

OPERATIONAL SERVICES COMMITTEE

Meeting held in the Conference Room, Operational Services Area, Level One of Civic Centre, 10
Watson Terrace, Mount Gambier, on Tuesday 8th March 2016 at 7.30 a.m.

MINUTES

MOTIONS WITHOUT NOTICE –

1. CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Mutton moved that the following 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 other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(m) - information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information relating to an amendment under the *Development Act 1993* that should be considered in confidence so as to prevent land and development speculation before a Development Plan Amendment report relating to the amendment is released for public consultation under that Act.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
MWON 2.	<u>DEVELOPMENT CONTROL</u> - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)

Cr Morello seconded

Carried

IN CONFIDENCE

2. DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69

Goal: Building Communities

Strategic Objective: (i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met
(ii) Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc

Goal: Securing Economic Prosperity

Strategic Objective: (i) Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life
(ii) Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions
(iii) Seek continuous improvement in long term master land use planning to guide sustainable development and activities

Goal: Environment

Strategic Objective: (i) Support initiatives that value and preserve our unique environment and contribute to environmental sustainability
(ii) Support the preservation and enhancement of the City's unique natural and built heritage for future generations

The Presiding Member reported:

- (a) SCA Property Group, the owner of the Market Place, has recently met with Council Officers to discuss the future of the Mount Gambier Marketplace, particularly the Masters building at 182-210 Penola Road, Mount Gambier. Part of these discussions involved the future use of the site, development opportunities and the current zoning. At this time the future of Masters is uncertain, but it is anticipated that the store may be closed in the near future.
- (b) SCA wish to be proactive in undertaking investigations relating to future tenants and land uses for the Masters building and are undertaking a retail analysis to assist with their investigations.
- (c) SCA wish to ensure that the Mount Gambier Master Place centre remains a vibrant part of the retail economy of Mount Gambier and is an important retail hub servicing the region. SCA are seeking Council support to identify and attract new business to Mount Gambier.
- (d) The subject land is located within the District Centre Zone. The District Centre Zone was incorporated into the Development Plan in December, 2009. Whilst this Development Plan Amendment was undertaken by Council the Minister for Planning made a number of amendments to the policies as part of the approval of the Development Plan Amendment.
- (e) It has been identified that a number of policies included in the current District Centre Zone may inhibit or restrict an easy transition from the existing Masters land use to other retail or appropriate uses. Whilst the key objectives of the District Centre Zone are generally sound, the structure of the policies do not reflect current retail land use definitions. The lack of consistency between the legislative definitions and the

policies of the District Centre Zone, particularly those relating to floor area caps, have the potential to stifle the reletting of the Masters store into other retail land uses. Current policy would have the impact of making some development applications non-complying forms of development, opening them up to lengthy and uncertain development processes.

- (f) Having identified a potential constraint to the ongoing use and suitable development of the Mount Gambier Marketplace centre, SCA is seeking Council's consideration of a Development Plan Amendment to review and amend the policies of the District Centre Zone.
- (g) Council has no current budget allocation to undertake this Development Plan Amendment. This DPA is also not being considered for any future budget allocation by Council. SCA have indicated a willingness to enter negotiations with Council regarding an opportunity for a DPA to be prepared on a developer funded basis.

Cr Mutton moved it be recommended:

- (a) The report be received.**
- (b) Council advise SCA Property Group:**
 - (i) Council currently has no current or future budget allocation to undertake a review of the policies within the District Centre Zone.**
 - (ii) Council recognises the importance of the Masters site and it's contribution to Mount Gambier as a vibrant regional city which provides a premier retail experience for the whole of the region as well as into south western Victoria. This also provides a solid platform for Mount Gambier's economy as a whole.**
 - (iii) Council is willing to enter negotiations regarding an opportunity for a DPA to be prepared on a developer funded basis. Council support of this is on the basis that the provisions for the whole zone are reviewed to enable the District Centre Zone to be developed to its full potential.**
 - (iv) Council is also willing to provide 'in kind' support to assist in the preparation of any Development Plan Amendment.**
- (c) Council support the preparation of a Statement of Intent upon the satisfactory negotiation of (b(iii) and (iv)) as above in relation to the DPA being a undertaken on a developer funded basis.**

Cr Von Stanke seconded

Carried

3. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Von Stanke moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document(s) in relation to the following item which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Item No</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
MWON 2.	DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)	All details	Until Public Consultation commences

Cr Morello seconded

Carried

The meeting closed at 8:55 a.m.
AF11/866
SM

CONFIRMED THIS

DAY OF

2016.

.....
PRESIDING MEMBER

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 15th March, 2016 at 6.00 p.m.

AGENDA

CONSIDERATION FOR EXCLUSION OF PUBLIC

moved that the following 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 other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

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The Council is satisfied that the information to be received, discussed or considered in relation to this item is information relating to an amendment under the Development Act 1993 that should be considered in confidence so as to prevent land and development speculation before a Development Plan Amendment report relating to the amendment is released for public consultation under that Act.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Operational Services		
6.	<u>DEVELOPMENT CONTROL</u> - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)

seconded

IN CONFIDENCE

6. DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69

Goal: Building Communities

Strategic Objective: (i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met
(ii) Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc

Goal: Securing Economic Prosperity

Strategic Objective: (i) Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life
(ii) Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions
(iii) Seek continuous improvement in long term master land use planning to guide sustainable development and activities

Goal: Environment

Strategic Objective: (i) Support initiatives that value and preserve our unique environment and contribute to environmental sustainability
(ii) Support the preservation and enhancement of the City's unique natural and built heritage for future generations

The Presiding Member reported:

- (a) SCA Property Group, the owner of the Market Place, has recently met with Council Officers to discuss the future of the Mount Gambier Marketplace, particularly the Masters building at 182-210 Penola Road, Mount Gambier. Part of these discussions involved the future use of the site, development opportunities and the current zoning. At this time the future of Masters is uncertain, but it is anticipated that the store may be closed in the near future.
- (b) SCA wish to be proactive in undertaking investigations relating to future tenants and land uses for the Masters building and are undertaking a retail analysis to assist with their investigations.
- (c) SCA wish to ensure that the Mount Gambier Master Place centre remains a vibrant part of the retail economy of Mount Gambier and is an important retail hub servicing the region. SCA are seeking Council support to identify and attract new business to Mount Gambier.
- (d) The subject land is located within the District Centre Zone. The District Centre Zone was incorporated into the Development Plan in December, 2009. Whilst this Development Plan Amendment was undertaken by Council the Minister for Planning made a number of amendments to the policies as part of the approval of the Development Plan Amendment.
- (e) It has been identified that a number of policies included in the current District Centre Zone may inhibit or restrict an easy transition from the existing Masters land use to other retail or appropriate uses. Whilst the key objectives of the District Centre Zone are generally sound, the structure of the policies do not reflect current retail land use definitions. The lack of consistency between the legislative definitions and the policies of the District Centre Zone, particularly those relating to floor area caps, have the potential to stifle the reletting of the

Masters store into other retail land uses. Current policy would have the impact of making some development applications non-complying forms of development, opening them up to lengthy and uncertain development processes.

- (f) Having identified a potential constraint to the ongoing use and suitable development of the Mount Gambier Marketplace centre, SCA is seeking Council's consideration of a Development Plan Amendment to review and amend the policies of the District Centre Zone.
- (g) Council has no current budget allocation to undertake this Development Plan Amendment. This DPA is also not being considered for any future budget allocation by Council. SCA have indicated a willingness to enter negotiations with Council regarding an opportunity for a DPA to be prepared on a developer funded basis.

Cr Mutton moved it be recommended:

- (a) The report be received.**
- (b) Council advise SCA Property Group:**
 - (i) Council currently has no current or future budget allocation to undertake a review of the policies within the District Centre Zone.**
 - (ii) Council recognises the importance of the Masters site and it's contribution to Mount Gambier as a vibrant regional city which provides a premier retail experience for the whole of the region as well as into south western Victoria. This also provides a solid platform for Mount Gambier's economy as a whole.**
 - (iii) Council is willing to enter negotiations regarding an opportunity for a DPA to be prepared on a developer funded basis. Council support of this is on the basis that the provisions for the whole zone are reviewed to enable the District Centre Zone to be developed to its full potential.**
 - (iv) Council is also willing to provide 'in kind' support to assist in the preparation of any Development Plan Amendment.**
- (c) Council support the preparation of a Statement of Intent upon the satisfactory negotiation of (b(iii) and (iv)) as above in relation to the DPA being a undertaken on a developer funded basis.**

Cr Von Stanke seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document(s) in relation to the following item which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Item No</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
<u>Operational Services</u>				
6.	<u>DEVELOPMENT CONTROL</u> - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)	All details	Until Public Consultation commences

Resume Open Session

Meeting closed at
FM

MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY 15TH OF MARCH, 2016 AT 5.59 P.M.

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Lovett moved that the following 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 other Council Members and Council Officers now present) be excluded from the meeting in order for the items to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

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<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Operational Services		
6.	<u>DEVELOPMENT CONTROL</u> - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)

Cr Mutton seconded

Carried

Pursuant to Division 3 - Conflict of Interest, Sections 73 and 74 Part 4 of the Local Government Act 1999, Cr Greco disclosed an interest in Item 6 (*involved in advertising for this client*) and did not:-

- (a) propose or second a motion relating to the matter; or
- (b) take part in discussion by the Committee relating to that matter; or
- (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
- (d) vote in relation to that matter.

Cr Greco vacated the meeting at 7:18 p.m. and did not return

IN CONFIDENCE

6. DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69

Goal: Building Communities

- Strategic Objective:*
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
 - (ii) *Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc*

Goal: Securing Economic Prosperity

- Strategic Objective:*
- (i) *Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life*
 - (ii) *Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions*
 - (iii) *Seek continuous improvement in long term master land use planning to guide sustainable development and activities*

Goal: Environment

- Strategic Objective:*
- (i) *Support initiatives that value and preserve our unique environment and contribute to environmental sustainability*
 - (ii) *Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

The Presiding Member reported:

- (a) SCA Property Group, the owner of the Mount Gambier Marketplace, has recently met with Council Officers to discuss the future of the Mount Gambier Marketplace, particularly the Masters building at 182-210 Penola Road, Mount Gambier. Part of these discussions involved the future use of the site,

development opportunities and the current zoning. At this time the future of Masters is uncertain, but it is anticipated that the store may be closed in the near future.

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- (c) SCA wish to ensure that the Mount Gambier Marketplace centre remains a vibrant part of the retail economy of Mount Gambier and is an important retail hub servicing the region. SCA are seeking Council support to identify and attract new business to Mount Gambier.
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- (g) Council has no current budget allocation to undertake this Development Plan Amendment. This DPA is also not being considered for any future budget allocation by Council. SCA have indicated a willingness to enter negotiations with Council regarding an opportunity for a DPA to be prepared on a developer funded basis.

Cr Mutton moved it be recommended:

- (a) The report be received.
- (b) Council advise SCA Property Group:

- (i) Council currently has no current or future budget allocation to undertake a review of the policies within the District Centre Zone.
 - (ii) Council recognises the importance of the Masters site and its contribution to Mount Gambier as a vibrant regional city which provides a premier retail experience for the whole of the region as well as into south western Victoria. This also provides a solid platform for Mount Gambier's economy as a whole.
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- (c) Council support the preparation of a Statement of Intent upon the satisfactory negotiation of (b(iii) and (iv)) as above in relation to the DPA being a undertaken on a developer funded basis.

Cr Von Stanke seconded

Carried

Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 6 be adopted.

Cr Von Stanke seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Richardson moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document(s) in relation to the following item which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Item No</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
Operational Services				
6.	DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)	All details	Until Public Consultation commences

Cr Mezinec seconded

Carried

CITY OF MOUNT GAMBIER

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 15th March, 2016 at 6.00 p.m.

AGENDA

CONSIDERATION FOR EXCLUSION OF PUBLIC

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Operational Services		
6.	<u>DEVELOPMENT CONTROL</u> - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)

seconded

IN CONFIDENCE

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Goal: Building Communities

Strategic Objective: (i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met
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Goal: Securing Economic Prosperity

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The Presiding Member reported:

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Cr Von Stanke seconded

Carried

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Operational Services		
6.	<u>DEVELOPMENT CONTROL</u> - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)

Cr
seconded

Mutton
Carried

Pursuant to Division 3 - Conflict of Interest, Sections 73 and 74 Part 4 of the Local Government Act 1999, Cr Greco disclosed an interest in Item 6 (*involved in advertising for this client*) and did not:-

- (a) propose or second a motion relating to the matter; or
- (b) take part in discussion by the Committee relating to that matter; or
- (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
- (d) vote in relation to that matter.

Cr Greco vacated the meeting at 7:18 p.m. and did not return

IN CONFIDENCE

6. DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69

Goal: Building Communities

- Strategic Objective:*
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
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Goal: Securing Economic Prosperity

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- (e) It has been identified that a number of policies included in the current District Centre Zone may inhibit or restrict an easy transition from the existing Masters land use to other retail or appropriate uses. Whilst the key objectives of the District Centre Zone are generally sound, the structure of the policies do not reflect current retail land use definitions. The lack of consistency between the legislative definitions and the policies of the District Centre Zone, particularly those relating to floor area caps, have the potential to stifle the reletting of the Masters store into other retail land uses. Current policy would have the impact of making some development applications non-complying forms of development, opening them up to lengthy and uncertain development processes.
- (f) Having identified a potential constraint to the ongoing use and suitable development of the Mount Gambier Marketplace centre, SCA is seeking Council's consideration of a Development Plan Amendment to review and amend the policies of the District Centre Zone.
- (g) Council has no current budget allocation to undertake this Development Plan Amendment. This DPA is also not being considered for any future budget allocation by Council. SCA have indicated a willingness to enter negotiations with Council regarding an opportunity for a DPA to be prepared on a developer funded basis.

Cr Mutton moved it be recommended:

- (a) The report be received.
- (b) Council advise SCA Property Group:

- (i) Council currently has no current or future budget allocation to undertake a review of the policies within the District Centre Zone.
 - (ii) Council recognises the importance of the Masters site and its contribution to Mount Gambier as a vibrant regional city which provides a premier retail experience for the whole of the region as well as into south western Victoria. This also provides a solid platform for Mount Gambier's economy as a whole.
 - (iii) Council is willing to enter negotiations regarding an opportunity for a DPA to be prepared on a developer funded basis. Council support of this is on the basis that the provisions for the whole zone are reviewed to enable the District Centre Zone to be developed to its full potential.
 - (iv) Council is also willing to provide 'in kind' support to assist in the preparation of any Development Plan Amendment.
- (c) Council support the preparation of a Statement of Intent upon the satisfactory negotiation of (b(iii) and (iv)) as above in relation to the DPA being a undertaken on a developer funded basis.

Cr Von Stanke seconded

Carried

Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 6 be adopted.

Cr Von Stanke seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Richardson moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document(s) in relation to the following item which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Item No</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
Operational Services				
6.	DEVELOPMENT CONTROL - Regulating – District Centre Zone Development Plan Amendment - City of Mount Gambier Development Plan - Ref. AF16/69	(m)	All details	Until Public Consultation commences

Cr Mezinec seconded

Carried