12.2 REPORT TITLE: CONFIDENTIAL REPORT STRATEGIC LAND PURCHASE - FUTURE MULTI DECK CAR PARK REGIONAL TOWN CENTRE - UPDATE REPORT

DATE OF MEETING: 1 MAY 2006

AUTHOR: HENRY INAT

AUTHOR'S TITLE: GENERAL MANAGER STRATEGY AND DEVELOPMENT SERVICES

REPRESENTORS: NA

FILE NUMBER: 64/070/002...4

ATTACHMENTS: 1 – Plan showing parcels and areas of land relating to this matter.

2 – Plan of ANZ Bank car to be built in the future.

3 – Plan showing how the land parcels relate to future possible car parking and access arrangements.

DEPARTMENT: STRATEGY AND DEVELOPMENT SERVICES

DEPARTMENT MANAGER: HENRY INAT

PURPOSE

To advise Council that both ANZ Bank and Mr Barbieri have signed the contracts to sell their respective portions of land to Council that will facilitate the consolidation of land fronting Walker Street for the possible future construction of a multi deck carpark.

To provide final costings associated with the land purchase. The costs are to be considered by Council for incorporation within its 2006/07 Budget deliberations in the form of loan funding.

To provide an update regarding the preparation of development applications required as special conditions to the contract. The applications comprise a land division application and land use application (ie demolition of the Barbieri land and construction of the carpark).

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding information the disclosure of which:
   (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business or to prejudice the commercial position of the Council; and
   (ii) would on balance be contrary to public interest

2. That the Chief Executive Officer, General Manager Assets & Infrastructure, General Manager Strategy and Development, General Manager Corporate and Community Services, and the Minute Secretary be permitted to remain in the room.

3. That Council note the report.

4. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion and reports and attachments relating to this item be kept confidential until 1 May 2007.

BACKGROUND

Council last considered this matter at its meeting on 6 February 2006 where it resolved as follows:

1. That Council endorse the Chief Executive Officer actions to finalise all relevant negotiations with Mr Barbieri to purchase portion of allotment contained within Certificate of Title 5230/72 (Gawler Street Mount Barker) for the purposes of strategic land consolidation to provide long term car parking solutions to the town centre.

2. That Council endorse the Chief Executive Officer actions to finalise all relevant negotiations with the ANZ Bank to purchase portion of allotment contained within Certificate of Title 5750/945 (Walker Street Mount Barker) for the purposes of strategic land consolidation to provide long term car parking solutions to the town centre.

3. That funding for the land purchase be by way of a Council loan which may be drawn upon when required.

(Resolution included that the matter be kept confidential)

Since Council's consideration of this matter negotiations proceeded with are now finalised.

Both the ANZ Bank and Mr Barbieri have signed their respective contracts. Council is now in a position to execute the contracts.

The following attachments are provided:

Attachment 1 – Plan showing parcels and areas of land relating to this matter.

Attachment 2 – Plan of ANZ Bank car to be built in the future.

Attachment 3 – Plan showing how the land parcels relate to future possible car parking and access arrangements.

DISCUSSION

The following is a summary of the key elements to the land transfer arrangements as reflected in the legal documents:

- Council will purchase the rear portion of Mr Barbieri land measuring 455 sqm located at Gawler St Mt Barker (CT 5230/72).
- Council will purchase the ANZ Bank carpark fronting Walker Street which measure 495 sqm (CT 5750/945).
- At settlement the Barbieri land will be transferred to the ANZ Bank.
- Council pays the ANZ Bank the difference between the value of the ANZ land and the Barbieri land which the Bank takes ownership of.
- The existing dwelling located on the Barbieri land is to be demolished by Council within 3 months of settlement.
- Council is to obtain land division and land use consent within 6 months from signing of the contracts.
- Council will enter into a licence over the Barbieri land for the duration that the dwelling is occupied by tenants and until the dwelling is demolished;
- Prior to the existing ANZ land no longer being available for car parking Council shall construct a new 9 space car park on the land previously owned by Barbieri (now owned by the ANZ);
- The ANZ land will vest in Council on the deposit of the plan of division;
- Council will enter into a Car Park Licence with the ANZ bank to lease back the ANZ land for continued use of the land as a carpark;

- Council to make a contribution towards the ANZ Bank's legal fees.

(Legal Agreements)

As previously detailed to Council two contracts to purchase land form the basis of the respective land purchases and transfers. Council now has in place a contract to purchase the ANZ land.

The Barbieri contract which is also signed is conditional upon receiving relevant approvals under the Development Act for the land division of his and ANZ land. Mr Barbieri has placed a 6 month limit on settlement which requires Council to organise all relevant approvals (land division and land use). This time limit is critical.

At settlement the Barbieri land will be transferred to the ANZ Bank. This will alleviate stamp duty costs – and the need for ANZ to have to momentarily fund the purchase, which was a matter of concern to the Bank.

The following is a summary of the cost implications on Council:

Elements of transaction		$
Council purchases Barbieri Land		270,000
Payment to ANZ Bank taking into account land transfers and agreed valuations		142,750
Council pays ANZ legal fees – sum agreed		5,000
Demolition of Barbieri dwelling and construction of fence.		8,000*
Changes to services – septic tanks, stormwater		10,000
Construction of future ANZ car park (hotmix seal, retaining wall, concrete kerbing and line marking)		40,000**
Legal/ Consulting advice/ Surveying etc		5,000*
Total		**480,750**

* These are estimated figures. Written quotes to be provided.
** The construction of the ANZ carpark is likely to be incorporated when/if Council decides to proceed with the multi deck carpark. The costs of which can be incorporated in that project.

Work has commenced to prepare both the land division and land use applications. The land use application has recently been lodged and will be presented to Council's Development Assessment Panel (DAP) for consideration in May 2006.

POLICY IMPLICATIONS

1. Financial/budget

Funding to finalise this initiative is to be considered with the context of the 2006/07 budget. Load funding will be applied.

2. Legal

Legal advice has been received from Norman Waterhouse at all stages in the process to ensure Council's legal interests are protected.

3. Staffing/Work Plans

Work undertaken in this regard has occurred within existing staff resources.

4. Environmental

- The long term goal to consolidate land in Council ownership on this land for the future possible incorporation into providing additional car parking in the town centre will allow for much improved built form and environmental outcomes to be achieved.

5. Social

The consolidation of land and the need to provide improved car parking in the town centre will be address already identified social and community concerns regarding the provision of car parking in the town centre.

6. Strategic Plans

The strategic plan provides clear reference to the need to provide improved traffic and car parking provisions within the Regional Town Centre.

COMMUNITY CONSULTATION

1. Customer Needs Analysis

NA

2. Promotion/Communications

NA

Plan of Division for Discussion Purposes

HUNDRED OF MACCLESFIELD
ALLOTMENT 17 IN DP 29231
ALLOTMENT 251 IN FP 9509
OF PT SEC 4472

in the area named

MOUNT BARKER

SCALE 0 5 10 20 30 METRES 40

C.T. 5230/72 & 5750/945

PORTION OF ALLOTMENT 1 MARKED A IS SUBJECT TO PARTY WALL RIGHTS

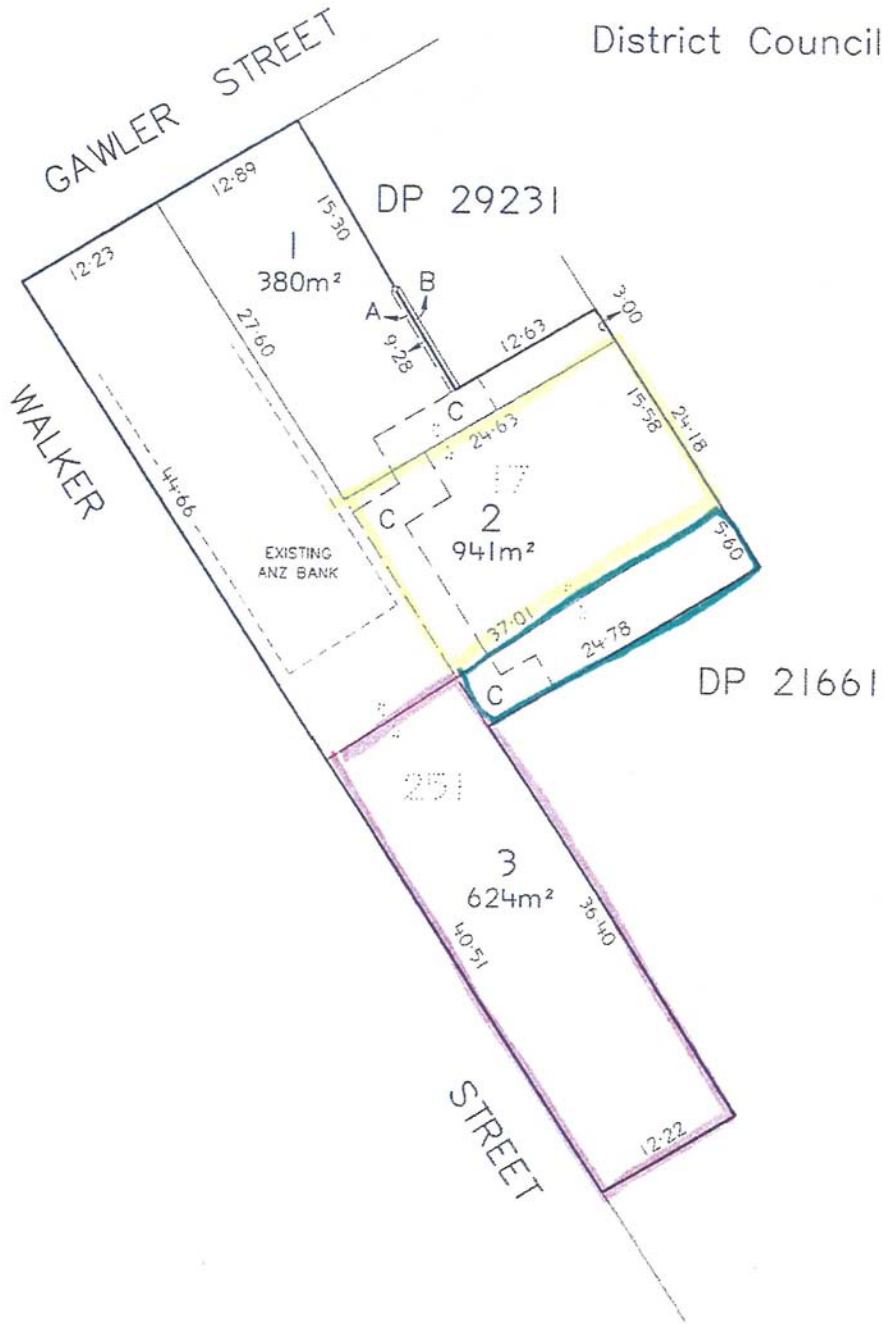
ALLOTMENT 1 IS TOGETHER WITH PARTY WALL RIGHTS OVER THE LAND MARKED B

PORTION OF ALLOTMENTS 2 AND 3 MARKED C ARE SUBJECT TO A SERVICE EASEMENT TO THE COUNCIL FOR THE AREA FOR DRAINAGE PURPOSES

AREA OF ALLOTMENT 2 FORMERLY ALLOTMENT 17 = 398m²

AREA OF ALLOTMENT 3 FORMERLY ALLOTMENT 17 = 127m²

District Council of Mount Barker



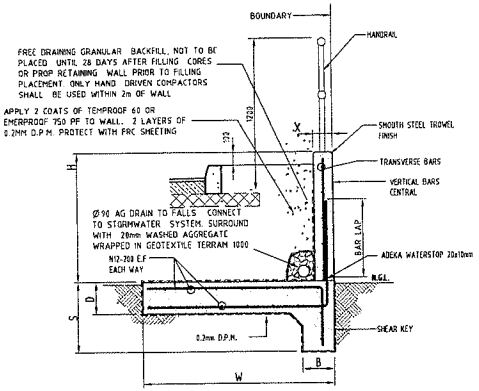
N

DSC ANDREW
SURVEYORS
276 Flinders Street Adelaide SA 5000
Telephone: 8232 1954 Facsimile: 8232 7678
34 Victoria Street Victor Harbor SA 5211
Telephone 8552 4480

Reference: 205243-1A

ATTACHMENT 1 TO ITEM 12.2

ANZ CARPPARK PLAN
SCALE 1:100

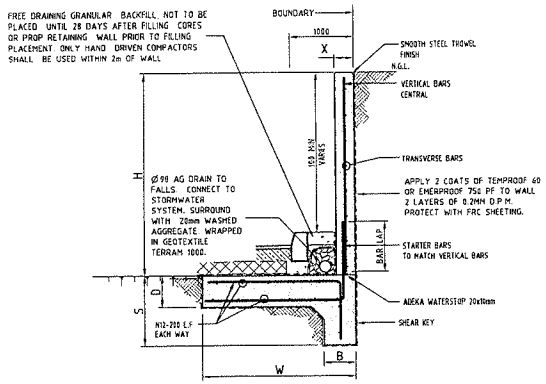


RETAINING WALL SCHEDULE:							
H HEIGHT MAX.	W FOOTING WIDTH	D FOOTING DEPTH	S SHEAR KEY DEPTH	B SHEAR KEY WIDTH	X WALL WIDTH	VERTICAL BARS	TRANSVERSE BARS
1000	1000	250	600	250	175	N16-200	N12-200
600	600	250	250	250	150	N12-200	N12-200

TYPE "B" REINFORCED CONCRETE RETAINING WALL DETAIL

SCALE 1:20

NOTE CONTROL JOINTS SHALL BE AT 6000 c/c U.N.O.



RETAINING WALL SCHEDULE:							
H HEIGHT MAX.	W FOOTING WIDTH	D FOOTING DEPTH	S SHEAR KEY DEPTH	B SHEAR KEY WIDTH	X WALL WIDTH	VERTICAL BARS	TRANSVERSE BARS
1400	1200	250	400	250	150	N12-200	N12-200
1200	800	250	400	250	150	N12-200	N12-200
600	600	250	250	250	150	N12-200	N12-200

TYPE "A" REINFORCED CONCRETE RETAINING WALL DETAIL

SCALE 1:20

ATTACHMENT 2 TO ITEM 12.2

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	DRAFT	ENG.	APPD.
A	03.02.06	PRELIMINARY ISSUE	VR	GZ	
B	01.03.06	PRELIMINARY ISSUE	VR	GZ	
C	17.03.06	PRELIMINARY ISSUE	VR	GZ	

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trading as Wallbridge & Gilbert

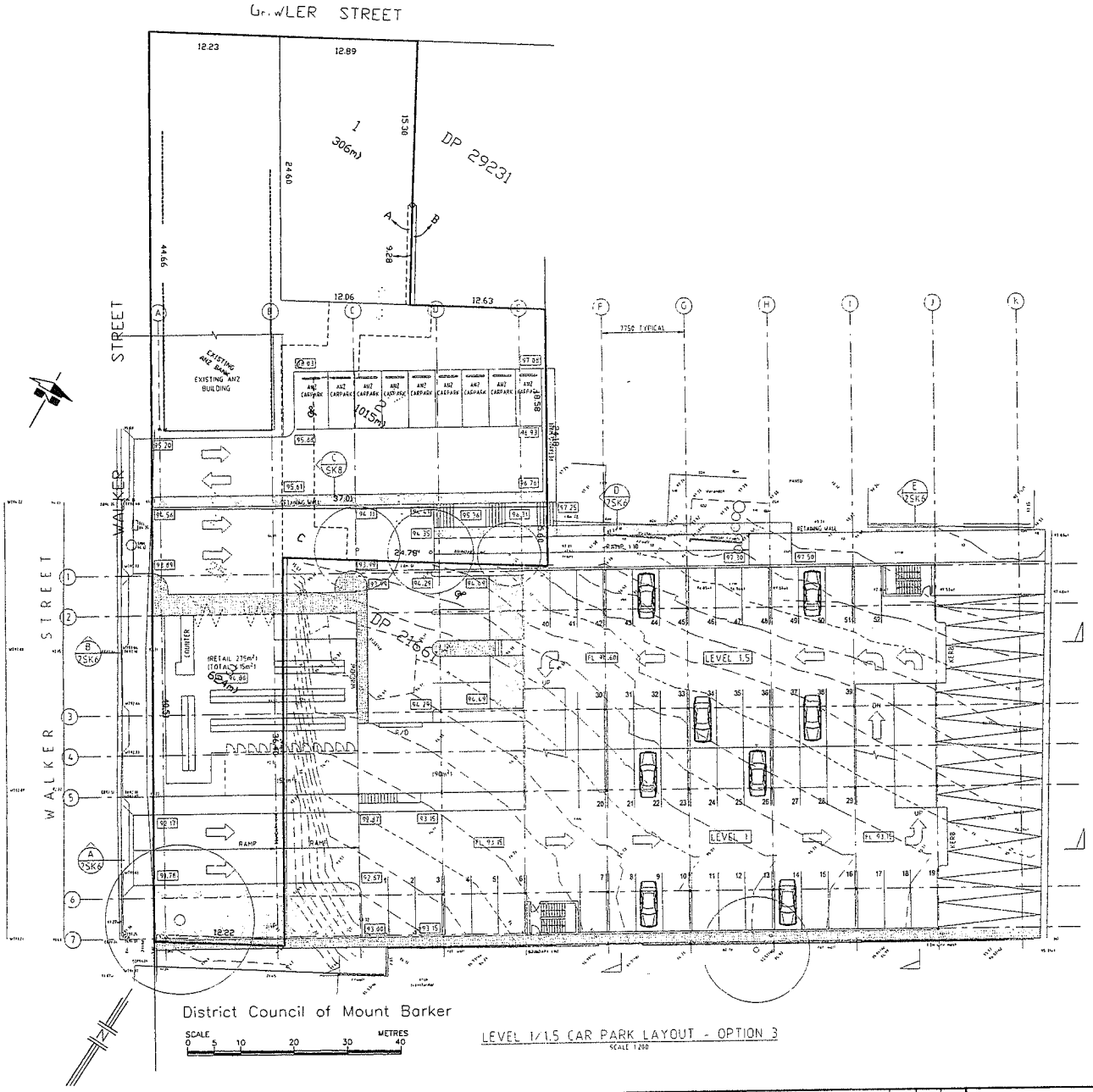
CAR PARK DEVELOPMENT
AT MT. BARKER

NEW ANZ BANK CARPARK

A1

DRAWING NUMBER		
Job Number	Sheet No	Rev
C040149	SK10	C

Design G.ZAPIRIDIS Drawn JIM KARPATHAKIS



PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRAFT	ENG.	APPD.
A	04.11.04	PRELIMINARY ISSUE			
B	20.07.05	PRELIMINARY ISSUE			

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CAR PARK DEVELOPMENT
AT MT. BARKER

CARPARK LAYOUT LEVEL 1/1.5

A1

DRAWING NUMBER
Job Number C040149 Sheet No 2SK1B Rev B

Design G.ZAFIRIDIS Drawn JIM KARPATHAKIS

ATTACHMENT 3 TO ITEM 12.2

12.9	**REPORT TITLE:**	**CONFIDENTIAL REPORT - DAVKEN PTY LTD, SPRING PARK FARM**
	DATE OF MEETING:	**1 MAY 2006**
	AUTHOR:	**BILL GRAHAM**
	AUTHOR'S TITLE:	**CONTRACTS & PROPERTY CO-ORDINATOR**
	REPRESENTORS:	**NIL**
	FILE NUMBER:	**36/030/001**
	ATTACHMENTS:	**NIL**
	DEPARTMENT:	**ASSETS & INFRASTRUCTURE**
	DEPARTMENT MANAGER:	**BRIAN CLANCEY**

PURPOSE

To inform Council of the matter between Council and Davken Pty Ltd regarding the outstanding maintenance of the reserves at Spring Park Farm, Littlehampton.

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding commercial information of a confidential nature (not being a trade secret) the disclosure of which:
   (i) 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; and
   (ii) would on balance be contrary to public interest

2. That the Chief Executive Officer, General Manager Assets & Infrastructure, General Manager Strategy and Development, General Manager Corporate and Community Services, and the Minute Secretary be permitted to remain in the room.

3. That Council note the report.

4. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion and

reports relating to this item be kept confidential until 1 May 2007

5. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

BACKGROUND

Council will recall that in late 2005, complaints were received from residents of Spring Park Farm, Littlehampton regarding the condition of the reserves in the estate. Spring Park Farm has been developed by Davken Pty Ltd (Davken).

It is normal practice, whenever a developer develops a land division in which there has been an open space contribution to Council, that the developer maintains this open space for a period of 12 months from the completion of the land division.

In 2002, Davken gave Council a proposal for Davken to continue with the maintenance of the Spring Park Farm reserves stating that this would assist them in maintaining the reserves to their current standard until the remaining stages of the development were sold. It was the opinion of Davken that the standard of maintenance may fall should the maintenance of the reserves be taken over by Council.

According to a report to Council's Open Space Committee at the time (3 June 2002), this was not an uncommon practice as many of the recent developments have been maintained for an extended period at the developer's expense in order to ensure that high maintenance standards are maintained.

Davken's proposal included a contribution from Council of $5,400 per annum to meet the cost of irrigating the turfed areas of Spring Park Farm. Davken claims that this contribution was significantly less that the actual cost of the complete maintenance of these areas, being an estimated $30,000 per annum. The $5,400 has increased each year with Davken's latest demand being for $8,178 plus GST.

Council's Open Space Committee agreed to this proposal and the report states that the contribution should be effective as of the 2002/03 financial year as per a signed agreement outlining the period of maintenance, activities to be undertaken by Davken and Council's contribution capped to an agreed amount. Unfortunately, there is no record of such a signed agreement, or of Council confirming the arrangements in writing.

Following the concerns raised by local residents regarding the poor condition of the reserves, Council assumed responsibility for their maintenance on 31 December 2005. Council staff estimated that it

will cost around $35,000 to rectify these outstanding maintenance items.

DISCUSSION

On 30 January 2006, Council staff wrote to Davken raising concerns that items of maintenance that had not been rectified and invited Davken to discuss these matters. Davken was also advised in this letter that the latest demand of $8,178 plus GST could not be justified and that Council would withhold this payment against the cost of the remediation works, leaving an amount of $26,821.82 outstanding. Davken did not respond to this letter.

At is meeting on 20 February 2006, Council considered a report on the matter and resolved:

1. That the report be received.
2. That an allocation of $18,500 be made to remediate the watercourses within Spring Park Farm Estate.
3. That Council procure legal advice regarding:
   - any implied agreement between the developer and Council;
   - possible remedial action to gain a financial contribution from the Developer;
4. That Council Investigate whether there are any other reserves where Council may not have formally agreed suitable arrangements with the developer.

In March 2006, Council's lawyers prepared a letter of demand seeking payment of $26,821.82 from Davken.

A response has been received. Davken claims that it was responsible only for the mowing and irrigation of the turfed areas in the reserves and not for any other type of maintenance eg trees, subsidence around footpaths, stone walls etc.

As previously stated in this report, there is no record of such a signed agreement outlining the maintenance responsibilities of either Council or Davken. It is therefore felt that pursuing further legal action against Davken Pty Ltd for the recovery of $35,000 would not be in Council's best interests. However, it is felt that Council is justified in withholding Davken Pty Ltd's latest demand for the mowing and irrigation of the turfed areas.

In summary, due to the lack of clarity between Council and Davken Pty Ltd in the defining of responsibilities for maintaining the reserves at Spring Park Farm, Council will be required to remediate the reserves at a cost of $35,000. being the restoration of the drainage lines , the renovation and rejuvenation of the turf and the repair to the irrigation system . Some additional minor works will be required

to repatriate the garden beds and undertake pruning of park trees at an estimated cost of $1500..

POLICY IMPLICATIONS

1. Financial/budget

Expense of $35,000 to remediate the reserves. At is meeting on 20 February 2006, Council resolved to That an allocation of $18,500 be made to remediate the watercourses within Spring Park Farm Estate.

An additional amount of $17,000 has been proposed for the remediation in the 2006/07 budget for council's consideration.

2. Legal

Council's lawyers have served a letter of demand on Davken Pty Ltd for the outstanding amount.

3. Staffing/Work Plans

The remediation works will be co-ordinated by existing staff. External contractors may be engaged for some remedial works.

4. Environmental

Remediation works will include the treatment of broadleaf weeds, the creek bed and subsidence around the retention basin

5. Social

Not applicable.

6. Strategic Plans

The following provisions of the Community Strategic Plan (2004-2007) are considered most relevant to this matter:

3. Environment

Goal

Promote, value, conserve and manage the natural and built environment for the benefit of current and future generations and at every opportunity observe the principles of ecological sustainability.

Objectives

1. All development in the District occurs in an environmental, social and economic sustainable manner.

5. Community Assets

Goal

Provide a comprehensive range of accessible services and facilities in a financially, socially and environmentally responsible manner.

Objectives
1. Fulfil Council's responsibility as custodian and provider of community assets.

COMMUNITY CONSULTATION

1. Customer Needs Analysis
Action initiated through comments from residents of Spring Park Farm.

2. Promotion/Communications
Not applicable.

CONFIDENTIAL

12.4	**REPORT TITLE:**	**MOUNT BARKER DISTRICT HERITAGE SURVEY AND HERITAGE PLAN AMENDMENT REPORT**
	DATE OF MEETING:	**1 MAY 2006**
	AUTHOR:	**IRIS IWANICKI**
	AUTHOR'S TITLE:	**HERITAGE PROJECT OFFICER**
	REPRESENTORS:	**NIL**
	FILE NUMBER:	**64/005/075** **10/030/062** **64/005/084**
	ATTACHMENTS:	**1 – DISTRICT COUNCIL OF MOUNT BARKER - DISTRICT WIDE HERITAGE PAR 2 - ASSESSMENT REPORTS FOR STATE HERITAGE PLACES TO BE LISTED AS LOCAL HERITAGE PLACES**
	DEPARTMENT:	**STRATEGY & DEVELOPMENT SERVICES**
	DEPARTMENT MANAGER:	**HENRY INAT- GENERAL MANAGER,**

PURPOSE

To present the draft District Wide Heritage Plan Amendment Report for Council approval and endorsement of the document as suitable to forward to the Minister for Planning with the request for interim authorisation prior to public and agency consultation.

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.

2. That the Chief Executive Officer, General Manager Assets and Infrastructure, General Manager Strategy and Development Services, General Manager Corporate and

Community Services and the Minute Secretary be permitted to remain in the room.

3. That Council adopt the assessment reports for the following State Heritage places proposed for removal from the State Heritage Register and endorse their inclusion in the Table of Local Heritage Places in the Draft District Wide Heritage Plan Amendment Report:

- Attached Cottages 11-13 Morphett Street Mount Barker
- Crooked Billet Hotel, 62 Princes Highway, Nairne

4. That Council adopt the assessment reports & endorse inclusion in the Table of Local Heritage Places in the Draft District Wide Heritage Plan Amendment Report under section 23(4) of the Development Act for the following places :

- Former Phillips store, residence, cellar, barn and walls, Montefiore Street Callington
- Former Hack's House, Echunga
- Former Dancker store and residences, 35 Venables Street, Macclesfield
- Dunn Memorial Church Hall, Belltower & Fence

5. That Council:

a. Authorises the release of the District Council of Mount Barker District Wide Heritage Plan Amendment Report located at Attachment 1 for concurrent Public and Agency Consultation in accordance with Section 25 of the *Development Act, 1993*;

b. That Council adopt receive and endorse the Draft District Wide Heritage Plan Amendment Report as a suitable amendment to be forwarded to the Minister for Urban Development and Planning with the recommendation that pursuant to Section 28 of the Development Act, 1993 that he approve interim authorisation prior to public and agency consultation.

c. Authorises the General Manager, Strategy and Development Services to make any necessary minor amendments to the *Mount Barker District Wide Heritage Plan Amendment Report* in order to obtain the Minister's agreement;

d. Authorises the General Manager, Strategy and Development Services to set the date for the Public Hearing required under Regulation 12 of the *Development Regulations, 1993*.

6. That Council express its appreciation of the contribution made by the members of the Council's Heritage Review and

PAR Community Reference Group and a letter be forwarded to members expressing same.

7. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until the date that the PAR is placed on interim operation in the Government Gazette.

BACKGROUND

In July 2005, Council endorsed the preparation of a District wide Heritage Plan Amendment Report (PAR) based upon Heritage OnLine's heritage survey of the district, which was completed in draft form in 2004. Comprising 5 volumes, the survey has reviewed a number of previous heritage surveys of different parts of the current District Council area as well as carrying out further research and site inspections.

The *District Wide Heritage Survey* provides:

- an inventory of some 1,423 places of heritage interest from which 457 places have been identified as Local Heritage Places;
- an assessment of the 58 State Heritage Places existing in the region according to the Heritage Act 1993 criteria. The assessment recommends all but 4 remain as State Heritage Places together with a recommendation that 17 additional State Heritage Places be listed for protection;
- a recommendation for 4 proposed State and 17 proposed Local Heritage (Conservation) Zone areas within the townships throughout the District, together with confirming Hahndorf's status as a State Heritage Area. These measures were suggested to enable the management of increasingly significant development pressures in a manner that protects heritage and ensures the retention of distinctive historic character of a number of townships within the Council district; and
- identified trees of historic landscape value.

The Survey also found a number of historic places that had been demolished since previous heritage surveys.

The main objective of the PAR is to review and utilise the information presented in the Survey as a basis to modify the Development Plan by introducing a list of additional local heritage places on a district wide basis and to provide an Historic (Conservation) Policy Area applicable to areas within the townships of Callington, Dawesley, Echunga, Kanmantoo, Littlehampton, Macclesfield, Meadows, Mount Barker, and Nairne.

The intent of the amendment is to:

- identify, conserve and manage places of cultural and built heritage,
- encourage heritage conservation and promote the historic 'country town' character of the townships listed, adding to the social, economic and environmental well being of each township and surrounding area and
- encourage the restoration and commercial use of appropriate heritage assets in particular for tourism.

The Heritage Survey recommendations have been reviewed with regard to current planning policy, heritage guidelines and current procedures concerning State Heritage Areas. The State Heritage Branch noted in the Statement of Intent that the 2004 Mount Barker Heritage Survey has recommended four new State Heritage Areas.

These recommended areas are within the townships of Callington, Macclesfield, Mount Barker and Nairne. The State Heritage Branch advised it is unlikely that the Branch would support these four new State Heritage Areas and recommended that the Council designate these four areas as either Historic Conservation Zones or Policy Areas in its proposed District Wide Local Heritage PAR.

The survey also made a number of recommendations related to individual listings for State heritage status in Part 1 of the survey. A number of State places were recommended for retention or changed registration, some were recommended for removal and a number of new places were recommended for State Heritage Register listing. These have been referred to the State Heritage Branch for consideration.

In summary, the District Wide Heritage PAR seeks to make the following changes to the Mount Barker (DC) Development Plan:

Council Wide Replacement of Heritage Objectives 52 – 55 and Principles 131- 136, and 148-152 with new provision of Mount Barker (DC) heritage policies based upon the Better Development Plan (draft) heritage modules.

Regional Town Centre Zone -The PAR will introduce a Regional Town Centre Zone - Policy Area 16 (Gawler Street Historic Conservation) to support the conservation and management of the integrity of places of identified local heritage value. The new policy area will provide guidance for future development within the heritage area including the reuse of buildings. The new policy area is compatible with existing provisions for the Regional Town Centre Zone.

Introduction of new Local Historic (Conservation) Policy Area 19
A Historic (Conservation) Policy Area 19 has been added to the Development Plan and repre4sented by way of the following figures.

The policy area is applicable to historic areas of a number of townships within the District Council of Mount Barker as follows:

1. Callington	Figure MtB HP/1)
2. Dawesley	Figure MtB HP/2)
3. Echunga	Figure MtB HP/3)
4. Kanmantoo	Figure MtB HP/4)
5. Littlehampton	Figure MtB HP/5)
6. Macclesfield	Figure MtB HP/6)
7. Meadows	Figure MtB HP/7)
8. Mount Barker, Druids Avenue	Figure MtB HP/8)
9. Mount Barker, Hack Street	Figure MtB HP/9)
10. Mount Barker, Paddy's Hill	Figure MtB HP/10)
11. Mount Barker (Exhibition Street)	Figure MtB HP/11)
12. Nairne	Figure MtB HP/12)
13. Gawler St Mt Barker (Policy Area 16)	Figure RTCe/1
14. Regional Town Centre (Policy Area 19)	Figure RTCe/1

Amendments and additions to Table MtB/11 – List of State Heritage Places

Three State heritage places are recommended for removal from the State Heritage Register. An additional 17 places have been recommended for the State Heritage Register. These have been referred to the Minister for inclusion on the State Heritage Register as places of State heritage significance. Of these, 13 are proposed for State Heritage listing. The remaining 4 satisfy the criteria for local heritage listing and will be included in Table MtB/12(list of Local Heritage Places).

Amendments to Table MtB/12 – List of Local Heritage Places

Listing of 457 local heritage places into Table MtB/12 Local Heritage Places. This includes 76 entries currently listed in the Development Plan Schedule where in most cases legal descriptions have been updated and any minor corrections in the description made. An additional 381 places are proposed to be listed.

Removal of four items from Table MtB/12 Local Heritage Places is also proposed.

Introduction of an additional Table MtB/13 – List of Contributory Items

Introduction of 241 contributory items within Historic (Conservation) Policy areas.

Introduction of an additional Table MtB/17 – Design Guidelines

A series of detailed design guidelines have also been formulated to be incorporated into the Development Plan. The guidelines will assist land owners and council staff articulate the built form elements of heritage that should need to be considered when development is proposed on heritage properties.

Consequential amendments to mapping and schedules.
The introduction of new provisions in the plan has resulted in the need to amend other parts of the Development Plan as it relates to mapping and schedules.

DISCUSSION

The formulation of the PAR has been closely aligned with the assistance given by the State Heritage Branch. The Branch has advice the following in regards to the PAR:

Fourteen of the recommended places are in the process of being assessed for interim listing on the State Heritage Register in consultation with the owners. The three places not proceeded with by the State have been assessed with regard to their local heritage significance and Council's consideration of the attached assessment reports for the following four (4) places is required:

- Former Phillips store, residence, cellar, barn and walls, Montefiore Street Callington
- Former Hack's House, Echunga
- Former Dancker store and residences, 35 Venables Street, Macclesfield.
- Dunn Memorial Church Hall Belltower & Fence

(Refer to Attachment 2 reports and recommendations)

A recommendation for the inclusion of the above places in the Local Heritage Places Schedule, with the relevant criteria within the Development Act is included for Council endorsement.

In addition, State Heritage Branch has requested that Council consider the following places recommended for removal from the State Heritage Register. Under the current administration of the State heritage legislation, delisting will not occur from the State Heritage Register until the relevant Council has listed the place for removal is protected at a local level. Council consideration of the following two (2) places against the Development Act criteria for local heritage listing (s23(4)) by Council is required as well as endorsement of inclusion in the Table of local heritage places in the Draft PAR:

- Attached Cottages 11-13 Morphett Street Mount Barker
- Crooked Billet Hotel, 62 Princes Highway, Nairne

(Refer to Attachment 2 - reports and recommendations)

It is anticipated that during the public consultation phase involving concurrent consultation with the community and agencies, the State Heritage Branch will advise of the outcome of consideration of other recommendations made by the survey with regard to State listings.

Council's Heritage Review and PAR Community Reference Group (the Reference Group) have overseen and assisted with the progress of the preparation of the PAR and confirm the draft PAR as a suitable amendment for Council to adopt and recommend to the Minister for Planning for interim authorisation. Considerable checking has occurred to ensure accuracy in proper identification of places and current ownership will need checking again prior to notification when the PAR is released for public consultation.

It is important that the Heritage PAR precede final authorisation of the Residential Plan Amendment Report , to provide growth areas while recognising the special contribution that heritage areas and places make to the district, its landscapes and townships.

If acceptable, the Heritage PAR when forwarded to the Minister for interim authorisation and concurrent agency/community consultation will trigger further reports to Council on possible incentives to assist owners in the ongoing care of properties that are of heritage significance. When adopted by Council, incentives information will be provided in a Heritage Fact Sheet explaining implications of listing and the further process of amendment following public consultation .

The next steps, following Council endorsement of the draft PAR include:

Council endorsement of PAR	• Result: Draft PAR forwarded to the Minister seeking Interim Authorisation (estimated time 8 weeks). • Draft is examined by Planning SA, minor corrections made if required prior to Minister obtaining Cabinet approval for interim authorisation during this period.
Minister endorses PAR for interim authorisation. Gazettal of Interim Authorisation and advertisements placed in daily newspaper advising of public consultation period of a minimum of two months.	Result: Prior to the gazettal date, Council will: • determine incentives, • produce fact sheet • prepare letters to all owners of local heritage and contributory places inviting feedback and comment • provide feed back sheet to assist owners Following gazettal Council • Mail out letters, fact sheet and advice regarding right of appeal against criteria for local heritage listing. • Place advertisements advising of public consultation, details of information sessions to be held during the public consultation period and the Public Hearing to be held after the closing date for written submissions. • Written representations (including objection to listing) must be received by close of business on the final date for written submissions

Consultation period and Public Hearing (3 months recommended)	• Information sessions held. • Council staff responses to preliminary queries by owners of local heritage places (and contributory items in Historic (Conservation) Policy area). • Submissions received by council • Public Hearing – representors may address the Council. • Minutes of Public Hearing taken.
Post Public and agency consultation (2-3 months)	• Submissions (including objections) summarised and report prepared for Council. • Council may appoint a heritage sub-committee to hear objections and review listing on the basis of the hearings. • Council to consider Public and Agency Consultation report. • Council may authorise amendments if required. • When satisfied, Council may either determine to proceed or not with the amendment. • If Council determines to proceed Council will advise Minister, provides report and forwards PAR with advice on Council resolution.
Final Draft PAR forwarded to Minister	• Objectors, if dissatisfied with Council's decision, may appear before the Heritage Subcommittee of the State's Development Policy Advisory Committee, who advise the Minister on PARS and planning policy. • Hearings of the Heritage Subcommittee held and recommendations prepared by the Sub-committee for Minister • Minister considers and may refer the amendment back to Council for reconsideration. • Following Council's consideration and response, Minister reports to Cabinet • Cabinet endorses final PAR Governor to approve.
Gazettal of endorsed PAR and authorisation	• Incorporation into Development Plan • Implementation of incentives program (as determined by Council)

POLICY IMPLICATIONS

Financial/budget
The PAR preparation is within budget constraints. A further report shall be brought to Council at the earliest opportunity regarding the financial implications of implementation of the PAR with regard to a possible incentives scheme that will assist owners of heritage properties to preserve their sites.

Similarly, a report on the proposed consultation strategy, including publications and displays will be provided to council following the acceptance of the Draft PAR. It should be noted that the consultation proposed in the Statement of Effect will involve four information workshops during the public consultation period.

Legal
All aspects associated with the formulation of the Heritage PAR to date and its subsequent processing will be in accordance with the relevant legislative requirements.

Staffing/Work Plans
The formulation of the PAR to date has occurred within existing resources as allocated in the 2005/06 Budget. Future resources implications of the PAR being placed on interim operation and subsequently authorised will be considered by Council when formulating the 2006/07 Budget.

Environmental

The Draft PAR progresses the environmental goals of the Council, with regard to the heritage resource of the District.

Social
Recognition of the District's cultural and physical heritage will be of benefit to the community through tourism and cultural identity. It is important that Council pursue an interactive consultation with the community particularly because the draft has been prepared without direct consultation with owners.

Strategic Plans
The amendment is in accord with Council's Strategic plan with regard to cultural heritage, tourism, and the environment.