



# **MINUTES**

## **Special Council Meeting**

(Subject to confirmation)

**29 July 2020**

**MINUTES OF YORKE PENINSULA COUNCIL  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON WEDNESDAY, 29 JULY 2020 AT 5.30PM**

**1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY DEPUTY MAYOR**

Deputy Mayor Tania Stock welcomed everyone to the meeting, recited the opening prayer and declared the meeting open.

**2 OPENING PRAYER**

**3 PRESENT**

Deputy Mayor Tania Stock, Cr John Rich, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Naomi Bittner, Cr Roger Johns

**In Attendance**

Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services)

**4 LEAVE OF ABSENCE**

Mayor Darren Braund

**5 APOLOGIES**

Cr David Langford, Cr Kristin Murdock

**6 CONFLICT OF INTEREST**

Deputy Mayor Tania Stock reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

Nil

**DEBATE AGENDA****7 CHIEF EXECUTIVE OFFICER****7.1 PLANNING DEVELOPMENT AND INFRASTRUCTURE INSTRUMENTS OF DELEGATION UPDATE****PURPOSE**

For Council to update the Instruments of Delegation made under the Planning, Development and Infrastructure Act 2016, following the implementation of new delegations pursuant to the recent amendments to the Planning, Development and Infrastructure (General) Regulations 2017 and Practice Directions issued by the State Planning Commission.

**RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr Roger Johns

That having considered its Planning Development and Infrastructure Instruments of Delegation 40A and 40B in response to legislative change Council:

**1. 1. Revocations**

1.1 Hereby revokes its previous delegations of those powers and functions under the following:

1.1.1 Planning, Development and Infrastructure Act 2016

1.1.2 Planning, Development and Infrastructure (General) Regulations 2017

1.1.3 Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019

**2. Delegate Powers of the Council as a Council, Designated Authority and Designated Entity Under the Planning, Development and Infrastructure Act 2016**

2.1 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 statutory instruments made thereunder contained in the proposed Instrument of Delegation 40A (attached to this report - Attachment 1) are hereby delegated this 29<sup>th</sup> day of July 2020 to the person occupying or acting in 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.

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 the proposed Instrument of Delegation.

**3. Delegate Powers of the Council as a Relevant Authority under the Planning, Development and Infrastructure Act 2016**

3.1 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 statutory instruments made thereunder contained in the proposed Instrument of Delegation 40B (attached to this report - Attachment 2) are hereby delegated this 29<sup>th</sup> day of July 2020 to the person occupying or acting in 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.

- 3.2 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 173/2020 (29/07/2020)**

## **8 DEVELOPMENT SERVICES**

### **8.1 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 Roger Johns

Seconded: Cr John Rich

That Council:

1. pursuant to Section 246 of the Local Government Act 1999:
  - 1.1. there being at least two-thirds of the members of Council present; and
  - 1.2. having considered the:
    - Permits and Penalties By-law 2020;
    - Local Government Land By-law 2020;
    - Roads By-law 2020;
    - Moveable Signs By-law 2020;
    - Dogs By-law 2020;
    - Cats By-law 2020; and
    - Port Vincent Marina By-law 2020,(together, the By-laws)

(reproduced as Attachments 1 to 7) to Item 25.3 on the agenda for the meeting of Council held on 8 July 2020) in light of the National Competition Policy and the Report prepared on the National Competition Policy with respect to the By-laws (reproduced as Attachments 8 to 14) to Item 25.3 on the agenda for the meeting of Council held on 8 July 2020) and
  - 1.3. having considered all submissions and recommendations made on the By-laws,

Council makes the By-laws in exercise of the powers contained in the Acts Interpretation Act 1915, Dog and Cat Management Act 1995 and Local Government Act 1999.
2. the Chief Executive Officer be authorised to sign the By-laws as made by Council.

3. the Chief Executive Officer be authorised to publish notice of the making of the By-laws in the Yorke Peninsula Country Times.
4. the Chief Executive Officer be authorised to arrange for the By-laws to be published in the Government Gazette.
5. the report to the Legislative Review Committee on the By-laws (reproduced as Attachments 15 – 21) to Item 25.3 on the agenda for the meeting of Council held on 8 July 2020), be adopted and be signed by the Chief Executive Officer on Council's behalf.
6. the Chief Executive Officer be authorised to arrange for the By-laws and all other necessary documentation to be provided to the Legislative Review Committee.

**CARRIED 174/2020 (29/07/2020)**

**9 NEXT MEETING**

Wednesday 12 August 2020

**10 CLOSURE**

The Meeting closed at 5.35pm.

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

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**MAYOR**