



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

8 July 2020

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON WEDNESDAY, 8 JULY 2020 AT 5.30PM**

1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR

Mayor Darren Braund welcomed everyone to the meeting and declared the meeting open.

2 OPENING PRAYER

3 PRESENT

Mayor Darren Braund, Cr John Rich, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr David Langford

In Attendance

Andrew Cameron (CEO), Sid Jain (Acting Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Natalie McDonald (Minute Secretary)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Tania Stock, Cr Naomi Bittner, Cr Kristin Murdock and Cr Roger Johns.

6 CONFLICT OF INTEREST

Mayor Darren Braund reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Richard Carruthers

That the minutes of the Ordinary Council Meeting held on 10 June 2020 be confirmed.

CARRIED 151/2020 (8/07/2020)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr David Langford

That the minutes of the Confidential Council Meeting held on 10 June 2020 be confirmed.

- Independent Appointment of Audit Committee

CARRIED 152/2020 (8/07/2020)

RESOLUTION

Moved: Cr Anthony Bennett
Seconded: Cr Leanne O'Brien

That the minutes of the Confidential Council Meeting held on 10 June 2020 be confirmed.

- Request for Dissolution of Deed via Discounted Payout

CARRIED 153/2020 (8/07/2020)

RESOLUTION

Moved: Cr David Langford
Seconded: Cr John Rich

That the minutes of the Confidential Special Council Meeting held on 17 June 2020 be confirmed.

- Chief Executive Officer's Performance Review

CARRIED 154/2020 (8/07/2020)

RESOLUTION

Moved: Cr Leanne O'Brien
Seconded: Cr Anthony Bennett

That the minutes of the Special Council Meeting held on 24 June 2020 be confirmed.

- 2020/2021 Annual Business Plan
- Formal Adoption of 2020/2021 Budget, Property Valuations and Declaration of Rates and Services Charges
- Fees and Charges 2020/2021

CARRIED 155/2020 (8/07/2020)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR

Mayor Darren Braund gave a verbal update to his Mayor's Monthly Report including:

- Congratulations to Council in particular the CEO and senior staff for the way they have navigated through the COVID-19 pandemic. The handling of the situation has been commendable.
- I want to publicly acknowledge our CEO Andrew Cameron and the directors David Harding, Trevor Graham and Roger Brooks who volunteered to forgo their scheduled pay rises for this current year due to the uncertain times. This demonstrates their commitment to our local area not just as employees but as members of the Yorke Peninsula community.

12.1 MAYOR'S MONTHLY REPORT JUNE 2020**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of June 2020.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr David Langford

That the report be received.

CARRIED 156/2020 (8/07/2020)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

15 RECEIPT OF INFORMATION REPORTS

Cr Meyer questioned Item 25.2 (028/2020) from the Council Meeting Action List. Querying whether Happy Kidz Child Care Centre signed the lease documentation. Roger Brooks responded that the Lease had not been executed as Happy Kidz were unsure as to how they wish to proceed.

CEO responded the matter would be taken to a Workshop on 22 July 2020.

Cr O'Brien commented on Item 16.5 – Inclusive and Accessible Tourism Experiences for the Yorke Peninsula - Acknowledging that this is a great initiative.

Cr O'Brien also commented on Item 19.1 – Inspectorial Report – Stating it was fabulous to see the number of bush camp sites being utilised over the June long weekend.

ADOPTION OF INFORMATION AGENDA

Moved: Cr David Langford
Seconded: Cr Anthony Bennett

That the information items contained within the Information Agenda be received.

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA**21 MAYOR****21.1 BUSH FIRE RECOVERY PROPOSAL - FINANCIAL CONTRIBUTION****PURPOSE**

To seek endorsement for a financial contribution to be made from Council to the Southern Yorke Peninsula Community (SYP) Hub to continue fire recovery support in the wake of the Maitland, Price and Yorketown bushfires.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Richard Carruthers

That Council endorse a financial contribution of \$200 per week to the Southern Yorke Peninsula Community Hub to continue fire recovery support, concluding November 2020.

CARRIED 157/2020 (8/07/2020)

22 CHIEF EXECUTIVE OFFICER**22.1 GENETICALLY MODIFIED CROPS MORATORIUM****PURPOSE**

To determine whether Council wishes to undertake the necessary community engagement given the recent changes to the *Genetically Modified Crops Management Act 2004*.

The amendments to the Act lifts the long-standing Moratorium on the cultivation of genetically modified (GM) crops on mainland South Australia, however they also provide SA councils with an opportunity to apply to remain a GM-free council area.

An application to remain a GM-free council area must be made to the Minister by 30 September 2020 and will only be considered on the basis of adverse marketing impacts. The final decision on the Moratorium remains with the Minister for Primary Industries and Regional Development.

RESOLUTION

Moved: Cr Anthony Bennett

Seconded: Cr David Langford

That Council:

1. Receive and note the initial views on the Genetically Modified Crops Moratorium.
2. Not proceed with the consultation requirements pursuant to Section 5A(2) of the Genetically Modified Crops Management Act 2004, and not seek an application to the Minister for Primary Industries and Regional Development to have the council area designated as an area of the State where genetically modified food crops must not be cultivated.

CARRIED 158/2020 (8/07/2020)

22.2 BUSINESS SA - LOCAL BUSINESS SUPPORT AND RECOVERY PROGRAM**PURPOSE**

To consider and endorse a proposal put forward by Business SA to support our local businesses, particularly those impacted by COVID-19.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr David Langford

That the matter lay on the table.

CARRIED 159/2020 (8/07/2020)

22.3 RATES RELIEF - 2019/2020 COVID-19 REVIEW

PURPOSE

The purpose of this report is for Council to review rates relief measures put in place in April 2020, for ratepayers experiencing hardship due to the COVID-19 pandemic and associated restrictions.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Richard Carruthers

That Council:

1. offer deferral of all unpaid 2019/2020 rates and charges (including amounts already in arrears) for all rateable properties for the period 1 August 2020 to 30 September 2020 to those experiencing hardship due to COVID-19 in accordance with Council's PO060 Rates Relief Policy; and
2. approve that no fines and interest be incurred on outstanding rates and charges for the period 1 August 2020 to 30 September 2020; and
3. conduct a review of these arrangements during September 2020 or immediately following the cessation of the pandemic if sooner.

CARRIED 160/2020 (8/07/2020)

22.4 DELEGATIONS REGISTER REVIEW

PURPOSE

Council has conducted a review of its Delegations Register R007, in accordance with Section 44(6a) of the Local Government Act 1999, as a result of legislative change.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Anthony Bennett

That having conducted a review of the Council's Delegations Register R007 in accordance with Section 44(6a) 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 Dog & Cat Management Act 1995
 - 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
 - 1.1.5 Expiation of Offences Act 1996 (with effect from 30 April 2018)

- 1.1.6 Fences Act 1975
- 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.8 Fines Enforcement and Debt Recovery Act 2017
- 1.1.9 Food Act 2001
- 1.1.10 Freedom of Information Act 1991
- 1.1.11 Deliberately left blank
- 1.1.12 Land & Business (Sale and Conveyancing) Act 1994
- 1.1.13 Liquor Licensing Act 1997
- 1.1.14 Local Government Act 1999
- 1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.16 Roads (Opening & Closing) Act 1991
- 1.1.17 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 1.1.18 South Australian Public Health Act 2011 the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013
- 1.1.19 Supported Residential Facilities Act 1992
- 1.1.20 Unclaimed Goods Act 1987
- 1.1.21 Work Health and Safety Act 2012
- 1.1.22 Safe Drinking Water Act 2011
- 1.1.23 Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.24 Real Property Act 1886
- 1.1.25 Strata Titles Act 1988
- 1.1.26 Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.27 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 1.1.28 Electronic Conveyancing National Law (South Australia) Act 2013
- 1.1.29 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017

- 1.1.30 Planning, Development and Infrastructure Act 2016
- 1.1.31 Electricity Act 1996
- 1.1.32 Gas Act 1997
- 1.1.33 State Records Act 1997.

1.2 Hereby revokes its previous delegations to its Council 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 (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 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
- 2.1.2 Dog & Cat Management Act 1995
- 2.1.3 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
- 2.1.4 Expiation of Offences Act 1996 (with effect from 30 April 2018)
- 2.1.5 Fences Act 1975
- 2.1.6 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 2.1.7 Freedom of Information Act 1991
- 2.1.8 Deliberately left blank
- 2.1.9 Land & Business (Sale & Conveyancing) Act 1994
- 2.1.10 Liquor Licensing Act 1997
- 2.1.11 Local Government Act 1999
- 2.1.12 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 2.1.13 Roads (Opening and Closing) Act 1991
- 2.1.14 Work Health and Safety Act 2012
- 2.1.15 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 2.1.16 Unclaimed Goods Act 1987

- 2.1.17 South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013
 - 2.1.18 Safe Drinking Water Act 2011
 - 2.1.19 Water Industry Act 2012 and Water Industry Regulations 2012
 - 2.1.20 Real Property Act 1886
 - 2.1.21 Strata Titles Act 1988
 - 2.1.22 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
 - 2.1.23 Electronic Conveyancing National Law (South Australia) Act 2013
 - 2.1.24 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
 - 2.1.25 Planning, Development and Infrastructure Act 2016
 - 2.1.26 Fines Enforcement and Debt Recovery Act 2017 (with effect from 30 April 2018)
 - 2.1.27 Electricity Act 1996
 - 2.1.28 Gas Act 1997
 - 2.1.29 State Records Act 1997
- 2.2 In exercise of the power contained in Section 44 of the Local Government Act 1999 Local Government Act 1999 hereby delegates, on this 8th day of July 2020, to the person occupying the office of Chief Executive Officer of the Council the powers and functions under the Local Government Act 1999, the operation of which has been varied under the Public Access and Public Consultation Notice (No 2) 2020 (Attachment 1), and set out below subject to the conditions and/or limitations, if any, specified herein:
- (a) the power pursuant to Section 45(2) of the Local Government Act 1999 to, if the delegate is satisfied it is reasonably necessary as a result of the public health emergency, to:
 - (i) close the principal office of the Council; or
 - (ii) vary the transaction of business hours at the principal office of the Council;
 - (b) the power pursuant to Section 45(3) of the Local Government Act 1999 if the Council closes its principal office or varies the transaction of business hours in accordance with Section 45(2) of the Local Government Act 1999, to, as soon as reasonably practicable, take reasonable steps to:
 - (i) make alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the principal office of the Council;

- (ii) inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements to access those services;
- (c) the power pursuant to Section 45(4)(b) of the Local Government Act 1999 to satisfy any obligation under the Local Government Act 1999 to make a document available for inspection at the principal office of the Council by making the document available for inspection at an alternative place or by an alternative means as determined by the delegate;
- (d) the power pursuant to Section 45(5) of the Local Government Act 1999, if the Council or Chief Executive Officer makes a document available for inspection in accordance with Section 45(4) of the Local Government Act 1999, to, as soon as reasonably practicable, take reasonable steps to inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements for inspection of the document;
- (e) the power pursuant to Section 45(10) of the Local Government Act 1999 if the Council makes copies of a document available in accordance with Sections 45(8) or (9) of the Local Government Act 1999, to, as soon as reasonably practicable, take reasonable steps to inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements for provision of copies of the document;
- (f) the power pursuant to Section 50(5a) of the Local Government Act 1999 to alter the Council's Public Consultation Policy or substitute a new policy without undertaking public consultation, even if the Council's existing Public Consultation Policy requires the Council to conduct public consultation;
- (g) the power pursuant to Section 123(5) of the Local Government Act 1999 to ensure that copies of the draft annual business plan are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the Local Government Act 1999) and on the website at least 21 days before the end of the period for providing written submissions;
- (h) the power pursuant to Section 151(8) of the Local Government Act 1999 to ensure that copies of the report (which relates to proposed rating changes) required under Section 151(5)(d) are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the Local Government Act 1999) at least 21 days before the end of the period for public consultation;
- (i) the power pursuant to Section 156(14e) of the Local Government Act 1999 to ensure that copies of the report required under section 156(14a)(a) (which relates to changes about declaring differential rates) of the Local Government Act 1999 are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the Local Government Act 1999) at least 21 days before the end of the period for public consultation;

These delegations specified in paragraph 2.2:

- (a) operate and have effect for the period the Public Access and Public Consultation Notice (No 2) 2020 has effect (Attachment 1);
- (b) for the period the Public Access and Public Consultation Notice (No 2) 2020 (Attachment 1) has effect, take precedence in the event of any inconsistency between these delegations and any other delegations made by the Council to the person occupying the office of Chief Executive Officer of the Council prior to the date of the making of these delegations;

2.3 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 (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 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 (attaching to this report and provided under separate cover) are hereby delegated to the Council's 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.

4. **Delegations made under Food Act 2001**

4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

4.2 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 Food Act 2001.

5. **Delegations under Supported Residential Facilities Act 1992**

5.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 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 Supported Residential Facilities Act 1992.

- 5.2 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 Supported Residential Facilities Act 1992.

6. Authorisations and Sub-delegations under the Road Traffic Act 1961

- 6.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Trevor Graham - Director Assets & Infrastructure Services

Roy Dick - Works Manager

Stephen Goldsworthy - Operations Manager

Nicholas Hoskin - Operations Coordinator

Michael McCauley – Asset Manager

Phillip Herrmann – Senior Compliance Officer

- 6.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Trevor Graham - Director Assets & Infrastructure Services

Roy Dick - Works Manager

Stephen Goldsworthy - Operations Manager

Nicholas Hoskin - Operations Coordinator

Michael McCauley – Asset Manager

- 6.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Sub-delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Sub-delegation; and
- (iii) the creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.

- 6.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

Trevor Graham (Director Assets & Infrastructure Services)

Roy Dick (Works Manager)

Stephen Goldsworthy (Operations Manager)

Nicholas Hoskin (Operations Coordinator)

Dwayne Werfel (Works Supervisor North)

Guido Varricchio (Works Supervisor South)

Jason Coe (Leading Worker Central)

Michael Wuttke (Leading Worker North)

Stuart Heinrich-Smith (Leading Worker South)

Phillip Herrmann (Senior Compliance Officer)

Michael McCauley – Asset Manager

7. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

- 7.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 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 Safe Drinking Water Act 2011.

- 7.2 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 Safe Drinking Water Act 2011.

8. Delegations under Fire and Emergency Services Act 2005 to a Fire Prevention Officer

- 8.1 In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 to the person appointed Fire Prevention Officer of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.

- 8.2 Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention 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 Fire and Emergency Services Act 2005.

9. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

- 9.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 and Section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act 2013 contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 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 Heavy Vehicle National Law (South Australia) Act 2013.
- 9.2 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 Heavy Vehicle National Law (South Australia) Act 2013.

10. Delegations under Council By-Laws

- 10.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following By-Laws and specified in the proposed Instruments of Delegation for By-Laws (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 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 the proposed Instruments of Delegation for the By-Laws:
- 10.1.1 By-law No 1 - Permits and Penalties By-Law 2013
 - 10.1.2 By-law No 2 - Local Government Land By-Law 2013
 - 10.1.3 By-law No 3 – Roads By-Law 2013
 - 10.1.4 By-law No 4 - Moveable Signs By-Law 2013
 - 10.1.5 By-law No 5 - Dogs and Cats By-Law 2013
 - 10.1.6 By-law No 6 - Nuisances Caused By Building Sites By-Law 2013
 - 10.1.7 By-law No 7 – Port Vincent Marina By-Law 2013
- 10.2 The Chief Executive Officer is authorised to sub-delegate these powers to other employees of the Council as the Chief Executive Officer considers fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-Laws.

11. Delegations under The Planning, Development and Infrastructure Act 2016 to Delegate Powers of the Council as a Council, Designated Authority and Designated Entity

- 11.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and regulations made thereunder contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

11.2 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 the proposed Instrument of Delegation.

12. Delegations under The Planning, Development and Infrastructure Act 2016 to Delegate Powers of the Council as a Relevant Authority

12.1 In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and regulations made thereunder contained in the proposed Instrument of Delegation (attaching to this report and provided under separate cover) are hereby delegated this 8th day of July 2020 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

12.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

CARRIED 161/2020 (8/07/2020)

22.5 NEW POLICY - PO178 COMMUNITY EMERGENCY MANAGEMENT AND DISASTER RECOVERY

PURPOSE

To seek endorsement from Council for the adoption of the new PO178 Community Emergency Management and Disaster Recovery Policy.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Leanne O'Brien

That Council endorse and adopt the new PO178 Community Emergency Management and Disaster Recovery Policy, as presented, for inclusion in Council's Policy Manual and on Council's website.

CARRIED 162/2020 (8/07/2020)

22.6 POLICY UPDATE - PO014 EMPLOYEE CODE OF CONDUCT**PURPOSE**

To seek endorsement for the updated Employee Code of Conduct Policy (PO014).

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Richard Carruthers

That Council endorse and adopt the updated Employee Code of Conduct Policy (PO014) for inclusion in Council's Policy Manual and on Council's website.

CARRIED 163/2020 (8/07/2020)

23 CORPORATE AND COMMUNITY SERVICES**23.1 REVISED BUSINESS CONTINUITY PLAN 2020****PURPOSE**

To seek Council endorsement and adoption of the updated Business Continuity Plan 2020 (BCP).

RESOLUTION

Moved: Cr John Rich

Seconded: Cr David Langford

That Council endorse and adopt the updated Business Continuity Plan 2020, as presented, for inclusion in Council's Policy Manual and on Council's website.

CARRIED 164/2020 (8/07/2020)

23.2 RATE REBATE REQUEST - PORT JULIA PROGRESS ASSOCIATION**PURPOSE**

For Council to consider a rate rebate application received from Port Julia Progress Association for land leased from Council which is used as a camp ground.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Anthony Bennett

RECOMMENDATION

That Council do not grant a rate rebate to the Port Julia Progress Association for the property at 2-4 Osprey Street Port Julia (Assessment no. 313700) for 2019/2020 and future financial years.

CARRIED 165/2020 (8/07/2020)

23.3 CONVERSION OF CASH ADVANCE DEBENTURE FACILITY**PURPOSE**

For Council to endorse the conversion of its current \$3m Convertible Cash Advance Debenture No. 58 (CAD) facility to a discounted CAD, offered to Councils by the Local Government Finance Authority (LGFA) to assist the Local Government sector to reduce the financial impact of COVID-19.

RESOLUTION

Moved: Cr Leanne O'Brien
Seconded: Cr Anthony Bennett

That Council:

1. Approve the conversion of its current Convertible Cash Advance Debenture No. 58 held with the LGFA to the discounted Convertible Cash Advance Debenture; and
2. Authorise the Mayor and Chief Executive Officer to sign and seal any documentation to give effect to this resolution.

CARRIED 166/2020 (8/07/2020)

24 ASSETS AND INFRASTRUCTURE SERVICES**24.1 DRAFT COASTAL MANAGEMENT STRATEGY SECTION TWO: CORNY POINT TO COUNCIL BORDER (THE GAP) - PUBLIC CONSULTATION****PURPOSE**

To seek Council endorsement to undertake public consultation in regard to the Draft Coastal Management Strategy Section Two: Corny Point to Council Border (The Gap) (provided under separate cover).

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Anthony Bennett

That Council endorse the Draft Coast Management Strategy Section Two: Corny Point to Council Border (The Gap) to undergo public consultation.

CARRIED 167/2020 (8/07/2020)

25 DEVELOPMENT SERVICES**25.1 REVIEW AND ADOPTION OF COUNCIL ASSESSMENT PANEL POLICIES****PURPOSE**

To seek endorsement and approval from Council for the new, draft PO180 Notification - Accredited Professionals Policy and the updated PO127 Council Assessment Panel Delegations Policy.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr John Rich

That Council:

1. endorse and adopt the new, draft PO180 Notification - Accredited Professionals Policy for inclusion in Council's Policy Manual and on Council's website; and
2. endorse and adopt the updated PO127 Council Assessment Panel Delegations Policy for inclusion in Council's Policy Manual and on Council's website.

CARRIED 168/2020 (8/07/2020)

25.2 UPDATE - IMPLEMENTATION OF PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT**PURPOSE**

To provide Elected Members with correspondence received from Mr Michael Lennon, Chair of the State Planning Commission regarding the commencement of the E-Planning System for phase 2 Councils and feedback regarding a submission made by Council in relation to the State-wide Planning Design Code.

RESOLUTION

Moved: Cr John Rich

Seconded: Cr Adam Meyer

That Council:

1. receive the correspondence dated 5 June 2020 from the State Planning Commission.
2. endorse the actions of staff in pursuing minor changes to the Planning Design Code to ensure a smooth transition to the E-Planning System.

CARRIED 169/2020 (8/07/2020)

25.3 PROPOSED BY-LAWS 2020**PURPOSE**

To consider the submissions received in relation to the By-law community consultation and to consider the adoption of the proposed By-laws of 2020.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Adam Meyer

That Council proceed to the next order of business.

CARRIED 170/2020 (8/07/2020)

26 GENERAL BUSINESS

Section 85 of the Act requires that matters on the Agenda are described with reasonable “particularity and accuracy” and reports and other documentation to be considered at a meeting are available to the public prior to the meeting. The practice of general business should be restricted to matters of urgency.

Nil.

CONFIDENTIAL AGENDA**27 CONFIDENTIAL ITEMS****27.1 LEASE PURCHASE CONSIDERATION - PORT RICKABY CARAVAN PARK****RESOLUTION**

Moved: Cr John Rich
Seconded: Cr David Langford

Section 90 Order

That pursuant to Section 90(2) and (3)(b)(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Lease Purchase Consideration - Port Rickaby Caravan Park, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Acting Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(b)(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Lease Purchase Consideration - Port Rickaby Caravan Park, is confidential information relating to:

- (b)(i) information the disclosure of which 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.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 171/2020 (8/07/2020)

27.2 CEO APPRAISAL - KEY RESULT AREAS AND KEY PERFORMANCE INDICATORS**RESOLUTION**

Moved: Cr Adam Meyer
Seconded: Cr Leanne O'Brien

Section 90 Order

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 CEO Appraisal - Key Result Areas and Key Performance Indicators, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 CEO Appraisal - Key Result Areas and Key Performance Indicators, is confidential information relating to:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 172/2020 (8/07/2020)

6.34 pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING

7.00pm

Released in camera minutes – 6.47pm

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Adam Meyer

Section 91 Order

That having considered report 27.1 Lease Purchase Consideration - Port Rickaby Caravan Park in confidence under Section 90(2) and (3)(b)(i) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.1 Lease Purchase Consideration - Port Rickaby Caravan Park be retained in confidence and not available for public inspection for a period of 12 Months.

CARRIED 173/2020 (8/07/2020)

Released in camera minutes – 6.59pm

RESOLUTION

Moved: Cr Anthony Bennett
Seconded: Cr Richard Carruthers

That Council endorse the Key Result Areas and Key Performance Indicators for 2020/2021 for Andrew Cameron in his role as CEO as provided by AME Recruitment Pty Ltd.

CARRIED 174/2020 (8/07/2020)

RESOLUTION

Moved: Cr David Langford
Seconded: Cr John Rich

Section 91 Order

That having considered report 27.2 CEO Appraisal - Key Result Areas and Key Performance Indicators in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.2 CEO Appraisal - Key Result Areas and Key Performance Indicators be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 175/2020 (8/07/2020)

28 NEXT MEETING

Wednesday 12 August 2020

29 CLOSURE

The Meeting closed at 7.02pm.

The minutes of this meeting were confirmed at the Council Meeting held on 12 August 2020.

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MAYOR DARREN BRAUND



Yorke Peninsula Council

**The following Minutes of the Confidential Meetings
of the Yorke Peninsula Council are
released and Returned to the Public Record**

10 July 2019



CONFIDENTIAL MINUTES

Council Meeting

(Subject to confirmation)

10 July 2019

8

**CONFIDENTIAL MINUTES OF COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON WEDNESDAY, 10 JULY 2019 AT 5.44PM**

WELCOME

Mayor Darren Braund welcomed everyone to the meeting and declared the meeting open.

PRESENT: Mayor Darren Braund, Cr Tania Stock, Cr John Rich, Cr Richard Carruthers, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Kristin Murdock, Cr David Langford, Cr Roger Johns, Cr Jeffrey Cook

IN ATTENDANCE: Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Luka Oster (Minute Secretary)

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Naomi Bittner, Cr Adam Meyer

CONFLICT OF INTEREST

Mayor Darren Braund reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

27 CONFIDENTIAL ITEMS

27.1 PORT RICKABY CARAVAN PARK LEASE DISPUTE

PURPOSE

To inform Council of progress in the settlement of the Port Rickaby Caravan Park Lease Rental Valuation review outstanding since August 2015, and requests Council approval to take steps to enhance the chances of a resolution.



RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr David Langford

That Council:

1. approve the expense of \$16,000 (inclusive of GST) to secure the appointment of the independent valuer nominated by the Australian Property Institute President to establish the market value of the lease rental of the Port Rickaby Caravan Park at August 2015 which will be legally binding on both Council and the lessee, and to undertake the required valuation at August 2018 as provided in the lease conditions.
2. endorse the on-charging of 50% of that expense (\$8,000 inclusive of GST) to the lessee, Shormad Pty Ltd, as provided in the lease conditions, via the issuing of an invoice with payment terms to be agreed with the lessee.

CARRIED 172/2019 (10/07/2019)

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Anthony Bennett

Section 91 Order

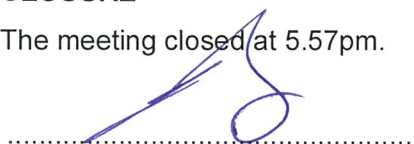
That having considered report 27.1 Port Rickaby Caravan Park Lease Dispute in confidence under Section 90(2) and (3)(d)(i),(d)(ii) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.1 Port Rickaby Caravan Park Lease Dispute be retained in confidence and not available for public inspection for a period of 12 Months.

CARRIED 173/2019 (10/07/2019)

At 5.57pm the Confidential Meeting closed.

CLOSURE

The meeting closed at 5.57pm.



Mayor Darren Braund

14 August 2019

