MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 8 May 2018 at 7:30 a.m.

PRESENT

Mayor Andrew Lee
Cr Mark Lovett (Presiding Member)
Cr Christian Greco
Cr Ian Von Stanke
Cr Des Mutton

COUNCIL MEMBERS

Cr Sonya Mezinec

AS OBSERVERS:

Cr Frank Morello (arrived at 7.34 a.m.)

COUNCIL OFFICERS

General Manager Community Wellbeing - Ms B Cernovskis
General Manager City Infrastructure - Mr N Serle
Manager Development Services - Mrs T Tzioutziouklaris
Media Communications Coordinator - Ms S McLean
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)

Apology(ies) received from Cr Perryman
That the apology from Cr Perryman be received.
Moved: Cr Greco Seconded: Cr Von Stanke Carried

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 10 April 2018.
That the minutes of the Operational Standing Committee meeting held on 10 April 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.
Moved: Cr Greco Seconded: Cr Mutton 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 the Junior Sports Assistance Fund (Section 41) Meeting - 11 April 2018

That the minutes of the Junior Sports Assistance Fund (Section 41) meeting held 11 April 2018 as previously circulated be noted.

Moved: Cr Lovett Seconded: Cr Greco Carried

5.2. Correspondence Received - Report No. AR18/12981

(a) That Junior Sports Assistance Fund Committee Report No. AR18/12981 titled ‘Correspondence Received’ dated 3 April 2018 as presented to the Junior Sports Assistance Fund Committee on 11 April 2018 be noted.

Moved: Cr Lovett Seconded: Cr Mutton Carried

5.3. Statement of Revenue and Expenses - 1/11/2017 to 28/02/2018 - Report No. AR18/13000

(a) That Junior Sports Assistance Fund Committee Report No. AR18/13000 titled ‘Statement of Revenue and Expenses - 1/11/2017 to 28/02/2018’ dated 3 April 2018 as presented to the Junior Sports Assistance Fund Committee on 11 April 2018 be noted.

(b) The financial statement of the Fund as at 28 February 2018 be received noting a cash balance of $74,825.

Moved: Cr Lovett Seconded: Cr Greco Carried

5.4. Applications for Financial Assistance for Juniors and Payments from the Fund from 1/12/2017 to 31/03/2018 - Report No. AR18/13267

(a) That Junior Sports Assistance Fund Committee Report No. AR18/13267 titled ‘Applications for Financial Assistance for Juniors from 1/12/2017 to 31/03/2018’ dated 4 April 2018 as presented to the Junior Sports Assistance Fund Committee on 11 April 2018 be noted.

Moved: Cr Lovett Seconded: Cr Mutton Carried
5.5. **Member Organisations Contributions 2017/2018 - Unpaid Membership - Report No. AR18/13172**

(a) That Junior Sports Assistance Fund Committee Report No. AR18/13172 titled ‘Member Organisations Contributions 2017/2018 - Unpaid Membership’ dated 4 April 2018 as presented to the Junior Sports Assistance Fund Committee on 11 April 2018 be noted;

(b) letters be sent to Member Organisations with outstanding membership contributions requesting advice as to whether they wish to continue to be a member of the Fund, and if so payment is to be made by the end of April, 2018 or the Member Organisation will be suspended from the fund.

Moved: Cr Lovett Seconded: Cr Greco Carried

5.6. **Commercial Club Inc. - Annual Donation - Exceptional Junior Program 2017 - Report No. AR18/12929**

(a) That Junior Sports Assistance Fund Committee Report No. AR18/12929 titled ‘Commercial Club Inc. - Annual Donation - Exceptional Junior 2017’ dated 3 April 2018 as presented to the Junior Sports Assistance Fund Committee on 11 April 2018 be noted.

(b) For the 2017 year the following juniors receive the Commercial Club Inc. donation (i.e. $500 each) to assist that junior to advance in their chosen sport and to achieve their potential:

Awardees: Emily Close - Basketball Mount Gambier
          Mitchell Hunter - Basketball Mount Gambier

(c) the presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.;

(d) details of the donation program and the awardees for 2017 be released to the media immediately.

Moved: Cr Lovett Seconded: Cr Greco Carried

5.7. **Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Sportspersons - Report No. AR18/12883**

(a) That Junior Sports Assistance Fund Committee Report No. AR18/12883 titled ‘Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Juniors’ dated 3 April 2018 as presented to the Junior Sports Assistance Fund Committee on 11 April 2018 be noted.
(b) the following application(s)/funding be made available to the Member Organisations named below to assist the identified junior(s) to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspersons initiative (funded from some of the proceeds from the 2018 Blue Lake Fun Run) and to be used strictly in accordance with their respective confidential application:

(i) South East Women's Football Association - 2 Nominees $600
   (i.e. $300 each)

(ii) Limestone Coast Football Association - 1 nominee $300

(iii) Discretionary Donation - 12 nominees $1,440
   (i.e. $120 each)

Moved: Cr Lovett Seconded: Cr Mutton Carried

5.8. Minutes of the Community Engagement and Social Inclusion Sub-Committee Meeting - 26 April 2018

That the minutes of the Community Engagement and Social Inclusion Sub-Committee Meeting held 26 April 2018 as previously circulated be noted.

Moved: Cr Lovett Seconded: Cr Von Stanke Carried

5.9. Governance - Community Engagement and Social Inclusion Sub-Committee - Vulnerable Families - Ref. AF17/432

(a) That the project plan for the delivery of the Community Day at AF Sutton Reserve on Thursday 4 October 2018 be progressed and regular updates be provided to Council.

Moved: Cr Lovett Seconded: Cr Greco Carried

5.10. Minutes of the Environmental Sustainability Sub-Committee Meeting – 1 May 2018

That the minutes of the Environmental Sustainability Sub-Committee meeting held on 1 May 2018 as previously circulated be noted.

Moved: Cr Lovett Seconded: Cr Mutton Carried


(a) That Environmental Sustainability Sub-Committee Report No. AR18/15108 titled ‘City of Mount Gambier Corporate Greenhouse Gas Emissions 2016-2017’ as presented to the Environmental Sustainability Sub-Committee on 1 May 2018 be noted.
(b) That Council continue to conduct greenhouse gas emission reduction measures. This may include activities such as energy efficiency and renewable energy measures, reducing waste to landfill, and landfill gas mitigation actions - within budget and resourcing constraints.

Moved: Cr Lovett  Seconded: Cr Mutton  Carried


(a) That Environmental Sustainability Sub-Committee Report No. AR18/13791 titled ‘ReUse Market Update – May 2018’ as presented to the Environmental Sustainability Sub-Committee on 1 May 2018 be noted.

(b) That Council endorse the requirement for Council staff to make decisions on what will be accepted for resale at the ReUse market and the proposed pricing regime for accepting items at the Waste Transfer Station for reselling at the ReUse Market, as outlined in report AR18/13791.

Moved: Cr Lovett  Seconded: Cr Von Stanke  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 8 May 2018 be noted.

Moved: Cr Lovett  Seconded: Cr Greco  Carried

6.2. Cave Gardens Claret Ash Tree - Report No. AR18/15717

(a) That Operational Standing Committee Report No. AR18/15717 ‘Cave Gardens Claret Ash Tree’ as presented to the Operational Standing Committee on 8 May 2018 be noted.

(b) To be referred to the Operational Standing Committee for a decision.

Moved: Cr Lovett  Motion lapsed for want of a seconder

COMMITTEE RECOMMENDATION

(a) That Operational Standing Committee Report No. AR18/15717 ‘Cave Gardens Claret Ash Tree’ as presented to the Operational Standing Committee on 8 May 2018 be noted.
(b) Option 1 - Council seek expressions of interest from local artists in regards to sculpting the remainder of the tree, and engage with Richard Woods, Council’s Heritage Adviser, in regards to his comments in relation to a sculpture in the Cave Gardens.

Moved: Cr Greco   Seconded: Cr Mutton   Carried

6.3. Cave Gardens and Town Hall Tree Management - Report No. AR18/10357

COMMITTEE RECOMMENDATION

(a) That Operational Standing Committee Report No. AR18/10357 ‘Cave Gardens and Town Hall Tree Management’ as presented to the Operational Standing Committee on 8 May 2018 be noted.

(b) That Council approves the removal of the 13 Oriental Plane trees around the Town Hall and Cave Gardens Precinct to allow for advanced replacement trees where practicably possible.

(c) Over 2 years, Council replaces the removed trees with the London Plane Tree whose form is more suited to the windy conditions of the area.

Moved: Cr Lovett   Seconded: Cr Mutton   Carried

6.4. Request from Foodbank for Council Funding - Report No. AR18/16919

COMMITTEE RECOMMENDATION

(a) That Operational Standing Committee Report No. AR18/16919 titled ‘Request from Foodbank for Council Funding’ as presented to the Operational Standing Committee on 8 May 2018 be noted.

(b) That Council grants an extension of time for the $42,750 of funds previously provided to Foodbank to purchase the property on Cave Road, Mount Gambier to June 30 2021.

(c) That Foodbank be advised that should the purchase and upgrade of Foodbank’s property on Cave Road not be completed by 30 June 2021 the funds be returned to Council.

Moved: Cr Lovett   Seconded: Cr Mutton   Carried

7. MOTION(S)

7.1. With Notice

Nil Submitted

7.2. Without Notice

Nil
8. CONFIDENTIAL ITEMS

8.1 Consideration for Exclusion of the Public

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 Mayor A Lee, Councillors - M Lovett, C Greco, D Mutton, I Von Stanke, S Mezinec and F Morello and Council Officers - B Cernovskis, N Serle, T Tzioutziouklaris, S McLean and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Occupation of an outbuilding) 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;
- 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.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Subject Matter</th>
<th>S90(3) Grounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2</td>
<td>Illegal Development – Development constructed at variance to the Development Approval - Report No. AR18/16548</td>
<td>(a) &amp; (f)</td>
</tr>
</tbody>
</table>

Moved: Mayor Lee          Seconded: Cr Greco          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.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Subject Matter</th>
<th>S90(3) Grounds</th>
<th>Element To Be Kept Confidential</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2</td>
<td>Illegal Development - Development</td>
<td>(a) &amp; (f)</td>
<td>All details</td>
<td>Until the matter has been resolved.</td>
</tr>
<tr>
<td></td>
<td>constructed at variance to the</td>
<td></td>
<td></td>
<td>Where duration exceeds 12 months.</td>
</tr>
<tr>
<td></td>
<td>Development Approval Report No. AR18/16548</td>
<td></td>
<td></td>
<td>To be reviewed at least once.</td>
</tr>
</tbody>
</table>

Moved: Cr Lovett  Seconded: Cr Greco  Carried
8.4. **Consideration for Exclusion of the Public**

The following item(s) 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 Mayor A Lee, Councillors - M Lovett, C Greco, D Mutton, I Von Stanke, S Mezinec and F Morello and Council Officers - B Cernovskis, N Serle, T Tzioutziouklaris, S McLean and F McGregor) now present be excluded from the meeting in order for the item to be considered in confidence as the Committee is satisfied that the item is a matter that can be considered in confidence.

The Committee is satisfied that pursuant to the following sections of the Act, the information to be received, discussed or considered in relation to this Agenda Item is:

- s90(3)(d) - commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party.

The information to be considered in relation to this Agenda Item include costings for provision of recycling services and other specific financial information, the disclosure of which would prejudice the supplier’s commercial position in the open market.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

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 because the disclosure of the supplier’s commercial position could jeopardise the delivery of the recycling service to the community.

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>SUBJECT MATTER</th>
<th>S90(3) GROUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.5</td>
<td>Council Update on Recycling Issues and Options – May 2018 - Report No. AR18/16676</td>
<td>(d)</td>
</tr>
</tbody>
</table>

Moved: Cr Lovett

Seconded: Cr Von Stanke

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 7.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

<table>
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<th>Element To Be Kept Confidential</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.5</td>
<td>Council update on recycling issues and options – May 2018 - Report No. AR18/16676</td>
<td>(d)</td>
<td>All Details except Attachment 1 AR18/16698.</td>
<td>Until a commercial agreement is reached with the supplier or 11 months has elapsed whichever is the earlier</td>
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Moved: Cr Lovett  
Seconded: Cr Von Stanke  
Carried

Meeting closed at 8.08 a.m.

AR18/17894

CONFIRMED THIS DAY OF 2018.

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PRESIDING MEMBER