



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**11 April 2018**

**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON WEDNESDAY, 11 APRIL 2018 AT 5.30PM**

**1 WELCOME BY MAYOR**

Mayor Ray Agnew OAM welcomed everyone to the meeting, recited the opening prayer and declared the meeting open.

**2 OPENING PRAYER**

**3 PRESENT**

Mayor Ray Agnew OAM, Cr Naomi Bittner, Cr Darren Braund, Cr Alan Headon, Cr Adam Meyer, Cr Jeffrey Cook, Cr Tania Stock

**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 Honner (Minute Secretary)

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Deputy Mayor Scott Hoyle, Cr Trevor Davey, Cr John Rich, Cr Veronica Brundell and Cr David Langford.

Mayor Agnew advised that he wished to record the recent passing of Ken May, a former Councillor with the District Council of Minlaton and previous Group Officer of the CFS.

**6 CONFLICT OF INTEREST**

Mayor Ray Agnew OAM 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 Alan Headon

Seconded: Cr Darren Braund

That the minutes of the Ordinary Council Meeting held on 14 March 2018 be confirmed.

**CARRIED 093/2018 (11/04/2018)**

**8 MOTIONS ON NOTICE**

Nil

**9 QUESTIONS ON NOTICE**

Nil

**10 QUESTIONS WITHOUT NOTICE****Cr Stock**

Question directed to the Mayor as follows:

“By way of background, at the 14<sup>th</sup> February 2018 Council meeting you presented a misleading and selective report to Council in Item 21 of the Debate Agenda regarding a formal complaint made against me by Deputy Mayor Councillor Hoyle. The report failed to pay any regard to 9 serious allegations levelled at me by Deputy Mayor Hoyle that were found to be unsubstantiated. You wrote to me on the 22<sup>nd</sup> March and again on the 9<sup>th</sup> April pursuing a public apology from me which you have no such authority to do.

Your actions are nothing short of harassment, intimidation and bullying and this matter is now before the Ombudsman. Would you please explain to the Elected Body why you continue to act inappropriately and without authority.”

Question taken on notice by the Mayor.

**11 PETITIONS**

Nil

**12 MAYOR****12.1 MAYOR'S MONTHLY REPORT MARCH 2018****PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of March 2018.

**RESOLUTION**

Moved: Cr Darren Braund

Seconded: Cr Jeffrey Cook

That the report be received.

**CARRIED 094/2018 (11/04/2018)**

**13 COUNCILLORS' REPORT**

Nil

**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

Nil

**15 RECEIPT OF INFORMATION REPORTS**

**ADOPTION OF INFORMATION AGENDA**

**RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Adam Meyer

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

**CARRIED 095/2018 (11/04/2018)**

**20 VISITORS TO THE MEETING**

Nil

**DEBATE AGENDA**

**21 MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER****22.1 DELEGATIONS REGISTER ANNUAL REVIEW****PURPOSE**

Council has conducted an annual review of its Delegation Register, in accordance with Section 44(6) of the Local Government Act 1999. There is a need to change or update existing delegations, as a result of legislative change. However, Council did undertake a minor review to update delegations in light of urgent legislative changes in December 2017.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Adam Meyer

That having conducted its annual review of 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 (Development Plan) Amendment Act 2006
  - 1.1.3 Dog & Cat Management Act July 2013
  - 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994
  - 1.1.5 Expiation of Offences Act 1996
  - 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 Food Act 2001
  - 1.1.9 Freedom of Information Act 1991
  - 1.1.10 Housing Improvement Act 1940
  - 1.1.11 Land & Business (Sale and Conveyancing) Act 1994
  - 1.1.12 Liquor Licensing Act 1997
  - 1.1.13 Intentionally left blank
  - 1.1.14 Intentionally left blank
  - 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 SA Public Health Act 2011 and Public and Environmental Health (Wastewater) Regulations 2013 and Public and Environmental Health (Legionella) Regulations 2013, Public Health (General) Regulations 2013
  - 1.1.17 Roads (Opening & Closing) Act 1991

- 1.1.18 Intentionally left blank
- 1.1.19 Safe Drinking Water Act 2011
- 1.1.20 Supported Residential Facilities Act 1992 & Regulations 2009
- 1.1.21 Unclaimed Goods Act 1987
- 1.1.22 Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.23 Intentionally left blank
- 1.1.24 Real Property Act 1886
- 1.1.26 Strata Titles Act 1988
- 1.1.27 Intentionally left blank
- 1.1.28 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 1.1.29 Permits and Penalties By-Law
- 1.1.30 Local Government Land By-Law
- 1.1.31 Roads By-Law
- 1.1.32 Moveable Signs By-Law
- 1.1.33 Nuisances Caused by Building Sites By-Law
- 1.1.34 Port Vincent Marina By-Law
- 1.1.35 Dogs and Cats By-Law 2013

## **2. Delegations made under Local Government Act 1999**

- 2.1 In exercise of the power contained in Section 44 and 101 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation are hereby delegated this 11<sup>th</sup> day of April 2018 to the person occupying the office of Chief Executive Officer, or any person acting in the position 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;
  - 2.1.1 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
  - 2.1.2 Community Titles Act 1996
  - 2.1.3 Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008
  - 2.1.4 Dog & Cat Management Act
  - 2.1.5 Environment Protection Act 1993
  - 2.1.6 Expiation of Offences Act 1996
  - 2.1.7 Expiation of Offences Act 1996 (commences 30 April 2018)
  - 2.1.8 Fences Act 1975
  - 2.1.9 Fines Enforcement and Debt Recovery Act 2017 (commences 30 April 2018)
  - 2.1.10(1) Chief Executive Officer - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - 2.1.10(2) Fire Prevention Officers - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - 2.1.11 Intentionally left blank

- 2.1.12 Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2003
- 2.1.13 Intentionally left blank
- 2.1.14 Land & Business (Sale and Conveyancing) Act 1994
- 2.1.15 Liquor Licensing Act 1997
- 2.1.16 Intentionally left blank
- 2.1.17 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- 2.1.18 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2004
- 2.1.19 Intentionally left blank
- 2.1.20 Real Property Act 1886
- 2.1.20(1) Electronic Conveyancing National Law (South Australia) Act 2013
- 2.1.21 Roads (Opening & Closing) Act 1991
- 2.1.22 Intentionally left blank
- 2.1.23 Safe Drinking Water Act 2012
- 2.1.24 SA Public Health Act 2011 and Regulations as at 30 June 2015
- 2.1.25 Strata Titles Act 1988
- 2.1.26 Supported Residential Facilities Act 1992 & Regulations 2009
- 2.1.27 Unclaimed Goods Act 1987
- 2.1.28 Water Industry Act 2012 and Water Industry Regulations 2012
- 2.1.29 Intentionally left blank
- 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 Instruments of Delegation.

### **3. Delegations made under Food Act 2001**

- 3.1 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 annexed to the Report dated 11 April 2018 and entitled Delegations Register are hereby delegated this 11<sup>th</sup> day of April 2018 to the person occupying the office of Chief Executive Officer, or any person acting in the position 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.
- 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 Food Act 2001.

### **4. Delegations made under Public and Environmental Health Act 1987**

*Deliberately left blank*

**5. Delegations made 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 annexed to the Report dated 11 April 2018 and entitled Delegations Register are hereby delegated this 11<sup>th</sup> day of April 2018 to the person occupying the office of Chief Executive Officer or any person acting in the position 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. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)**

- 6.1 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 annexed to the Report dated 11 April 2018 and entitled Delegations Register are hereby delegated this 11<sup>th</sup> day of April 2018 to the person occupying the office of Chief Executive Officer or any person acting in the position 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.
- 6.2 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.

**7. Delegation under Council By-Laws**

- 7.1 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 for this report are hereby delegated this 11<sup>th</sup> day of April 2018 to the person occupying the office of Chief Executive Officer, or any person acting in the position 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:
- 7.1.1 Permits and Penalties By-Law 2013
- 7.1.2 Local Government Land By-Law 2013
- 7.1.3 Roads By-Law 2013
- 7.1.4 Moveable Signs By-Law 2013
- 7.1.5 Nuisances Caused By Building Sites By-Law 2013
- 7.1.6 Port Vincent Marina By-Law 2013
- 7.1.7 Dogs & Cats By-Law 2013
- 7.2 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.

**CARRIED 096/2018 (11/04/2018)**

## **23 CORPORATE AND COMMUNITY SERVICES**

### **23.1 FINANCIAL REPORT AS AT 31 MARCH 2018**

#### **PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 March 2018.

#### **RESOLUTION**

Moved: Cr Jeffrey Cook  
Seconded: Cr Alan Headon

That Council receive the financial report and capital projects update report as at 31 March 2018.

**CARRIED 097/2018 (11/04/2018)**

### **23.2 LONG TERM FINANCIAL PLAN 2019 - 2028**

#### **PURPOSE**

For Council consideration of public submissions and feedback received regarding the Draft Long Term Financial Plan 2019 – 2028 (LTFP) which was advertised for public consultation from Thursday, 15<sup>th</sup> March 2018 closing on Wednesday, 4<sup>th</sup> April 2018.

#### **RESOLUTION**

Moved: Cr Darren Braund  
Seconded: Cr Tania Stock

That Council receive and consider all public consultation feedback and adopt the Long Term Financial Plan 2019 – 2028 as presented.

**CARRIED 098/2018 (11/04/2018)**

**23.3 LOAN FOR MAIN TOWNSHIP FOOTPATH REPLACEMENT PROGRAMME****PURPOSE**

For Council to endorse the drawdown of a \$1.2m loan approved as part of the 2017/2018 adopted Budget to fund the Main Township Footpath Replacement Programme and apply the common seal of Council.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Naomi Bittner

That Council:

1. pursuant to Section 134 of the Local Government Act 1999, the Yorke Peninsula Council does hereby order that the said Council shall borrow by means of a debenture loan on the security of the general revenue of the Council, the sum of \$1,200,000 (One Million, Two Hundred Thousand Dollars) from the Local Government Finance Authority and that the said loan shall be for a period of ten (10) years. The said loan will be for the funding of the Main Township Footpath Replacement Programme; and
2. authorise the Mayor and Chief Executive Officer to sign and seal any documentation necessary to give effect to this resolution.

**CARRIED 099/2018 (11/04/2018)**

**23.4 POINT TURTON LUXEPOD PROJECT - ADDITIONAL FUNDS REQUESTED****PURPOSE**

To request additional funds to balance an over spend following the completion of the Upper Level Luxepod Cabin project at the Point Turton Caravan Park.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Naomi Bittner

That Council approve \$80k additional funds to cover the 2017/18 budget shortfall at the Point Turton Caravan Park, enabling all previously approved 2017/2018 capital projects to proceed.

**CARRIED 100/2018 (11/04/2018)**

**23.5 PUBLIC CONSULTATION FEEDBACK - PROPOSED CLOSURE OF COUNCIL'S WAROOKA OFFICE****PURPOSE**

For Council to receive and consider community feedback on the proposed closure of the Warooka office before making a decision on the matter.

**MOTION**

Moved: Cr Naomi Bittner

Seconded: Cr Alan Headon

That Council adjourn this item until the 9 May 2018 meeting on the basis that quorum has only just been met and that there is high public interest in the matter.

The vote was tied 3 all and the Mayor exercised his casting vote and declared the motion carried.

**CARRIED**

Cr Meyer called for a division.

As a consequence the result of the above motion was set aside.

Upon dividing, three Members voted in the affirmative; three Members voted in the negative.

In Favour: Crs Naomi Bittner, Darren Braund and Alan Headon

Against: Crs Adam Meyer, Jeffrey Cook and Tania Stock

The Mayor exercised his casting vote and declared the motion carried.

**CARRIED 101/2018 (11/04/2018)**

**23.6 PUBLIC CONSULTATION FEEDBACK - PROPOSED CHANGE TO OPENING HOURS OF COUNCIL'S MINLATON OFFICE****PURPOSE**

For Council to receive and consider community feedback on the proposed change of office hours at Council's Minlaton office before making a decision on the matter.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Alan Headon

That Council adjourn this item until the 9 May 2018 meeting on the basis that quorum has only just been met and that there is high public interest in the matter.

The vote was tied 3 all and the Mayor exercised his casting vote and declared the motion carried.

**CARRIED 102/2018 (11/04/2018)**

**24 ASSETS AND INFRASTRUCTURE SERVICES**

Nil

**25 DEVELOPMENT SERVICES****25.1 POLICY REVIEW AND COMMUNITY ENGAGEMENT OUTCOME - PO049 MOBILE FOOD VENDOR****PURPOSE**

To consider submissions received in relation to the public consultation process for the proposed amendments to PO049 Mobile Food Vendor Policy, including of the proposed locations (Location Rules) and fee structure.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Alan Headon

That Council:

1. receive and consider written submissions in response to the amendments to PO049 Mobile Food Vendor Policy, including the proposed locations (Location Rules) and fee structure.
2. endorse the PO049 Mobile Food Vendor Policy as per the amendments presented in the community engagement process.
3. endorse the Mobile Food Vendor monthly permit fee of \$200 and the annual permit fee of \$2,000 to Council's Fees and Charges Register.
4. endorse the Location Rules as contained in Attachment 1 as approved Mobile Food Vending sites.

**CARRIED 103/2018 (11/04/2018)**

**25.2 APPLICATION TO LIFT AND RE-APPLY LAND MANAGEMENT AGREEMENT, ALLOTMENT 112 COMPASS ROAD - EDITHBURGH****PURPOSE**

The purpose of this report is to seek approval from Council to have a Land Management Agreement lifted from the Certificate of Title of a property so that new Titles can be issued. The Land Management Agreement is then to be endorsed onto the new Titles.

**RESOLUTION**

Moved: Cr Darren Braund

Seconded: Cr Alan Headon

That Council:

1. consent to the Land Management Agreement being lifted from the Certificate of Title for land contained in Certificate of Title Volume 6083 Folio 313 (Allotment 112 Compass Road, Edithburgh), and
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to;
  - a) extinguishment of the Land Management Agreement over land identified as allotment 112, created by land division Development Application number 544/D016/2007, and
  - b) the endorsement of the Land Management Agreement over land identified as allotment 28 and 113, created by land division Development Application number 544/D016/2007.

**CARRIED 104/2018 (11/04/2018)**

**25.3 POLICY UPDATE - CEMETERY MANAGEMENT PO132****PURPOSE**

To seek endorsement and approval from Council for the updated PO132 Cemetery Management Policy.

**RESOLUTION**

Moved: Cr Darren Braund

Seconded: Cr Adam Meyer

That Council endorse and adopt the updated PO132 Cemetery Management Policy for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 105/2018 (11/04/2018)**

**25.4 POLICY UPDATE - REBATE VIA DONATION DEVELOPMENT APPLICATION FEES PO098****PURPOSE**

To seek endorsement and approval from Council for the updated PO098 Rebate Via Donation Development Application Fees Policy.

**RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Jeffrey Cook

That Council endorse and adopt the updated PO098 Rebate Via Donation Development Application Fees Policy for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 106/2018 (11/04/2018)**

**26 GENERAL BUSINESS**

Council has resolved that an Agenda Item "General Business" be included on the Council Agenda to enable members to raise matters of a minor nature for action by the Administration, or to call for reports.

**Cr Bittner**

Raised concerns from residents in relation to Port Vincent Cemetery nearing capacity and suggested options be discussed at an Elected Member Workshop.

Raised concerns in relation to the Clinton Road/Ardrossan Road intersection and called for staff to review other options to improve the safety of the intersection and report back to Council.

**Mayor**

Reminded Elected Members that he will be taking a leave of absence from 15 April 2018 until 22 May 2018.

**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS**

Nil

**28 NEXT MEETING**

Wednesday 9 May 2018

**29 CLOSURE**

The Meeting closed at 5.55pm.

The minutes of this meeting were confirmed at the Council Meeting held on 9 May 2018.

.....  
**MAYOR RAY AGNEW OAM**