

MINUTES OF THE MEETING of the District Council of Mount Barker held in the Council Chambers of the Local Government Centre, Mount Barker on Tuesday 5 October 2010 at 7pm.

PRESENT Mayor (A. Ferguson), Councillors Brazher-Delaine, Kuchel, Stokes, Bails, Hamilton, Zanker Irvine and Wilksch.

IN ATTENDANCE: Chief Executive Officer (A. Stuart), General Manager Council Services (N. Jeffery), Open Space Policy Planner (D. Cooney), Manager Assets & Contracts (P. Burton), Governance Officer (R. McDougall) and the Minute Secretary (S. Miller.)

The meeting opened with an **Expression of Faith** and **Welcome**.

APOLOGIES/LEAVE OF ABSENCE

Apologies: Councillor Campbell, Councillor Gamble

QUESTIONS FROM THE GALLERY (15 MINUTES)

Mr Ian Blight regarding rates enquiry.

Ms Narelle Jeffery, General Manager Council Services responded at the meeting, and Mr Andrew Stuart, Chief Executive Officer responded at the meeting, and took further questions on notice.

Ms Matilda Ball regarding:

1. The prayer at the beginning of the meeting. Mayor Ferguson responded at the meeting.
2. St Frances de Sales land sale. Mayor Ferguson responded at the meeting.
3. Depth gauges to creek. Mr David Cooney, Open Space Policy Planner provided a response at the meeting.

7.12pm Councillor Kuchel entered the Chamber and took his chair.

29 CONFIRMATION OF THE MINUTES

Moved Councillor Zanker that the minutes of the meeting held on 20 September 2010 as circulated to members be confirmed as a true and accurate record of proceedings.

Seconded Councillor Stokes and CARRIED

MAYOR'S REPORT

- SA Strategic Plan Community Session
- International Womens' Day Centenary Celebration
- Meeting with Chief Executive Officer Tourism SA, Ian Darbyshire
- Carers, Volunteers and Staff Wellness Centre opening
- Hahndorf Rifle Club Extraordinary Meeting
- Mr Jack Hurling's Funeral
- Mobilong Prison Christian Outreach Kairos Closing
- Hills Magazine Spring Edition Launch
- Strathalbyn Show

MEMBERS' REPORT

Councillor Hamilton

- Brown Dam opening
- Heysen Festival Opening

Councillor Wilksch

- AGM Echunga Recreation Grounds Committee
- Echunga Netball Club
- Adelaide Hills Farmers' Market
- Heysen Festival Opening

Councillor Irvine

- Macclesfield Association
- Meadows Bowling Club season opening

Councillor Kuchel

- Apology for late arrival

CONFLICT OF INTEREST DECLARATION

NIL

QUESTIONS WITH NOTICE

NIL

QUESTIONS WITHOUT NOTICE

Questions were asked by Councillors Hamilton and Brazher-Delaine, and taken on notice.

MOTIONS ON NOTICE

NIL

DEPUTATIONS

NIL

30 PETITIONS

- 30.1 **REPORT TITLE: PETITION RECEIVED REGARDING THE
ESTABLISHMENT OF A BMX TRACK IN
KANMANTOO**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 46/045/005

Moved Councillor Stokes that Council:

1. Receive the petition presented by Mr Simon Bouwman, on behalf of various residents of Kanmantoo.
2. Request a further report be presented on the matter for consideration.

Seconded Councillor Brazher-Delaine and CARRIED

31 REPORTS BY OFFICERS

- 31.1 **REPORT TITLE: DAVENPORT SQUARE LANDSCAPE
MASTER PLAN**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 70/040/192 – 10/46930

Moved Councillor Irvine that Council support and endorse the Draft Davenport Square Landscape Master Plan to inform future development of Davenport Square, relative to district needs.

Seconded Councillor Wilksch and CARRIED

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- 31.2 **REPORT TITLE: ALTERATIONS TO THE SOUTHERN &
HILLS LOCAL GOVERNMENT
ASSOCIATION CHARTER**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 32/055/001-19

Moved Councillor Kuchel that Council:

1. Supports the alterations to the Charter identified in the preliminary review by the SHLGA Executive Officer as shown in Attachment 1;
2. Authorise the Chief Executive Officer to write to the SHLGA in relation to Council's resolution on this matter.
3. Notes that Council will be required to vote again on the finalised charter

Seconded Councillor Stokes and CARRIED

- 31.3** **REPORT TITLE:** **SOUTHERN AND HILLS LOCAL
GOVERNMENT ASSOCIATION ANNUAL
REPORT 2009/2010**
DATE OF MEETING: **5 OCTOBER 2010**
FILE NUMBER: **32/055/001-19**

Moved Councillor Zanker that the Southern and Hills Local Government Association annual report for 2009/2010 be received.

Seconded Councillor Kuchel and CARRIED

- 31.4** **REPORT TITLE:** **DELEGATIONS REGISTER REVIEW**
DATE OF MEETING: **5 OCTOBER 2010**
FILE NUMBER: **20/015/024-02**

Moved Councillor Irvine that Council having conducted a review of part the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

- 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1 Community Titles Act 1996
- 1.1.2 Development Act 1993 and Development Regulations 2008
- 1.1.3 Local Government Act 1999
- 1.1.4 Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995 and Public and Environmental Health (Legionella) Regulations 2008

- 1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1 and 3 (each of which is individually identified as indicated below) are hereby delegated this 5th day of October 2010 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in

the Schedule of Conditions in each such proposed Instrument of Delegation.

2.1.1 Community Titles Act 1996 (Appendix 1)

2.2.2 Local Government Act 1999 (Appendix 3)

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. **Delegations made under Development Act 1993**

3.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 5 October 2010 and entitled Delegates Register Review and marked Appendix 2 (distributed under separate cover) are hereby delegated this 5th day of October 2010 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

3.2 Such powers and functions may be further delegated by the Chief Executive Officer, as the Chief Executive Officer, sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

3.3 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 5 October 2010 and entitled Attachment 2) (distributed under separate cover) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

1,1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.2, 8.2, 8.3, 10.1, 10.2, 11.3, 12.00.2, 12.00.3, 12.4, 12.5, 12.6, 12.8, 12.9, 13.2, 15.1, 17.1, 17A.1, 18.1, 19.1, 20.1, 20.2, 20.3, 21.1, 21.2, 21.3, 22.2, 22.3, 23.1, 23.1A, 23.2, 23.2A, 23.4, 24.3, 24.4, 24.4A, 24.5, 25.1, 26.1, 34.6, 49.1, 49.2, 50.1, 50.2, 50.3, 51.1, 52.1, 52.2, 55.1, 56.2, 56.3, 59.3, 61.1, 61.2, 61.3, 63.1, 63.2, 63.3, 63.4, 63.4A, 63.4B, 63.5, 64.1, 65.1, 65.2, 66.1, 67.1, 67.2, 67.3, 68.1, 69.1, 69.2, 69.3, 71.1, 76.1, 87A.1, 87C.1, 89.1, 90.1, 91.1, 92.1, 93.1, 96.1, 96.2, 96.3, 96.4, 96.5, 96.6, 96.7, 97.1

31.6 **REPORT TITLE: FUTURE USE OF FOUNDERS ROOM IN
 MOUNT BARKER TOWN HALL**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 10/130/018-04

Moved Councillor Bails that Council grant a licence for the occupancy of the Founders Room located in the Mount Barker Town Hall to Ink Pot Arts Inc. inclusive of the following:

- 1.1 The term be for a term of one (1) year with an option for renewal for further term(s) at Council's discretion; and
- 1.2 Ink Pot Arts Inc. pay an annual rental of \$11,000 plus GST for the term of the licence (1 year); and
- 1.3 Ink Pot Arts Inc. to contribute \$6,187 per annum exclusive of GST towards operating costs for the Town Hall; and
- 1.4 Ink Pot Arts Inc. be responsible for outgoings directly attributable to the Founders Room such as Council rates and charges, electricity, general maintenance and public liability insurance and costs of the preparation of a licence.
- 1.5 In recognition of the community benefit provided by Ink Pot Arts Inc. that Council provide \$17,187 exclusive of GST as a once off funding to Ink Pot Arts Inc. for the purpose of meeting rental and operational costs associated with the occupation of the Founders Room to provide benefit and increased capacity to the community.
- 1.6 That Council approve the once off funding of \$17,187 exclusive of GST as an item addressed within the next Council Budget Review.
- 1.7 Any further term(s) for a licence will be subject to Ink Pot Arts Inc. providing satisfactory evidence to Council that Ink Pot Arts Inc. has sought and secured funding to adequately contribute to rental and operating costs and to providing a future business plan acceptable to Council.

Seconded Councillor Irvine and CARRIED

Councillor Hamilton called for a DIVISION

FOR	AGAINST
Cr Kuchel	Cr Hamilton
Cr Brazher-Delaine	Cr Irvine
Cr Stokes	
Cr Wilksch	
Cr Zanker	
Cr Bails	

The original motion was CARRIED

32 INFORMATION REPORTS

Moved Councillor Brazher-Delaine that the following reports be noted en bloc.

- 32.1 **REPORT TITLE:** **MINISTERIAL MOUNT BARKER URBAN GROWTH DEVELOPMENT PLAN AMENDMENT – UPDATE ON PUBLIC MEETING AND MEDIA ACTIVITIES**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 64/005/195, 64/005/181
- 32.2 **REPORT TITLE:** **NATIONAL GROWTH AREAS ALLIANCE MARCH TO SEPTEMBER 2010 UPDATE**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 32/055/133
- 32.3 **REPORT TITLE:** **VARIANCE TO SIGNIFICANT TREE REGULATIONS**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 42/040/008
- 32.4 **REPORT TITLE:** **LOCAL GOVERNMENT ELECTIONS UPDATE - CANDIDATES**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 20/030/013
- 32.5 **REPORT TITLE:** **SA KIDS TEACHING KIDS YOUTH ENVIRONMENT CONFERENCE**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 52/030/030
- 32.6 **REPORT TITLE:** **OUTSTANDING REPORTS TABLE**
DATE OF MEETING: 5 OCTOBER 2010
FILE NUMBER: 10-030-003

Seconded Councillor Zanker and CARRIED

- 33 Moved Councillor Kuchel that in addition to the letter to Mr Buick (refer attachment 3 to Agenda Item 13.3), Mayor Ferguson write to Minister Holloway reflecting the sentiment of Council and the community regarding opposition to the changes in significant tree legislation, and to seek a meeting with the Minister to discuss the proposed changes and the impact on the Ministerial DPA and the District.

Seconded Councillor Hamilton and CARRIED

RECOMMENDATIONS FROM ADVISORY COMMITTEES

NIL

QUESTIONS ARISING FROM COUNCIL MEETING

Mr Laurie Gellon regarding Item 12.6 – Future Use of Founders Room in Mount Barker Town Hall and Caretaker Policy, Item 6.

Ms Ros McDougall, Governance Officer and Mr Andrew Stuart, Chief Executive Officer responded at the meeting, and took the question on notice.

Mrs Carol Bailey regarding Item 13.3 – Variance to Significant Tree Legislation and impact on trees of removal of top soil before development.

Mr David Cooney, Open Space Policy Planner responded at the meeting.

Mr Nathan Rogers regarding Item 12.6 – Future use of Founders Room in Mount Barker Town Hall - policy, and future use of facilities.

Mr Andrew Stuart, Chief Executive Officer responded at the meeting.

CONFIDENTIAL REPORTS

NIL

MEETING DECLARED CLOSED AT 8.38PM

MAYOR

DATE