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I hereby give notice that a Strategic Standing Committee Meeting will be held on:

Date: Monday, 8 April 2019

Time: 5.30 p.m.

**Location: Civic Centre
10 Watson Terrace
Mount Gambier**

AGENDA

Strategic Standing Committee Meeting 8 April 2019

**Graeme Maxwell
Chief Executive Officer**

3 April 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	Disposal of 17 Elizabeth Street – Report No. AR19/13958.....	4
5.2	Caretaker Policy C305 - Public Consultation – Report No. AR19/13993	8
5.3	Policy Review - P135 - Planning - Entertainment Venues - Report No. AR19/15021	22
6	Motions with Notice.....	27
6.1	Notice of Motion - Draft Terms of Reference - Proposed Committee - Council Controlled Tourism Assets	27
7	Urgent Motions without Notice.....	28
8	Meeting Close	28



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

[Strategic Standing Committee Meeting - 12 March 2019](#)

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 DISPOSAL OF 17 ELIZABETH STREET – REPORT NO. AR19/13958

Committee:	Strategic Standing Committee
Meeting Date:	8 April 2019
Report No.:	AR19/13958
CM9 Reference:	AF11/1350
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Pamela Lee, General Manager Council Business Services
Summary:	This Report presents information on the potential disposal of Council property located at 17 Elizabeth Street, Mount Gambier.
Community Plan Reference:	Goal 2: Our Location Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

1. That Strategic Standing Committee Report No. AR19/13958 titled 'Disposal of 17 Elizabeth Street' as presented on 08 April 2019 be noted.
2. Council owned property located at 17 Elizabeth Street, Mount Gambier be declared surplus to requirements and a process be commenced for its disposal.
3. In accordance with clause 8 of Council's Procurement and Disposal of Land and Assets Policy P420 an independent valuation be obtained to establish a reserve price (auction) or appropriate market value (open market sale) for the property at 17 Elizabeth Street.
4. A real estate sales agency agreement be entered into for the marketing and sale of the property at 17 Elizabeth Street and legal and conveyancing services be engaged for the preparation of necessary documentation and transaction settlement.
5. The Chief Executive Officer be authorised to execute and settle a sales contract that exceeds or no more than 5% below the value for 17 Elizabeth Street obtained in accordance with resolution (3). Lower offers to be subject of a further report to Council.
6. That the Mayor and Chief Executive Officer be authorised to affix the Common Seal of the Council to any documentation necessary to give effect to resolutions (4) and (5).



BACKGROUND

At the meeting held on 19 February 2019 Council resolved that a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.

At the Council meeting on 19 March 2019 in consideration of Strategic Standing Committee Report No. AR19/9385 titled '*Non-Community Land and Buildings*' Council resolved as follows:

(b) A Report be prepared on the disposal of 17 Elizabeth Street.

This report presents information on the potential disposal of the property at 17 Elizabeth Street.

DISCUSSION

Section 206 of the Local Government Act 1999 (the Act) provides that a Council may sell or otherwise dispose of an interest in land vested in the Council in fee simple.

In the case of 17 Elizabeth Street, being excluded from classification as community land, Council is not obligated to undertake any other statutory process before commencing or proceeding with a sale process, subject only to its adopted policy provisions for the sale or disposal of land as required by section 49(1)(d) of the Act.

Council's policy provisions associated with section 49 (Contracts and Tenders Policies) are contained in clause 8 of Policy P420 - Procurement and Disposal of Land and Assets. The relevant provisions for disposal of non-community land (that is not road) are as follows:

"The Council may resolve to dispose of Land.....

.....The Council will, where appropriate, dispose of Land through one of the following methods:

- open market sale - advertisement for disposal of the Land through the local paper and where appropriate, a paper circulating in the State, or by procuring the services of a licensed real estate agent and/or auctioneer (following compliance with this Policy);*
- expressions of interest - seeking expressions of interest for the Land;*
- select tender - seeking tenders from a selected group of persons or companies;*
- open tender - openly seeking bids through tenders, including public auction;*
- by negotiation – with owners of land adjoining the Land or others with a pre-existing interest in the Land, or where the Land is to be used by a purchaser whose purpose for the Land is consistent with the Council's strategic objectives for the Land.*

Selection of a suitable disposal method will include consideration of (where appropriate):

- the number of known potential purchasers of the Land;*
- the original intention for the use of the Land;*
- the current and possible preferred future use of the Land;*
- the opportunity to promote local economic growth and development;*
- delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the disposal;*
- the total estimated value of the disposal; and*
- compliance with statutory and other obligations.*

The Council will not dispose of Land to any Council Member or employee of the Council who has been involved in any process related to a decision to dispose of the Land and/or the establishment of a reserve price.



If Land is to be auctioned or placed on the open market or disposed of by an expression of interest or select tender, then (unless the Council resolves otherwise) an independent valuation must be obtained to establish the reserve price for the Land. The independent valuation must be made no more than 6 months prior to the proposed disposal.

If Land is to be disposed of via direct sale, then (unless the Council resolves otherwise) an independent valuation must be obtained to ensure that an appropriate market value is obtained. The independent valuation must be made no more than 6 months prior to the proposed disposal.

An independent valuation will not be required for a disposal where a value estimation being for less than \$25,000 has been prepared and documented for the Land.

The Council will seek to dispose of Land by whichever method is likely to provide the Council with a maximum return at or near current market valuation, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing.

If the disposal is not to be on the open market, the disposal amount should have due regard to the value of the Land (independent or estimation) and the recovery of associated costs necessary to achieve the transaction."

Should Council resolve to dispose of 17 Elizabeth Street, then an independent market valuation would be obtained to inform the marketing price or setting of an auction reserve for the property.

Council may consider whether it seeks a further report to receive/endorse the independent valuation or another higher or lower reserve or marketing price. In consideration of this it may be noted that a lower marketing/reserve price might limit the final sale price, whereas a higher price may exclude potential purchasers and constrain the decision making process.

In any event it would be recommended that any consideration of value and marketing/reserve price be considered 'in-confidence' to avoid any advantage to a potential purchaser or prejudice to the Council's position in the sale that would be contrary to the public interest in obtaining the best disposal result.

The recommendations of this report propose that the Chief Executive Officer be authorised to:

- Obtain the necessary market valuation and proceed to engage and instruct a real estate agency to progress with a sale process.
- Select the disposal method to enable the marketing and sale process to respond to any market interest and real estate agency advice.
- Execute and settle a sales contract that exceeds (or is no more 5% less) the independent valuation amount - or such other amount/parameters as may be determined by Council.

These recommendations are based on learnings from prior sales of Council properties where negotiations between the agent and prospective purchasers can be hindered and fail as a result of the lead time and uncertainty associated with Council's formal decision making process.

It should be noted that:

- In the absence of an offer in accordance with the above, any lower offers would necessarily be presented to Council for consideration and authority to proceed.
- Progression of a market sale of 17 Elizabeth Street would incur immediate unbudgeted and unrecoverable expenses estimated between \$10,000 and \$20,000 associated with marketing, sales agents/auctioneers commissions, legal, conveyancing and valuation fees. Sale proceeds associated with a sale would not be realised until a contract had been executed and settled.

CONCLUSION

In the absence of any reasonable proposal including relevant development approvals and building upgrades for community use of the property at 17 Elizabeth Street, the recommendations presented with this report propose that the property be declared surplus to Council requirements and the Chief Executive Officer be authorised to proceed with marketing and executing a sale for the property within defined parameters based on independent professional advice.



ATTACHMENTS

Nil



5.2 CARETAKER POLICY C305 - PUBLIC CONSULTATION – REPORT NO. AR19/13993

Committee:	Strategic Standing Committee
Meeting Date:	8 April 2019
Report No.:	AR19/13993
CM9 Reference:	AF18/56
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Pamela Lee, General Manager Council Business Services
Summary:	This report presents the updated Caretaker Policy C305 for endorsement for public consultation purposes.
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 Strategic Standing Committee Report No. AR19/13993 titled 'Caretaker Policy C305 - Public Consultation' as presented on 08 April 2019 be noted.
2. That the Draft Caretaker Policy C305 as attached to Strategic Standing Committee Report No. AR19/13993 be endorsed for the purpose of conducting public consultation.



BACKGROUND

At the Council meeting held on 15 January 2019 in relation to the review of Council's Caretaker Policy, Council resolved as follows:

- (a) *A report be prepared following consultation with Councilors referencing the impact of guiding documents on the current policy, the outcome the review is seeking to achieve and the restrictions of Council Policy C305 Caretaker Policy.*
- (b) *The matter be referred to the Strategic Standing Committee for further consideration.*

The abovementioned resolution (a) was rescinded at the Council meeting held on 19 February 2019 and resolution (b) was amended to:

- (b) *The matter be referred to the March meeting of the Strategic Standing Committee for further consideration.*

At the Council meeting held on 19 March 2019 in relation to Strategic Standing Committee Report No. AR19/8184 titled 'Review of Council Policy C305 – Caretaker Policy' Council resolved:

- (b) *That the Caretaker Policy Item 4(a) be amended such that the Caretaker period commence on the day when nominations close for the election.*

The amended Caretaker Policy C305 is now presented to Council for endorsement before commencing public consultation in accordance with clause 10 of the Caretaker Policy and Council's Community Consultation and Engagement Policy P195.

DISCUSSION

Clause 10 of the Council's Caretaker Policy c305 provides:

"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."

The amendment to Caretaker Policy C305 as resolved at the Council meeting on 19 March 2019, whilst comprising only a minor wording change to the definition of 'election period', results in the caretaker policy not having any application between the opening and closing of candidate nominations for a local government election.

The candidate nomination period was previously included within the definition of the 'election period' such that the caretaker policy provisions applied, and accordingly this change may be considered something 'other than minor' and thus triggering the public consultation provisions of the policy.

Council may consider that public consultation is not necessary on the basis that the amendment/alteration made to Caretaker Policy C305 is minor, or due to the public consultation requirement only arising as a matter of policy.

Importantly, members should note that subsection 91A(7) of the Local Government (Elections) Act 1999 provides that the caretaker policy of a Council is to be taken to form part of the Code of Conduct for Council Members and accordingly non-compliance may trigger conduct breaches.

CONCLUSION

Having been amended/alterd by resolution of Council the updated Caretaker Policy C305 is now presented for endorsement for the purpose of conducting public consultation.

ATTACHMENTS

1. DRAFT Council Policy C305 - Caretaker Policy [↓](#)



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

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 C305 COUNCIL AND COMMITTEE – CARETAKER POLICY	Version No:	5
		Issued:	
		Next Review:	

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 C305 COUNCIL AND COMMITTEE – CARETAKER POLICY	Version No:	5
		Issued:	
		Next Review:	

(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 C305 COUNCIL AND COMMITTEE – CARETAKER POLICY	Version No:	5
		Issued:	
		Next Review:	

- 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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Page 4 of 12



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

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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Page 5 of 12

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

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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Page 6 of 12

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

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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Page 7 of 12

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

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.

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Page 8 of 12



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

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).

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Page 9 of 12

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

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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Page 10 of 12

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

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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Page 11 of 12

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

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
<u>Document History</u>	
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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Page 12 of 12



5.3 POLICY REVIEW - P135 - PLANNING - ENTERTAINMENT VENUES - REPORT NO. AR19/15021

Committee: Strategic Standing Committee
Meeting Date: 8 April 2019
Report No.: AR19/15021
CM9 Reference: AF18/496
Author: Simon Wiseman, Senior Planning Officer
Authoriser: Judy Nagy, General Manager City Growth
Summary: This report presents a reviewed policy for Planning - Entertainment Venues
Community Plan Reference: Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

1. That Strategic Standing Committee Report No. AR19/15021. titled 'Policy Review - P135 - Planning - Entertainment Venues' as presented on 08 April 2019 be noted.
2. That the updated Council Policy 'P135 - Planning - Entertainment Venues' as attached to the Strategic Standing Committee Report No. AR19/9205 be adopted.



BACKGROUND

Council periodically reviews its policies over the term of the Council to ensure they remain up to date with legislative requirements, Council and community expectation and emerging practices in local government.

DISCUSSION

Council Policy 'P135 - Planning - Entertainment Venues' has been reviewed and is presented with no changes.

CONCLUSION


The reviewed and updated Council Policy 'P135 - Planning - Entertainment Venues' is presented for consideration.

It is proposed that the policy be next scheduled for review from March 2020.

ATTACHMENTS

1. Draft Council Policy P135 - Entertainment Venues [↓](#)



 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY P135 PLANNING - ENTERTAINMENT VENUES</p>	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2020

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for entertainment venues within the Council area, and is to be utilised alongside the Development Assessment process. The policy does not override the requirements under the Liquor Licensing Act 1997.

2. ACOUSTIC REPORTS

- a) Council require an Acoustic Consultant's Report to be provided with every development application (at the Applicant's expense) for any premises where entertainment is proposed.
- b) The internal noise limit for each premises be determined by the qualified Acoustic Consultant's Report so as to ensure that external noise levels are in compliance with the noise levels as specified by the Environment Protection Authority (EPA).
- c) Council shall require that all applications requiring an assessment of the potential noise impacts as contained within an Acoustic Consultants Report be informally referred to the Environment Protection Agency for advice and comments.

3. NOISE AND NOISE LIMITING DEVICES

- a) When assessing development applications for entertainment venues, Council shall generally consider and determine noise levels rather than the actual type of music (i.e. live or recorded music, different types of performers, etc.)
- b) Council may require that all music, whether recorded or live music, be played through an 'in house' system which can be connected to a fixed wired noise limiting device.
- c) Council shall require a fixed wired noise limiting device to be installed within the premises so as to ensure that any noise, whether recorded or live, does not exceed the maximum internal noise levels specified as acceptable by the Acoustic Consultant's Report, where considered appropriate.
- d) The fixed wired noise limiting device shall be accessible to Council, the Police and any other appropriate person at all times to ensure compliance with this requirement.
- e) The microphone associated with the fixed wired noise limiting device shall remain satisfactorily exposed at all times, and shall never be covered, or the like, so as to affect the proper monitoring of noise within the premises, to the reasonable satisfaction of Council.
- f) The licensee shall take all reasonable steps to ensure that the entertainment does not give offence to people who reside in the vicinity of the licensed premises, and will ensure that the noise levels do not exceed the 8dB above the ambient noise level when measured outside the premises. In order to do this the licensee will, if necessary:
 - (i) ensure that doors and windows remain closed during entertainment;
 - (ii) undertake sound monitoring tests prior to the entertainment commencing; and

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Page 1 of 3

 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY P135 PLANNING - ENTERTAINMENT VENUES</p>	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2020

(iii) ensure that amplification from persons providing entertainment is limited to an appropriate level.

4. SECURITY

- a) At all times when live entertainment is being provided on the premises, a licensed security person shall regularly patrol, by foot, in the vicinity of the premises, for that period from midnight until one hour after the closure of the premises to the public to ensure the quiet and orderly arrival and departure of patrons to and from the premises.

5. REVIEW & EVALUATION

This Policy is scheduled for review by Council in March 2019; however, will be reviewed as required by any legislative changes which may occur.

6. 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.

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 City of Mount Gambier	COUNCIL POLICY P135 PLANNING - ENTERTAINMENT VENUES	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2020

File Reference:	AF18/49
Applicable Legislation:	Environmental Protection Act 1993; Planning Development and Infrastructure Act 2016
Reference: Strategic Plan - Beyond 2015	Goal: Securing Economic Prosperity, Strategic Objective: 2 & 5
Related Policies:	L230 Licensed Premises
Related Procedures:	
Related Documents:	Environmental Protection (Noise) Policy 2007

DOCUMENT DETAILS

Responsibility:	General Manager City Growth
Version:	7.0
Last revised date:	19 th March, 2019
Effective date:	19 th March, 2019
Minute reference:	19 th March, 2019 Strategic Standing Committee Services, Item
Next review date:	March, 2020
<u>Document History</u>	
First Adopted By Council:	17 th July 2001
Reviewed/Amended:	15 th April 2003; 19 th September 2006; 17 th February 2009; 19 August 2014; 20 th March 2018; 19 th March 2019

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6 MOTIONS WITH NOTICE

6.1 NOTICE OF MOTION - DRAFT TERMS OF REFERENCE - PROPOSED COMMITTEE - COUNCIL CONTROLLED TOURISM ASSETS

Meeting: Strategic Standing Committee

CM9 Reference: AF18/496

Member: Ben Hood, Councillor

I, Councillor Ben Hood, give notice that at the next Strategic Standing Committee to be held on 8 April 2019, I intend to move the following motion:

MOTION

1. That Strategic Standing Committee Report No. AR19/15724 titled 'Notice of Motion -Draft Terms of Reference - Proposed Committee - Council Controlled Tourism Assets' as presented on 08 April 2019 be noted.
2. Council administration prepare for consideration a draft terms of reference for a Committee to focus on all Council controlled tourism assets and that the terms of reference include responsibility to oversee Council's current commitment to review the Crater Lakes Management Plan.

RATIONALE

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE



COMMITTEE MINUTES

MINUTES OF ORDINARY STRATEGIC STANDING COMMITTEE MEETING

Meeting held in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 12 March 2019 at 5:30 p.m.

PRESENT

Mayor Lynette Martin OAM
Cr Frank Morello (Presiding Member)
Cr Max Bruins
Cr Ben Hood
Cr Sonya Mezinac

COUNCIL OFFICERS

General Manager Council Business Services	- Mrs P Lee
General Manager City Growth	- Dr J Nagy
Manager Executive Administration	- Mr M McCarthy
Administration Officer	- 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)

Nil

2. CONFIRMATION OF STRATEGIC STANDING COMMITTEE MINUTES

Meeting held on 11 February 2019

That the minutes of the Strategic Standing Committee meeting held on 11 February 2019 as attached be confirmed.

Moved: Cr Morello

Seconded: Cr Hood

Carried

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

Nil

4. DEPUTATIONS

Nil



5. STRATEGIC STANDING COMMITTEE REPORTS

5.1. Review of Policy F140 - Flag Protocol - Report No. AR19/9039

COMMITTEE RECOMMENDATION	
(a)	That Strategic Standing Committee Report No. AR19/9039 titled ' <i>Review of Policy F140 - Flag Protocol</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b)	That Council Policy F140 - Flag Protocol be readopted as attached to Report AR19/9039.
(c)	That the procedure of presenting flag flying requests to Council for resolution be continued in accordance with the guidelines in Strategic Standing Committee Report No. AR19/9039.
(d)	That a calendar of special days resolved by Council for periodical (i.e. annual) flying of flags (other than the Australian National Flag) be maintained, including the following special days: <ul style="list-style-type: none">i. 13 February - Anniversary of the Apology to Members of the Stolen Generation (Australian National Flag, Australian Aboriginal Flag, Torrens Strait Islander Flag)ii. 17 May - International Day Against Homophobia and Transphobia (Rainbow Flag)iii. 27 May - 2 June (check dates each year) - National Reconciliation Week (Aboriginal Flag, Torrens Strait Islander Flag)iv. 2-9 July (Check dates each year) - NAIDOC Week (Aboriginal & Torrens Strait Islander Flags)v. 24 October - United Nations Day (United Nations Flag)vi. 11-26 November (check dates each year) - Feast Festival (Rainbow Flag)vii. 29 November - 3 December - Spirit of Eureka (Eureka Flag).

Moved: Cr Morello

Seconded: Cr Hood

Carried

5.2. Review of Council Policy C305 - Caretaker Policy - Report No. AR19/8184

COMMITTEE RECOMMENDATION	
(a)	That Strategic Standing Committee Report No. AR19/8184 titled ' <i>Review of Council Policy C305 - Caretaker Policy</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b)	That the Caretaker Policy Item 4(a) be amended such that the Caretaker period commence on the day when nominations close for the election.

Moved: Cr Morello

Seconded: Cr Hood

Carried



5.3. Review of Council Policy M240 - Members Access to Information - Report No. AR19/8582

- (a) That Strategic Standing Committee Report No. AR19/8582 titled '*Review of Council Policy M240 - Members Access to Information*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) We request the new CEO, when appointed, review the list of delegates to whom Council members may direct relevant and reasonable requests.

Moved: Cr Bruins

Seconded: Mayor Martin

Lost

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/8582 titled '*Review of Council Policy M240 - Members Access to Information*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That Council Policy M240 - Members Access to Information be revoked as sufficient provisions are contained within the Local Government Act and Code of Conduct for Council Members dealing with matters within this policy.
- (c) We request the new CEO, when appointed, review the list of delegates to whom Council members may direct relevant and reasonable requests.

Moved: Cr Morello

Seconded: Cr Bruins

Carried

5.4. Review of Council Policy M405 - Members Allowances and Benefits - Report No. AR19/8664

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/8664 titled '*Review of Council Policy M405 - Members Allowances and Benefits*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the current policy M405 Member Allowances and Benefits remain unchanged.

Moved: Cr Bruins

Seconded: Cr Meziniec

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A(2)(b) of the Local Government Act 1999, Cr Hood informed the meeting of *an actual* conflict of interest in Item 5.5:

“Board Member of Stand Like Stone”.

In accordance with Section 75A(2)(b) Cr Hood left the room at 6.10 pm



5.5. Expressions of Interest for 9 Penola Road - Report No. AR19/9028

COMMITTEE RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/9028 titled ' <i>Expressions of Interest for 9 Penola Road</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b) A further report be presented to the Strategic Standing Committee informed by the outcomes of Council deliberations on the Strategic Standing Committee Report No. AR19/9385.

Moved: Cr Bruins

Seconded: Cr Mezinec

Carried

Cr Hood resumed the meeting at 6.19 p.m.

5.6. Requests for Service and Complaints - Report No. AR19/9503

COMMITTEE RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/9503 titled ' <i>Request for Service and Complaints Report</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried

5.7. Policy Review - C200 - Request for Service and Complaint Policy - Report No. AR19/9529

COMMITTEE RECOMMENDATION
(a) That Strategic Standing Committee Report No. AR19/9529 titled ' <i>C200 - Request for Service and Complaint Policy</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b) That the updated Council Policy ' <i>C200 - Request for Service and Complaint Policy</i> ' as attached to the Strategic Standing Committee Report No. be adopted.

Moved: Cr Morello

Seconded: Cr Hood

Carried



5.8. Lady Nelson Precinct Mobile Unit - Report No. AR19/4250

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/4250 titled '*The Lady Nelson Precinct Mobile Unit*' as presented to the Strategic Standing Committee on 11 February 2019 be noted.
- (b) A discussion paper be prepared detailing a range of vehicle options, design, function and costings up to \$60,000 and be presented to an Elected Member Informal Gathering.

Moved: Cr Morello

Seconded: Cr Hood

Carried

5.9. Policy Review - O110 - Order Making Report No. AR19/4182

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/4182 titled '*Policy Review - O110 - Order Making*' as attached be noted.
- (b) That Council Policy O110 Order Making be amended based on the amendments to the Local Government Act 1999 with the introduction of the Local Nuisance and Litter Control Act 2016.
- (c) Proposed draft Council Policy O110 be publicly notified prior to it being formally adopted by Council as required by the Local Government Act 1999 as significant amendments to the Policy have been proposed.

Moved: Cr Morello

Seconded: Cr Hood

Carried

5.10. Non-Community Land and Buildings - Report No. AR19/9385

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/9385 titled '*List of Operational Properties*' as attached be noted.
- (b) A Report be prepared on the disposal of 17 Elizabeth Street.
- (c) Hold an Informal Gathering to consider the long term strategic options for the Commerce Place car park precinct including 9 Penola Road and adjoining vacant allotments.

Moved: Cr Bruins

Seconded: Cr Meziniec

Carried



5.11. Long Term Financial Plan 2018/2019 to 2027/2028 - Report No. AR19/9637

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/9637 titled '*Long Term Financial Plan 2019/2020 to 2028/2029*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Long Term Financial Plan 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website.

Moved: Cr Mezinec

Seconded: Mayor Martin

Carried

5.12. Infrastructure Asset Management Plan 2019/2020 to 2028/2029 and Asset Management Policy

COMMITTEE RECOMMENDATION

- (a) That Strategic Standing Committee Report No. AR19/9661 titled '*Infrastructure and Asset Management Plan 2019/2020 to 2028/2029*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Asset Management Policy be adopted, marked as final and uploaded to Council's website.
- (c) That the Infrastructure and Asset Management Plans for the ten year period 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website covering the following asset classes:
 - i. Asset Management Summary Plan 2020/2029
 - ii. Infrastructure (Roads) Asset Management Plan 2020/2029
 - iii. Building and Structures Asset Management Plan 2020/2029
 - iv. Plant and Equipment Asset Management Plan 2020/2029
 - v. Caroline Landfill Asset Management Plan 2020/2029
 - vi. Information Technology and Systems Asset Management Plan 2020/2029.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried



6. MOTION(S) - With Notice

Nil Submitted

7. URGENT MOTION(S) - Without Notice

Nil Submitted

Meeting closed at 7.15 p.m.

AR19/11291

CONFIRMED THIS DAY OF 2019.

.....
PRESIDING MEMBER

