

MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 12 June 2018 at 7:30 a.m.

PRESENT Cr Mark Lovett (Presiding Member)
Cr Christian Greco
Cr Steven Perryman
Cr Ian Von Stanke

COUNCIL OFFICERS	Chief Executive Officer	- Mr M McShane
	General Manager Council Business Services	- Mrs P Lee
	General Manager City Growth	- Dr J Nagy
	General Manager City Infrastructure	- Mr N Serle
	Manager Development Services	- Mrs T Tzioutziouklaris
	Administration Officer - Executive Support	- Mrs F McGregor

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)

Apologies received from Cr Des Mutton and Mayor Lee.

That the apology from Cr Mutton and Mayor Lee be received.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 8 May 2018

That the minutes of the Operational Standing Committee meeting held on 8 May 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Perryman

Seconded: Cr Von Stanke

Carried

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

Nil submitted.

4. DEPUTATIONS

Nil



6. OPERATIONAL STANDING COMMITTEE REPORTS

6.1. Fees & Charges Review - Taxi Licence Renewal - Report No. AR18/19889

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR18/19889 titled ' <i>Fees & Charges Review – Taxi Licence Renewals</i> ' as presented to the Operational Standing Committee on 12 June 2018 be noted.
(b) That the Taxi Licence renewal fee for the six month period from 1 July 2018 to 31 December 2018 be \$1 payable on demand and Council's Schedule of Fees & Charges 2018/2019 be updated accordingly.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

6.2. Works in Progress – City Infrastructure - Report No. AR18/21240

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR18/21240 titled ' <i>Works in Progress - City Infrastructure</i> ' as presented to the Operational Standing Committee on 12 June 2018 be noted.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75 of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in Item 6.3:

"I have 3 daughters who attend Tenison Woods College. I intend to deal with the perceived conflict of interest in the following transparent and accountable way:

- I intent to stay in meeting for a debate and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Perryman participated in the meeting for Item 6.3.

6.3. Traffic Safety – White Avenue (between Shepherdson Road and Tollner Road - Report No. AR18/15475

COMMITTEE RECOMMENDATION
(a) That Operational Standing Committee Report No. AR18/15475 titled ' <i>Traffic Safety – White Ave (between Shepherdson Road and Tollner Road)</i> ' as presented to the Operational Standing Committee on 12 June 2018 be noted.
(b) Council endorse the Traffic Management improvement plan to White Ave as prepared by DPTI.



- (c) Council write to DPTI committing to fund the concrete median works and alteration to the footpath and kerbing.
- (d) Council advise Tenison Woods College and DPTI that Council is willing to fund \$3,950 towards cost of the fence.
- (e) Council request that DPTI install no parking signs on the western side of White Avenue as appropriate to complement the new line markings.

Moved: Cr Perryman

Seconded: Cr Greco

Carried

Cr Perryman voted in the affirmative

6.4. Delegation of Powers - Update - Report No. AR18/19965

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/19965 titled '*Delegation of Powers - Update*' as presented to the Operational Standing Committee on 12 June 2018 be noted.
- (b) That Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:
 - Local Government Act 1999
 - Development Act 1993.
- (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 Instrument of Delegation contained in Appendix 14 (annexed to Operational Standing Committee Report No. AR18/19965 titled '*Delegation of Powers – Update*') as indicated below are hereby delegated this Tuesday, 19th June, 2018 to the person occupying the office of Chief Executive Officer subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions in the proposed Instrument of Delegation:
 - Local Government Act 1999 (Appendix 14).
- (d) In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 specified in the proposed Instrument of Delegation contained in Appendix 21 (annexed to Operational Standing Committee Report No. AR18/19965 titled '*Delegation of Powers – Update*') as indicated below are hereby delegated this 19th June, 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions in the proposed Instrument of Delegation: under the Development Act 1993:
 - Development Act 1993 (Appendix 21).



- (e) The powers and functions may be further delegated by Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with Sections 44 and 101 of the Local Government Act 1999 and other relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- (f) 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.
- (g) 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 Lovett

Seconded: Cr Greco

Carried

6.5. Aquatic Centre – Proposed Entrance Fees 2018/2019 - Report No. AR18/22187

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/22187 titled '*Aquatic Centre – Proposed Entrance Fees 2018/2019*' as presented to the Operational Standing Committee on 12 June 2018 be noted.
- (b) That Council endorse the Mount Gambier Aquatic Centre Administration Fees and Charges for the 2018/2019 swimming season as proposed by Innovative Leisure Management.
- (c) That Council's Schedule of Fees and Charges 2018/2019 be updated to reflect the Aquatic Centre Admission Fees and Charges for 2018/2019.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

Pursuant to Division 3 - Conflict of Interest, Section 73(1) of the Local Government Act 1999, Cr Perryman disclosed a material conflict of interest in Item 6.6:

"I am a member of the Board of Management of the applicant Basketball Mount Gambier."

Cr Perryman left the room at 8.12 a.m.

6.6. Sport and Recreation Major Capital Works Program Report No. AR18/22666

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/22666 titled '*Sport and Recreation Major Capital Works Program*' as presented to the Operational Standing Committee on 12 June 2018 be noted.
- (b) Basketball Mount Gambier receive funding of \$15,090.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried



Cr Perryman resumed the meeting at 8.15 a.m.

7. MOTION(S) WITH NOTICE

7.1. Waste Management – Support Grants to Assist Local Government adjust to China’s National Sword Policy – Ref. AF11/362

COMMITTEE RECOMMENDATION
<p>(a) Council note the South Australian Government’s recently announced infrastructure and market development support grants to assist the Local Government adjust to impacts of China’s National Sword Policy on the waste management sector.</p> <p>(b) Council Officers prepare a report for Council on international and domestic examples of the use of incineration; power generation; recyclable plastics technology (including pelletising plastics for use in road base and other uses; and any other process or technology which would support Council to reuse or recycle waste, or process products for further use as part of Council’s waste management operations. Examples sought should have some regard to the scale of operations and volumes generated, or which could be reasonably expected to be generated if Mount Gambier was to be a hub for such recycling/incineration processes for councils within 330kms of Mount Gambier.</p>

Moved: Cr Perryman

Seconded: Cr Greco

Carried

Cr Perryman left the meeting at 8.17 a.m.

Cr Perryman resumed the meeting at 8.18 a.m.

8. MOTION(S) WITH NOTICE

Nil received.

Cr Perryman left the meeting at 8.19 a.m. and did not return.



9. CONFIDENTIAL ITEMS

8.1 Consideration for Exclusion of the Public

Item 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 - M Lovett, C Greco, S Perryman and I Von Stanke and Council Officers - M McShane, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Operation of A Builder’s Yard within the Residential Zone) 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),
- Information the disclosure of 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.
- Legal advice

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
8.2	Illegal Development – Operation of a Builder’s Yard within the Residential Zone - Report No. AR18/21607	(a), (f) and (h)

Moved: Cr Greco

Seconded: Cr Von Stanke

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 8.8 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) Grounds	Element To Be Kept Confidential	Duration
8.2	Illegal Development - Report No. AR18/21607	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried



8.4 Consideration for Exclusion of the Public

Item 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 - M Lovett, C Greco, S Perryman and I Von Stanke and Council Officers - M McShane, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Cessation of the Storage of Scrap Items, Goods and Materials on the Subject 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),
- Information the disclosure of 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.
- Legal advice

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	Illegal Development – Cessation of the Storage of Scrap Items, Goods and Materials on the Subject Property - Report No. AR18/21507	(a), (f) and (h)

Moved: Cr Von Stanke

Seconded: Cr Greco

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 8.8 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) Grounds	Element To Be Kept Confidential	Duration
8.5	Illegal Development - Report No. AR18/21507	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

Meeting closed at 8.21 a.m.

AR18/22933

CONFIRMED THIS

DAY OF

2018.

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PRESIDING MEMBER

