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**I hereby give notice that an Economic and Environment Committee Meeting will be held on:**

**Date: Monday, 2 November 2020**  
**Time: 5.30 p.m.**  
**Location: Council Chamber**  
**Civic Centre**  
**10 Watson Terrace**  
**Mount Gambier**

# **AGENDA**

## **Economic and Environment Committee Meeting 2 November 2020**

A handwritten signature in black ink, appearing to read 'A Meddle', with a long horizontal flourish extending to the right.

**Andrew Meddle**  
**Chief Executive Officer**

**29 October 2020**

## Order Of Business

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**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**

Economic and Environment Committee Meeting - 7 September 2020

**RECOMMENDATION**

That the minutes of the Economic and Environment Committee meeting held on 7 September 2020 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE**



## 5 REPORTS

### 5.1 REMOVAL OF PARKING SPACES AND INSTALLATION OF LOADING ZONE ON FERRERS STREET AND COMPTON STREET – REPORT NO. AR20/62259

<b>Committee:</b>	<b>Economic and Environment Committee</b>
<b>Meeting Date:</b>	<b>2 November 2020</b>
<b>Report No.:</b>	<b>AR20/62259</b>
<b>CM9 Reference:</b>	<b>AF19/412</b>
<b>Author:</b>	<b>Andrew Thompson, Design Engineer</b>
<b>Authoriser:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Summary:</b>	<b>This report proposes the removal of parking bays and the installation of a “Loading Zone” area in Compton Street to facilitate truck deliveries.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People Goal 5: Our Commitment</b>

#### REPORT RECOMMENDATION

1. That Economic and Environment Committee Report No. AR20/62259 titled ‘Removal of Parking Spaces and Installation of Loading Zone on Ferrers Street and Compton Street’ as presented on 02 November 2020 be noted.
2. The Traffic Impact Statement attached to the Economic and Environment Committee Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage;
  - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
    - (b) Amend Resolution, 1.1.505  
FERRERS STREET (Western Side) - From 44 metres to 55 metres South of the intersection with Commercial Street East.  
Prohibited area NO STANDING  
From 9.00pm to 8.00am
    - (c) FERRERS STREET (Western Side) - From 62 metres to 75 metres South of the intersection with Commercial Street East.  
Prohibited area NO STOPPING  
1.1.509
    - (d) FERRERS STREET (Eastern Side) - From 77 metres to 84 metres South of the intersection with Commercial Street East.  
Prohibited area NO STOPPING  
1.1.510



(e) COMPTON STREET (Western Side) - From 161 metres to 174 metres South of the intersection with Commercial Street East.

Prohibited area

LOADING ZONE

2.2.080

4. Upon completion of the Coles Supermarket project Council engage the services of a traffic engineer to assess and provide recommendations to Council on traffic management in the Compton Street precinct.



## **BACKGROUND**

Council has received a request from GLG Developments for the removal of the car park spaces on Compton Street and installation of a “Loading Zone” as part of the new Coles development. The proposed parking alterations will allow safe navigation of traffic, particularly delivery vehicles.

## **DISCUSSION**

Council should take into consideration that the new Coles site will provide 326 new off-street car parking spaces as part of their development.

Before the development of ALDI, Coles and She’s Apples, the existing number of car parks in the area were 587 spaces. After the new development of ALDI, Coles and She’s Apples, there will be a total of 624 car parking spaces. The figures are broken down below. On balance, the removal of the car parking space adjacent to the She’s Apples driveway will have negligible impact.

### **Before Development:**

**Target car park:** 346 spaces

**Fidlers car park:** 40 spaces

**Compton Street shopping precinct (Now She’s Apples):** 74 spaces

**South Australian Hotel:** 8 spaces

**On street:** 119 spaces total

**Compton Street:** 45 spaces

**Sturt Street:** 23 spaces

**Ferrers Street:** 29 spaces

**Commercial Street East:** 22 spaces

**Total:** **587 Spaces**

### **After New Developments:**

**COLES car park:** 326 spaces

**ALDI car park:** 114 spaces

**Compton Street shopping precinct (Now She’s Apples):** 74 spaces

**South Australian Hotel:** 8 spaces

**On street:** 102 spaces total

**Compton Street:** 38 spaces

**Sturt Street:** 23 spaces

**Ferrers Street:** 19 spaces

**Commercial Street East:** 22 spaces

**Total:** **624 Spaces**

## **CONCLUSION**

It is recommended that Council remove car parks and establish the “Loading Zone” areas as noted on these streets.



**ATTACHMENTS**

1. DA 3810192019 - Shop - Coles - 11 Ferrers Street MOUNT GAMBIER 5290 - GLG Developments - On-Street Parking - Aerial Image [↓](#)
2. Traffic Impact Statement - No Stopping - Ferrers Street - Eastern Side [↓](#)
3. Traffic Impact Statement - Ferrers Street - Western Side [↓](#)









## TRAFFIC IMPACT STATEMENT

No Stopping  
Ferrers Street (Eastern Side)

### Part A – Traffic Management

It is the view of the undersigned that the installation of a No Stopping Zone on Ferrers Street (Eastern Side) will not be detrimental to traffic management in the area.

### Part B – Road Safety Effects

It is anticipated that the proposal will not have any negative impacts on road safety.

### Conclusion

In the opinion of the undersigned, the installation of a No Stopping zone on Ferrers Street (Eastern Side) will not have negative impacts on traffic management or road safety and is therefore deemed appropriate for the area.

.....  
**Nick SERLE**  
GENERAL MANAGER-CITY INFRASTRUCTURE

15<sup>th</sup> September 2020

Ref. AF11/1855  
LM



## TRAFFIC IMPACT STATEMENT

No Stopping  
Ferrers Street (Western Side)

### Part A – Traffic Management

It is the view of the undersigned that the installation of a No Stopping Zone on Ferrers Street (Western Side) will not be detrimental to traffic management in the area.

### Part B – Road Safety Effects

It is anticipated that the proposal will not have any negative impacts on road safety.

### Conclusion

In the opinion of the undersigned, the installation of a No Stopping zone on Ferrers Street (Western Side) will not have negative impacts on traffic management or road safety and is therefore deemed appropriate for the area.

.....  
**Nick SERLE**  
GENERAL MANAGER-CITY INFRASTRUCTURE

29<sup>th</sup> October 2020

Ref. AF11/1855  
LM



**5.2 2021 STREET TREE PROGRAM – REPORT NO. AR20/59494**

<b>Committee:</b>	<b>Economic and Environment Committee</b>
<b>Meeting Date:</b>	<b>2 November 2020</b>
<b>Report No.:</b>	<b>AR20/59494</b>
<b>CM9 Reference:</b>	<b>AF19/416</b>
<b>Author:</b>	<b>Sinaway Georgiou, Engineering Technical Officer</b>
<b>Authoriser:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Summary:</b>	<b>Council has an allocation in its budget to plant street trees within the city of Mount Gambier until 2027 with the strategic objective of increasing the street tree population.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment</b>

**REPORT RECOMMENDATION**

1. That Economic and Environment Committee Report No. AR20/59494 titled '2021 Street Tree Program' as presented on 02 November 2020 be noted.
2. That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2021 Street Tree Program as outlined in Policy T120 (Tree Policy).
3. That Council notifies all residents and utilities affected by the plantings and invite comment on same (in accordance with Councils Public Consultation Policy).
4. That Council adopts the 2021 Street Tree Program as outlined in the discussion so that the proposed species of trees may pre-ordered.



## BACKGROUND

Street trees are a valuable component of an urban environment, and in general are greatly appreciated by the community. The benefits that they provide include environmental, social, health and wellbeing, economic and visual amenity. They also assist in maintaining and enhancing biodiversity in an urban environment by providing habitat to bird life as well as improving our air quality. These characteristics support a number of objectives outlined in the Strategic Plan.

## DISCUSSION

In order for Council to receive specific tree species and cultivars for the 2021 Street Tree Program, it is necessary to reserve selected trees in advance. Without pre-ordering specific trees, there is no guarantee from nurseries that specific species, varieties or cultivars will be available in their preferred size and numbers when required.

All consultation to the public and utilities will be conducted closer to the date of planting as per Councils Policy P195 (Community Consultation & Engagement Policy). This will help residents become more aware of the program closer to the date of planting which will allow Council to adopt a more concise list of non-participants. If residents choose not to take part in the program, we can list them immediately and remove them from having a street tree planted adjacent to their property. History shows that if a street tree is planted adjacent to properties who wish not to have a tree are merely vandalised.

A total of 25 trees have been highlighted for removal with a total of 287 trees proposed for planting leaving a net gain of 262 trees. This meets Councils net gain of 250 trees to be planted on an annual basis.

There are eight *Lophostemon confertus* trees located along a short section of North Terrace that have been causing damage to residents masonry fencing and retaining walls. The trees are also unsuitable under power-lines and add very little aesthetic value as they are being severely lopped by SA Power Networks hence their recommendation for removal. In regards to the eight native trees along Lansell Street, four have been dropping fruit onto the footpath and residents properties causing a nuisance. The remaining four are located on the edge of the newly constructed footpath and will eventually cause damage to it. As a result, the residents have contacted Council asking to have the trees removed and replaced with a more suitable tree as per what's on the south side of the street to meet uniformity as per Councils Tree Policy. The eight native trees on Bertha Street are either causing severe damage to the footpath while some have past their SULE (Safe Useful Life Expectancy) and also require to be removed to make room for the newly proposed trees.

Below is a summary table outlining the proposed 2021 Street Tree Program;

COMMON NAME	BOTANICAL NAME	STREET NAME	TREES BEING RETAINED	PROPOSED REMOVALS	PROPOSED PLANTINGS	NET GAIN
Australian Willow	<i>Geijera parviflora</i>	Tanglewood Crescent	0	0	41	41
Australian Willow	<i>Geijera parviflora</i>	North Terrace	0	8	8	0
Gawler Hybrid	<i>Callistemon viminalis</i>	Wireless Road	0	0	71	71
Bottlebrush	'Harkness'	West				
Gawler Hybrid	<i>Callistemon viminalis</i>	Perriam Street	0	1	29	28
Bottlebrush	'Harkness'					
Purple Leaf Cherryplum	<i>Prunus cerasifera</i> 'Nigra'	Lansell Street (north side)	2	8	15	7
Purple Leaf Cherryplum	<i>Prunus cerasifera</i> 'Nigra'	Bertha Street (stage 1)	1	8	42	34
Southworth Dancer Pear	<i>Pyrus betufoia</i> 'Southworth Dancer'	Birkdale Court	0	0	47	47
Southworth Dancer Pear	<i>Pyrus betufoia</i> 'Southworth Dancer'	Coolum Close	0	0	10	10
Southworth Dancer Pear	<i>Pyrus betufoia</i> 'Southworth Dancer'	Carnoustie	0	0	14	14

Callery Pear	<i>Pyrus calleryana 'Glen's Form' Chanticleer</i>	Gemstone Court	0	0	11	11
			3	25	288	263

## CONCLUSION

In keeping with Council's strategic objective of increasing the street tree population by a net gain of 250 trees per year, Council adopt the proposed 2021 Street Tree Program as discussed with a net tree gain in 2021 of 263 street trees assuming all residents par take in the program.

## ATTACHMENTS

Nil



**5.3 NO STANDING ZONE - PINACEAE COURT – REPORT NO. AR20/69513**

<b>Committee:</b>	<b>Economic and Environment Committee</b>
<b>Meeting Date:</b>	<b>2 November 2020</b>
<b>Report No.:</b>	<b>AR20/69513</b>
<b>CM9 Reference:</b>	<b>AF19/412</b>
<b>Author:</b>	<b>Derek Ferguson, Team Leader General Inspectorate</b>
<b>Authoriser:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Summary:</b>	<b>Council has received a letter from United International Containers to establish a No Standing Zone on Pinaceae Court (Northern Side). United International Containers have a tight schedule to get their trucks to the Melbourne Ports and any delays result in significant fees. There at times have been truck drivers from other businesses parking overnight opposite the entry to the container yard making it difficult and time consuming for the trucks to exit the truck yard</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People Goal 2: Our Location</b>

**REPORT RECOMMENDATION**

1. That Economic and Environment Committee Report No. AR20/69513 titled 'No Standing Zone - Pinaceae Court' as presented on 02 November 2020 be noted.
2. The Traffic Impact Statement attached to the Economic and Environment Committee Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage;
  - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:  
PINACEAE COURT (Northern Side) - From 48 metres to 90 metres east of the intersection with Provenance Drive  
Prohibited area NO STANDING  
1.1.511  
To apply at all times



## **TYPE OF REPORT**

Other

## **BACKGROUND**

Council has received a letter from United International Containers to establish a No Standing Zone on Pinaceae Court (Northern Side). United International Containers have a tight schedule to get their trucks to the Melbourne Ports and any delays result in significant fees. There at times have been truck drivers from other businesses parking overnight opposite the entry to the container yard making it difficult and time consuming for the trucks to exit the truck yard

It is recommended that Council establish a no standing zone on Pinaceae Court (northern side).

## **CONCLUSION AND RECOMMENDATION**

It is recommended that the following parking restrictions become effective upon the installation of appropriate signage;

PINACEAE COURT (Northern Side) - From 48 metres to 90 metres east of the intersection with Provenance Drive

Prohibited area

NO STANDING

To apply at all times

## **ATTACHMENTS**

1. Request from United International Containers [↓](#)
2. Traffic Impact Statement - No Standing Zone - Pinaceae Court, Mount Gambier [↓](#)
3. Aerial Photo - Pinaceae Court, Mount Gambier - No Standing Zone [↓](#)





## Melissa Telford

---

**From:** Bart David (UCS) <bart.david@unitedcontainer.com.au>  
**Sent:** Thursday, 15 October 2020 11:01 AM  
**To:** Derek Ferguson  
**Subject:** Re: Attention Derek Ferguson

Hi Derek

They are all subcontractors to Linfox from Melbourne, doing pick up from biogro. I have in the past asked Biogro if they can send out an e-mail to linfox. I would prefer if I dealt with Biogro as they are our landlord and I don't want to ruffle any feathers. It would however be great if we can look at a "No Standing" area.

Thank you for your help in this matter.

Bart David

Sent from my SAMSUNG Galaxy S7 edge on the Telstra Mobile Network

----- Original message -----

**From:** Derek Ferguson  
**Date:** 15/10/20 10:48 am (GMT+09:30)  
**To:** "Bart David (UCS)"  
**Subject:** RE: Attention Derek Ferguson

Hi Bart,

I will do a resolution and send it in to council to establish a No Parking Zone in the area you requested. The truck drivers that are sleeping in the truck, are they from a particular business in the area as I can have a talk to the business and get it stopped until the No Parking Zone is established.

Thanks.

Derek Ferguson  
Team Leader General Inspectors  
Civic Centre 10 Watson Terrace Mount Gambier  
PO Box 56 Mount Gambier SA 5290  
D 08 8721 2567 / T 08 8721 2555  
[www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)

---

**From:** Bart David (UCS)  
**Sent:** Wednesday, 14 October 2020 10:45 AM  
**To:** City Emails  
**Subject:** Attention Derek Ferguson

Dear Derek

I am writing to discuss the possibility of a section of road being made a "No Standing" area.

We are a container packing business that packs containers full of timber from our local mills and export them via Melbourne Ports. Our Drivers need to be able to load and unload swiftly to be able to legally make it to Melbourne and Back to stay within their legal Log book hours. On top of this they only have a 1 hour time slot at Melbourne Ports to deliver the containers, if we miss this time slot we are charged up to \$800. This has happened now on several occasions now as there have been trucks parked out the front with no driver.

We have got to the point where up to 3 times a week we are having to wake drivers or try and battle to reverse a road train into our shed from the other side of the building which can take up to half an hour as there are so many pivot points on a road train they do not like to go in a straight line.



I was writing to see if it is possible to make the North side of the road opposite our driveway between CASTEC's driveway and Whitty Engineering's driveway a "No Standing Zone" so the road trains are able to get in, we operate from as early as 4am to 5pm at night so not sure if it could just be no standing for those hours?? Would love the opportunity to discuss this earlier to see if there is something we can come up with. We want to be able to run our business efficiently but as we are a small business we can not afford pay missed slot fees from the ports.

Regards

Bart David

Ph: +61 8 87257187

Mobile: 0439 623 776



## TRAFFIC IMPACT STATEMENT

No Standing  
Pinaceae Court (Northern Side)

### Part A – Traffic Management

It is the view of the undersigned that the installation of a No Standing Zone on Pinaceae Court (Northern Side) will not be detrimental to traffic management in the area.

### Part B – Road Safety Effects

It is anticipated that the proposal will not have any negative impacts on road safety.

### Conclusion

In the opinion of the undersigned, the installation of a No Standing zone on Pinaceae Court (Northern Side) will not have negative impacts on traffic management or road safety and is therefore deemed appropriate for the area.

.....  
**Nick SERLE**  
GENERAL MANAGER-CITY INFRASTRUCTURE

19<sup>th</sup> October 2020

Ref. AF11/1855  
LM





### No Stopping Pinaceae Court (Northern Side)



Map Zoom: 512.9 m  
Plot Date: Thursday, 15 October 2020



**5.4 REVIEW OF ADVERTING AND SIGNAGE POLICY A170 – REPORT NO. AR20/71013**

<b>Committee:</b>	<b>Economic and Environment Committee</b>
<b>Meeting Date:</b>	<b>2 November 2020</b>
<b>Report No.:</b>	<b>AR20/71013</b>
<b>CM9 Reference:</b>	<b>AF19/412</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report presents an updated Advertising and Signage Policy for Council owned grounds leased to sporting and community tenants.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>
	<b>Goal 5: Our Commitment</b>

**REPORT RECOMMENDATION**

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020 be noted.
2. That, having considered its position on the erection of advertising and sponsorship signage on leased properties, Council hereby revokes Advertising and Signage Policy A170.
3. That Council grants 'deemed consent' for the installation of signage by community and sporting lessees occupying land owned by Council.

For clarity, 'deemed consent' applies only to occupants with exclusive possession, and does not apply to licensees, permit holders, casual users, or any occupants of Crown Land.





## TYPE OF REPORT

Corporate

## BACKGROUND

At the Council meeting held on 19 May 2020, Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' was considered in relation to some 744 signs located at ten Council owned sites, of which the majority were located without landowner consent and contrary to the adopted Council Policy, and 89 require Development Approval (planning/building).

At the meeting Council resolved as follows:

*"Moved: Cr Ben Hood  
Seconded: Cr Christian Greco*

- 1. That Council Report No. AR20/27104 titled 'Council Advertising and Signage Policy A170' as presented on 19 May 2020 be noted.*
- 2. That Council note the request provided to certain identified tenants to remove signage from their tenanted facilities that requires, but has not been granted, development (planning or building) approvals.*
- 3. That an amnesty on removal of signage be granted to those clubs listed in the table contained within the report until a face to face Elected Member Workshop be convened, when safe so to do, to discuss policy options and implications associated with administering the current or any proposed new policy provisions associated with Council's Advertising and Signage Policy A170.*

**CARRIED"**

An Elected Member Workshop was held on 24 August 2020 followed by a series of questions circulated to Members on 26 August 2020. Elected Member input was sought to be provided to Council's Manager Executive Administration by 4 September 2020, to enable a redrafted policy to be prepared.

Feedback was received from several members and is summarised as follows:

- General support on having a policy to provide guidance
- General support on allowing small inward facing signs (where not development)
- Mixed views on large and/or outward facing signs (which likely require development consent)
- Mixed views on whether landowner consent should be required for any or all signs.

Some responses also included reference to development matters that are beyond the power of the Council in its capacity as a landowner/landlord and accordingly beyond the scope of such a policy.

## PROPOSAL

An assessment and comparison of the current [Advertising and Signage Policy A170](#) and feedback from Members has identified only one major difference between existing policy position on signage and Members current views on this matter. That is, Elected Members are no longer concerned with the existence and number of (or landowner consent for) signs on land that is leased to an occupying tenant.

Other matters within the existing [Advertising and Signage Policy A170](#) relating to signs and structures that constitute development, including the prohibition of signs at Frew Park (a Local Heritage Place) are otherwise regulated under the Development Act 1993 and in due course the Planning, Development and Infrastructure Act 2016 (anticipated to be applied early in 2021).

Accordingly, on this basis it is proposed that a Council policy position is not necessary where consent or guidance in relation to signage is not required or intended to be imposed or monitored.



It would therefore be merely a matter for Council to determine, by resolution, to revoke the current [Advertising and Signage Policy A170](#) such that the prohibitions and restrictions on signs imposed by the policy will have no further application.

If it so determines Council may also further resolve that it grants 'deemed consent' for the installation of signage by lessees on land owned by Council, to affirm its position.

The Administration may then proceed to 'implement' the revocation of the Advertising and Signage policy and resolved position through the amendment of lease documentation which generally prohibit the installation of signs without prior lessor approval. This process will take time as most leases are for 5 years, with some existing leases being for 10 or 21 years.

However, tenants may be notified immediately of Council's resolved position such that prior consent will not be required and would be provided as a matter of course upon request.

The matter of large and/or outward facing signs may also be simply dealt with through the inclusion of a condition in the abovementioned 'deemed consent' that the tenant/applicant obtain and comply with all necessary development approval. This is also addressed by lease provisions regarding compliance with all statutory requirements.

It should be noted that a position of 'deemed consent' in relation to signs that constitute development would only apply to Council owned land and would not extend to land for which Council is the dedicated custodian (i.e. Crown Land) for which landowner consultation and consent are required for any lease that proposes development under the [Crown Land Management Act 2009](#). This would be addressed as a specific lease issue for tenants of Crown Land under Council control.

#### **LEGAL IMPLICATIONS**

Several legal implications arise in relation to the matter of signage on Council property, namely:

- Lease consent, which may be notified as (conditional) 'deemed consent' as referred above.
- Development (regulatory) requirements, which are addressed in relevant legislation.
- Safety (including WHS) requirements, which are addressed in relevant legislation and are a shared obligation with tenants and may be addressed through development/regulatory and/or lease (compliance with statutory requirements) avenues.
- The requirement for consultation and consent for Crown Land development

#### **STRATEGIC PLAN**

Nil

#### **COUNCIL POLICY**

This matter relates to the review, and proposed revocation, of existing [Advertising and Signage Policy A170](#) as referred above.

#### **ECONOMIC IMPLICATIONS**

There are no direct economic implications for Council associated with this proposed revocation of Council's [Advertising and Signage Policy A170](#).

Indirect financial implications associated with any illegal or unapproved development associated with signs installed at variance to the Council Policy (proposed to be revoked) and Development Act (Development Plan and Building Code) requirements are beyond the scope of the Council Policy and this report.

#### **ENVIRONMENTAL IMPLICATIONS**

Nil





## **SOCIAL IMPLICATIONS**

With the exception of any implications arising from the removal of any illegal/unapproved development, being beyond the scope of this report, the only identified social implications associated with the proposed revocation of Council's [Advertising and Signage Policy A170](#) is a simpler regime of 'deemed consent' for the installation of signs by lessees of Council owned land.

## **CULTURAL IMPLICATIONS**

Nil

## **RESOURCE IMPLICATIONS**

With the exception of tenant communication and education on the 'deemed consent', development application requirements and exception for Crown Land there are no material resource implications of the proposal to revoke Council's [Advertising and Signage Policy A170](#).

This position is determined on the basis that tenants will be responsible to prepare, submit (and support) their own development applications for existing (and any future) signs requiring development approval. This is consistent with Council's ordinary position and lease conditions for third party development on Council land.

## **VALUE FOR MONEY**

Nil

## **RISK IMPLICATIONS**

Identified risks associated with the revocation of Council's [Advertising and Signage Policy A170](#) and a 'deemed consent' regime include:

- uncontrolled installation of signage at tenanted properties, including at properties where signage is not currently located.
- non-maintenance of signage, in particular signage that comprises a built form
- limited ability for Council as a landowner to impose any standards on signage
- limited grounds for Council to require the removal of signage
- potential for illegal/unapproved development to be undertaken on Council/Crown land

Noting that some of the abovementioned risks apply equally in the current environment, and Council does have certain ability in its separate capacity as regulatory authority with regard to signs that are development.

Arguably the highest risk from a Council perspective is that associated with assets in the public realm, which by the very nature of their location are a public liability risk for both Council and the tenant/occupier responsible for their design, structure, placement and maintenance. The simplest way for Council to mitigate this risk is to maintain a level of effective control over such public realm assets and infrastructure by requiring consent, imposing conditions, and retaining a right of removal.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

The matter of equity between tenants access to sponsorship and advertising revenues was raised in the earlier Report No. AR20/27104 as considered on 19 May 2020 and during the Elected Member workshop on this matter in relation to the higher profile (and therefore higher advertising/promotional value) of certain leased premises relative to others.

Council may determine to address this matter, if it so chooses, by maintaining its prohibition on outward facing signs.



## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Formal engagement or consultation on the proposed revocation (or amendment) of Council's [Advertising and Signage Policy A170](#) is not required under the provisions of the [Local Government Act 1999](#) nor Council's [Community Consultation and Engagement Policy P195](#).

It is proposed that direct communication would occur with affected stakeholders i.e. Lessee's affected by changes and other tenants unaffected by changes to clarify the scope and expectations of Council's resolved position.

## **IMPLEMENTATION STRATEGY**

Once a Council position has been resolved, it is proposed that Council tenants would be notified of changes to expectations in relation to signage on Council land, noting that different tenants would receive differing information relative to their occupancy status.

Tenants with illegal/unapproved development would be notified accordingly and invited to submit development applications

## **CONCLUSION AND RECOMMENDATION**

Having reviewed Council Report No. AR20/27104 as considered on 19 May 2020 together with discussion from the Elected Member Workshop on 24 August 2020 and other feedback received from Members, this report recommends that Council's [Advertising and Signage Policy A170](#) be revoked, in favour of 'deemed consent' for tenants signage on leased properties.

This report does not address the matter of regulatory approvals and any subsequent removal of any existing or new signs that require but have not been granted development (planning and/or building) consent, being a regulatory matter that is beyond the power of Council in its capacity as landowner and landlord and accordingly not within the scope of a Council Policy in this regard.

## **ATTACHMENTS**

Nil



## 6 MOTIONS WITH NOTICE

### 6.1 NOTICE OF MOTION - STRUCTURE OF COMMITTEES

**Meeting:** Economic and Environment Committee  
**CM9 Reference:** AF19/412  
**Member:** Steven Perryman, Councillor

I, Councillor Steven Perryman, give notice that at the next Ordinary Meeting of the Economic and Environment Committee to be held on 2 November 2020, I intend to move the following motion:

#### MOTION

1. That Economic and Environment Committee Report No. AR20/71247 titled 'Notice of Motion - Structure of Committees' as presented on 02 November 2020 be noted.
2. Council refers to an Elected Member's workshop, Council's committee structure and meeting schedule, noting the issue of Standing Committees meeting only every 2 months, and having the full membership appointed to each Standing Committee.

#### RATIONALE

I commend this Notice of Motion to Council.

#### ADMINISTRATION COMMENT

Members are referred to Council resolutions and attachments associated with Report No. AR19/40673 titled 'Future Committee Structure' as contained in the [agenda](#) and [minutes](#) of the Council meeting held on 20 August 2019 published on the Council website.

#### ATTACHMENTS

Nil



**6.2 NOTICE OF MOTION - ADDITIONAL COMMONWEALTH FUNDING**

**Meeting:** Economic and Environment Committee  
**CM9 Reference:** AF19/412  
**Member:** Steven Perryman, Councillor

I, Councillor Steven Perryman, give notice that at the next Ordinary Meeting of the Economic and Environment Committee to be held on 2 November 2020, I intend to move the following motion:

**MOTION**

1. That Economic and Environment Committee Report No. AR20/71252 titled 'Notice of Motion - Additional Commonwealth Funding ' as presented on 02 November 2020 be noted.
2. Council refer the matter of the additional \$1.5 million dollars of Commonwealth Funding as recently advised by Member for Barker Mount Gambier, to an elected member's workshop, for discussion on possible options for allocation of these funds to support council strategic objectives.

**RATIONALE**

I commend this Notice of Motion to Council.

**ATTACHMENTS**

Nil



**7 MEETING CLOSE**



**MINUTES OF CITY OF MOUNT GAMBIER  
ECONOMIC AND ENVIRONMENT COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER ON MONDAY, 7 SEPTEMBER 2020 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Christian Greco, Cr Max Bruins, Cr Ben Hood,  
Cr Paul Jenner, Cr Sonya Meziniec, Cr Frank Morello

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs M Telford

**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)**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Jenner  
Seconded: Cr Frank Morello

That the apology from Cr Kate Amoroso and Steven Perryman be received.

**CARRIED**

**3 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Christian Greco  
Seconded: Cr Sonya Meziniec

That the minutes of the Economic and Environment Committee meeting held on 6 July 2020 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

**4 QUESTIONS WITHOUT NOTICE**

Nil



## 5 REPORTS

### 5.1 STRATEGIC PROPERTY MANAGEMENT - SPORT, RECREATION AND OPEN SPACE PLAN AND PRECINCT MASTER PLANNING

#### COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR19/36020 titled 'Strategic Property Management - Sport, Recreation and Open Space Plan and precinct Master Planning' as presented on 07 September 2020 be noted.
2. That Council commit to a strategic approach to property management issues, guided by a Sport, Recreation and Open Space Plan and associated site/precinct/property category master plans including Tourism Assets Master Plan and Blue Lake Sports Park Master Plan.

**CARRIED**

Cr Max Bruins left the meeting at 5:52 pm

Cr Max Bruins returned to the meeting at 5:54 pm

### 5.2 MCDONALD PARK TOILET FACILITIES CURRENT CONDITIONS AND PROPOSED NEW TOILET BLOCK COSTING.

#### COMMITTEE RESOLUTION

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Economic and Environment Committee Report No. AR20/55119 titled 'McDonald Park toilet facilities current conditions and proposed new toilet block costing.' as presented on 07 September 2020 be noted.
2. Council resolves to propose a provisional budget allocation of \$150,000 for the construction of a new toilet block and removal of two old toilet blocks at McDonald Park in 2021/2022.

**CARRIED**

### 5.3 CENTRESTAGE AND REIDY PARK CENTRE CONSTITUTIONS

#### COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

1. That Economic and Environment Committee Report No. AR20/56190 titled 'CentreStage and Reidy Park Centre Constitutions' as presented on 07 September 2020 be noted.
2. That, in light of the proposed conduct of a Sports, Recreation and Open Space Plan and progression of the Community and Recreation Hub, the Wehl Street Theatre and Reidy Park Centre leases be allowed to continue on a monthly tenancy basis until further notice.



3. That Council will reconsider the leasing arrangements and operating models for the Wehl Street Theatre/Centrestage and Reidy Park Centre in a broader strategic context when a Sports, Recreation and Open Space Plan and Community and Recreation Hub projects have been completed.
4. That in the interim, the Centrestage Committee of Management be advised that Council does not object to their hiring policy allowing certain appropriate related forms of commercial activity at the Wehl Street Theatre (i.e. performing arts type uses) provided such uses contribute benefit to the community by supporting the primary permitted use of the premises under the lease:  

“...to develop, promote and foster community arts with a focus on performing arts within the community of Mount Gambier and District.”

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 5.4:

*"The persons mentioned in the report being Mr G W Arthur and Mr E G Arthur are related to my husband".*

In accordance with Section 74 of the Local Government Act 1999 Mayor Martin did not participate in the meeting for Item 5.4.

Mayor Martin left the meeting at 5.59 p.m.

#### **5.4 MEMORIAL POLICY AND REQUEST FOR BENCH SEAT AND INFORMATION BOARD TO BE LOCATED ON THE TOP OF THE SUGAR LOAF HILL**

##### **COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR19/70251 titled 'Memorial Policy and request for bench seat and information board to be located on the top of the Sugar Loaf Hill' as presented on 07 September 2020 be noted.
2. That Council endorse the Memorials Policy.

**CARRIED**

Mayor Martin returned to the meeting at 6.04 p.m.

#### **5.5 CONSULTATION DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2020-2024**

##### **COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR20/51606 titled 'Consultation Draft Disability Access and Inclusion Plan 2020-2024' as presented on 07 September 2020 be noted.
2. That Council endorse the draft Disability Access and Inclusion Plan for the purposes of public consultation, in accordance with the Public Consultation section of this report.



3. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact.

**CARRIED**

## **5.6 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND**

### **COMMITTEE RECOMMENDATION**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

1. That Economic and Environment Committee Report No. AR20/55887 titled 'Local Roads and Community Infrastructure Fund' as presented on 07 September 2020 be noted.
2. That Council agree to use the Local Roads and Community Infrastructure Fund to replace all appropriate streetlights (that are the responsibility of the Council) with LED smart streetlights in the 2020/2021 municipal year at an approximate value of \$1m.
3. That the Chief Executive Officer be instructed to provide the necessary information to the Federal Government to enable the Local Roads and Community Infrastructure Fund to be used for this purpose.

### **AMENDMENT**

Moved: Cr Jenner

1. That Economic and Environment Committee Report No. AR20/55887 titled 'Local Roads and Community Infrastructure Fund' as presented on 07 September 2020 be noted.
2. Council signs the Agreement with SAPN for the LED Smart Street Lights Program in Mount Gambier.
3. The General Manager City Infrastructure finds out the cost to light up the rail trail with solar LED lights for the use of the Local Roads and Community Infrastructure Fund.
4. The LED Smart Street Light Project be funded by a loan as originally proposed and shown to Council.

The amendment lapsed for want of a seconder.

### **COMMITTEE RESOLUTION**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

1. That Economic and Environment Committee Report No. AR20/55887 titled 'Local Roads and Community Infrastructure Fund' as presented on 07 September 2020 be noted.
2. That Council agree to use the Local Roads and Community Infrastructure Fund to replace all appropriate streetlights (that are the responsibility of the Council) with LED smart streetlights in the 2020/2021 municipal year at an approximate value of \$1m.
3. That the Chief Executive Officer be instructed to provide the necessary information to the Federal Government to enable the Local Roads and Community Infrastructure Fund to be used for this purpose.

**CARRIED**



## 5.7 REQUEST FOR SPONSORSHIP FOR THE COUNTRY MUSIC ACADEMY

### COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

1. That Economic and Environment Committee Report No. AR20/58191 titled 'Request for Sponsorship for the Country Music Academy' as presented on 07 September 2020 be noted.
2. That Council fund a Local Government Scholarship for the Country Music Academy at a total value of \$3,500 for 2020/2021.

**CARRIED**

## 6 URGENT MOTIONS WITH NOTICE

### 6.1 NOTICE OF MOTION - USE OF RECYCLABLES IN ROAD MAINTENANCE AND CONSTRUCTION

### COMMITTEE RESOLUTION

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Economic and Environment Committee Report No. AR20/57641 titled 'Notice of Motion - Use of Recyclables in Road Maintenance and Construction ' as presented on 07 September 2020 be noted.
2. That Council commence discussions with contractors about the use of recyclables in road maintenance and construction.

**CARRIED**

## 7 URGENT MOTIONS WITHOUT NOTICE

Nil



## 8 CONFIDENTIAL ITEMS

### 8.1 MOUNT GAMBIER PRIVATE HOSPITAL FEASIBILITY STUDY – REPORT NO. AR20/56996

#### COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors C Greco, M Bruins, B Hood, P Jenner, S Meziniec and F Morello and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 8.1 AR20/56996 Mount Gambier Private Hospital Feasibility Study.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- 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
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
  - breach any law, order or direction of a court or tribunal constituted by law,
  - breach any duty of confidence, or
  - breach any other legal obligation or duty

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes third party commercial information provided to Council in confidence which, if released, could confer an advantage or prejudice the commercial position of a third party and breach a duty of confidence.

**CARRIED**



**COMMITTEE RESOLUTION**

Moved: Cr Christian Greco  
Seconded: Mayor Lynette Martin

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 8.1 AR20/56996 Mount Gambier Private Hospital Feasibility Study and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order is made by Council, to be reviewed at least once every 12 months.
2. Further that Council delegates the power to review, revoke, but extend of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**

**8.2 VIABILITY OF ESTABLISHING MATERIAL RECOVERY FACILITIES IN THE LIMESTONE COAST REGION – REPORT NO. AR20/57874**

**COMMITTEE RESOLUTION**

Moved: Cr Christian Greco  
Seconded: Cr Max Bruins

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Economic and Environment Committee orders that all members of the public, except Mayor L Martin, Councillors C Greco, M Bruins, B Hood, P Jenner, S Meziniec and F Morello and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 8.2 AR20/57874 Viability of Establishing Material Recovery Facilities in the Limestone Coast Region.

The Economic and Environment Committee is satisfied that, pursuant to section 90(3) (a), (b), (d), (g) and (j) of the Act, the information to be received, discussed or considered in relation to the 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 confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- 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
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
  - breach any duty of confidence
- information the disclosure of which would divulge information provided on a confidential basis by or to:
  - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

The Economic and Environment Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes third party commercial information provided to Council in confidence, including by a public official, the release of which could reasonably be considered to confer an advantage on a third party and/or prejudice the commercial position of Council or the parties that provided the information and would constitute a breach of a duty of confidence.

The appropriate non-disclosure is considered to outweigh the public interest in full-disclosure on the basis that the matter relates to the provision of necessary waste management services and the release of information could reasonably be expected to confer an unreasonable advantage or detriment to private third parties, and could prejudice the commercial position of Council in relation to these matters on behalf of the community.

**CARRIED**

#### **COMMITTEE RESOLUTION**

Moved: Cr Christian Greco  
Seconded: Cr Max Bruins

#### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 8.2 AR20/57874 Viability of Establishing Material Recovery Facilities in the Limestone Coast Region and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d), (g) and (j) be kept confidential and not available for public inspection until two years have elapsed since the enactment of the proposal(s) contained within the report and attachments, or a further order has been made by Council to release, to be reviewed at least once in every year.
2. Further that Council delegates the power to review, revoke, but extend of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**



**9 MEETING CLOSE**

**The Meeting closed at 6.43 p.m.**

**The minutes of this meeting were confirmed at the Economic and Environment Committee held on 2 November 2020.**

.....  
**PRESIDING MEMBER**

