

**MINUTES OF CITY OF MOUNT GAMBIER
OPERATIONAL STANDING COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, LEVEL 1, CIVIC CENTRE,
10 WATSON TERRACE, MOUNT GAMBIER
ON TUESDAY, 11 JUNE 2019 AT 5.46 P.M.**

PRESENT: Mayor Lynette Martin (OAM) (arrived at 6.07 p.m.), Cr Christian Greco (Presiding Member), Cr Kate Amoroso (arrived at 5.47 p.m.), Cr Paul Jenner, Cr Steven Perryman

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|--------------------------------|---|---|------------------------|
| OFFICERS IN ATTENDANCE: | Chief Executive Officer | - | Mr A Meddle |
| | General Manager Community Wellbeing | - | Ms B Cernovskis |
| | General Manager Council Business Services | - | Mrs P Lee |
| | General Manager City Infrastructure | - | Mr N Serle |
| | General Manager City Growth | - | Dr J Nagy |
| | Manager Development Services | - | Mrs T Tzioutziouklaris |
| | Executive Administration Officer | - | Ms A Lavia |

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)

Nil

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

That the minutes of the Operational Standing Committee meeting held on 14 May 2019 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Cr Kate Amoroso entered the meeting at 5.47 p.m.

Nil



5 REPORTS

5.1 SUPPLY AND DELIVERY OF FUEL

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Kate Amoroso

1. That Operational Standing Committee Report No. AR19/27131 titled 'Supply and Delivery of Fuel' as presented on 11 June 2019 be noted.
2. Subject to further details being gained from relevant officers, the decision be referred to the Council meeting 18 June 2019.

CARRIED

5.2 PROPERTY MANAGEMENT - HASTINGS CUNNINGHAM SHEDS

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner
Seconded: Cr Steven Perryman

1. That Operational Standing Committee Report No. AR19/26426 titled 'Property Management - Hastings Cunningham Sheds' as presented on 11 June 2019 be noted.
2. That Shed No. 11 at Hastings Cunningham Reserve be retained as vacant pending any emerging matters that would benefit from the availability of the shed as a tenancy solution.

CARRIED

Mayor Lynette Martin entered the meeting at 6.07 p.m.

5.3 COMMUNITY ENGAGEMENT AND SOCIAL INCLUSION SUB-COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Kate Amoroso

1. That Operational Standing Committee Report No. AR19/26431 titled 'Community Engagement and Social Inclusion Sub-Committee - Terms of Reference and Membership' as presented on 11 June 2019 be noted.
2. That the Terms of Reference for the Community Engagement and Social Inclusion Sub-Committee as attached to Report No. AR19/26434 be endorsed with the following inclusions:
 - Clause 6.8 – insert 'that must be an Elected Member of the Sub-Committee. Only an Elected Member of the Sub-Committee may act in the position of Presiding Member.'
 - Clause 10.3 (new clause) – Notwithstanding clauses 10.1 and 10.2, a quorum will only be achieved at a meeting of the Sub-Committee where at least one Elected Member of the Sub-Committee is present and presiding over the meeting.



3. That membership of the Community Engagement and Social Inclusion Sub-Committee shall be:
 - Cr Kate Amoroso
 - To be determined by Council

And the terms of reference to reflect 2 Elected Members of Council, 3 Community Members and the Mayor as ex-officio member.
4. That previous Community Members of the Community Engagement and Social Inclusion Sub-Committee be approached to confirm their continued interest and involvement with the Committee until the expiry of their appointment in November 2020.
5. That a public expression of interest be conducted seeking nominations from interested community members to fill any vacancies on the Community Engagement and Social Inclusion Sub-Committee.
6. That ordinary meetings of the Community Engagement and Social Inclusion Sub-Committee be scheduled, following the re-appointment of community members, quarterly on a Tuesday commencing at 5:30 pm.
7. Council after a period of 12 months review the operation of the Community Engagement and Social Inclusion Sub-Committee.

CARRIED

Cr Kate Amoroso called for a Division

The declaration was then set aside.

Voting by division being:

In Favour: Crs Christian Greco, Kate Amoroso and Paul Jenner

Against: Mayor Lynette Martin and Cr Steven Perryman

CARRIED 3/2

The Presiding Member declared the Motion

CARRIED

5.4 ENVIRONMENTAL SUSTAINABILITY SUB-COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP

COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/26434 titled 'Environmental Sustainability Sub-Committee - Terms of Reference and Membership' as presented on 11 June 2019 be noted.
2. That the Environmental Sustainability Sub-Committee be placed into recess.

CARRIED



5.5 SPONSORED EVENTS - CONTRIBUTION TO ECONOMIC DEVELOPMENT

COMMITTEE RESOLUTION

Moved: Cr Steven Perryman
Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/26573 titled 'Sponsored Events - Contribution to Economic Development' as presented on 11 June 2019 be noted.
2. This item be referred to the Operational Standing Committee meeting in July 2019.

CARRIED

5.6 OPERATIONAL STANDING COMMITTEE - TERMS OF REFERENCE

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/26665 titled 'Operational Standing Committee - Terms of Reference' as presented on 11 June 2019 be noted.
2. The updated Terms of Reference for the Operational Standing Committee as attached to Report No. AR19/26665 be adopted.

CARRIED

5.7 WORKS IN PROGRESS

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Mayor Lynette Martin

1. That Operational Standing Committee Report No. AR19/27224 titled 'Works In Progress' as presented on 11 June 2019 be noted.

CARRIED

5.8 REVOCATION OF COMMUNITY LAND CLASSIFICATION - MATHEW FLINDERS WAY AND WOODLANDS GROVE - MR VINCE VERSACE

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Mayor Lynette Martin

REPORT RECOMMENDATION

1. That Operational Standing Committee Report No. AR19/27937 titled 'Revocation of Community Land Classification - Mathew Flinders Way and Woodlands Grove - Mr Vince Versace' as presented on 11 June 2019 be noted.



2. The Section 194 Report prepared for the purpose of conducting public consultation on the community land revocation and transfer proposal for portions of Allotment 204 (Reserve) in deposited Plan 933848 and Allotment 1107 (Reserve) in deposited Plan 82423 as attached to Report No. AR19/19977 be endorsed.
3. A further report be presented for Council to consider any submissions received on the revocation of community land classification and transfer proposal for the reserves associated with Mathew Flinders Way and Woodlands Grove, and whether to submit a report seeking the minister's approval for the revocation.
4. In the event that no submissions are received (or no submissions are received objecting to the proposal), the Chief Executive Officer be authorised to submit a report seeking the Minister's approval for the revocation, and a further report be presented for Council to consider the Minister's response including, if favourable, consideration to the making of a resolution to revoke the classification of the subject lands as community land.
5. Further discussions be undertaken with the applicant (Mr Vince Versace) and the applicants representative (Cameron Lock Surveying) in relation to the value of the land to be transferred in association with the revocation proposal and the cost to Council of undertaking the transfer of land, with a view towards an understanding on suitable compensation being paid to Council and all costs and arrangement of documentation being the responsibility of the applicant or their representative including re-imburement of any advertising, legal, conveyancing, surveying or any other expenses incurred by Council associated with the revocation process and any subsequent transfer.
6. Council consideration, endorsement and execution and settlement of any subsequent agreement anticipated by resolution (5) be subject to and subsequent to the Ministers approval of the community land revocation proposal (if granted) and a Council resolution to formally revoke the community land classification of the subject lands.

CARRIED

6 URGENT MOTIONS WITHOUT NOTICE

6.1 METROPOLITAN FIRE SERVICE LIAISON

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner

Seconded: Cr Steven Perryman

1. Council writes to the Minister of Emergency Services, the Premier, the Commissioner of Metropolitan Fire Service (MFS) and Member for Mount Gambier, Mr Troy Bell MP regarding:
 - (a) Urgent consideration be given for replacement of the MFS Volvo pumper / rescue unit in the upcoming financial year as we are South Australia's second largest city.
 - (b) That Council request that the MFS investigate a model for staffing of a 24/7 Mount Gambier station and still utilising the retained staff.

CARRIED



7 CONFIDENTIAL ITEMS

7.1 ENGAGEMENT OF LEGAL REPRESENTATION FOR APPEAL TO THE ENVIRONMENT RESOURCES AND DEVELOPMENT COURT - DEVELOPMENT APPLICATION 381/0334/2018 - 1 PICK AVENUE, MOUNT GAMBIER - MOUNT GAMBIER AGRICULTURAL AND HORTICULTURAL SOCIETY INC. – REPORT NO. AR19/27812

COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Mayor Lynette Martin

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Operational Standing Committee orders that all members of the public, except Mayor L Martin Councillors C Greco, S Perryman, P Jenner and K Amoroso and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, P Lee, T Tzioutziouklaris and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/27812 Engagement of legal representation for appeal to the Environment Resources and Development Court - Development Application 381/0334/2018 - 1 Pick Avenue, Mount Gambier - Mount Gambier Agricultural and Horticultural Society Inc.

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

- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Operational Standing 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 this report relates to the engagement of legal representation in relation to an appeal lodged with the Environment, Resource and Development Court, by the Mount Gambier Agricultural and Horticultural Society. The appeal relates to a decision of the Council Assessment Panel made on 21 February 2019 regarding Development Application 381/0334/2018.

CARRIED



COMMITTEE RESOLUTION

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

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 AR19/27812 Engagement of legal representation for appeal to the Environment Resources and Development Court - Development Application 381/0334/2018 - 1 Pick Avenue, Mount Gambier - Mount Gambier Agricultural and Horticultural Society Inc. 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) (g) and (h) be kept confidential and not available for public inspection until the issue is no longer in the court system.
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*.

CARRIED

8 MEETING CLOSE

The Meeting closed at 7.08 p.m.

The minutes of this meeting were confirmed at the Operational Standing Committee held on 9 July 2019.

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PRESIDING MEMBER

