

MINUTES OF THE MEETING of the Mount Barker District Council held in the Council Chambers at the Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker on Monday 1 July 2024 at 7pm.

PRESENT Mayor Leach
Councillors Grosser, Harding, Hardingham, Hewett, Jones, Orr, Seager, Szilassy, Voogt, Westwood.

APOLOGY NIL

IN ATTENDANCE: Chief Executive Officer (A. Stuart), Executive Manager (A. Hancock), General Manager Corporate Services (A. Oulianoff), General Manager Infrastructure (P. Burton) and the Minute Secretary (R. Jeisman).

The meeting opened with an **Expression of Faith** and **Acknowledgement of Land**.

The Mount Barker District Council notes the passing of former Mayor of the District, Mr Tony Wales. Tony Wales was Mayor of this Council from May 2003 to November 2006, his valued leadership contributed significantly to this District that we live and work in today. Tony led a life of distinguished service as an Officer with New Zealand Army and later with Australian Army. On behalf of Council Members, Council staff and the Mount Barker community, we extend our sincere condolences to Tony's family.

1. APOLOGIES/LEAVE OF ABSENCE

Leave of Absence: NIL
Apology: NIL

2. QUESTIONS FROM THE GALLERY (15 MINUTES)

- 2.1** Sheila Kavanagh, Echunga, asked questions regarding opportunity for the Echunga Memorial Institute committee members to provide feedback to Council regarding the request for assistance for the removal of asbestos from the facility; and also seeking to confirm receipt of the lease for the adjacent toilets on Battunga Road.

Ms Alison Hancock Executive Manager and Mr Alex Oulianoff General Manager Corporate Services provided answers during the meeting.

3. **CONFIRMATION OF THE MINUTES**

Moved Councillor Jones that the minutes of the meeting held on Monday 3 June 2024 as circulated to members be confirmed as a true and accurate record of proceedings.

Seconded Councillor Szilassy

CARRIED
OM20240701.01

4. **CONFLICT OF INTEREST DECLARATION**

4.1 **Disclosure of Material Conflict of Interest Declaration**

NIL

4.2 **Disclosure of General Conflict of Interest Declaration**

- 4.2.1 Date of Meeting : 1 July 2024
Councillor Name : **Cr Harding**
Matter to be Discussed : 12.8 Community Sports Centre at St Francis De Sales College – Community Use
Nature of interest : Cr Harding declared a **general** conflict due to a personal connection to the school and a family member who plays and referees sport at the community sports centre.
Intention is to stay to debate and vote as the family members are not office holders of any related organisations.

5. **DEPUTATIONS**

NIL

6. **QUESTIONS WITH NOTICE**

- 6.1 **TITLE: COLLECTION OF FIREWOOD**
DATE: 1 JULY 2024
FILE: DOC/24/87199

Questions asked by Councillor Grosser

A local MP in recent media interviews, including a Courier article on April 24th, 2024, has supported collection of firewood under permit from forests and reserves. Residents are interested to know Council's position on collection of firewood from reserves and roadsides.

- a. What areas fall under Council's existing remit and jurisdiction? What areas and impacts can Council control?
- b. What is Council's existing position on the removal of fallen wood from roadsides and parks within its jurisdiction?

Councillor Ian Grosser

21 June 2024

Officer response:

Council has jurisdiction over land under its care and control and ownership which extends to reserves, parks and roadsides. It does not have any jurisdiction over State forests or reserves.

Section 221 of the Local Government Act 1999 stipulates that the removal of vegetation (this includes firewood) from roadsides is prohibited unless authorised to do so under a permit from Council.

Council's Local Government Land By-law (by-law 4) prohibits people from interfering or removing vegetation from all Local Government Land.

Council's endorsed Biodiversity Strategy clearly states that the collection of firewood from roadsides has the potential to damage valuable remnant vegetation. It acknowledges that fallen timber provides shelter and foraging places for native animals. It shelters young seedlings and small plants from heat and drying winds and is important in the recycling of nutrients. Category 1 and 2 Native Vegetation Significant Roadside Marker Sites (NVRMS) have signage that includes no collection of wood on roadsides. An update of Council's Native Vegetation Roadside Management Plan is planned for later in 2024 and a briefing will be provided to Council on this in coming months.

As a side note, any illegal clearance of native vegetation can be referred to the Native Vegetation Council.

Phil Burton

General Manager Infrastructure

7. QUESTIONS WITHOUT NOTICE - COUNCILLORS

NIL

8. MOTIONS ON NOTICE

NIL

9. **MOTIONS WITHOUT NOTICE**

7:08pm Councillor Ian Grosser rose from his chair

7:09pm Councillor Ian Grosser took his chair

- 9.1 Moved Councillor Grosser that Council endorse that the ward donation originally allocated at the 3 June 2024 Council meeting of \$120 to 'the Friends of the Library for their Maker Space activities', be paid to the Friends of the Library towards their events and activities.

Seconded Councillor Orr

CARRIED
OM20240701.02

10. **PETITIONS**

NIL

11. **RECOMMENDATIONS FROM COMMITTEES**

11.1 **AUDIT AND RISK COMMITTEE – 20 JUNE 2024**

11.1.1	REPORT TITLE:	MINUTES OF SECTION 41 COMMITTEE – AUDIT AND RISK COMMITTEE MEETING 20 JUNE 2024
	DATE OF MEETING:	20 JUNE 2024
	FILE NUMBER:	DOC/24/86408
	ATTACHMENTS:	<i>Minutes provided separately on Council's website – Audit and Risk Committee Minutes 20 June 2024 (click here)</i>

Moved Councillor Szilassy that Council receive and note the minutes of the Audit and Risk Committee meeting held 20 June 2024 as circulated to Council Members and available on the Audit and Risk Committee page of Council's website.

Seconded Councillor Westwood

CARRIED
OM20240701.03

12. REPORTS

12.1	REPORT TITLE:	ADOPTION OF 2024/25 FEES AND CHARGES REGISTER
	DATE OF MEETING:	1 JULY 2024
	FILE NUMBER:	DOC/24/41004
	ATTACHMENTS:	A1. DOC/24/87150 – 2024/25 DRAFT REGISTER OF FEES & CHARGES

Moved Councillor Jones that Council:

1. Adopt the 2024/25 Register of Fees and Charges for fees and charges set by Council and under delegation as attached which includes fees that are payable by developers in relation to infrastructure provision; and
2. Note that statutory fees and charges set by the State Government will be included in the fees and charges register available on Council's website, subsequent to gazettal by the State Government.

Seconded Councillor Voogt

CARRIED
OM20240701.04

12.2	REPORT TITLE:	RAILWAY CREEK/MOUNT BARKER CREEK AND BERNHARDT COURT FLOOD MITIGATION
	DATE OF MEETING:	1 JULY 2024
	FILE NUMBER:	DOC/24/25422
	ATTACHMENTS:	A1: DOC/24/61272– DRAFT CONCEPT DESIGN RAILWAY CREEK/MOUNT BARKER CREEK AND BERNHARDT COURT FLOOD MITIGATION A2: DOC/24/33781 – COMMUNITY AND STAKEHOLDER ENGAGEMENT PLAN

Moved Councillor Harding that Council:

1. Endorse the draft concept design and proposed works (as shown in Attachment 1) for community engagement in accordance with the community and stakeholder engagement plan (as shown in Attachment 2)
2. Note that a further report on the results of community engagement will be presented to Council in September 2024 ahead of progressing further detailed design.

Seconded Councillor Jones

CARRIED
OM20240701.05

12.3 **REPORT TITLE:** **PERMANGK RUWE (LAND) MANAGEMENT USING KIRI (FIRE) - GRANT APPLICATION**
DATE OF MEETING: **1 JULY 2024**
FILE NUMBER: **DOC/24/42543**

Moved Councillor Szilassy that Council retrospectively endorse for Council to auspice the Sugar Shack Aboriginal Corporation grant submission to the Australian Government National Emergency Management Agency (via the SA Fire and Emergency Services Commission) Disaster Ready Fund for a \$2.4 million grant to awaken Peramangk cultural practices through kiri (fire).

Seconded Councillor Voogt

CARRIED
OM20240701.06

12.4 **REPORT TITLE:** **CHILD AND YOUTH ACTION PLAN FOR ENDORSEMENT**
DATE OF MEETING: **1 JULY 2024**
FILE NUMBER: **DOC/24/42543**
ATTCAHMENTS: **A1. DOC/24/79835 - CHILD AND YOUTH ACTION PLAN (FINAL) FOR ENDORSEMENT**
A2. DOC/24/62770 - SUMMARY OF COMMUNITY FEEDBACK AND AMENDMENTS TO DRAFT PLAN

Moved Councillor Harding that Council

1. Note the community feedback received and the summary of consultation contained in Attachment 2.
2. Endorse the Child and Youth Action Plan in Attachment 1 for implementation.

Seconded Councillor Jones

CARRIED
OM20240701.07

12.5 **REPORT TITLE:** **CLOSURE OF A PORTION OF FIDLER LANE**
DATE OF MEETING: **1 JULY 2024**
FILE NUMBER: **DOC/24/74893**
ATTACHMENTS: **A1. DOC/24/64094 - SUMMARY OF CONSULTATION**
A2. DOC/24/40617 - MAP OF PROPOSED CLOSURE OF FIDLER LANE

Moved Councillor Grosser that Council:

1. Note the results of community engagement (as shown in attachment 1);



2. Pursuant to Section 32(1)(b) of the *Road Traffic Act 1961* authorise the closure of a portion of Fidler Lane, Mount Barker at its western end from Barker Road to 1100m east (as shown in attachment 2) to motor vehicles.
3. Note the considerable community support for keeping Fidler Lane open to pedestrians and cyclists and the further work required to prepare a suitable safety argument to the satisfaction of SteamRanger to enable a compliant at-grade crossing to remain open.
4. Note that further design development and implementation of rail crossing improvements will be required and this will be considered at a future budget review.

Seconded Councillor Harding

CARRIED
OM20240701.08

12.6	REPORT TITLE:	ADELAIDE HILLS RALLY ROAD CLOSURES FOR EVENT
	DATE OF MEETING:	1 JULY 2024
	FILE NUMBER:	DOC/24/80915
	ATTACHMENTS:	A1. DOC/24/81351 – ADELAIDE HILLS RALLY PROPOSAL

Moved Councillor Hewett that Council:

1. Pursuant to the powers conferred by virtue of Section 33 of the Road Traffic Act 1961 and Clause G of the Minister's "Instrument of General Approval and Delegation to Council – Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events" dated 2013, order road closures of roads under Council's care and control for the 2024 Adelaide Hills Rally for those roads required for the event as contained in Attachment 1.
2. Authorise that persons taking part in the 2024 Adelaide Hills Rally event be exempted, in relation to the specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles during the timeframe of the road closure.
3. Note detours will be placed to divert traffic around the affected areas, supervised by SA Police personnel, authorised traffic management personnel and Rally Marshalls.
4. Authorise the CEO or delegate to enact any minor amendments to the proposed road closures.

Seconded Councillor Voogt

CARRIED
OM20240701.09



- 12.7** **REPORT TITLE:** **ADELAIDE HILLS REGION WASTE MANAGEMENT
AUTHORITY FINAL STRATEGIC PLAN 2024-34
FOR APPROVAL**
- DATE OF MEETING:** **1 JULY 2024**
- FILE NUMBER:** **DOC/24/78905**
- ATTACHMENTS:** **1. DOC/24/78896 – AHRWMA STRATEGIC PLAN
2024-34 LETTER FROM THE CHAIR TO MBDC
2. DOC/24/78889 – AHRWMA STRATEGIC PLAN
2024-34**

Moved Councillor Westwood that Council endorse the AHRWMA Strategic Plan 2024-34 as shown in Attachment 2.

Seconded Councillor Seager

CARRIED
OM20240701.10

Disclosure of General Conflict of Interest Declaration

Refer to Item : 4.2.1

Councillor Harding declared a general conflict due to a personal connection to the school and a family member who plays and referees sport at the community sports centre. Councillor Harding advised she would remain in the chamber and participate in the debate and vote. :

- 12.8** **REPORT TITLE:** **COMMUNITY SPORTS CENTRE AT ST FRANCIS
DE SALES COLLEGE - COMMUNITY USE**
- DATE OF MEETING:** **1 JULY 2024**
- FILE NUMBER:** **DOC/24/71433**

Moved Councillor Seager that Council:

- 1) Appoint to the Management Committee of the St Francis de Sales College Community Sports Centre for the period of two years commencing on 1 August 2024:
 - a) Mr Alex Oulianoff, General Manager, Corporate Services to be a Member; and
 - b) Mrs Laura Morgan, Manager Property to be a Proxy Member.
- 2) Note the summary of community use at the Community Sports Centre as detailed at Table 1 and Table 2 of this report.

Seconded Councillor Jones

CARRIED
OM20240701.11

Councillor Harding voted in the affirmative.



- 12.9** **REPORT TITLE:** **COUNCIL HIGH STRATEGIC RISKS (EXCLUDING THE WASTEWATER SERVICE)**
DATE OF MEETING: **1 JULY 2024**
FILE NUMBER: **DOC/24/86776**
ATTACHMENTS: **1. DOC/24/80955 – STRATEGIC RISK SUMMARY (EXCLUDING WASTE WATER)**
2. DOC/24/6793 – STRATEGIC RISK SUMMARY (EXCLUDING WASTE WATER) (Reported to ARC 25 JANUARY 2024)

Moved Councillor Hewett that Council note the Audit and Risk Committee 20 June 2024 recommendation to Council that the High and Very High Strategic Risk Report be received and noted with corrections highlighted by the Committee.

Seconded Councillor Jones

CARRIED
OM20240701.12

Moved Councillor Jones that Council receive and note the High and Very High Strategic Risk Report, noting the correction requested by the Audit and Risk Committee as it relates to Risk 9: WHS & Staff safety has been reviewed and actioned.

Seconded Councillor Szilassy

CARRIED
OM20240701.13

13. INFORMATION REPORTS

Moved Councillor Grosser that the following information report be noted.

- 13.1** **REPORT TITLE:** **ROAD SPEED LIMIT CHANGES UPDATE**
DATE OF MEETING: **1 JULY 2024**
FILE NUMBER: **DOC/24/85439**

Seconded Councillor Hewett

CARRIED
OM20240701.14

14. QUARTERLY REPORTS

Moved Councillor Westwood that the following quarterly reports be noted enbloc.

- 14.1** **REPORT TITLE:** **SOUTHERN & HILLS LOCAL GOVERNMENT ASSOCIATION UPDATE**
DATE OF MEETING: **1 JULY 2024**
FILE NUMBER: **DOC/24/79940**



**14.2 REPORT TITLE: REGIONAL DEVELOPMENT AUSTRALIA AHFKI
QUARTERLY PROJECT REPORT (JAN-MAR 2024)**
DATE OF MEETING: 1 JULY 2024
FILE NUMBER: DOC/24/77885

Seconded Councillor Orr

CARRIED
OM20240701.15

15. **MAYOR'S REPORT**

Activity
Resilient Food seminar
Media interview Glebe bike track
Pastoral meeting
Truck bypass meeting with Adelaide Hills Transport Group
Littlehampton Community Association
CFS community health meeting re PFAS at Brukunga
Winter Arts discussion Auchendarroch House
Emergency Service Disaster Seminar
Freight Forum
UDIA lunch with Treasurer Mulligan Adelaide Oval
Lions Club handover Mount Barker
Media call Ch7 re Cat bylaws
Woven at Flaxley catch up discuss arts program and incorporation.
Meet Minister for Education Boyer and staff Parliament House
Regional Aquatic & Leisure Centre community reference group meeting.
Audit and Risk Committee
CWMS conference Laratinga Pavilion
Multiple agency lunch with Premier Malinauskas Adelaide Convention Centre
Meet resident to discuss communication issues
Lunch with former TAFE lecturer Nairne
Callington drop in meeting with Callington Councillors, Murray Bridge Rural City Mayor & CEOs
Benson Radiology opening new equipment in Mount Barker rooms.

16. MEMBERS' REPORTS

16.1 Councillor Szilassy

Date	Activity
3 June	Council meeting
3 June	Confidential briefing session
3, 11, 17 June	Information and briefing sessions
5 June	Meeting with Council staff & Nairne Oval Committee
6 June	Adelaide Hills Reconciliation Working group, online meeting
11 June	Littlehampton Community Association June meeting
11 June	CFS: PFAS Community Consultation Session at Brukung State Training Centre
13 June	Council's Winter Arts Networking Event
17 June	Public meeting for Annual Business Plan
20 June	Friends of the Library meeting, Mt Barker Community Library
22 June	Nairne Bremer United Football Club, Sponsors & Supporters Day
24 June	Strategy Day, Elected Members and Executive staff
25 June	Industry event, South Australia's Housing Roadmap
Ongoing	Phone calls and emails with North Ward residents

17. QUESTIONS ARISING FROM COUNCIL MEETING

NIL

MEETING DECLARED CLOSED AT 7:40 PM

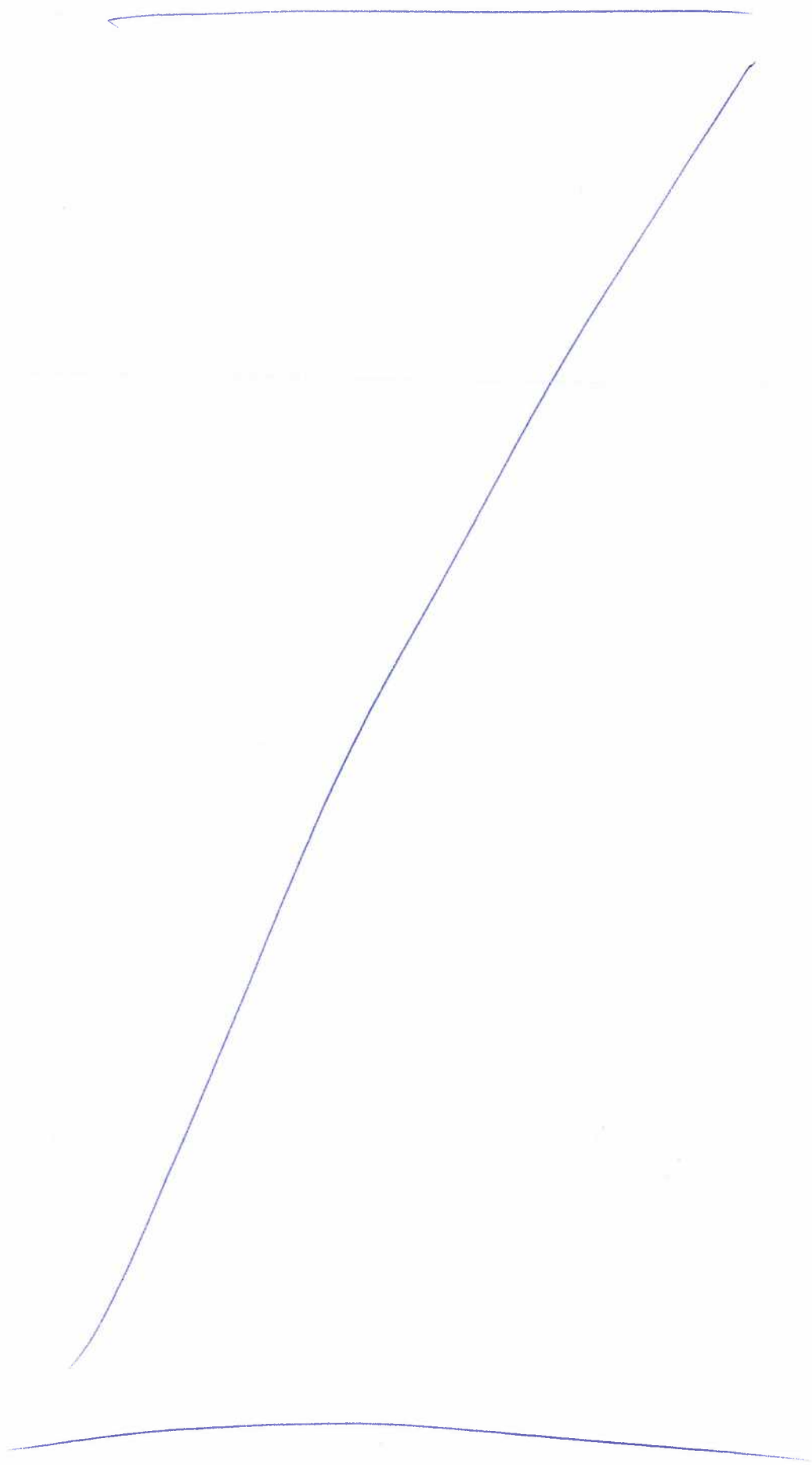


MAYOR



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