## MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 10 April 2018 at 7:41 a.m.

**PRESENT** Cr Ian Von Stanke

Cr Steven Perryman Cr Des Mutton

**COUNCIL OFFICERS** Chief Executive Officer

General Manager City Infrastructure - Mr N Serle

Manager Development Services - Ms T Tzioutziouklaris

- Mr M McShane

Customer Service Officer - Ms S Moretti

ACTING PRESIDING

MEMBER: The Chief Executive Officer invited nominations for the position of Acting

Presiding Member for this meeting of the Operational Standing Committee

due to the absence of Cr Mark Lovett.

Cr Mutton nominated Cr Von Stanke to be Acting Presiding Member of

this meeting.

There being no further nominations, Cr Von Stanke was elected as Acting

Presiding Member of the Operational Services Committee for this

meeting.

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.

## 1. APOLOGY(IES)

Apology(ies) received from Mayor Andrew Lee, Cr Mark Lovett and Cr Christian Greco

That the apology from Mayor Lee, Cr Lovett and Cr Christian Greco be received.

Moved: Cr Perryman Seconded: Cr Mutton Carried

## 2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 13 March 2018.

That the minutes of the Operational Standing Committee meeting held on 13 March 2018 be confirmed as an accurate record of the proceedings of that meeting.

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Moved: Cr Mutton Seconded: Cr Perryman Carried

#### 3. QUESTIONS

#### 3.1. With Notice

Nil submitted.



## 3.2. Without Notice

Nil received

## 4. **DEPUTATIONS**

Nil



### 5. COMMITTEE MINUTES AND RECOMMENDATIONS

# 5.1. Minutes of Community Engagement and Social Inclusion Sub-Committee - 15 March 2018

That the minutes of the Community Engagement and Social Inclusion Sub-Committee meeting held 15 March 2018 be noted.

Moved: Cr Von Stanke Seconded: Cr Perryman Carried

# 5.2. Governance - Community Engagement and Social Inclusion Sub-Committee - Vulnerable Families - Report No. AF17/432

- (a) That a Community Day be hosted in the North West area of Mount Gambier in the 2018/2019 financial year.
- (b) That Council host a 4<sup>th</sup> year Uni SA social work student to design a pathway tool for consumers to access community services.

Moved: Cr Mutton Seconded: Cr Von Stanke Carried

## 5.3. Minutes of Heritage Sub-Committee - 28 March 2018

That the minutes of the Heritage Sub-Committee meeting held 28 March 2018 be noted.

Moved: Cr Perryman Seconded: Cr Mutton Carried

## 5.4. Heritage Adviser Report - February 2018 - Report No. AR18/11618

(a) That Heritage Sub-Committee Report No. AR18/11618 titled 'Heritage Advisor Report - February as presented to the Heritage Sub-Committee on 28 March 2018 be noted.

Moved: Cr Mutton Seconded: Cr Perryman Carried

# 5.5. Governance - Heritage Committee - Further Development of Work Plan - Report No. AF17/294

- (a) That the attached project plans for:
  - Rook Walk 100 Year Anniversary
  - 150<sup>th</sup> Celebration of the Lake Terrace Cemetery
  - Railway Station Building

be endorsed by Council and funded as per presented plans.

(b) That additional funding required for subsequent stages are to be separately endorsed.

Moved: Cr Van Stanke Seconded: Cr Perryman Carried



#### 6. OPERATIONAL STANDING COMMITTEE REPORTS

## 6.1. Works in Progress - City Infrastructure - Report No. AR18/12120

#### COMMITTEE RECOMMENDATION

(a) That Operational Standing Committee Report No. AR18/12120 titled 'Works in Progress - City Infrastructure' as presented to the Operational Standing Committee on 10 April 2018 be noted.

Moved: Cr Mutton Seconded: Cr Von Stanke Carried

## 6.2. Strategic Projects - Report No. AR18/12097

#### COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/12097 titled 'Strategic Projects' as presented to the Operational Standing Committee on 10 April 2018 be noted.
- (b) That Strategic Project reports be presented to the Operational Standing Committee every two months.

Moved: Cr Mutton Seconded: Cr Perryman Carried

## 6.3. Delegation of Powers - Update - Report No. AR18/12833

## **COMMITTEE RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR18/12833 titled 'Delegation of Powers - Update' as presented to the Operational Standing Committee on 10 April 2018 be noted.
- (b) The Council hereby revokes its previous delegations to its Chief Executive Officer of those powers and functions under the Expiation of Offences Act to take effect from 30 April 2018.
- (c) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 5 and 36 (annexed to Operational Standing Committee Report No. AR18/12833 titled 'Delegation of Powers Update' as indicated below are hereby delegated this 17<sup>th</sup> day of April 2018 to the person occupying the office of Chief Executive Officer of the Council to take effect from 30<sup>th</sup> April 2018 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation:
  - Expiation of Offences Act 1996 (Appendix 5)
  - Fines Enforcement and Debt Recovery Act 2017 (Appendix 36).



- (d) The powers and functions may be further delegated by Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- (e) For the purpose of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- (f) For the purpose of these delegations, all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

Moved: Cr Von Stanke Seconded: Cr Mutton Carried

## 6.4. First Nations of the South East Native Title Claim - Report No. AR18/12710

#### **COMMITTEE RECOMMENDATION**

(a) That Operational Standing Committee Report No. AR18/12710 titled 'First Nations of the South East Native Title Claim' as presented to the Operational Standing Committee on 10 April 2018 be noted.

Moved: Cr Mutton Seconded: Cr Perryman Carried

## 7. MOTION(S)

#### 7.1. With Notice

Nil Submitted

## 7.2. Without Notice

Nil received



#### 8. CONFIDENTIAL ITEMS

### 8.1 Consideration for Exclusion of the Public

## Item No. 8.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Councillors - D Mutton, S Perryman and I Von Stanke and Council Officers - M McShane, N Serle, T Tzioutziouklaris and S Moretti) be excluded from the meeting in order for the Agenda Item (*Sale of Land for non-payment of Rates*) to be considered in confidence.

The Council is satisfied that, pursuant to Section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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),
being information regarding the property of a ratepayer that Council is
proposing to commence a sale process in accordance with Section 184 of the
Act for the non-payment of rates.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
8.2	Sale of land for non-payment of Rates - Report No. PR18/2387	(a)

Moved: Cr Perryman Seconded: Cr Mutton Carried



## 8.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3)	Element To Be Kept	Duration
		Grounds	Confidential	
8.2	Sale of land for non- payment of Rates -	(a)	All details	Until the later of:-
	Report No.			12 months, or the matter
	PR18/2387			being settled

Moved: Cr Mutton Seconded: Cr Von Stanke Carried



#### 8.4 Consideration for Exclusion of the Public

#### Item No. 8.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Councillors - D Mutton, S Perryman and I Von Stanke and Council Officers - M McShane, N Serle, T Tzioutziouklaris and S Moretti) be excluded from the meeting in order for the Agenda Item (Condition of Property) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), which
could reasonably be expected to prejudice the maintenance of law, including by
affecting (or potentially affecting) the prevention, detection or investigation of a
criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.5	Condition of Property - Report No. AR18/12359	(a) & (f)

Moved: Cr Perryman Seconded: Cr Mutton Carried

### 8.6. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3)	Element To Be Kept	Duration
		Grounds	Confidential	
8.5	Condition of the	(a) & (f)	All details	Until the matter has
	Property - Report			been resolved.
	No. AR18/12359			
				Where duration exceeds
				12 months
				To be reviewed at least
				once



Moved: Cr Perryman Seconded: Cr Mutton Carried

### 8.7 Consideration for Exclusion of the Public

#### Item No. 8.8

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Councillors - D Mutton, S Perryman and I Von Stanke and Council Officers - M McShane, N Serle, T Tzioutziouklaris and S Moretti) be excluded from the meeting in order for the Agenda Item (Illegal Development and Intervention Order) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), which
could reasonably be expected to prejudice the maintenance of law, including by
affecting (or potentially affecting) the prevention, detection or investigation of a
criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item	Subject Matter	S90(3) Grounds
No.		
8.8	Illegal Development and Intervention Order - Report No.	(a) & (f)
	AR18/12877	

Moved: Cr Perryman Seconded: Cr Mutton Carried

## 8.9 Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3)	Element To Be Kept	Duration
		Grounds	Confidential	
8.8	Illegal Development and Intervention Order - Report No.	(a) & (f)	All details	Until the matter has been resolved.
	AR18/12877			Where duration



			exceeds 12 months To be reviewed at least once
	Moved: Cr Perryman	Seconded: Cr Mutton	Carried
Meeting	closed at 8.01 a.m.		
AR18/1353	7		
CONFIR	MED THIS	DAY OF	2018.
PRESID	ING MEMBER		

