABLISH A TRI-PARTY AGREEMENT WITH KPIS BETWEEN THE CITY OF MOUNT GAMBIER, DISTRICT COUNCIL OF GRANT AND THE SOUTH EAST ANIMAL WELFARE LEAGUE - REPORT NO. AR19/45977

Committee:	Economic and Environment Committee
Meeting Date:	2 September 2019
Report No.:	AR19/45977
CM9 Reference:	AF18/497
Author:	Judy Nagy, General Manager City Growth
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report provides members with an update on the establishment of a new Tri-party agreement between the City of Mount Gambier, District Council of Grant and the South East Animal Welfare League.
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. AR19/45977 titled 'Update on progress to establish a tri-party agreement with KPIS between the City of Mount Gambier, District Council of Grant and the South East Animal Welfare League' as presented on 02 September 2019 be noted and endorsed.
2. That the Chief Executive Officer be authorised to sign the tri-party agreement on behalf of the City of Mount Gambier, subject to it being consistent with the contents of Table 1 forming part of this report.



BACKGROUND

Council considered this matter on 16th July 2019 and referred the matter to the Operational Standing Committee. As a result of the resolution at the 20th August 2019 Council meeting business from the former committees was transferred to the new structure. Cr Greco received an email on 13th August 2019 (**Attachment 2**), which is included for Elected Member consideration. Elected Members will note that the two Councils believed they had reached an agreement with the South East Animal Welfare League, prior to the draft KPIs being presented to Council.

The following is the text from the 16th July 2019 Council report, which enables a debate to be held on this matter.

Ongoing Council discussion about the end of the current tri –party funding agreement between the City of Mount Gambier, District Council of Grant (DCG) and the South East Animal Welfare League (SEAWL) for Dog impound services resulted in the following Council Resolution on 21 May 2019.

“That Operational Standing Committee Report No. AR19/15736 titled ‘South East Animal Welfare League (SEAWL)’ as presented on 9 April 2019 be noted.

That –

- (a) the City of Mount Gambier enter into a three (3) year funding agreement (commencing 1 July 2019) with the District Council of Grant and the South East Animal Welfare League (SEAWL);*
- (b) the agreement reflect an annual contribution of \$45,000 from the City of Mount Gambier and \$15,000 from the District Council of Grant;*
- (c) the funding be subject to SEAWL meeting key performance indicators (KPIs) to be agreed between the parties; and*
- (d) staff be granted delegated authority to negotiate the KPIs within agreed time frames.”*

This report details the progress on this issue by Council Administration in arriving at a document that is now ready for signing.

DISCUSSION

The following provides a summary of actions taken to support the agreement which is now ready for circulation and signing.

- General Manager City Growth and Inspectorate staff prepared a draft list of key performance indicators.
- Staff then met with DCG to discuss the KPIs which were then modified and agreed as potentially workable.
- Council Staff, together with DCG staff met with the President and Secretary of SEAWL to discuss the KPIs.
- All parties have agreed to the KPI's.
- As part of the discussion it was agreed that the former agreement document template would be used with changes highlighted, while keeping to the same layout content and structure.
- Though the City of Mount Gambier Council resolution was silent about CPI increases, it was a feature of the previous agreement and the DCG resolution has stipulated inclusion of a CPI clause. For consistency the CPI clause has been included.

The key performance indicators are shown in Table 1, as shown overleaf:



N ^o .	PERFORMANCE INDICATOR	TIMEFRAME
1	A table detailing actual numbers of impounds from each Council with details of the outcomes from impounds. The data to include dogs returned to owners, sold (including sale values) and euthanised. The amount to be confirmed by inspectorate staff at each Council quarterly.	Quarterly using a template as agreed.
2	A table detailing active volunteering by members of the community and collaborations with external agencies in the community who provide wellbeing services. Outcomes be demonstrated through participation data and agency confirmation.	Annual
3	Broader Community Benefits of Dog and Cat Management to be demonstrated through provision of policy statements that clearly identify when surrendered animals will be accepted for care and under what conditions SEAWL rejects a Dog or Cat. In particular policies relating to assistance given to community members hospitalised, who have mental health issues or other similar cases of hardship are to be clearly articulated.	Within 3 months
4	All animals sold or released by SEAWL into the community to be registered and microchipped before release, to support responsible pet ownership in the community.	Immediate
5	SEAWL demonstrate continued effort to expand their operational financial capability through new sponsorship and donations with audited financial reports forwarded to Council's each year.	Annual

The changed information between this report and that previously considered by Council is that the SEAWL now claim that KPI 2 and 4 will not be workable.

Re KPI 2, claims about the confidential nature of relationships with third parties is not the intent of the KPI. The names of agencies and the number of volunteers and hours per agency is intended as summary data with no disclosure of personal information about individuals required.

Re KPI 4, SEAWL will require access to DACO to be able to meet this KPI and the District Council of Grant have provided information that such access will be granted sometime next year with no exact date being given. As an interim measure liaison with Council staff will ensure re-claimed dogs have verified registration before being released from SEAWL and re-homed dogs can be released without registration and Council will follow up after 14 days.

CONCLUSION

The process for establishing the new agreement has been relatively smooth with all parties agreeing that no undue administrative burdens will result from the KPIs. Instalments are payable in advance twice per year with annual reporting. There is an exception in the first year where Council will receive an interim report to determine satisfactory KPI achievement before the second instalment is paid.

The document will now be circulated for sign off to all parties.

ATTACHMENTS

1. South East Animal Welfare League Funding Agreement FINAL [□](#)
2. Letter from Trevor Twilley, South East Animal Welfare League [□](#)



TRI-PARTIED FUNDING ARRANGEMENT dated 2019

BETWEEN

CITY OF MOUNT GAMBIER ABN 17 330 264 425 of PO Box 56, Mount Gambier SA 5290
(Funding Provider 1)

AND

DISTRICT COUNCIL OF GRANT ABN 60 468 119 532 of 324 Commercial Street West, Mount
Gambier SA 5290 (Funding Provider 2)

AND

SOUTH EAST ANIMAL WELFARE LEAGUE INCORPORATED ACN 24 452 839 591 of PO
Box 2143 Mount Gambier SA 5290 (Funding Recipient)

INTRODUCTION

- A. Funding Provider 1 and Funding Provider 2 (together being the "**Funding Providers**") both utilise the services provided by the Funding Recipient at its facilities located on Riddoch Highway.
- B. The Funding Providers and the Funding Recipient have reached agreement on a 3 year funding arrangement to commence on 1 July 2019 and expire on 30 June 2022 ("**Funding Arrangement**").
- C. The Funding Providers commitment to the Funding Arrangement are contained in Council resolutions dated 21 May 2019 (Funding Provider 1) and 20 May 2019 (Funding Provider 2). Copies of Council resolutions are attached (refer Appendix 1).
- D. The Funding Providers and the Funding Recipient wish to document the Funding Arrangement on the terms and conditions set out in this document.

IT IS AGREED

1 INTERPRETATION

In this document: singular includes plural and *vice versa*; reference to a person includes a body corporate and an individual and *vice versa*; headings do not affect construction; and no rule of construction applies to the disadvantage of a party because that party put forward this document or any portion of it. This document can be amended only by written agreement of all three parties. A party waives a right under this document only by written notice that it waives that right. This document records the entire agreement between the parties as to its subject matter and supersedes any prior agreements, contracts, obligations, representations, conduct and understandings.

2 FUNDING AGREEMENT

- 2.1 By tri-partied consent the Funding Providers and the Funding Recipient agree that the Funding Providers shall provide Funding to the Funding Recipient for the period commencing on 1 July 2019 and expiring on 30 June 2022 ("**Term**") on the same terms and conditions as are expressed or implied in this document. Consideration for this Agreement shall consist of the Funding from the Funding Providers to the Funding Recipient.
- 2.2 The "**Funding**" will comprise a joint contribution of \$60,000 (excluding GST) by the Funding Providers to the Funding Recipient for the Term of the Funding Arrangement.



- 2 -

For clarity, the contribution of each of the Funding Providers in the commencing (2019/20 financial year) shall be as follows:

2.2.1 Funding Provider 1 - \$45,000 per annum

2.2.2 Funding Provider 2 - \$15,000 per annum

2.3 The Funding Recipient shall apply an annual CPI Indexation adjustment to the Funding amount for the commencement of each financial year during the Term based upon the March quarter CPI (Adelaide All Groups) change for the 12 month period immediately preceding the relevant contribution (financial) year.

2.4 In 2019 the second advance installment will be provided after the recipient submits a progress report to Funding Provider 1 and 2 in relation to items 1, 3 and 4 below, and that the report is deemed satisfactory by both Funding Provider 1 and 2. Thereafter annual reports are to be provided by the recipient incorporating items 1-5 in Clause 2.5 and include Annual Audited Financial Statements.

2.5 The Funding is subject to Key Performance Indicators as follows

No	Performance Indicator	Timeframe
1	A table detailing actual numbers of impounds from each Council with details of the outcomes from impounds. The data to include dogs returned to owners, sold (including sale values) and euthanized. The amount to be confirmed by inspectorate staff at each Council quarterly.	Quarterly using a template as agreed.
2	A table detailing active volunteering by members of the community and collaborations with external agencies in the community who provide wellbeing services. Outcomes be demonstrated through participation data and agency confirmation.	Annual
3	Broader Community Benefits of Dog and Cat Management to be demonstrated through provision of policy statements that clearly identify when surrendered animals will be accepted for care and under what conditions SEAWL rejects a Dog or Cat. In particular policies relating to assistance given to community members hospitalised, who have mental health issues or other similar cases of hardship are to be clearly articulated.	Within 3 months
4	All animals sold or released by SEAWL into the community to be registered and microchipped before release, to support responsible pet ownership in the community.	Immediate
5	SEAWL demonstrate continued effort to expand their operational financial capability through new sponsorship and donations with audited financial reports forwarded to Council's each year.	Annual

2.6 Except as otherwise provided in clause 2.4 and 4.2, Funding will be paid by the Funding Providers to the Funding Recipient by way of 2 x equal half-yearly advance instalments in July and January of each year following the receipt of a tax invoice issued by the Funding Recipient.

2.7 It is an essential term of this agreement that each of the Funding Providers contributions shall be subject to the continuation of the other Funding Providers contribution during the Term.

2.8 Neither of the Funding Providers may make any claim against the other funding provider as a result of any events, actions or contract termination that arises out of the events in Clause 4.



- 3 -

- 2.9 Except as provided by subclause 4.3 the Funding Recipient may not make any claim against the Funding Providers in the event of the withdrawal or withholding of funding arising out of the events in clause 4.
- 2.10 Funding Recipient to remain solvent and operating for the provision of kennel services accessible to the Funding Providers.

3 SERVICES

- 3.1 The parties agree that the services to be provided by the Funding Recipient in exchange for the Funding are to include, at no extra cost to either of the Funding Providers;
 - 3.1.1 Holding at its kennel facilities any dogs delivered by the Funding Providers.
 - 3.1.2 During any statutory period, and subject to the provisions of the Dog & Cat Management Act, to return impounded dogs to their respective owner (following confirmation of ownership, payment of relevant fees, and collection from the kennel/pound).
 - 3.1.3 Following any statutory period, and subject to the provisions of the Dog & Cat Management Act, to assume ownership and management of impounded dogs.
For clarity, ownership and management will include all costs, liabilities and responsibilities associated with the continued holding/ownership of the dogs, including but not limited to any requirements for the sale, re-homing, or other disposal of the dogs, with no further claim against the Funding Providers.
- 3.2 In providing the Services the Funding Recipient:
 - 3.2.1 must ensure its compliance at all times with all statutory requirements and standards (including any obligations under the *Work Health and Safety Act 2012*) relating to its business operations, particularly with respect to the keeping of dogs and animals.
 - 3.2.2 must keep current public risk insurance for at least \$10 Million for each claim, and insurance in respect of the Funding Recipient's buildings and equipment for their full replacement value
 - 3.2.3 provides the Services at the Funding Recipients risk.
 - 3.2.4 is liable for and indemnifies each of the Funding Providers against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:
 - any act or omission of the Funding Recipient;
 - loss or damage to property or injury or death to any person caused by the Funding Recipient,
 - the provision of the Services by the Funding Recipient or otherwise relating to the Services; or
 - a breach of this Agreement by the Funding Recipient.
 - 3.2.5 releases the Funding Providers from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in relation to the Services provided by the Funding Recipient to the Funding Providers, except to the extent that they are caused by the Funding Providers negligence.
 - 3.2.6 must keep its kennels/impound appropriately secured at all times.
 - 3.2.7 must keep accurate financial and operating records and an annual statement of all dogs and cats impounded from across the community to Funding Providers in the Funding Recipient's annual reports.



- 4 -

4 VARIATION OR TERMINATION

- 4.1 Funding payments may be varied and this Agreement may be terminated between the parties in accordance with the following sub-provisions:

4.1.1 In consideration of essential clause 2.5, the Funding Providers shall each be obliged to agree with the other Funding Provider, following consultation with the other Funding Provider and the Funding Recipient, before any withdrawal or withholding of their respective contributions during the Term.

4.1.2 In the event that the Funding Recipient is unable to continue to operate and provide the Services to the Funding Providers, then the Funding Providers may immediately withhold any further contributions to the Funding Recipient, and the provisions of clause 4.1.1 will apply.

4.1.3 Immediately in the event of the Funding Recipient giving notice to the Funding Providers that it is no longer able to meet its obligations under this Agreement.

4.1.4 In the event that the Funding Recipient is in significant and continued breach of this agreement and/or fails, refuses or is unable to provide the Services then the Funding Providers may withhold any further contributions until such time as the Funding Recipient has rectified the breach and/or recommenced provision of the Services at which time the Funding Providers will recommence contributions on a monthly pro-rata basis.

For the purpose of this clause 4.1.4, the Funding Providers shall not be obligated to contribute for any period during which the Service was not provided, and shall be entitled to a credit upon commencement for any period paid in advance for which the Services were not provided.

Despite clause 4.3, if a breach under this subclause is not rectified and/or the provision of the Services is not recommenced before the end of the Term then the Funding Recipient shall not be entitled to any further funding contributions from the Funding Providers.

- 4.2 Except as otherwise provided in this clause 4, three (3) months prior notice must be given by any party of its intention to terminate to the other parties, and any funding during this notice period shall remain payable on a monthly pro-rata basis provided the Funding Recipient continues to provide the Services during this period.

- 4.3 Except in the circumstances described at clause 4.1, in the event that one of the Funding Providers determines to withdraw from the Agreement, then that party shall remain obligated to the Funding Recipient for its Funding contribution for the remainder of the Term, and such contribution shall become due and payable forthwith following the issue of a tax invoice issued by the Funding Recipient and may be recovered as a debt and that party shall not be entitled to the receipt of any further services from the Funding Recipient that are funded under this agreement.

5 COSTS

The Funding Providers will share the costs of and incidental to the negotiation and preparation of this document.



- 5 -

EXECUTED AS AN AGREEMENT

SIGNED BY **CITY OF MOUNT GAMBIER**)
under delegated authority:)

.....
Signed for the Council

.....
Name

.....
Title

.....
Date

SIGNED BY **DISTRICT COUNCIL OF GRANT**)
under delegated authority:)

.....
Signed for the Council

.....
Name

.....
Title

.....
Date

EXECUTED by)
SOUTH EAST ANIMAL WELFARE LEAGUE INC.)

.....
President

.....
Vice President



- 6 -

APPENDIX 1 – Council Resolutions

Funding Provider 1 – 21 May 2019

That Operational Standing Committee Report No. AR19/15736 titled 'South East Animal Welfare League (SEAWL)' as presented on 9 April 2019 be noted.

That –

- (a) the City of Mount Gambier enter into a three (3) year funding agreement (commencing 1 July 2019) with the District Council of Grant and the South East Animal Welfare League (SEAWL);
- (b) the agreement reflect an annual contribution of \$45,000 from the City of Mount Gambier and \$15,000 from the District Council of Grant;
- (c) the funding be subject to SEAWL meeting key performance indicators (KPIs) to be agreed between the parties; and
- (d) staff be granted delegated authority to negotiate the KPIs within agreed time frames.

Funding Provider 1 – 20 May 2019

District Council of Grant resolution from the Ordinary meeting of 20/5/19 regarding the South East Animal Welfare League:

1. Council receive and note the Report.
2. Council endorse the following future funding option for the South East Animal Welfare League (SEAWL):
 - A further three (3) year Tri-Partied Arrangement for the SEAWL, or enter into a separate agreement between the SEAWL and each Council;
 - The District Council of Grant provide a donation of \$15,000 per annum;
 - An annual CPI Indexation adjustment shall apply each financial year; and
 - Any other matters as may be required, and agreed to by the parties.
3. The South East Animal Welfare League and the City of Mount Gambier be advised of Resolution 2 above.
4. The Chief Executive Officer and/or the Director of Environmental Services be delegated the authority to take any other actions considered necessary in relation to this matter.



Andrew Meddle

From: Cr Christian Greco
Sent: Tuesday, 13 August 2019 7:02 PM
To: Andrew Meddle
Subject: Fwd: SEAWL KPI's

As discussed can you please give me a call in regards to this one.

Sent from my iPad

Begin forwarded message:

From: Trevor Twilley <tjtwilley@hotmail.com>
Date: 13 August 2019 at 5:03:28 pm ACST
To: "crgreco@mountgambier.sa.gov.au" <crgreco@mountgambier.sa.gov.au>
Subject: SEAWL KPI's

Christian apology for late email but have only just been made aware of tonight's Operation Standing Committee meeting.

Regarding ensuring all dogs are registered prior to adoption is impossible as DACO will not allow SEAWL staff access to do this because to do so allows them access to confidential data base. Furthermore under the dog and cat management act a new owner has 14 days to register a new cat/dog so legally we can not enforce this.

Secondly regarding volunteers we are happy to provide volunteer hours however anything else between SEAWL and our volunteers is strictly confidential and as such can not be disclosed outside of SEAWL.

If these 2 KPI's were to proceed SEAWL would be destined to fail and as such not meeting these would jeopardise funding from City Council.

I am convening a meeting tomorrow night to decide in SEAWL's way forward after tonight's meeting as we are now 2 months into an agreed 3 year tripartite agreement between SEAWL, City and DCG Councils on 3 July 2019 yet SEAWL are yet to receive a financial contribution from both Councils and are now having to dip into our limited cash reserve.

Cheers

Trev

Trevor Twilley
President

South East Animal Welfare League
Mobile: 0432233878
Email: tjtwilley@hotmail.com
Web <http://seawl.org.au>



Facebook <https://www.facebook.com/pages/South-East-Animal-Welfare-League-Mount-Gambier/321202035471>



5.4 LAKES ROTARY CLUB WORKS PROPOSAL - REPORT NO. AR19/45839

Committee:	Economic and Environment Committee
Meeting Date:	2 September 2019
Report No.:	AR19/45839
CM9 Reference:	AF18/497
Author:	Daryl Morgan, Manager Engineering, Design and Contract Management
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report is to consider a proposal by the Lakes Rotary Club to undertake some restoration works to the walking trail between Leg of Mutton Lake and the Valley lakes, with the outcome to recommend a planned approach that coordinates and considers all necessary requirements for the heritage listed lakes precinct.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/45839 titled 'Lakes Rotary Club Works Proposal' as presented on 02 September 2019 be noted.
2. That Council congratulate the Lakes Rotary Club on their initiative in raising this as a necessary and worthwhile project within the Crater lakes Precinct and
 - (a) That Council provides in principle support for the development of this project for the restoration of the existing walking trail between the Valley Lakes and Leg of Mutton Lake (from Keegan Drive through to Marks Lookout):
 - (i) with Council staff providing the necessary assistance to prepare design details and seek the relevant development approvals; and
 - (ii) Lakes Rotary Club to undertake the physical works and provide the necessary materials for the first stage; and
 - (iii) Any further commitment from council be subject to future budget allocations.



BACKGROUND

Council has received a letter from the Lakes Rotary Club (**Attachment 1**) requesting Council give consideration to a project involving the restoration and improvement to an existing walking trail in the Crater lakes area that connects Keegan Drive (behind the guard rail opposite the Water Tower) to Marks Lookout. This section of trail of approximately 850m, winds its way between the Valley Lake and the Leg of Mutton Lake and is used by many walkers, tourists, runners and also mountain bike riders.

Because of the popular use of this track over many years, the surface has become extremely worn with erosion causing extensive exposure of tree roots which is creating a significant risk to users. Whilst Council undertakes minor maintenance works from time to time, the condition of the track is however in need of a major overhaul.

The proposal from the Lakes Rotary club (to undertake some restoration works to the walking trail) is relatively straight forward and is not requiring a commitment from Council beyond some in kind design, documentation and direction towards the project at this point in time.

However, in order to ensure the project is in keeping with the orderly development of the Heritage Listed Crater Lakes area and reflects the principles of the Crater Lakes Conservation management plan, there is a need for Council to firstly consider the broader context in which the project exists.

DISCUSSION

The Valley Lakes complex was gazetted as a State Heritage area in 1992 and as a consequence, the Crater Lakes Conservation management plan was formulated for this precinct to ensure that the management and maintenance of the area maintains and protects the significant features, namely, indigenous culture, archaeological, historical, and natural environment.

The Crater Lakes Conservation Management Plan (accessible via <https://s3-ap-southeast-2.amazonaws.com/cmg-public-assets/docs/Crater-Lakes-Conservation-Management-Plan-May-2004.pdf>) sets out seven key goals that provide vision and sustainable direction for the Crater Lakes Area as follows:

1. Recognise and protect all of the heritage values of the Crater Lakes Area;
3. Identify opportunities and implement actions to restore, enhance and interpret the heritage landscape values of the area;
4. Protect the quality of the natural environment;
5. Provide appropriate levels of infrastructure, facilities and services to support appropriate, safe and enjoyable community access and use of the area;
6. Establish a management approach that responds to the desired landscape character and activities identified for specific precincts;
7. Retain and enhance views and vistas into and out of the Crater Lakes Area; and
8. Ensure that funds are sourced from all spheres of government to enable protection and enhancement of the Crater Lakes area.

The approach from the Lakes Rotary Club (to undertake some restoration works to the walking trail) is in alignment with these principles and is also supported by Council's Community Plan, being to enhance the use and enjoyment of the Crater Lakes precinct. However, it is important that any further development or maintenance works within this area follows the guiding principles of the conservation management plan and will therefore require council staff to develop the necessary design details, development approvals and project parameters in consultation with the various stakeholders in order to establish the boundaries for this project.



PROJECT BENEFITS

On assessment, this project has merit, is in keeping with the conservation management plan, will provide safer access to the lakes precinct for all users and will assist the Council in asset maintenance. Preliminary discussions with the Council's heritage advisor have indicated a positive response and identified a need for this project but it needs to be in line with the principles of the conservation management plan.

CONCLUSION

The request from Lakes Rotary Club to undertake some restoration works to the existing walking trail between the Valley Lake and Leg of Mutton Lake has the potential to improve the use of the valley Lakes to the current and future users as well as preserve the natural environment.

The cost implications to the Council at this point in time are essentially in kind, i.e. design details, project scope, development / heritage approval, with the physical and material costs being met by Lakes Rotary Club.

Any further requests from the Lakes Rotary Club for labour or material assistance would be subject to future budget considerations by Council as there are no specific budget lines within the 2019/2020 budget set aside for this project.

ATTACHMENTS

1. Letter from the Lakes Rotary Club [□](#)





Lakes Rotary Club
PO Box 147
Mount Gambier SA 5290
17 June 2019

Her Worship the Mayor of Mount Gambier Mrs. Lynette Martin OAM
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

Dear Lynette,

On behalf of the Lakes Rotary Club I recently informally met with Mr. Daryl Morgan, Manager Engineering Design & Contracts to discuss a possible project for the Valley Lakes walking track.

As you would be aware, Lakes Rotary Club has assisted the council in several projects over the thirty years of the club. We are always on the lookout (no pun intended) for activities that improve facilities and lived experience of our local and wider community.

Lakes Rotary Club would like to propose a new project to assist the council in restoration and improvement the walking track around the Valley Lake. This project might be subdivided into several smaller stages.

This proposal follows an earlier meeting which was attended by Mr. Morris Dickins of Lakes Rotary, Mr. Daryl Morgan and Richard Woods, Local Heritage Advisor where we discussed the merits and technical aspects of a possible project.

The portion of track from Keegan Drive down The Saddle (Crater Lakes Conservation Management Plan - May 2004 - Precinct 9.10) has degraded considerably with erosion and use. Nearly a metre of track behind the Armco railing at the head of the track is missing due to the actions of these agents. The track has become precarious with exposed roots and uneven surfaces.

We are proposing, as a first stage of a potentially ongoing project, to restore the area behind the Armco railing through infilling with environmentally sensitive material in conjunction with hydrological work to redirect storm water from the track and road. The construction of some steps from this restored area would lead to the head of the track. It is envisaged that further restoration of the track could be ongoing as later stages of the project.

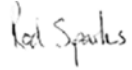
In proposing this project, we are cognizant of the conservation management plan (referenced above) for the Crater Lakes and believe that this project is in line with this plan. We also believe the project would enhance the conservation and promotion of the Lakes area.

The purpose of this letter is to seek formal Council approval to commence planning of this project. Our club has some financial and labour resources at our disposal as well as expertise in construction and conservation management which could be utilized in planning and undertaking this endeavour. We would envisage contributing these resources in conjunction with those of the Council which we hope would provide detailed designs and engineering for the works.



We would be happy to meet with Council should it be required. Please feel to contact me should you require any further information. I look forward from hearing from you in the near future.

Regards,



PP Rod Sparks
for the Community Committee, Lakes Rotary



5.5 PROPOSED ROAD CLOSING - 11-13 PEAKE STREET - REPORT NO. AR19/43466

Committee:	Economic and Environment Committee
Meeting Date:	2 September 2019
Report No.:	AR19/43466
CM9 Reference:	AF18/497
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report presents a proposal for a partial road closure adjacent property at 11-13 Peake Street, for amalgamation with the adjoining property
Community Plan Reference:	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/43466 titled 'Proposed Road Closing - 11-13 Peake Street' as presented on 02 September 2019 be noted.
2. A Road Process be commenced for the closure of portions of Peake Street marked 'Part A' and 'Part B' on the Preliminary Plan attached to Report No. AR19//43466 to be amalgamated with the adjoining Allotments 52 & 53.
3. The Road Process envisaged at recommendation (2) be at the full cost of the applicant including the engagement of surveying and conveyancing services and the re-imburement of any out of pocket expenses incurred by Council including stamp duty.
4. That consideration for the land associated with the road closing and transfer be, subject to the making of a Road Order and registration by the Registrar General, \$8,000 +GST.
5. A further report be presented to Council to consider any objections and the making of a Road Process Order;
6. in the event that no objections are received, the Chief Executive Officer and Mayor be authorised to make a Road Process Order and prepare a Final Plan to close and transfer any part or portion of Peake Street as shown on the Preliminary Plan attached to Report No. AR19/43466 to adjoining owners for amalgamation with the adjoining Allotments 52 and 53 for consideration as specified in recommendation (4).
7. A Road Authorisation be granted for a period not exceeding 5 years for occupation, fencing and other minor works to the road area marked 'Part A' and 'Part B' in the preliminary plan attached to Report No. AR19/43466.
8. The Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to the road closure and road authorisation in recommendations (1), (6) and (7).



BACKGROUND

Council has been approached by the owner of property located at 11-13 Peake Street (vacant allotments with dual frontage to Harrold Street) requesting a partial road closure and boundary re-alignment to address an anomaly along their Peake Street property frontage.

A permanent road (closure) process is a statutory process undertaken in accordance with the provisions of the Roads (Opening & Closing) Act.

The provisions of the Roads Act, in this instance, enables Council to close and transfer to the adjoining owner a portion of land that is legally held as public road. The subject land is for all practical purposes surplus to Council's road requirements, and to a casual observer would be considered as being part of the adjacent private land holding.

DISCUSSION

The attached Preliminary Plan (**Attachment 1**) delineates the extent of a proposed road closure totalling approximately 110 square metres of Peake Street road reserve.

The adjoining landowner has agreed to engage the services of Alexander & Symonds Surveyors to administer the road process at their own cost, and has offered \$64/m² as consideration for the land value of the road portion to be closed and amalgamated with their adjoining property.

This consideration offer is consistent with the gross rate per square metre applicable to the recent sale of the adjacent property with which the road portion is proposed to be amalgamated, and below the threshold limit in Council's Procurement and Disposal of Land and Assets Policy P420 for requiring the engagement of an independent valuation.

Initial Dial Before You Dig searches have not identified any infrastructure that would complicate or prohibit the road closure from proceeding. In the event that service authorities raise any objection or requirements associated with the proposed closure, solutions to overcome any issues would be at the cost of the applicant, or would otherwise result in a failure of the road closure process.

Considering the location of the road portion, and the adjoining owners interest to rectify this boundary anomaly at their own cost and with land value consideration payable to Council, it is considered reasonable to support this closure proposal.

In contrast, it is common for road closure enquiries to not progress to this formal commencement stage due to complications with road and service infrastructure, applicants unwillingness to pay land value and costs, and the length and uncertainty of the road closure process which can be expected to take up to a year to complete.

In anticipation of this closure and to address an immediate boundary safety issue the applicant would also like to fence the proposed new boundary.

Whilst this would not ordinarily be recommended until a road closure and land transfer had been successfully completed, in this instance due to the height levels and slope of the subject area and proposed development works to commence on the adjoining properties it would seem an appropriate interim solution.

A Section 221 Authorisation (for alteration of a road) may be granted over a road area, including permission to occupy and allow erection of a structure (fencing) and to change the construction (i.e. levels and slope) of the subject portion of road. Such an authorisation might be for a period of five years to allow the road process to be undertaken, as well as any other development on the adjacent property.

In the event that the road closure were unsuccessful Council may then review the road authorisation, to either extend it for a further period or to require the adjoining owner to remove/relocate the fence and make good the subject road area at their own cost.



If the Road closure process were successful, then the road authorisation would lapse upon the closure and transfer of the subject portion of land.

Based upon preliminary enquiries it is considered that the likelihood of a successful road closure is reasonably good.

CONCLUSION

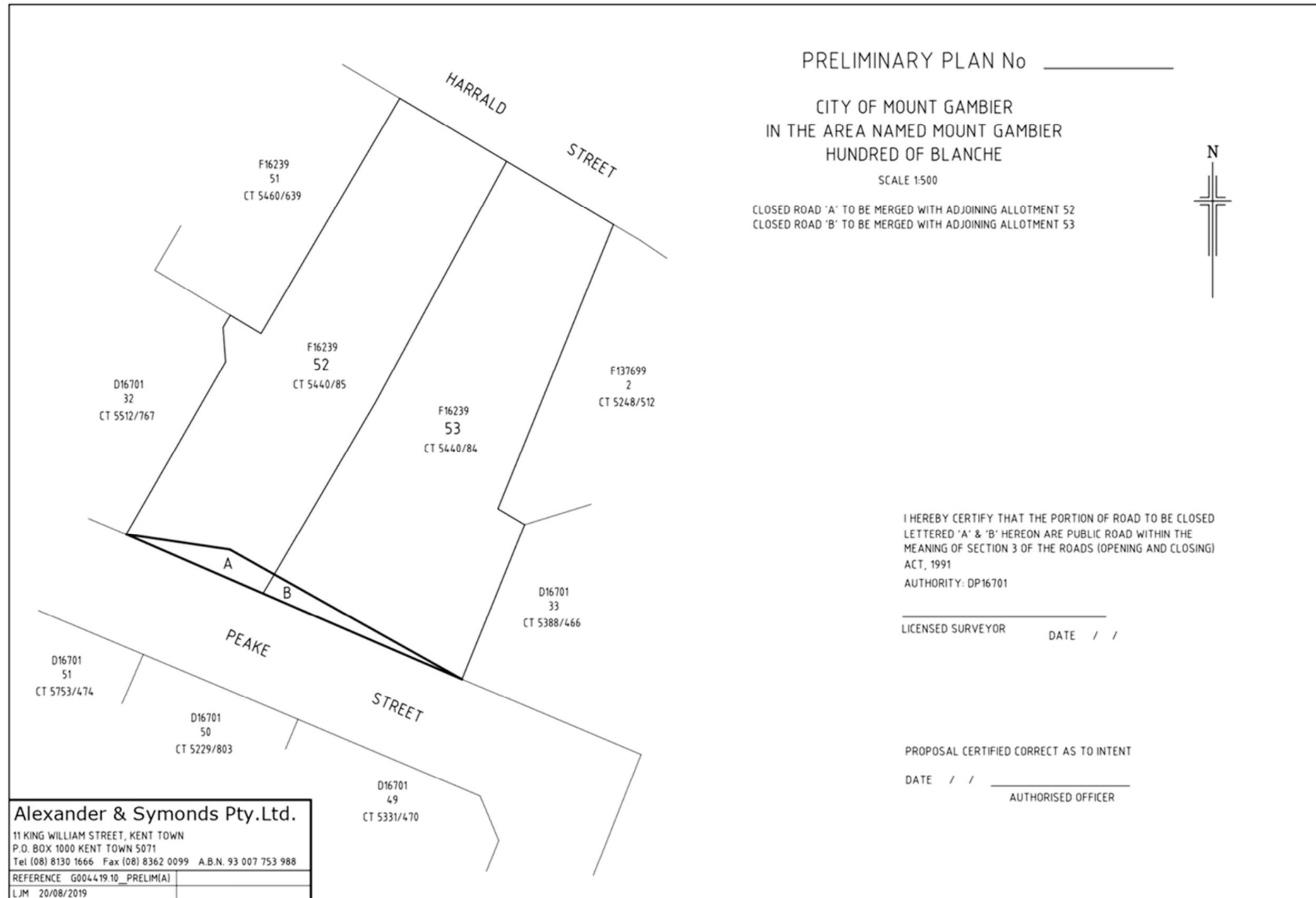
This report recommends that a road process be commenced to close those portions of Peake Street marked 'Part A' and 'Part B' on the attached Preliminary Plan for amalgamation with adjoining allotments for an agreed consideration amount based upon \$64/m².

This report further recommends that a Section 221 road authorisation be granted over the subject portion of road for a period of 5 years, enabling it to be occupied and altered in the interim period until the road closure process has been successfully completed or abandoned.

ATTACHMENTS

1. Preliminary Road Closing Plan - Peake Street [📄](#)





5.6 1 HOUR PARKING ZONE STURT STREET (NORTHERN SIDE) – REPORT NO. AR19/46048

Committee: Economic and Environment Committee
Meeting Date: 2 September 2019
Report No.: AR19/46048
CM9 Reference: AF18/497
Author: Derek Ferguson, Team Leader General Inspectorate
Authoriser: Nick Serle, General Manager City Infrastructure
Summary: To establish a 1 Hour Parking Zone on Sturt Street(Northern Side)
Community Plan Reference: Goal 1: Our People

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/46048 titled '1 Hour Parking Zone Sturt Street (Northern Side)' as presented on 02 September 2019 be noted.
2. The Traffic impact statement attached to the Economic and Environment Committee Report No. AR19/46048 be endorsed by Council.
3. That City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
 - (a) Prohibited Area 1 HOUR PARKING
3.3.210
STURT STREET (NORTHERN SIDE) - from 10 metres to 97 metres east of the intersection with Compton Street to apply between 8.00 am and 5.00 pm. Monday to Friday and 8.00 am to 12 noon Saturdays.
 - (b) To be effective on the installation of appropriate signage.



BACKGROUND

Council has received a request from Terry White Chemmart to establish a 1 Hour parking Zone on Sturt Street (Northern Side), (letter attached). They allege that people are parking all day in front of businesses on the street.

DISCUSSION

Council officers have monitored the area over a period of time to gauge parking trends, and found there are a lot of vehicles that park long term on the street.

CONCLUSION

It is recommended that Council establish a 1 hour parking zone on Sturt Street (Northern Side)

ATTACHMENTS

1. Parking along Sturt street request for time zone parking Terry White Chemist [□](#)
2. Traffic Impact Statement Sturt Street(Northern Side) [□](#)
3. Aerial view Sturt Street(Northern Side) Parking resolution [□](#)



From: Jen Maloney <jenm@starpharmacy.com.au>
Sent: Friday, 28 June 2019 10:35 AM
To: Derek Ferguson
Subject: Parking along Sturt street

Hi Derek

I have made contact previously and would like to make another very easy strong suggestion for one hour parking in sturt street between Compton and Keegan street . I am the owner of terry White chemmart in sturt street. I remain frustrated as people continue to park all day in front of my business ! Can you please let me know what is being done ?

Kind regards

Jen Maloney

--

Kind Regards,

Jen Maloney

Pharmacist Manager Owner

TWC Sturt St, Mount Gambier 5290



WARNING: This e-mail is from Star Pharmacy Group Pty Ltd. The contents are confidential and if you have received this e-mail in error, please reply to us immediately and delete the document.



. **TRAFFIC MANAGEMENT - Regulating - Parking Off-Street – Commerce Place Car Park- install 2 Hour parking Zone - Letter from Chamber of Commerce**

Goal: Building Communities

Strategy: Infrastructure

(i) Establish and implement Long Term Asset Management Plans and Infrastructure Plans so that the needs of the community are met

The Director - Operational Services reported:

- (a) Council has received a letter from the Chamber of Commerce (Letter Attached) requesting Council to consider trialing several initiatives around CBD parking areas due to changing parking trends, One of their proposals is to establish different timed parking zones within the commerce place car park. One of these zones is a 2 Hour area consisting of 24 parking spaces situated in the area closest to Commercial; Street West
- (b) The proposed 2 Hour parking zone is shown on the aerial map attached to the Traffic Impact Statement.

Moved it be recommended:

- (a) The report be received;
- (b) The Traffic Impact Statement attached to the Operational Services Committee agenda be endorsed by Council;
- (c) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Prohibited Area
3.2.153

2 Hour Parking

COMMERCE PLACE CAR PARK, MOUNT GAMBIER – that area of land owned by the City of Mount Gambier comprising allotment 2 – 14 Commerce Place, comprising of 24 bays, to apply between 8.00am and 5.00pm Monday to Friday/ 8.00am and 12.00 noon Saturday

To be effective on the installation of appropriate signage



TRAFFIC IMPACT STATEMENT

1 Hour Parking Zone
Sturt Street (Northern Side)

Part A – Traffic Management

It is the view of the undersigned that the installation of a 1 Hour Parking Zone in Sturt Street (Northern Side) 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 installation of a 1 Hour Parking zone in Sturt Street(Northern Side) 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

27th August 2019

Ref. AF11/1855
LM





Map



Map Zoom: 280 m
Plot Date: Tuesday, 13 August 2019



5.7 POLICY REVIEW - O110 ORDER MAKING AND C305 CARETAKER POLICY - REPORT NO. AR19/43867

Meeting: Economic and Environment Committee
Meeting Date: 2 September 2019
Report No: AR19/43867
CM9 Reference: AF18/497
Author: Michael McCarthy, Manager Executive Administration
Authoriser: Andrew Meddle, Chief Executive Officer
Summary: This report presents the results of Public Consultation and recommends the adoption of draft Caretaker and Order Making Policies
Community Plan Reference: Goal 1: Our People
Goal 2: Our Location
Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/43867 titled 'Policy Review - O110 Order Making and C305 Caretaker Policy' as presented on 02 September 2019 be noted.
2. That, having conducted public consultation in accordance with the provisions of the Local Government Act 1999 and in the absence of any enquiries or submissions, the following draft policies now be adopted and added to Council's Policy Index:
 - Caretaker Policy C305
 - Order Making Policy O110



BACKGROUND

At the Council meetings held on 15 January 2019 and 19 March 2019 Council considered its Caretaker Policy C305 resolving that the policy be amended at Item 4(a) such that the caretaker period commence on the day when nominations close of the election.

In April 2019 a draft caretaker policy was presented including the updates as resolved in March 2019, for endorsement by Council for public consultation purposes.

Also at the 19 March meeting Council endorsed a draft Order Making Policy O110 including updates based on changes to the Local Government Act 199 and the introduction of the Local Nuisance and Litter Control Act 2016.

DISCUSSION

Consultation on the draft amended Caretaker and Order Making policies was undertaken in accordance with the provisions of the Local Government Act 1999, for a period commencing on 10 July 2019 with a closing date for submissions on Friday 9th August 2019.

At the close of submissions nil public enquiries and submissions had been received in relation to either policy.

Accordingly, having complied with the public consultation requirements in the Local Government Act 1999, Council may now proceed to adopt the draft amended Caretaker and Order Making policies for inclusion in its policy index.

CONCLUSION

This report recommends that the draft Caretaker and Order Making Policies, as endorsed in March/April 2019 be adopted following public consultation that resulted in nil enquiries and nil submissions. The policies will be reviewed by September 2023.

ATTACHMENTS

1. Draft Council Policy C305 [□](#)
2. Draft Council Policy O110 [□](#)



 <p>City of Mount Gambier</p>	COUNCIL POLICY	
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY	
	Version No:	5
	Issued:	
	Next Review:	September 2023

1. POLICY STATEMENT

It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

This Caretaker Policy affirms Council's commitment to fair and democratic elections, and adherence to this principle. This Policy includes a commitment to comply with the requirements of Section 91A of the *Local Government (Elections) Act 1999*.

2. APPLICATION OF POLICY

This Policy applies to:

- each periodic election of Members of the Council under the *Local Government (Elections) Act 1999*; and
- each general election¹. of Members of the Council held pursuant to a proclamation or notice under the *Local Government Act 1999*.

This Policy does not apply to:

- supplementary elections.

In this Policy:

- All references to 'Council Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer should be read as including an Acting Chief Executive Officer and his/her delegate.

3. OUTLINE

This Policy applies during an 'election period' of Council to cover:

- (a) designated decisions as defined in the *Local Government (Elections) Act 1999* that are made by Council; and
- (b) use of Council resources, including:
 - materials published by Council;
 - attendance and participation at functions and events;
 - access to Council information;
 - media services issues; and
 - responsibilities of Council employees;

This Policy applies to both the elected Council (Council Members) and to employees and captures all 'designated decisions' of Council, a committee of Council, or a delegate of the Council – refer to Clause 6.2.

¹ Section 91A (1) of the *Local Government (Elections) Act 1999* states that the caretaker policy applies during the 'election period' for a 'general election'. General elections are defined in the *Local Government Act 1999* to mean a periodic election held under section 5 of the *Local Government (Elections) Act 1999*, or an election pursuant to a proclamation or notice under the *Local Government Act 1999*. [In the case of an election pursuant to a notice under section 56 of the *Local Government Act 1999*, the specific provisions of section 57 will apply.]

The Policy does not apply to supplementary elections.

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Page 1 of 12



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

This Policy forms part of (and is to be read in conjunction with) the prescribed Code of Conduct for Council Members and Code of Conduct for Employees in accordance with section 91A(7) of the *Local Government (Elections) Act 1999*.

4. 'ELECTION PERIOD'

During an 'election period', Council must assume a 'Caretaker mode', which means that it:

- must avoid designated decisions which are prohibited by section 91A of the *Local Government (Elections) Act 1999* (refer clause 6.2);

An 'election period':

- commences** on the day that nominations close for the election.
- terminates** at the 'conclusion of the election' (as defined at Section 4(2) of the *Local Government Act 1999*) for the relevant periodic or general election being the time at which the last result of the election is certified by the returning officer.

5. PURPOSE

During a Local Government 'election period', Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

The purpose of this Policy is to clearly set the parameters that Council will operate within during a Caretaker period. Caretaker provisions are required pursuant to section 91A of the *Local Government (Elections) Act 1999* and are generally regarded as necessary for the promotion of transparent and accountable government during an 'election period'.

6. SIGNIFICANT DECISIONS

6.1 Scope

This clause applies to decisions of Council, a committee of Council, or a delegate of Council, including the Chief Executive Officer.

6.2 'Designated decisions' prohibited by the Local Government (Elections) Act 1999

The following table outlines those designated decisions which are expressly prohibited by section 91A of the *Local Government (Elections) Act 1999*.

Designated Decisions	
(a)	A decision relating to the employment or remuneration of the Chief Executive Officer, (other than a decision to appoint an acting Chief Executive Officer) other than a decision of a kind excluded from the definition of "designated decision" by Regulation.

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Page 2 of 12



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

(b)	A decision to terminate the appointment of the Chief Executive Officer
(c)	<p>A decision to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates in the preceding financial year, other than a decision of a kind excluded from the definition of "designated decision" by Regulation.</p> <p>A "prescribed contract" means a contract entered into by the Council for the purpose of undertaking road construction or road maintenance or drainage works.</p>
(d)	A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election), other than a decision of a kind excluded from the definition of "designated decision" by Regulation.

Council notes that the *Local Government (Elections) Act 1999* stipulates that any designated decision made by Council during the 'election period' without an exemption from the Minister is invalid. Furthermore, it also notes that Council is liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such an invalid designated decision.

Council, if faced with extraordinary circumstances, may apply in writing to the Minister for an exemption. Council further notes that if the Minister chooses to grant an exemption it may be subject to any conditions or limitations that the Minister considers appropriate.

6.3 Exemptions to 'Designated decisions' under the *Local Government (Elections) Regulations 2010*

The *Local Government (Elections) Regulations 2010* were gazetted and came into effect on 27 August 2010. Regulation 12 exempts a number of key decisions from the definition of a 'designated decision' which will assist Councils' on-going operations during the election 'caretaker' period. It provides that for the purposes of section 91A of the *Local Government (Elections) Act 1999*, the following types of decisions are excluded from the definition of 'designated decision', if the decision:

- relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*; or
- is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth Government or State Government or otherwise for the council to be eligible for funding from the Commonwealth Government or State Government; or
- relates to the employment of a particular Council employee (other than the chief executive officer); or

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Page 3 of 12



 City of Mount Gambier	COUNCIL POLICY	Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY	Issued:	
		Next Review:	September 2023

- is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to the election period; or
- relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by Council; or
- if the decision is for the suspension of the Chief Executive Officer for serious and wilful misconduct.

6.4 Scheduling consideration of designated decisions

The Chief Executive Officer must ensure that 'designated decisions' are not scheduled for consideration during the 'election period'.

6.5 Decisions made prior to an 'election period'

This Policy applies to actual decisions made during an 'election period', not the announcement of decisions made prior to the 'election period'.

6.6 Other significant decisions which are prohibited by operation of this Policy

Prohibited Decision	Notes
Any major policy or other decisions which will significantly affect the Council area or community or will inappropriately bind the incoming Council	This is an internal requirement of Council

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and, instead, ensure that such decisions:

- (a) are considered by Council prior to the 'election period'; or
- (b) are scheduled for determination by the incoming Council.

In the context of this Policy, a 'major policy' decision includes any decision:

- to spend unbudgeted monies;
 - to conduct unplanned public consultation;
 - to endorse a new policy;
 - to dispose of Council land;
 - to approve community grants;
 - to progress any matter which has been identified as an election issue; and
 - any other issue that is considered a major policy decision by the Chief Executive Officer,
- that is not a 'designated decision'.

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--	--------------



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

6.7 Role of the Chief Executive Officer

The determination as to whether any Policy decision is major or any other decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor.

6.8 Considerations for urgent decisions

Where the Chief Executive Officer has determined that a decision is a major policy decision or is otherwise significant and therefore is covered by 6.6 above, and circumstances arise that require the decision to be made during the election period, Council will consider the matter and determine whether to make the decision.

The report to Council will address the following issues, where relevant:

- (a) Why the matter is considered 'significant';
- (b) Why the matter is considered urgent;
- (c) What are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- (d) Whether deciding the matter will significantly limit the policy choices of the incoming Council;
- (e) Whether the matter requires the expenditure of unbudgeted funds;
- (f) Whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- (g) Whether the matter requires community engagement;
- (h) Any relevant statutory obligations or timeframes; and
- (i) Whether dealing with the matter in the 'election period' is in the best interests of the Council area and community.

The aim of the report is to assist Council Members assess whether the decision should be deferred as a decision for the incoming Council.

7. USE OF COUNCIL RESOURCES

Council notes that Section 91A(8)(d) of the *Local Government (Elections) Act 1999* requires Council to prohibit the use of Council resources for the advantage of a particular candidate or group of candidates. This includes a candidate or candidates who are currently elected Members of Council.

Council resources cover a wide range of personnel, goods, services, information and opportunities and may include:

- materials published by Council;
- attendance and participation at functions and events;
- access to Council information; and
- media services issues.

Council Members and employees will ensure that due propriety is observed in the use of Council resources and must exercise appropriate judgement in this regard.

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Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 5 of 12



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

Council resources, including employees, support employees, hospitality services, equipment and stationery must be used exclusively for normal Council business during an 'election period' and, must not be used in connection with an election other than uses strictly relating to the election process.

7.1 Council Publications During an 'Election Period'

7.1.1 Prohibition on publishing certain materials during an 'election period'

Subject to the operation of Section 12(b) of the *Local Government (Elections) Act 1999* Council must not:

- (a) print, publish or distribute; or
- (b) cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice that contains 'electoral material' during an 'election period'.

For the purposes of this Policy 'electoral material' means material which is calculated (i.e. intended or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the returning officer for the purposes of conducting an election.

This Policy does not prevent publications by Council which merely announce the holding of an election or relate only to the election process itself for the purposes of Section 12(b) of the *Local Government (Elections) Act 1999* or otherwise. Council may provide information, education and publicity designed to promote public participation in the electoral processes for its area, and to inform potential voters about the candidates who are standing for election in its area. It will not publish material that refers to, or comments on, an issue submitted to or is otherwise before voters in connection with the election.

Council Members are, however, permitted to publish campaign material on their own behalf, but cannot assert for that material to be originating from, or authorised by, Council (e.g. by the use of Council logos).

NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio etc.

7.1.2 Council website

During an 'election period', new material which is prohibited by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Council's website will include an express link or reference to the Local Government Association publication of candidate profiles and electoral statements for the purposes of section 19A of the *Local Government (Elections) Act 1999*.

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Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 6 of 12



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE –		Issued:	
	CARETAKER POLICY		Next Review:	September 2023

7.1.3 Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an 'election period', the content contained within them regarding Council Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

Council publications produced before an 'election period' containing material which might be construed as electoral material will not be circulated or displayed during the 'election period'. However, they may be made available to members of the public on request.

7.2 Attendance at Events and Functions during an 'Election Period'

In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

7.2.1 Events staged by external bodies

Council Members may continue to attend events and functions staged by external bodies during an 'election period'. This includes but is not limited to LGA and regional LGA meetings, including the LGA Annual General Meeting held in October.

7.2.2 Council events and functions

Council organised events and functions held during the 'election period' will be reduced to only those essential to the operation of Council.

7.2.3 Addresses by Council Members

Council Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an 'election period'.

Council Members may, however, make short welcome speeches at Council organised or sponsored events and functions during an 'election period'.

7.2.4 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the 'election period', such preparation will be consistent with Clause 7.1 of this policy.

7.3 Access to Council Information

Council Members continue during an 'election period' to have a statutory right to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with caution and limited to matters that Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed that is not publicly available must not be used for election purposes.

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Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 7 of 12



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

All candidates (including those that are Council Members) have equal rights of access to public information relevant to their election campaigns from the Council administration. Neither Council Members nor candidates will be provided with information or advice from Council employees that might be perceived to support an election campaign, and there shall be transparency in the provision of all information and advice during an 'election period'.

7.3.1 Information and briefing material

Information and briefing material prepared or secured by employees for a Council Member during an 'election period' must be necessary to the carrying out of the Council Member's role and, where appropriate, provided to any candidate seeking the same information. Queries by employees regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

7.4 Media Service

Council's media and communication services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an 'election period'.

7.4.1 Media advice

Any request for media and communication advice or assistance from Council Members during an 'election period' will be referred to the Chief Executive Officer. No media or communication advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.

7.4.2 Media releases / spokespersons

Media releases will not refer to specific Council Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will generally be the appropriate person.

7.4.3 Publicity campaigns

During the 'election period', publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the *Local Government (Elections) Act 1999*, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

In any event, Council publicity during an 'election period' will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

7.4.4 Council Members

Council Members will not use their position as an elected representative or their access to Council employees and other Council resources to gain media attention in support of an election campaign.

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 8 of 12
--	--------------



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

7.4.5 Council employees

During an 'election period', no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

7.5 Council Employees Responsibilities During and Election Period

Prior to any election period, the Chief Executive Officer will ensure that all employees of Council are advised in relation to the application of this Caretaker Policy.

7.5.1 Correspondence

All correspondence addressed to Council Members will be answered by the Chief Executive Officer during the election period.

7.5.2 Activities that may affect voting

- (a) Council employees must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;
- (b) Council employees must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer; and
- (c) Council employees must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

7.6 Equity in Assistance to Candidates

Council confirms that all candidates for the Council election will be treated equally.

7.6.1 Candidate assistance and advice

Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

7.6.2 Election process enquiries

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer (or nominee).

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 9 of 12
--	--------------



 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

7.6.3 Expenses incurred by Council Members

Payment or reimbursement of costs relating to Council Members out-of-pocket expenses incurred during an 'election period' will only apply to necessary costs that have been incurred in the performance of normal Council duties. No reimbursements will be provided for campaigning, or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

7.6.4 Council branding and stationery

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

7.6.5 Support employees to Council Members

Council employees who provide support to Council Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Council Member.

7.6.6 Equipment and facilities

Equipment and facilities provided to Council Members for the purpose of conducting normal Council business must not be used for campaigning purposes.

7.7 Public Consultation during an 'Election Period'

7.7.1 Prohibition

It is prohibited under this Policy for discretionary public consultation to be undertaken during the 'election period' on an issue which is contentious unless Council specifically resolves otherwise.

For the purpose of this provision, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

7.7.2 Approval for public consultation

Where public consultation is approved to occur during an 'election period', the results of that consultation will not be reported to Council until after the 'election period', except where it is necessary for the performance of functions as set out at clause 7.7.1 above.

7.7.3 Community meetings

Community meetings will not be held during an 'election period'.

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 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C305 COUNCIL AND COMMITTEE – CARETAKER POLICY		Issued:	
			Next Review:	September 2023

8. HANDLING CODE OF CONDUCT COMPLAINTS DURING AN ELECTION PERIOD

Any complaint against a Council Member who is also a candidate for re-election made under the Code of Conduct for Council Members during an 'election period' will not be heard or determined by the Council during that period.

The Chief Executive Officer, upon receiving a complaint against a Council Member, who is also a candidate for re-election about conduct specifically in relation to this Policy (considered part of the Code of Conduct for Council Members), will refer the complaint to the independent Local Government Governance Panel established by the Local Government Association for assessment and investigation.

If the complaint is, in the opinion of the Chairperson of the Governance Panel, not so serious as to warrant urgent determination, consideration of the complaint must be deferred until after the 'election period'.

If the Council Member against whom the complaint is made is not returned to office after the election, the complaint will lapse.

An example of a serious complaint which would warrant urgent determination is where a complaint of a deliberate and wilful breach of this Policy is made, and is supported by sufficient evidence for the Chairperson of the Governance Panel to be satisfied that the conduct of the Council Member was not an honest or innocent mistake.

Where a complaint is made against a Council Member for a breach of this Policy and is deferred until after the 'election period', the Chief Executive Officer will remind the Council Member of the content of this Policy and will provide them with a copy of it.

Council recognises that the Electoral Commissioner has the role of investigating any alleged breach of the *Local Government (Election) Act 1999*, including alleged illegal practices.

9. COUNCIL ENDORSEMENT

This Policy was first adopted by resolution of the Council on Tuesday 20th April, 2010.

10. REVIEW & EVALUATION

This Policy is scheduled for review by Council in June 2022.

Any future review, amendment or alteration (other than minor) to this Policy or a substitution of a new Policy will be subject to public consultation in accordance with Councils Public Consultation Policy.

11. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

(Version 4.0 minor alterations 19th June, 2018).

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--	---------------



 City of Mount Gambier	COUNCIL POLICY C305 COUNCIL AND COMMITTEE – CARETAKER POLICY	Version No:	5
		Issued:	
		Next Review:	September 2023

File Reference:	AF18/51
Applicable Legislation:	Local Government (Elections) Act 1999 Local Government (Elections) Regulations 2010 Local Government Act 1999 <ul style="list-style-type: none"> • Code of Conduct for Council Members • Code of Conduct for Council Employees
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	E105 Elections – Supplementary Elections M130 Media – Statements on behalf of Council M265 Members – Complaint Handling
Related Procedures:	
Related Documents:	

DOCUMENT DETAILS

Responsibility:	Manager Executive Administration
Version:	4.0
Last revised date:	19 th June, 2018
Effective date:	19 th June, 2018
Minute reference:	Council Minutes 19 th June, 2018 - Item 13.5
Next review date:	June, 2022
Document History	
First Adopted By Council:	20 th April, 2010
Reviewed/Amended:	19 th October, 2010, 18 th March, 2014, 19 th June, 2018

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--	---------------



 City of Mount Gambier	COUNCIL POLICY		Version No:	10
	O110 ORDER MAKING		Issued:	September 2019
			Next Review:	September 2023

1. INTRODUCTION

- (a) This document sets out the policy of the City of Mount Gambier ("Council") for the making of Orders.
- (b) The City of Mount Gambier is committed to using the order making powers available to it under the Local Government Act 1999 in such a way as to facilitate a safe and healthy environment, and to improve the amenity of the locality, and generally for the good governance of its area.
- (c) This Policy sets out the principles and processes Council and any Council Officers acting under delegated authority will consider in the making of orders.

2. SCOPE

- (a) Section 259 of the Local Government Act 1999 requires Council to take reasonable steps to prepare and adopt policies relating to Order Making. Chapter 12, Part 2, Section 254 of the Act relates to power to make orders.
- (b) This Policy will apply to those circumstances listed in Section 254, which states that Council may order a person to do, or refrain from doing something as specified in the table included within that Section of the Act. Excerpt from Section 254:

Column 1 To do or to refrain from doing what?	Column 2 In what circumstances?	Column 3 To whom?
<p>2. Hazards on lands adjoining a public place</p> <p>(1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).</p> <p>(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.</p> <p>(3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.</p> <p>(4) Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.</p> <p>Examples—</p>	<p>(1) A hazard exists that is, or is likely to become, a danger to the public.</p> <p>(2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.</p> <p>(3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.</p> <p>(4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.</p>	<p>(1) The owner or occupier of the land.</p> <p>(2) The owner or occupier of the land.</p> <p>(3) The owner or occupier of the land.</p> <p>(4) The owner or occupier of the land.</p>



 City of Mount Gambier	COUNCIL POLICY		Version No:	10
	O110 ORDER MAKING		Issued:	September 2019
			Next Review:	September 2023

<ul style="list-style-type: none"> - To fill an excavation, or to prevent drainage of water across the road. - To construct a retaining wall or to remove or modify a fence. - To fence land to prevent the escape of animals. - To remove a structure or Vegetation near an intersection. 		
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<p>4. Inappropriate use of vehicle</p> <p>To refrain from using a caravan or vehicle as a place of habitation.</p>	<p>A person is using a caravan or vehicle as a place of habitation in circumstances that—</p> <p>(a) present a risk to the health or safety of an occupant; or</p> <p>(b) cause a threat of damage to the environment; or</p> <p>(c) detract significantly from the amenity of the locality.</p>	<p>The owner or occupier of the land or a person apparently occupying the caravan or vehicle.</p>
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- (c) In addition to Section 254, this policy will also apply to the making of any orders under 216 (Power to order owner of private road to carry out specified roadwork), 217 (Power to order owner of infrastructure installed on road to carry out specified maintenance or repair work) and 218 (Power to require owner of adjoining land to carry out specified work).
- (d) As additional issues arise Council will need to list its intentions to issue orders by giving examples in addition to those specified in the table in Section 254 of the Act. Any additional issues will be annexed to an updated version of this Policy.

3. GUIDING PRINCIPLES

- (a) When considering making an Order within the scope of this Policy the City of Mount Gambier will consider the following principles, which are considered central to effective resolution of local nuisances on private land:
 1. Every reasonable effort will be made to resolve the matter by negotiation prior to instigating the order making process.
 2. Each case for the possible use of the order making powers will be assessed on its individual merits. Factors that will be considered include:
 - Severity or seriousness of the incident
 - Extent of hazard/danger posed to the community
 - Nature and level of risk to health/safety of the community
 - Extent of detraction from the amenity of the locality
 - Impact on the environment
 - Occurrence of the activity/incident e.g. frequency, duration.
 - Impact of any previous actions to overcome the problem

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 City of Mount Gambier	COUNCIL POLICY		Version No:	10
	O110 ORDER MAKING		Issued:	September 2019
			Next Review:	September 2023

- Any public interest issues
- The evidence available
- Implications of not taking any action.

3. Procedural fairness and natural justice.

4. PROCESS

- (a) Except in the case of an emergency, the initial response to complaints of local nuisance will generally be a personal visit or telephone call by an authorised officer to attempt to resolve the matter with as little formality as possible.
- (b) If this approach is not effective, a letter detailing the complaint, the required action to resolve the matter and stipulating a reasonable timeframe, will be sent to the occupier of the land.
- (c) Except in the case of an emergency, If this still does not result in a satisfactory outcome the formal order making process will be instigated by giving the person to whom an order is intended to be directed, a notice of intention to issue an order detailing the information required by Section 255 of the Act, including:
1. The proposed action
 2. Reasons for the proposed action
 3. Terms of the proposed order
 4. Period within which compliance with the order is required
 5. Penalties for non compliance
 6. Opportunity to give reasons in writing to Council within 14 days of notification, on why the proposed order should not be given.
- (d) Where protracted informal negotiations have failed to achieve the desired outcome, the first letter from Council may be the formal notice of intention to issue an order.
- (e) Where the order is intended to direct a person who is not the owner of the land to take certain action, reasonable steps will be taken to serve a copy of any notices or orders on the owner of the land.
- (f) Where representations are received about a proposed order, the delegated officer may:
1. Make the order on the terms of the original proposed order
 2. Make an order with the modifications from the terms of the original proposed order (and not give further notice before making the modified order), or
 3. Determine not to proceed with making the order.
- (g) In cases where the delegated officer considers the circumstances or activity constitutes or is likely to constitute:
1. a threat to life; and
 2. immediate threat to public health or public safety; or
 3. an emergency situation;

and that immediate action is required, the order and required compliance may be imposed without undertaking the above notification process.

Electronic version on TRIM is the controlled version.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 3 of 6



 City of Mount Gambier	COUNCIL POLICY		Version No:	10
	O110 ORDER MAKING		Issued:	September 2019
			Next Review:	September 2023

5. REVIEW RIGHTS

- (a) Pursuant to Section 256 any person to whom an order is issued (including an order issued under Sections 254, 216 or 218) has a right to appeal against the order.
- (b) Any such appeal must be lodged within 14 days of that person's receipt of the order.
- (c) The Council will ensure that reference is to the right of review is included in any order issued.

6. NON COMPLIANCE

- (a) If an order is not complied with within the time fixed for compliance (or if there is an application for review, within 14 days after the determination of the review) the Council may (subject to the outcome of any review) take the action required by the order.
- (b) The reasonable costs and expenses incurred by Council in taking action under this section may be recovered by Council as a debt from the person who failed to comply with the requirements of the order.
- (c) Where any amount is recoverable by Council, Council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period, the person is liable to pay interest and Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with section 257(5) of the Act.
- (d) Non-compliance with an order of Council is an offence for which a person may incur a statutory penalty provided for in the Act. Section 258 of the Act provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the Act.
- (e) Under Section 217, if the order is not complied with within the time specified in the order:
 - 1. Council may carry out the action required by the order and recover the cost of doing so as a debt for the owner; and
 - 2. the owner is guilty of an offence and liable to a maximum penalty not exceeding \$5,000.

7. RESPONSIBILITIES AND DELEGATIONS

- (a) Council may delegate the power to issue orders under Sections 254, 216 and 218 of the Act to the Chief Executive Officer and the CEO may further sub delegate these powers.
- (b) Delegations and subdelegations to issue orders under these sections are kept in Council's record of delegations which is reviewed at least once every financial year.

8. COUNCIL ENDORSEMENT OF THE POLICY

- (a) This Policy was adopted by Council on <date to be added>. Council adopted the Policy following public consultation on its Draft Policy. Written submissions commenting on the Draft Policy were invited within 28 days of a notice appearing in the local newspaper via

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--	-------------



 City of Mount Gambier	COUNCIL POLICY O110 ORDER MAKING	Version No:	10
		Issued:	September 2019
		Next Review:	September 2023

"The Border Watch" and through notice on Council's website. <add in number of submissions received> submissions were received.

- (b) Any future amendment or alteration to the Policy, or substitution of a new Policy, will be subject to the public consultation provisions under Section 259 (2) of the Act unless the alteration has only minor significance.

9. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

DRAFT FOR CONSULTATION

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 City of Mount Gambier	COUNCIL POLICY O110 ORDER MAKING	Version No:	10
		Issued:	September 2019
		Next Review:	September 2023

File Reference:	
Applicable Legislation:	Local Government Act 1999
Reference:	Community Plan 2016 - 2020
Related Policies:	
Related Procedures:	
Related Documents:	

DOCUMENT DETAILS

Responsibility:	General Manager City Growth
Version:	11.0
Last revised date:	19 th February, 2019
Effective date:	To be updated
Minute reference:	17 th February, 2015 - Operational Services, Item 7
Next review date:	February, 2020
Document History	
First Adopted By Council:	20 th July 2000
Reviewed/Amended:	21 st October 2003; 16 th November 2004; 15 th November 2005; 28 th November 2006; 20 th November 2007; 19 th November 2008; 17 th February 2009; 21 st December 2010; 17 th February 2015, 19 th February 2019

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5.8 WINTV RIGHT OF WAY / EASEMENT UPDATE – REPORT NO. AR19/45842

Committee:	Economic and Environment Committee
Meeting Date:	2 September 2019
Report No.:	AR19/45842
CM9 Reference:	AF18/497
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	To provide Elected Members with an update on matters associated with the WINTV right of way and archival footage.
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. AR19/45842 titled 'WINTV Right of Way / Easement Update' as presented on 02 September 2019 be noted.
2. That a right of way be granted, in long form, in favour of the WINTV site over portion of the Lake Terrace Cemetery being Section 78 Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64, for a consideration amount of \$8,500 and with the applicant responsible for all associated costs.
3. The Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to the grant of right of way in accordance with resolution (2).
4. That Council work in partnership with WINTV to:
 - a) develop an exhibit of archival footage that is of interest to the Mount Gambier community around regional sporting activities and achievements, which may be of value in the Regional Sport and Recreation Centre.
 - b) lobby the National Sound and Film Archive to prioritise their take-up of WINTV (Mount Gambier) archival footage into the national archive.



BACKGROUND

Council consider this matter on 18th June 2019, where it was resolved as follows:

- “2. That Council agrees to the Chief Executive Officer negotiating a settlement with WINTV regarding:
- (a) The right of way (for which there is in principle support)
 - (b) Digitised archival footage
 - (c) Financial arrangements

And to provide a report on these negotiations to Council at a later date.”

Further to that resolution, the following actions have been undertaken:

1. MEETING AND CORRESPONDENCE WITH WINTV

The Chief Executive Officer and Manager – Executive Administration met with WINTV representatives on 10th July 2019 to discuss the Council resolution and next steps in a potential negotiated settlement. The Chief Executive Officer subsequently wrote to WINTV with questions for inform debate on the matter (see **Attachment 1**) and they responded (see **Attachment 2**).

2. VALUATIONS

An independent valuation to ascertain the value of the right of way has been commissioned and was received back from the valuers on 29 August 2019. The valuation given is \$8,500.

DISCUSSION

Elected Members will note the desire of WINTV to:

- Separate the discussion between the right of way and the archiving;
- Manage the challenges from an access and archiving perspective currently;
- Protect its investment in the WINTV archive; and
- Willingness to work in partnership with Council to produce an exhibit from the archive.

Elected Members are reminded that Council’s Administration have investigated alternative access solutions to this site. As a result of this work, it is not believed that a safer or more acceptable access can be created from this property that provides long term surety to current and future owners/occupiers and uses of the WINTV site than the proposed right of way.

It is normal practice that Council, in lieu of the short form set out in the Real Property Act, grant long forms of easements (or right of way) specifically drafted by Council’s lawyer or conveyancer to address the specific circumstances in each case, ensuring that the instrument affords Council with appropriate protections in the form of indemnity, release, maintenance and make good provisions associated with the grantees use of Council land.

The costs and timeframes for achieving digitisation and access to the WINTV archival footage in the medium-long term are strongly dependent on the availability of financial and personnel resources and competing priorities and projects of several private and government organisations, such that they cannot be estimated with any reasonable degree of accuracy in the short term.

Council may wish to consider its interest in confirming a partnership approach to pursuing the digitisation and access to elements of the WINTV archival footage that are identified as having a high community value. Such a partnership may include a joint approach to the National Sound and Film Archive.

Further, Council may wish to give consideration to any budget allocation toward such a project.



CONCLUSION

In light of the above it is recommended that Elected Members separate the archiving and the right of way requests and:

- a) Set a value on the right of way (which has in principle support);
- b) Seek agreement from the proponent to cover all of the Council's external costs in this matter; and
- c) Work in partnership to develop an exhibit with WINTV that is of interest to the Mount Gambier community around regional sporting activities and achievements, which may be of value in the Regional Sport and Recreation Centre.

ATTACHMENTS

1. Letter to Mr Andrew Sculley, Southern Operations and Production Manager - WIN Network [□](#)
2. Reply from Andrew Sculley, Southern Operations and Production Manager - WIN Network [□](#)





Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

Reference: AF14/196
Enquiries to: Mr Andrew Meddle

1st August 2019

Mr Andrew Sculley
Operations / Production Manager
WIN TELEVISION VIC Pty Ltd
BY EMAIL TO: sculleya@winvic.com.au

Dear Andrew

WIN TV EASEMENT / RIGHT OF WAY REQUEST & COUNCIL ARCHIVING REQUEST

I write further to our meeting on 10th July 2019, regarding the above matters. I can confirm that the Council has requested a valuation and Michael McCarthy met with the valuers on site last week, with the valuation expected to be with us next week.

At the meeting we agreed that I would write to seek written confirmation on a number of matters. To that end, I wished to pose the following questions, the responses to which will help form the basis for a Council report to move this matter forward:

1. WINTV has significant archives over a long period time, representing a significant period of social and local history for the region. What are your plans for this material?
2. What is your current timeframe for this?
3. Even when this material is archived, it is believed that access to it would still require the payment of an access and / or licencing fee, which would depend on the proposed use. Is this correct?
4. The current storage of the material covers different forms of technology and cannot be archived on site in its current form. Is this correct?
5. The current storage of the material is set up to enable searching as required by WINTV, searching for something in another manner – such as via a public request is not easily possible and is resource hungry. Is this correct?
6. Would you be interested in a partnership if the Council can attract grant funding to expedite the archiving of this material by WINTV or another party, such as the National Film Archive?
7. What would be the estimated timeframe in this instance?
8. How would you envisage access, searching and fees altering if grant funding was sourced?

I look forward to your response in due course, In the meantime, if you have any questions, please contact me.

Yours sincerely

A handwritten signature in black ink that reads "Meddle".

Andrew MEDDLE
CHIEF EXECUTIVE OFFICER

cc Manager – Executive Administration
Kevin Cook – WIN NETWORK (cookk@winnetwork.com.au)





WIN Television Ballarat
PO Box 464
Ballarat VIC 3353

9th August 2019
Reference: AF14/196
WIN Television Easement / Council Archive Request

Mr Andrew Meddle
Chief Executive Officer
City of Mount Gambier

Dear Andrew,

I write in reply to your letter of August 1st regarding recent discussions around the WIN Television Easement and Right of Way request, in addition to your enquiry about the SES8 / WIN Television tape archive.

Thank you for confirming that an independent evaluation is to be undertaken on the driveway access, we are interested to discuss in monetary terms how and when this can progress.

With regard to these matters, we see the resolution of the Easement and Right of Way to be a completely separate issue for Council approval and one that should not carry with it any conditions around assets held in the archive of a private company.

The conversation around the SES8 / WIN Television tape archive is an important one, and you have raised a number of questions which are all relevant to understanding how we move forward.

I would like to say that the archive is highly valued by our network, as is content from our wider network of stations, because it serves as an historic record of local events and activities, people and places.

There has never been thoughts of tapes going to land fill or of them being lost, protection and preservation of the library has always been paramount, working out how to do that is the bigger issue.

To that end it has been important for the archive to remain untouched, preserved within the building until such time as we could identify a way in which the 50 years of content could be managed, and for it to move to a digitized plate form.

I offer the following responses with regard to the questions raised:

1/. The tape archive has a sound catalogue system which will enable the tapes to be identified, boxed and moved to a larger WIN site, namely Ballarat, where technical and operator support is available.

2/. The timeframe for the project is a little open ended, as it is dependent on spare capacity and resource, but the tape collection will be recovered to Ballarat within the next couple of months and then in accordance with discussions we have had with National Sound and Film Archive, we need to determine a starting point for digitization, which would be around items of historical significance.



3/. The digitizing of content is something that WIN Television would like to manage in-house so that we can retain a digital copy within our archive system, and then pass on an agreed file to NSFA for their records and preservation. Members of the general community can access details of the collection through the NSFA website. The access, ability to preview and cost for duplication and use of vision would be in accordance with NSFA policies and permissions given by WIN Network

4/. The tape archive is spread across 11 different acquisition / storage formats, of which the replay and digitisation of these tapes cannot be done in Mt Gambier.

5/. Searching for specific items within the archive is not possible by members of the community, although WIN staff could search, locate and replay content, it is quite labour intense to our current operations and searches may not yield the desired result. For example, only portions of a news item may have been kept in raw form and not the news item as broadcast on the day.

6/. Discussions with NSFA continue, and with the volume of content that they are working with it is currently unknown as to what capacity they would have to expedite digitization, but certainly they have an interest in the archive and would like to have content available in their system. Similar to WIN, the NSFA have a 'want' to take-up content, but also are needing to abide by internal requirements and additional funding isn't a solution to this.

7/. The timeframe for a project of this type is hard to determine, what is clear is that items of significance need to be identified and then a priority list moved through a digitizing process. This will provide a sample of the general goings on of the station, events and activities of the community, and noted persons of interest. Elements from this selection could then be made available as an exhibit, accessible to the general public for viewing and possibly this is something that WIN Television could partner with Council to achieve.

8/. Content supplied by WIN to NSFA would follow their website search and access process, I don't think there is any other way in which to do this. The biggest problem to overcome is that archive content is often only important to the person who appears within the vision, and not necessarily to the collective community in which they live.

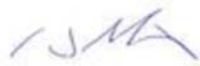
Digitising every second of footage and allowing a wider access is just too big of a proposition and even then, most of the archive is components and not fully produced products so the vision is often without context.

Unfortunately archive is a long and complicated business, as are my responses to the questions raised unfortunately.

It's a passionate discussion and one that is relevant in these changing times, but it is also one that WIN, as a private company needs to resolve in a manageable timeframe, and with the interests of the community and the NSFA in mind.

I look forward to talking further with you regarding these matters and hoping that things can progress on the Easement and Right of Way requirements.

Regards,



Andrew Sculley
Southern Operations and Production Manager
The WIN Network



5.9 WORK IN PROGRESS BUDGET CARRY OVERS FROM 2018/2019 – REPORT NO. AR19/41788

Committee: Economic and Environment Committee
Meeting Date: 2 September 2019
Report No.: AR19/41788
CM9 Reference: AF18/497
Author: Kahli Rolton, Management Accountant
Authoriser: Jeroen Zwijnenburg, Acting General Manager Council Business Services
Summary: To advise and adopt works in progress budget carry over from 2018/19 to 2019/20.
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. AR19/41788 titled 'Work in Progress Budget Carry Overs from 2018/2019' as presented on 02 September 2019 be noted.
2. That the Work in Progress Budget carry overs from 2018/2019 of \$2,326k be endorsed and reflected in the 2019/20 budget.



BACKGROUND

The Local Government (Financial Management) Regulations 2011, Sections 6, 7 and 9 require a council to prepare an annual business plan, budget and budget reviews for any given financial year. Whilst Council may budget to complete works within a defined financial year, in reality capital works for a number of factors both within and outside Council's control may see capital expenditure roll over into the following financial year.

Council adopted the 2019/2020 Annual Business Plan and Budget on 27 June 2019. Capital expenditure required to roll forward from the 2018/19 financial year was not known at the time of setting and adopting the 2019/2020 Annual Business Plan and Budget due to the preparation lead time and consultation process required to prepare such a document.

DISCUSSION

As part of Council's budget process for the 2018/19 financial year, any capital works in progress as at 30 June 2019 that was not completed in 2018/19 financial year requires a revision to be made to the adopted 2019/20 budget.

As by its nature part of Council's work portfolio crosses over the end of the financial, i.e. has not been completed at the 30 June of the year, a portion of the capital expenditure budget carries over as work in progress (WIP) into the next financial year.

Table 1 shows the annual potential capital expenditure (capex) Work In Progress (WIP) as well as the WIP that has been historically adopted by Council for carry over for the last three years. The table indicates, with the 'WIP to next year' being less than the 'Potential capex WIP' for each of these years, that either

- certain capex is completed within less than budgeted expenditure and/or
- that not all capex that has not been completed is necessarily rolled over into the next financial year.

Based on the last many years this also indicates that it is likely that of this year's budget a portion will result in WIP to be rolled-over to the 2021 financial year. Although the Council aims to complete as much of its WIP within the financial year in which it was budgeted for originally, some roll over into a next financial year is a natural consequence of managing work in progress, with the end of the financial year being an arbitrary deadline for closing of project.

An allocation of \$2,201k for capex (and an allocation of \$125k of operational expenditure (Opex, which is related to QEPT and due to its nature now is unlikely to be recorded as capex in the current financial year) to the 2019/20 budget is required in order to complete capital works in progress carried over from Council's adopted 2018/19 budget. Refer to **Attachment 1** for details.

Table 1: WIP movements since FY2017

Year	Capex WIP from prior year (A)	Capex original budget (B)	Total (C) (A+B)	Capex actuals (D)	Potential capex WIP (E) (C-D)	WIP to next year (F)	Capex reduction / (capex increase)
	'000	'000	'000	'000	'000	'000	'000
2017	2,640	6,661	9,301	7,392	1,909	1,314	595
2018	1,314	6,883	8,197	6,324	1,873	1,108	765
2019	1,108	8,159	9,267	6,558	2,709	2,201	508
2020	2,201	10,494	12,695				

This update refers solely to the allocation of WIP from Council's adopted 2018/19 budget that were not completed and ready for use as at 30 June 2019 and any other Council resolutions made after the processing of the 2018/19 quarter 3 budget revision.



Table 1: Financial matters resolved by Council since adoption of the original 2019/20 budget and the preceding quarter 3 budget revision.

Council Resolution	Short Description	Resolution	Note
2019/20	PLEC	That Council adopt the 6 projects as presented in this report as the future PLEC plan and commence relevant design works and discussions with PLEC representatives in order to realise the first project in 2020/2021 financial year (subject to Council making the relevant budget allocation).	Refer to 2020/2021 budget process
2019/125	Fire Detection & emergency System Upgrade	That Council accept the tender of RMW Fire Services for the Sir Robert Helpmann Theatre and Civic Centre Fire Detection and Emergency System Upgrade (as identified in Tender AF18/564) and enter into a contract as identified in the tender process.	WIP \$82.4k
2019/131	Blue Lake Golf Links	Council Provides \$75,000 operational grant paid monthly in advance in equal instalments in the first year.	BR1 2019/ 2020 \$75k
2019/135	50m Pool	Condition Report - In Confidence until a contract has been entered into with the proponent.	TBA
2019/138	Community and Recreation Hub	Geotech Survey Report - In Confidence until a contract has been entered into with the proponent.	TBA
2019/166	QEPT	That Council agrees to an allocation of up to \$125,000 for the carrying out of urgent works to ensure the Council's legislative compliance within the precinct within the 2018/2019 budget as a revision item for the financial year.	WIP \$125k
2019/167	Tourism Mobile Unit	That Council authorise a capital budget carry forward of \$60,000 for account 7320.4058.0094 to enable purchase in the 2019/20 financial year.	WIP \$60k

No adjustment is made to the 2019/20 budget for capital works that may not be completed by 30 June 2020 as this is not yet known at this point in time.

Appendix 1 shows the WIP schedule of items that were included in the FY2019 budget or included in the resolutions mentioned in Table 2, amounting to a total of \$2,326k, including \$2,201k for capex and \$125k for opex, taking the total capex budget for FY2020 to \$12,695k.

CONCLUSION

In order to complete capital works in progress as at 30 June 2019 that were approved as part of the 2018/19 budget process, an allocation of \$2,326k be revised to the 2019/20 budget.

ATTACHMENTS

1. Capital Work In Progress schedule as at 30 June 2019 [□](#)



WORK IN PROGRESS SCHEDULE
As at 30th June, 2019

AR19/45678

Acc. No.	Description	Budget Amount to be carried over	Total Committed FY19 & actuals/ commitments FY20 per 23 August 2019	Description	Portfolio
	Operating				
	QEPT - Response to Council Request - Urgent works to ensure legislative compliance within the precinct	\$ 125,000	\$ -	As per resolution 2019/166 . This is most likely an operation expense to Council as the assets may not be considered under Council control pending lease agreement.	Office of the CEO
	Capital				
7320.4033.94	No13 Tip Truck	\$ 77,000	\$ 76,013	Tender completed and purchase order raised prior to 30/06/2019. Timing issue. Due for delivery November/December 2019 as there is a minimum 3 month wait on engineering of the tray.	GM City Infrastructure
7320.4050.94	No 30 Garbage Compactor	\$ 380,000	\$ 379,860	Tender completed and purchase order raised prior to 30/06/2019. Timing issue. Due for delivery August 2019.	GM City Infrastructure
7320.4058.94	Mobile Tourism Van	\$ 60,000	\$ 37,605	Tender completed prior to 30/06/2018. Timing issue. Rollover pre-approved by council 16 July 2019 AR19/30033. Due for delivery August 2019.	GM City Growth
7460.4407.94	Information Technology - Authority V7.1	\$ 55,000	\$ 55,008	Purchase order raised well in advance of EOFY. Rollout postponed to not coincide with key reporting dates. Timing issue.	GM Council Business Services
7500.5002.94	Civic Centre - Guttering	\$ 25,000	\$ -	Timing issue.	GM City Infrastructure
7500.5002.94	Civic Centre - Fire Detection System	\$ 82,400	\$ 115,500	Tender completed and purchase order raised prior to 30/06/2019. Timing issue. 50% reimbursement due by CASA, therefore only capitalise 50% as COMG asset. Report AR 19/19553 with amended resolution, total \$150k, Council's portion \$75k. Extra \$10k for professional oversight and advice due to specialised technical area.	GM City Growth
7560.5161.94	Main corner Exhibition Space	\$ 5,000	\$ 2,091	Purchase order for cabinets raised prior to 30/06/2019. Timing issue.	GM Community Wellbeing
7560.5161.94	Riddoch Art Collection Database Management System	\$ 23,700	\$ 22,727	Purchase order raised. Budgeted for as part of \$80k for exhibition space.	GM Community Wellbeing
7600.6000.94	James Street Toilet	\$ 96,000	\$ 78,202	Tender completed and purchase order raised prior to 30/06/2019. Timing issue. Due for completion August 2019.	GM City Infrastructure
7660.5607.94	Tourism Signage	\$ 250,200	\$ 1,180	This project is in progress. Update report to be prepared and presented to Council.	GM City Growth
7660.5607.94	Visitor Centre Kitchen Upgrade	\$ 17,200	\$ 14,087	Works in progress. Due for completion August 2019.	GM City Growth
7668.5652.94	Energy Efficient & Renewable Energy projects	\$ 50,000	\$ -	Not eventuated in 2018/19.	GM Community Wellbeing
7670.5701.94	Caroline Landfill (part of original \$1M budget)	\$ 45,500	\$ -	To complete connection of leachate pipes to new cell constructed. Cell construction completed in 2019FY, only pipeworks to follow. Timing issue. This is the remainder of the \$1M budget after deducting cell construction, internal roadways, spreading machine & trailer. Separate rollover for spreading machine (see next line).	GM City Infrastructure
7670.5709.94	Caroline Landfill - spreading machine (part of original \$1M budget)	\$ 41,300	\$ 41,300	Trailer purchased prior to 30/06/2019.	GM City Infrastructure
7680.5803.94	Keegan Drive retaining wall	\$ 5,800	\$ -	BR1 adjustment required for remaining scope of works as FY2019 budget not sufficient to complete entire scope of works. Alternate funding already sought.	GM City Infrastructure
7680.5810.94	Airconditioning Program	\$ 120,000	\$ 115,060	Purchase order raised prior to EOFY. Timing issue.	GM City Infrastructure
7680.5811.94	Railway Station Building	\$ 109,700	\$ 87,873	Work order carried over to combine new amounts entered to budget for FY2020.	GM City Infrastructure
7680.5814.94	Melaleuca Reserve shelter	\$ 29,600	\$ 35,283	Original Budget \$30k, total expense as at 30/07/2019 \$36k. Seeking carryover to cover full amount of costs with \$30k through this WIP & \$5.6K required at BR1.	GM City Infrastructure
7735.7702.32	Community and Recreation Hub - geotechnical survey	\$ 37,352	\$ -	Geotechnical surveys. Pre-approved by Council confidential resolution 2019/138.	GM City Growth
7800.999.94	O'Halloran Terrace Drainage	\$ 41,300	\$ 685	Carried over to combine with CaRH works starting.	GM City Infrastructure
7830.1999.94	Rail Trail extension	\$ 196,600	\$ 78,402	\$303,379.09 spent in FY2019 and capitalised to date. Only budget to carry forward for remaining section to build. Received additional funding for other works which increased our work program and pushed out the	GM City Infrastructure
7830.1999.94	Pinehall Avenue Footpath	\$ 4,200	\$ 9,732	Timing issue to complete works	GM City Infrastructure
7900.3999.94	Kennedy Avenue Widening	\$ 338,400	\$ 24,780	Timing issue to complete works	GM City Infrastructure
7900.4200.94	Boundary Roads Program - Bishop Rd	\$ 109,400	\$ 31,818	Includes \$69K rollover for unspent boundary roads program funding. This is in line with the \$121k budgeted for FY2020 (refer report AR18/29888).	GM City Infrastructure
TOTAL EXPENDITURE		\$ 2,325,652	\$ 1,207,206		
Expenditure from 23 August 2019 onwards:			\$ 1,118,446		

Comparisons	30-Jun-18	\$	1,108,500
	30-Jun-17	\$	1,314,000



5.10 WORK PROGRAM FOR THE ECONOMIC AND ENVIRONMENT COMMITTEE FOR 2019/20 – REPORT NO. AR19/46229

Meeting: Economic and Environment Committee
CM9 Reference: AF18/497
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer

REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/46229 titled 'Work Program for the Economic and Environment Committee for 2019/20' as presented on 02 September 2019 be noted.
2. That the following items comprise the Committee's work program for the remainder of the 2019/20 municipal year:
 - (a) ...



BACKGROUND

There is a need for the Economic and Environment Committee to set a work program for the remainder of the 2019/20 municipal year. A similar request will be made at the inaugural meeting of the People and Place Committee.

The Terms of Reference have deliberately been left broad to enable a Council-wide approach to matters to be taken. The Terms of Reference are more specific with regards to the nature of such matters, where it is stated that:

“The Economic and Environment Committee has been established with a strategic and key project focus on the areas of broad relationship to the Council’s Strategic Planning suite.

The term ‘strategic’ is used in two senses:

- *Important, general aspects of something (such as a policy), especially when these are decided in advance, which may affect the organisational focus and direction; and/or*
- *Being of size and scale that makes the project of significance to the organisation or the whole community.*

The term ‘key project’ is used in the sense of a project of scope and scale to be considered significant to the Council (in terms of finance or risk), but which is not a form of capital expenditure.”

Key matters which may be of interest to this Committee could include:

- a) Budget process and preparation
- b) Climate change
- c) Council funding for tourism
- d) Economic development
- e) Future of Council owned tourism assets
- f) Matters raised recently by the Limestone Coast Protection Alliance
- g) Waste management

Elected Members should note that there is no budget allocation to support the work of Committees and that should a matter require external support, it is likely that a formal budget adjustment will be required at a later stage.

CONCLUSION

It is recommended that the Committee allow a short-term suspension of proceedings to enable debate on the work program for the remainder of the 2019/20 municipal year and resolve on matters, which they wish to focus on.

ATTACHMENTS

Nil



6 URGENT MOTIONS WITHOUT NOTICE



7 CONFIDENTIAL ITEMS

7.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/40344

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 M Bruins, B Hood, P Jenner, S Mezinac, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/40344 Sale of Land for non-payment of Rates.

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

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

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 AR19/40344 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

7.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/41851

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 M Bruins, B Hood, P Jenner, S Mezinec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.2 AR19/41851 Sale of Land for non-payment of Rates.

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

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

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 7.2 AR19/41851 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

7.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43265

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 M Bruins, B Hood, P Jenner, S Mezinec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.3 AR19/43265 Sale of Land for non-payment of Rates.

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

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

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 7.3 AR19/43265 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

7.4 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43435

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 M Bruins, B Hood, P Jenner, S Mezinec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.4 AR19/43435 Sale of Land for non-payment of Rates.

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

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

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 7.4 AR19/43435 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

7.5 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

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 M Bruins, B Hood, P Jenner, S Mezinec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.5 AR19/43504 Sale of Land for non-payment of Rates.

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

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

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 7.5 AR19/43504 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

7.6 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/45899

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 M Bruins, B Hood, P Jenner, S Meziniec, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.6 AR19/45899 Sale of Land for non-payment of Rates.

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

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

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 7.6 AR19/45899 Sale of Land for non-payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

7.7 LEASE EXPIRY REVIEW – REPORT NO. AR19/43830

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 M Bruins, B Hood, P Jenner, S Mezinac, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.7 AR19/43830 Lease Expiry Review.

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 lease of the subject site is to an individual whose business interests are personal affairs, the consideration of which in an open forum would be an unreasonable disclosure of the proponents personal and commercial information and could reasonably prejudice the Council's commercial position in further lease negotiations..

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 7.7 AR19/43830 Lease Expiry Review 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 18 August 2020 or 12 months after a new lease has been entered into with the proponent, whichever is the later.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

8 MEETING CLOSE

