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I hereby give notice that a People and Place Committee Meeting will be held on:

Date: Monday, 7 June 2021
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

People and Place Committee Meeting 7 June 2021

A handwritten signature in black ink, appearing to read 'Barbara Cernovskis', is positioned above the printed name and title.

Barbara Cernovskis
Acting Chief Executive Officer
3 June 2021

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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)

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

3 CONFIRMATION OF MINUTES

[People and Place Committee Meeting - 6 April 2021](#)

RECOMMENDATION

That the minutes of the People and Place Committee meeting held on 6 April 2021 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 LAGUNARIA TREES - MITCHELL STREET – REPORT NO. AR21/31705

Committee:	People and Place Committee
Meeting Date:	7 June 2021
Report No.:	AR21/31705
CM9 Reference:	AF20/455
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Tim Coote, General Manager City Growth
Summary:	This report relates to the request for the removal of the mature Lagunaria Trees located along the western side of Mitchell Street
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR21/31705 titled 'Lagunaria Trees - Mitchell Street' as presented on 07 June 2021 be noted.
2. Empak Homes and the property owner of 8/6 Jardine Street be advised:
 - (a) After an extensive investigation into the health and risk assessment of the Lagunaria patersonia (Norfolk Island Hibiscus) planted along the western side of Mitchell Street, the trees are not considered by Council to warrant their removal.
 - (b) The trees are considered to be in good and fair overall condition with extended useful life expectancies. None of the trees display features that indicate they are in health or structural decline or that they are not suited to the environment. The trees are street trees and are part of a historic planting that provides an important heritage link with the history of the area.



TYPE OF REPORT

Other

BACKGROUND

Council previously considered this matter at its meeting held in March 2021. At this time Council determined:

1. *That Council Report No. AR21/12246 titled 'Lagunaria Trees - Mitchell Street' as presented on 16 March 2021 be noted.*
2. *Having had regard to the advice from the State Heritage Advisor, the issues raised by the land development and adjoining land owner, Council engage a qualified arborist to provide an independent report on the structural integrity of the trees and any future perceived problems of the trees, prior to determining if the trees should be retained or Development Approval sought for their removal."*

Council has now received the report from Arborman Tree Solutions, a copy of which is attached to this report for Members Information and Perusal.

This report is in relation a request to remove the mature Lagunaria Trees located along the footpath on the western boundary of Mitchell Street, Mount Gambier.

PROPOSAL

The request to remove the mature the mature Lagunaria Trees, located on the footpath along the western boundary of Mitchell Street, Mount Gambier Council was on the basis:

- The trees drop numerous materials which are falling in their gutters
- Concerned about contamination of rainwater, in particular from the hairs from the pods; and
- The trees are dangerous for people and pets, namely they are a known irritant

The report from Arborman Tree Solutions has identified the trees are in a good to fair overall condition with extended useful life expectancies and they all achieve a Low Risk rating both as individuals and part of the group.

As the trees do not display features that indicate they are in declining health and/or structure affecting their long-term integrity they are not considered to warrant remedial action at this stage.

The trees are located along the footpath in the western side of Mitchell Street and are part of a historic planting that provides an important heritage link with the history of the area. The trees are located along the footpath on the western side of Mitchell Street and form part of the edge of the Catholic Church property which is bounded by Mitchell Street, Jardine Street, Penola Road and Alexander Street. The St Paul's Roman Catholic Church, St Paul's Catholic Church Presbytery and former St Paul's Roman Catholic Convent are located within the Catholic Church property and are places of State Heritage. The St Paul's School Hall is also located on this subject site and is identified as a place of Local Heritage.

Lagunaria patersonia (Norfolk Island Hibiscus) is a medium to large tree which can reach about 12-20 metres in height. It has dense, greyish green leaves and pink flowers of typical hibiscus shape that appear in spring and early summer, these are followed by seed brown capsules which also contain white fibres, that can be irritating if they get on the skin, which gives rise to common names such as Itch Tree and Cow Itch Tree. It is a adaptable and hardy plant for a range of climate and soils.

As identified within the report, when considering the tree's condition, potential to fail, and likelihood of impacting a target, the trees achieve a Low Risk Rating both as individuals and part of the group.

Measures to reduce tree risk, improve tree condition, remove structural flaws, manage other conditions as appropriate may be recommended in the form of pruning and is listed in the Tree Assessment Findings (Appendix B) attached to the report by Arborman Tree Solutions.



LEGAL IMPLICATIONS

The mature Lagunaria streets trees are considered to define the edge of the Roman Catholic Church Complex, which contains a number of buildings listed as State Heritage Places and a Local Heritage Place. The removal of these trees is considered to materially affect the setting within which the State Heritage Buildings are located and are development which would require a Development Application to be submitted and Development Approval obtained prior to the removal of the trees.

The trees are not identified as significant trees by the Planning, Development and Infrastructure Act 2016, the Planning and Design Code or the Native Vegetation Act 1991.

STRATEGIC PLAN

Street trees play an important role in improving the character and amenity of an area, including residential areas. Street trees also play an important role in minimising environmental impacts. The goals of the Strategic Plan which this report relates include Our Location, Our Diverse Economy and Our Climate, Natural Resources, Arts, Culture and Heritage. Prime references to the Strategic Plan include 2.1, 3.3 and 4.3

COUNCIL POLICY

Council's Tree Policy T120 outlines the policy of the City of Mount Gambier for the management of trees situated on Council property. A copy of Council's Tree Policy is available via the following link. [T120 - Tree Policy](#)

Lagunaria trees are not identified as a type of tree which are currently planted within streets throughout the city.

ECONOMIC IMPLICATIONS

These trees are mature trees which are in good health. The value of these trees is significant, in particular for them to be replaced

ENVIRONMENTAL IMPLICATIONS

Trees play an important role in minimising environmental impacts

SOCIAL IMPLICATIONS

Street trees add value to the quality and amenity of the urban environment, including the provision of shade during summer and protection from rain during winter.

CULTURAL IMPLICATIONS

These trees are considered to contribute towards the heritage character of the city block within which the Catholic Church complex is located.

RESOURCE IMPLICATIONS

Should the trees remain there would be no significant financial cost to Council other than the maintenance of the trees. Should the trees be removed, there will be some cost for the removal of the trees and the replanting of a replacement tree.

VALUE FOR MONEY

There is no current budget allocation for the removal of the trees.

RISK IMPLICATIONS

Maintenance costs associated with maintaining trees and the slight chance to fail that would result in damage to a person or infrastructure.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A



ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

The trees do not display features that indicate they are in declining health and/or structure affecting their long term integrity. They are not considered to warrant remedial action at this stage.

The removal of the trees is considered to have an adverse impact on the adjoining State Heritage Places, with Development Approval required to be obtained prior to the trees being able to be removed.

When considering the report by Arborman Tree Solutions, the removal of the trees is not considered to be warranted at this time.

ATTACHMENTS

1. Arborman Tree Solutions - Report - Mitchell Street Street Trees - May 2021 [↓](#)





Tree Management Report

Site: Mitchell Street, Mount Gambier

Date: Saturday, 22 May 2021

ATS6330-MitStTMR





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Report Reference Number: ATS6330-MitStTMR

Report prepared for

Tracy Tzioutziouklaris, Manager - Development Services, City of Mount Gambier

Author

Marcus Lodge, Consulting Arborist, Arborman Tree Solutions Pty Ltd





Executive Summary

Arborman Tree Solutions has undertaken a Visual Tree and Risk Assessment of the identified trees in Mitchell Street, Mount Gambier. The purpose of this assessment is to identify the appropriate management requirements for the tree considering factors such species, health, structure and risk.

The assessment considered fourteen trees which are identified as mature *Lagunaria patersonia* (Norfolk Island Hibiscus) that are in generally good to fair overall condition. The trees are considered to be in good and fair overall condition with extended useful life expectancies. None of the trees display features that indicate they are in health or structural decline or that they are not suited to the environment. The trees are all street trees and are part of a historic planting that provides an important heritage link with the history of the area.

A Tree Risk Assessment was conducted by a Consulting Arborist qualified in the International Society of Arboriculture (ISA) "Tree Risk Assessment" methodology. This methodology considers the Likelihood of Failure and Impact and the Consequences of such an event happening. Given the tree's condition, potential to fail, and likelihood of impacting a target, the tree has achieved a Low Risk Rating.

The assessment considered fourteen Norfolk Island Hibiscus in the western nature-strip of Mitchell Street, Mount Gambier. The trees are good to fair overall condition with extended useful life expectancies and they all achieve a Low Risk Rating both as individuals and part of the group.

As the tree do not display features that indicate they are in declining health and/or structure affecting their long-term integrity they are not considered to warrant remedial action at this stage.





Brief

Arborman Tree Solutions was engaged by the City of Mount Gambier to undertake an assessment of the identified trees along the footpath on the western boundary of Mitchell Street, Mount Gambier and to provide information in relation to the following points: -

- Assess the health and structure of the subject trees.
- Assess the trees against the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)*.
- Assessment of the Tree Risk Rating for the trees considering factors such as likelihood of failure, likelihood of impact and the consequences should these occur.
- Recommend management for the trees potentially including crown and root zone treatment and management principles.
- Provide any additional relevant information.

Documents and Information Provided

The following information was provided for the preparation of this assessment: -

- Email instruction on Scope of Works

Site and Tree Location

The trees are located on the western side of Mitchell Street, Mount Gambier between Jardine Street and Alexander Street.

Figure 1 Site Location





Assessment

Arborman Tree Solutions has undertaken a Visual Tree and Risk Assessment of the identified trees at Mitchell Street, Mount Gambier. The purpose of this assessment is to identify the appropriate management requirements for the tree considering factors such as species, health, structure and risk.

Tree Assessment

The assessment considered fourteen trees which are identified as mature *Lagunaria patersonia* (Norfolk Island Hibiscus) that are in generally good to fair overall condition. The trees are considered to be in good and fair overall condition with extended useful life expectancies. None of the trees display features that indicate they are in health or structural decline or that they are not suited to the environment. The trees are all street trees and are part of a historic planting that provides an important heritage link with the history of the area. The trees are located along the footpath on the western side of Mitchell Street and form part of the edge of the Catholic Church property which is bounded by Mitchell Street, Jardine Street, Penola Road and Alexander Street. The St Paul's Roman Catholic Church, St Paul's Catholic Church Presbytery and former St Paul's Roman Catholic Convent are located within the Catholic Church property and are places of State Heritage. The St Paul's School Hall is also located on this subject site and is identified as a place of Local Heritage.

Lagunaria patersonia (Norfolk Island Hibiscus) is well known in cultivation both in Australia and overseas. On mainland Australia it has become naturalised in the central coast and north-eastern areas of New South Wales. Norfolk Island Hibiscus is a medium to large tree which can reach about 12-20 metres in height. It has dense, greyish-green leaves and pink flowers of typical hibiscus shape that appear in spring and early summer, these are followed by seed brown capsules which also contain white fibres, that can be irritating if they get on the skin; this has given rise to other common names such as Itch Tree and Cow Itch Tree. Norfolk Island hibiscus has proven to be an adaptable and hardy plant for a range of climates and soils. It is widely grown in tropical, sub-tropical and temperate areas, both coastal and inland and is hardy to salt spray making it useful for coastal gardens. It performs best in well drained soils in a sunny position.

Tree Risk Assessment

A Tree Risk Assessment was conducted by a Consulting Arborist qualified in the International Society of Arboriculture (ISA) "Tree Risk Assessment" methodology. This methodology considers the Likelihood of Failure and Impact and the Consequences of such an event happening. Given the tree's condition, potential to fail, and likelihood of impacting a target, the tree has achieved a Low Risk Rating. The following considers the factors relevant for this tree and location: -

Likelihood of Failure – Possible A failure that is likely to result in damage a person or infrastructure in the area is not expected in the next 36-60 months under normal weather conditions however it may occur in extreme weather conditions.

Likelihood of Impact – Low There is a slight chance a failure will impact a target. The likelihood of impacting a person is Low or possibly Very Low due to the infrequent use of the area. There are some permanent targets, however they do not occupy more than 50% of the target area

When combined in the Likelihood of Failure and Impact matrix a rating of **Unlikely** is achieved. The area around the tree is also weather affected and in storm conditions, when a failure is most likely, it is less likely that a person will be in the vicinity of the tree.

Consequence of Failure – Minor The consequences of an impact will potentially result in minor personal injury, low to moderate monetary damage to a property and/or a low level disruption to normal activities.

A Likelihood of Failure and Impact of **Unlikely** and a Consequence of **Minor** when combined in the Risk matrix achieve a **Low Risk Rating**.

In order to achieve a Risk Rating of High the Likelihood of a Failure and Impact would have to raise to Likely or Very Likely and/or the Consequence raised to Significant or Severe either of which would be inappropriate and unreasonable.





Conclusion

The assessment considered fourteen Norfolk Island Hibiscus in the western nature-strip of Mitchell Street, Mount Gambier. The trees are good to fair overall condition with extended useful life expectancies and they all achieve a Low Risk Rating both as individuals and part of the group.

As the tree do not display features that indicate they are in declining health and/or structure affecting their long-term integrity they are not considered to warrant remedial action at this stage.

Thank you for the opportunity to provide this report. Should you require further information, please do not hesitate to contact me and I will be happy to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read "M. Lodge".

MARCUS LODGE

Senior Consulting Arboriculturist

Australian Arborist License AL11

Diploma in Arboriculture

International Society of Arboriculture – Tree Risk Assessment

Quantified Tree Risk Assessment (QTRA) License – 5780

VALID Tree Risk Assessment (VALID) – 2018

Native Vegetation Council Trained Arborist 2019





Definitions

- Useful Life Expectancy:** expected number of the years that the subject specimen will remain alive and sound and/or continues to achieve the relevant *Principles of Development Control*.
- Circumference:** trunk circumference measured at one metre above ground level. This measurement is used to determine the status of the tree in relation to the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)*.
- Tree Damaging Activity:** Tree damaging activity includes those activities described within the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)* such as removal, killing, lopping, ringbarking or topping or any other substantial damage such as mechanical or chemical damage, filling or cutting of soil within the TPZ. This can also include forms of pruning above and below the ground.
- Important:** The following definition of important was described by Commissioner Nolan of the Environment, Resource and Development Court in the case of *Savoy Developments Pty Ltd v Town of Gawler [2013] SAERDC 32*.
- "In my view, for habitat to be raised to the level of 'important' (as sought by Objective 2(d)), it must be beyond that likely to be expected in any mature tree of indigenous origins – that is, it is beyond the normal level that might be expected or that it is so unique or special that it may be considered important. From the evidence before me I do not consider the trees to provide 'important habitat for native fauna'."*
- This definition of important, whilst in this case relating to Habitat Value, has been applied when looking at all Objectives that use the term "important".
- Notable:** The *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)* also use the term "notable" when assessing the visual contribution of a tree. The Environment, Resource and Development Court does not appear to have defined the term "notable" as applied in the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)* however, when researching definitions, it is clear that this term bears equal or similar weight as the term "important" and as such for a tree to be "notable" it has to have a similar level of attributes to an important tree. When compared to a typical example of the species for a tree to be described as "notable" it would also be considered to be a noteworthy, remarkable, outstanding, momentous, memorable, impressive, extraordinary or an exceptional example of the species or of greater importance in regard to its value as a visual element than other similar sized example of the species.
- PDI Act 2016:** the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)* and associated *Planning, Development and Infrastructure (General) Regulations 2017* includes provisions for the control of Regulated and Significant Trees within the 18 metropolitan Adelaide councils, townships in the Adelaide Hills Council and parts of the Mount Barker Council, these provisions do not apply in areas outside of these councils.
- Regulated Tree:** the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)* identifies a Regulated Tree as any tree in Metropolitan Adelaide or townships in the Adelaide Hills Council or parts of the Mount Barker Council with a trunk circumference of more than two metres but less than three metres. In the case of trees with multiple trunks, those with trunks with a total circumference of two metres or more and an average circumference 625 mm or more. The circumference is measured at a point one metre above natural ground level.
- Significant Tree:** the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)* identifies a Significant Tree as any tree in Metropolitan Adelaide or townships in the Adelaide Hills Council or parts of the Mount Barker Council with a trunk circumference of three metres or more. In the case of trees with multiple trunks, those with trunks with a total circumference of three metres or more and an average circumference 625 mm or more. The circumference is measured at a point one metre above natural ground level.

References

- Australian Standard AS4373-2007 *Pruning of amenity trees*: Standards Australia.
- Australian Standard AS4970-2009 *Protection of trees on development sites*: Standards Australia.
- Matheny N, Clark J. 1998: *Trees and Development a Technical Guide to Preservation of Trees During Land Development*: International Society of Arboriculture, Champaign, Illinois, USA.
- Matheny N, Clark J. 1994: *Evaluation of Hazard Trees in Urban Areas*: International Society of Arboriculture, Champaign, Illinois, USA.
- Julius A, Kocher W, Liefheit K, Lilly S, et al 2013: *Tree Risk Assessment Qualification*: International Society of Arboriculture, Champaign, Illinois, USA.





Appendix A - Tree Assessment Methodology





Tree Assessment Form (TAF©)

Record	Description
Tree	In botanical science, a tree is a perennial plant which consists of one or multiple trunks which supports branches and leaves. Trees are generally taller than 5 metres and will live for more than ten seasons, with some species that live for hundreds or thousands of seasons.
Genus and Species	Botanical taxonomy of trees uses the binominal system of a genus and species, often there are subspecies and subgenus as well as cultivars. When identifying tree species, identification techniques such as assessing the tree's form, flower, stem, fruit and location are used. Identifying the right species is critical in assessing the tree's legalisation and environmental benefit. All efforts are made to correctly identify each tree to species level, where possible. Genus is the broader group to which the tree belongs e.g. <i>Eucalyptus</i> , <i>Fraxinus</i> and <i>Melaleuca</i> . Species identifies the specific tree within the genus e.g. <i>Eucalyptus camaldulensis</i> , <i>Fraxinus griffithi</i> or <i>Melaleuca styphelioides</i> . Trees will also be assigned the most commonly used Common Name. Common Names are not generally used for identification due to their nonspecific use, i.e. <i>Melia azedarach</i> is commonly known as White Cedar in South Australia but is also called Chinaberry Tree, Pride of India, Bead-tree, Cape Lilac, Syringa Berrytree, Persian Lilac, and Indian Lilac; equally similar common names can refer to trees from completely different Genus e.g. Swamp Oak, Tasmanian Oak and English Oak are from the <i>Casuarina</i> , <i>Eucalyptus</i> and <i>Quercus</i> genus's respectively.
Height	Tree height is estimated by the arborist at the time of assessment. Tree height is observed and recorded in the following ranges; <5m, 5-10m, 10-15m and >20m.
Spread	Tree crown spread is estimated by the arborist at the time of assessment and recorded in the following ranges <5m, 5-10m, 10-15m, 15-20m, >20m.
Health	Tree health is assessed using the Arborman Tree Solutions - Tree Health Assessment Method that is based on international best practice.
Structure	Tree structure is assessed using Arborman Tree Solutions - Tree Structure Assessment Method that is based on international best practice.
Tree Risk Assessment	Tree Risk is assessed using Tree Risk Assessment methodology. The person conducting the assessment has been trained in the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ), Quantified Tree Risk Assessment (QTRA) and/or VALID Tree Risk Assessment (VALID). Refer to the Methodology within the report for additional information.
Legislative Status	Legislation status is identified through the interpretation of the <i>Development Act 1993</i> , the <i>Natural Resource Management Act 2004</i> , the <i>Native Vegetation Act 1991</i> and/or any other legislation that may apply.
Mitigation	Measures to reduce tree risk, improve tree condition, remove structural flaws, manage other conditions as appropriate may be recommended in the form of pruning and is listed in the Tree Assessment Findings (Appendix B). Tree pruning is recommended in accordance with AS4373-2007 <i>Pruning amenity trees</i> where practicable. Where measures to mitigate risk is not possible and the risk is unacceptable, then tree removal or further investigation is recommended.





Useful Life Expectancy (ULE)

ULE Rating	Definition
Surpassed	The tree has surpassed its Useful Life Expectancy. Trees that achieve a surpassed ULE may do so due to poor health, structure or form. Additionally, trees that are poorly located such as under high voltage powerlines or too close to structures may also achieve a surpassed ULE. Trees that achieve this status will be recommended for removal as there are no reasonable options to retain them.
<10 years	The tree displays either or both Poor Health and/or Structure and is considered to have a short Useful Life Expectancy of less than ten years. Some short-lived species such as <i>Acacia sp.</i> may naturally achieve a short ULE.
>10 years	The tree displays Fair Health or Structure and Good Health or Structure and is considered to have a Useful Life Expectancy of ten years or more. Trees identified as having a ULE of >10, will require mitigation such as pruning, stem injections or soil amelioration to increase their ULE.
>20 years	The tree displays Good Health and Structure and is considered to have an extended Useful Life Expectancy of more than twenty years.

Maturity (Age)

Age Class	Definition
Senescent	The tree has surpassed its optimum growing period and is declining and/or reducing in size. May be considered as a veteran in relation to its ongoing management. Tree will have generally reached greater than 80% of its expected life expectancy.
Mature	A mature tree is one that has reached its expected overall size, although the tree's trunk is still expected to continue growing. Tree maturity is also assessed based on species; as some trees are much longer lived than others. Tree will have generally reached 20-80% of its expected life expectancy.
Semi Mature	A tree which has established but has not yet reached maturity. Normally tree establishment practices such as watering will have ceased. Tree will generally not have reached 20% of its expected life expectancy.
Juvenile	A newly planted tree or one which is not yet established in the landscape. Tree establishment practices such as regular watering will still be in place. Tree will generally be a newly planted specimen up to five years old; this may be species dependant.

Tree Health Assessment (THA©)

Category	Description
Good	Tree displays normal vigour, uniform leaf colour, no or minor dieback (<5%), crown density (>90%). When a tree is deciduous, healthy axillary buds and typical internode length is used to determine its health. A tree with good health would show no sign of disease and no or minor pest infestation was identified. The tree has little to no pest and/or disease infestation.
Fair	Tree displays reduced vigour abnormal leaf colour, a moderate level of dieback (<15%), crown density (>70%) and in deciduous trees, reduced axillary buds and internode length. Minor pest and/or disease infestation potentially impacting on tree health. Trees with fair health have the potential to recover with reasonable remedial treatments.
Poor	Tree displays an advanced state of decline with low or no vigour, chlorotic or dull leaf colour, with high crown dieback (>15%), low crown density (<70%) and/or in deciduous trees, few or small axillary buds and shortened internode length. Pest and or disease infestation is evident and/or widespread. Trees with poor health are highly unlikely to recover with any remedial treatments; these trees have declined beyond the point of reversal.
Dead	The tree has died and has no opportunity for recovery.





Tree Structural Assessment (TSA©)

Category	Description
Good	Little to no branch failure observed within the crown, well-formed unions, no included bark, good branch and trunk taper present, root buttressing and root plate are typical. Trees that are identified as having good health display expected condition for their age, species and location.
Fair	The tree may display one or more of the following a history of minor branch failure, included bark unions may be present however, are stable at this time, acceptable branch and trunk taper present, root buttressing and root plate are typical. Trees with fair structure will generally require reasonable remediation methods to ensure the tree's structure remains viable.
Poor	History of significant branch failure observed in the crown, poorly formed unions, unstable included bark unions present, branch and/or trunk taper is abnormal, root buttressing and/or root plate are atypical.
Failed	The structure of the tree has or is in the process of collapsing.

Tree Form Assessment (TFA©)

Category	Description
Good	Form is typical of the species and has not been altered by structures, the environment or other trees.
Fair	The form has minor impacts from structures, the environment or adjacent trees which has altered its shape. There may be slight phototropic response noted or moderate pruning which has altered the tree's form.
Poor	The tree's form has been substantially impacted by structures, the environment, pruning or other trees. Phototropic response is evident and unlikely to be corrected.
Atypical	Tree form is highly irregular due to structures or other trees impacting its ability to correctly mature. Extreme phototropic response is evident; or the tree has had a substantial failure resulting in its poor condition, or extensive pruning has altered the tree's form irreversibly.

Priority

Category	Description
Low	Identified works within this priority should be carried out within 12 months.
Medium	Identified works within this priority should be carried out within 6 months.
High	Identified works within this priority should be carried out within 3 months.
Urgent	Identified works within this priority should be carried out immediately. Works within this priority rating will be brought to attention of the responsible person at the time of assessment.





Tree Risk Assessment

The risk assessment was conducted using the principles and guidelines of the International Society of Arboriculture - Tree Risk Assessment Qualification (TRAQ).

TRAQ assesses the Tree Risk Rating in three parts that are divided into two stages Likelihood and Consequence; the Likelihood assessment considers two parts Likelihood of Failure and Likelihood of Impact which are combined in a matrix to determine the Likelihood of Impacting a Target. The following categories are used to determine the Likelihood of Impacting a Target for a given tree:-

1. **Likelihood of Failure** – this is the assessment potential for branch failure. The likelihood of failure uses the following categories:-
 - a. Imminent the tree is failing or is about to fail i.e.: >90% chance.
 - b. Probable a failure is likely to occur within the inspection period i.e.: >50% chance.
 - c. Possible a failure may occur within the inspection period i.e.: <50% chance.
 - d. Improbable a failure is unlikely to occur within the inspection period i.e.: <10% chance.

2. **Likelihood of Impact** – this is an assessment of the potential for a failed branch to contact a person, vehicle, property or other target within the target area. The likelihood of failure uses the following categories:
 - a. High a failure will almost definitely impact a target.
 - b. Medium a failure will probably impact a target.
 - c. Low a failure will possibly impact a target.
 - d. Very Low a failure is unlikely to impact a target.

The results of the Likelihood assessment are placed into the following matrix to determine the **Likelihood of Impacting a Target**.

Likelihood Matrix				
Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

The Consequence of Failure section of the assessment considers the result of a failure on the target. The following categories are used to determine the Consequences of a failure impacting a Target for a given tree.

3. **Consequence of Failure** – This is an assessment of the consequence of the branch failure on the target. Consequence of Failure includes factors such as size of part, the level of damage or injury, target protection and target value (monetary or otherwise). The following categories are used to determine the Consequences of Failure for a given tree:-
 - a. Severe The consequences of an impact will be severe potentially involving serious injury or death or serious damage to or loss of property or infrastructure.
 - b. Significant The consequences of an impact will be significant potentially involving major injury or damage to property or infrastructure.
 - c. Minor The consequences of an impact will be minor potentially involving minor injury or minimal damage to property or infrastructure.
 - d. Negligible The consequences of an impact will be negligible potentially involving no or inconsequential injury or damage to property or infrastructure.





The **Likelihood of Impact** and **Consequence of Failure** are then placed into the following matrix to determine the **Tree Risk Rating**.

Tree Risk Rating Matrix				
Likelihood of Failure and Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

This Tree Risk Rating is used to qualify the risk so that suitable mitigation strategies can be implemented.





Appendix B - Tree Assessment Findings



Lagunaria patersonia

Tree No: 1

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 2

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Good
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>20 years



Observations

The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



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Lagunaria patersonia

Tree No: 3

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	5-10 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 4

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	5-10 metres
Health:	Fair
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	<10 years



Observations

This tree is considered to be fair overall condition due to the moderately reduced foliage density and the presence of currently stable included bark in the primary structure.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 5

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	5-10 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



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Lagunaria patersonia

Tree No: 6

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 7

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Good
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>20 years



Observations

The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



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Lagunaria patersonia

Tree No: 8

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	5-10 metres
Spread:	5-10 metres
Health:	Fair
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	<10 years



Observations

This tree is considered to be fair overall condition due to the moderately reduced foliage density and the presence of currently stable included bark in the primary structure.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



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Lagunaria patersonia

Tree No: 9

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



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Lagunaria patersonia

Tree No: 10

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 11

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	10-15 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 12

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	5-10 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 13

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	5-10 metres
Health:	Good
Structure:	Fair
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



Lagunaria patersonia

Tree No: 14

Norfolk Island Hibiscus

Inspected:	4 May 2021
Height:	10-15 metres
Spread:	5-10 metres
Health:	Fair
Structure:	Good
Form:	Good
Trunk Circumference:	NA metres
Useful Life Expectancy:	>10 years



Observations

This tree is considered to be in fair overall condition as evidenced by the moderately reduced foliage density throughout the crown.

Legislative Status	Uncontrolled
The management of this tree is not subject to regulation under the Planning, Development and Infrastructure Act 2016 or the Native Vegetation Act 1991.	
Risk Rating	Low
A Likelihood of Failure and Impact of "Unlikely" and a Consequence of "Minor" when combined in the Risk matrix achieve a Risk Rating of "Low".	
Recommendation	No Action
No remedial action is currently recommended.	
Priority	NA
No works are required.	



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Appendix C - Mapping







Appendix D - Tree Assessment Summary





Tree Assessment Summary

Tree Number	Botanic Name	Legislative Status	Risk Rating	Comments	Recommendation	Priority
1	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
2	<i>Lagunaria patersonia</i>	Heritage	Low	The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.	No Action	NA
3	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
4	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be fair overall condition due to the moderately reduced foliage density and the presence of stable included bark in the primary structure.	No Action	NA
5	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
6	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
7	<i>Lagunaria patersonia</i>	Heritage	Low	The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.	No Action	NA





Tree Assessment Summary

Tree Number	Botanic Name	Legislative Status	Risk Rating	Comments	Recommendation	Priority
8	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be fair overall condition due to the moderately reduced foliage density and the presence of stable included bark in the primary structure.	No Action	NA
9	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
10	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
11	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
12	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
13	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is considered to be in fair overall condition due to the presence of a stable included bark union in the primary trunk division.	No Action	NA
14	<i>Lagunaria patersonia</i>	Heritage	Low	This tree is consider to be in fair overall condition as evidenced by the moderately reduced foliage density throughout the crown.	No Action	NA



6 MOTIONS WITH NOTICE

6.1 NOTICE OF MOTION - OLD RAILWAY STATION BUILDING

Meeting: People and Place Committee

CM9 Reference: AF20/455

Member: Frank Morello, Councillor

I, Councillor Frank Morello, give notice that at the next Ordinary Meeting of the People and Place Committee to be held on 7 June 2021, I intend to move the following motion:

MOTION

1. That People and Place Committee Report No. AR21/33923 titled 'Notice of Motion - Old Railway Station Building' as presented on 07 June 2021 be noted.
2. That Council:
 - (a) writes to the chair of the Mount Gambier Branch of the National Trust of South Australia, Nathan Woodruff, thanking them for their initiative.
 - (b) Informs the Trust of its decision, at this time, to decline the offer to transfer ownership or occupancy of the Railway Station to the National Trust of SA.
 - (c) convenes an Elected Member workshop to discuss future options for the Old Railway Station building, including temporary initiatives, in the broader context of the surrounding Railway Land and Olympic Park precincts.

RATIONALE

Mount Gambier branch chair of the National Trust of South Australia, Nathan Woodruff, submitted a written proposal to the City of Mount Gambier last year regarding the Mount Gambier Railway Station. The letter, received by elected members on June 5, 2020, proposes council gift the building to the Trust for the purpose of activation.

The Trust would apply for funding, develop a regeneration plan, implement a staged opening of the building and partner with Council to encourage greater patronage of the Rail Lands.

Council has not yet determined the future purpose of the Old Railway Station Building and accordingly the Chief Executive Officer provided a response to the National Trust advising that when such a process is complete, next steps will be conveyed to the community.

The railway station is a strategic asset with the potential to become a destination tourism place, particularly with the opening of the Wulanda Recreation and Convention Centre next year.

Council has a landmark opportunity to influence the activation of the precinct through careful consideration of the railway Station's function.

Potential also exists for the building to be temporarily activated until a permanent solution is found.

I commend this Notice of Motion to Council.

ATTACHMENTS

1. Letter from National Trust of SA Mount Gambier Branch - Old Railway Station Building [↓](#)
2. Letter to Mr Nathan Woodruff - National Trust - Old Railway Station Building [↓](#)



From: The Old Courthouse
Subject: Mount Gambier Railway station

To Mount Gambier city council,
The executive of the Mount Gambier Branch of the National Trust of South Australia have met and put together a proposal that we think will work best for the community, the council and the National Trust. read below.

The Mount Gambier Branch of the National Trust of South Australia are keen to see the Railway station restoration completed and in active use thru the implementation of a regeneration plan. We want to work to benefit the community and to complement the Councils works on rejuvenating the rail lands. The railands space has been a great success to the council and instead of us (The NTSA) complaining about the looks of the station as an eyesore on the rail lands precinct, we would like to step up to the plate to help get the station looking its best.

As Chairman of the Mount Gambier Branch I share the views of our committee in wishing to help the council and community to realise the goals of returning the station building to its former glory and finding ways to actively use the building in a way the benefits the community. With the current COVID-19 pandemic as well as plans for the Mount Gambier sports and recreation hub we imagine that council is busy enough and that funding the station project would be dropping down the list of priorities.

We currently are unaware of any immediate plans that the council have for the station building apart from completing roof works to the building. In this case I see that the best option for us (The NTSA) to be able to help is if it was possible for the Station building to be gifted into our ownership. Whilst we don't wish to take the building from council it opens up much better funding options for us to complete works on the building and would assist the council to save budgeting any more major expenditure to the station building. If this option could be realised we would put together a regeneration plan taking into account the way council uses the rail lands so that The NTSA can partner with Council to encourage people to; Come, Say and play in the rail lands and Mount Gambier CBD. As a part of the Regeneration plan we would form a business plan with the long term intention of the station building being self sufficient in terms of funding. This would be achieved thru a multi stage plan to kick small goals opening the station up in sections so that we can get parts open to the public as soon as possible. This would help to raise the image of the station and showing active use will also help to deter vandals who in recent times have broken windows and attempted to kick in doors.

Our plans and proposed uses would be open to the Council and public for there input and comments to ensure the rail lands and station work together to complement each other and benefit the community.

We do understand if council is apprehensive to our proposal and are more than happy to talk about it. I see this as a starting point to open up communication of the subject. That is our best option to work with our current ways of funding such projects which is why I have put it forward we are open to discussion for other ways we the National Trust can help the Council. The National Trust of South Australia has a lot of history with working with heritage buildings and finding active uses for them in the present and into the future. This is the best way to preserve heritage, utilising our heritage buildings to house various uses that compliment the building and secure there place in the modern world.



Thank you for your time
Regards,
Nathan Woodruff
Chairman
Mount Gambier NTSA





Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

Reference: AF11/2022; AR20/84987
Enquiries to: Acting Chief Executive Officer

21 December 2020

Mr Nathan Woodruff
Chairman
Mount Gambier National Trust SA

Email: ntsamountgambier42@gmail.com

Dear Nathan

RE: REQUEST – OLD MOUNT GAMBIER RAILWAY STATION BUILDING

I write in acknowledgement of your email of 18 December 2020, following up on an earlier enquiry regarding Mount Gambier National Trust SA occupancy at the Old Mount Gambier Railway Station building.

At this time Council has not established a formal position regarding the future use of this site.

Once this process has been completed, the next steps will be conveyed to the community, and is likely to involve an assessed application process for any proposed occupancy arrangement.

In the meantime, it is recommended that Mount Gambier National Trust SA give some consideration to what its needs are for the types of activities undertaken including the number of spaces required, size of the spaces required, logistics and physical requirements (e.g. access/DDA requirements) etc.

Your correspondence will be distributed to the Elected Members for their information.

Yours sincerely

A handwritten signature in black ink, appearing to read "Barbara Cernovskis".

Barbara CERNOVSKIS
ACTING CHIEF EXECUTIVE OFFICER



7 CONFIDENTIAL ITEMS

7.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/28521

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Mayor L Martin, Councillors F Morello, M Bruins, C Greco, B Hood, P Jenner and S Meziniec and Council Officers B Cernovskis, D Barber, T Coote, G Davison, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR21/28521 Road Opening Process - Pinehall Avenue.

The People and Place Committee is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) 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 relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council

The People and Place 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 relates to the valuation of land and compensation for a compulsory acquisition of land for road opening purposes for which is reasonably considered will result in litigation.

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 7.1 AR21/28521 Road Opening Process - Pinehall Avenue 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) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

8 MEETING CLOSE



**MINUTES OF CITY OF MOUNT GAMBIER
PEOPLE AND PLACE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 6 APRIL 2021 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello (Presiding Member), Cr Kate Amoroso, Cr Max Bruins, Cr Sonya Meziniec

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager City Infrastructure	- Mr M McDonald
	Manager Governance and Property	- Mr M McCarthy
	Executive Administrator Community Wellbeing	- Ms A Lavia

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 Frank Morello
Seconded: Mayor Lynette Martin

That the apologies from Cr Christian Greco, Cr Ben Hood and Cr Paul Jenner be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

That the minutes of the People and Place Committee meeting held on 1 February 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil



5 REPORTS

5.1 POLICY REVIEW - D230 - DONATIONS AUTHORITY TO APPROVE REQUESTS

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Mayor Lynette Martin

1. That People and Place Committee Report No. AR21/18417 titled 'Policy Review - D230 - Donations Authority to Approve Requests' as presented on 06 April 2021 be noted.
2. That the updated Council Policy D230 - Donations Authority to Approve Requests as attached to Report No. AR21/18417 be endorsed.

CARRIED

5.2 PROGRESS REPORT - SPORT, RECREATION AND OPEN SPACE STRATEGY

COMMITTEE RESOLUTION

Moved: Cr Sonya Meziniec
Seconded: Mayor Lynette Martin

1. That People and Place Committee Report No. AR21/18899 titled 'Progress Report - Sport, Recreation and Open Space Strategy' as presented on 06 April 2021 be noted.

CARRIED

5.3 LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM

COMMITTEE RESOLUTION

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR21/18903 titled 'Local Government Infrastructure Partnership Program' as presented on 06 April 2021 be noted.

CARRIED



6 CONFIDENTIAL ITEMS

6.1 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/12277

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Mayor L Martin, Councillors F Morello, K Amoroso, M Bruins and S Meziniec and Council Officers B Cernovskis, D Barber, T Coote, M McDonald, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.1 AR21/12277 Road Opening Process - Pinehall Avenue.

The People and Place Committee is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) 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 relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council

The People and Place 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 relates to the compulsory acquisition of land for road opening purposes for which the owner has not engaged in negotiations and it is reasonably considered will result in litigation.

CARRIED



COMMITTEE RESOLUTION

Moved: Cr Max Bruins
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 6.1 AR21/12277 Road Opening Process - Pinehall Avenue 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) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
2. Further that Council delegates the power to review, revoke, but not extend 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

7 MEETING CLOSE

The Meeting closed at 6:01 pm.

The minutes of this meeting were confirmed at the People and Place Committee held on 7 June 2021.

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PRESIDING MEMBER

