



Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 11th March 2015,
in the Council Chambers
57 Main Street Minlaton commencing at 5.30pm
(Subject to confirmation)

ITEM 1 WELCOME

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

PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Trevor Davey, Councillors Tania Stock, Scott Hoyle (5.31pm), David Langford, Jeff Cook, Adam Meyer, Darren Braund, Alan Headon, Veronica Brundell, John Rich and Naomi Bittner.

IN ATTENDANCE

Andrew Cameron	Chief Executive Officer
Roger Brooks	Director Development Services
David Harding	Director Corporate and Community Services
Trevor Graham	Director Assets and Infrastructure Services
Jackie Reddaway	Minute Secretary

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

MINUTES OF THE PREVIOUS MEETING

Cr Cook moved Cr Davey seconded

That the minutes of the Council meeting held on Wednesday 11th February 2015 at 5.30pm, be confirmed as a true record.

CARRIED 035/2015 (11/03/2015)

CONFLICT OF INTEREST

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

ITEM 2 MAYOR'S REPORT

Cr Rich moved Cr Langford seconded

That the report from Mayor Agnew be received.

CARRIED 036/2015 (11/03/2015)

ADOPTION OF INFORMATION AGENDA

Cr Rich requested the exclusion of Item 4.3 Report 4 – Marine Parks to enable him to make a comment.

Cr Rich raised Members' awareness, it was his belief, that there were other issues affecting Marine Parks than the correspondence outlined.

Cr Headon moved Cr Davey seconded

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

CARRIED 037/2015 (11/03/2015)

ITEM 6 DEBATE AGENDA

CHIEF EXECUTIVE OFFICER

DA/CEO/R1

DELEGATIONS REGISTER

Cr Davey moved Cr Cook seconded

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 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 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 Local Government Act 1934
- 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 Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008
- 1.1.17 Roads (Opening & Closing) Act 1991
- 1.1.18 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- 1.1.19 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
- 1.1.20 Supported Residential Facilities Act 1992
- 1.1.21 Unclaimed Goods Act 1987
- 1.1.22 Work Health and Safety Act 2012
- 1.1.23 Safe Drinking Water Act 2011
- 1.1.24 Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.25 Real Property Act 1886
- 1.1.26 Strata Titles Act 1988
- 1.1.27 Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.28 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014.

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 the Annexures to this report are hereby delegated this 11th day of March 2015 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 Community Titles Act 1996
 - 2.1.3 Dog and Cat Management Act 1995
 - 2.1.4 Environment Protection Act 1993

- 2.1.5 Expiation of Offences Act 1996
 - 2.1.6 Fences Act 1975
 - 2.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
 - 2.1.8 Freedom of Information Act 1991
 - 2.1.9 Housing Improvement Act 1940
 - 2.1.10 Land and Business (Sale and Conveyancing) Act 1994
 - 2.1.11 Liquor Licensing Act 1997
 - 2.1.12 Local Government Act 1934
 - 2.1.13 Local Government Act 1999
 - 2.1.14 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005
 - 2.1.15 Roads (Opening and Closing) Act 1991
 - 2.1.16 Work Health and Safety Act 2012
 - 2.1.17 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
 - 2.1.18 Unclaimed Goods Act 1987
 - 2.1.19 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
- Safe Drinking Water Act 2011
- Water Industry Act 2012 and Water Industry Regulations 2012
- Real Property Act 1886
- Strata Titles Act 1988
- Heavy Vehicle National Law (South Australia) Act 2013
- Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 2.2 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 Instruments of Delegation.

3. Delegations made under the 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 11th March 2015 and entitled Delegations Register are hereby delegated this 11th day of March 2015 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 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.

The powers and functions that have been delegated to the Council's Development Assessment Panel are contained within the CDAP Delegations Policy PO127 which was endorsed by Council at the 21st January 2015 Council meeting.

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 annexed to the Report dated 11th March 2015 and entitled Delegations Register are hereby delegated this 11th day of March 2015 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.
- 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 made under Public and Environmental Health Act 1987

Deliberately left blank

6. Delegations made under Supported Residential Facilities Act 1992

- 6.1 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 11th March 2015 and entitled Delegations Register are hereby delegated this 11th day of March 2015 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.

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 Supported Residential Facilities Act 1992.

7. Authorisations and Subdelegation under the Road Traffic Act 1961

7.1 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

7.2 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)

7.3 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 Subdelegation annexed to the Report dated 11th March 2015 and entitled Delegations Register is hereby sub-delegated this 11th day of March 2015 to the person occupying the office of Chief Executive Officer or any person acting in the position 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 Subdelegation.; and
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.

7.4 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)

Phil Herrmann (Senior Compliance Officer)

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

8.1 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 11th March 2015 and entitled Delegations Register are hereby delegated this 11th day of March 2015 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.

8.2 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.

9. Delegation under Council By-Laws

9.1 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 contained in the Annexures to this report are

hereby delegated this 11th day of March 2015 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:

9.1.1 Permits and Penalties By-Law 2013

9.1.2 Local Government Land By-Law 2013

9.1.3 Roads By-Law 2013

9.1.4 Moveable Signs By-Law 2013

9.1.5 Dogs & Cats By-Law 2013

9.1.6 Nuisances Caused By Building Sites By-Law 2013

9.1.7 Port Vincent Marina By-Law 2013

9.2 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 038/2015 (11/03/2015)

DA/CEO/R2

COMMUNITY ENGAGEMENT POLICY AND STRATEGY

Cr Rich moved Cr Braund seconded

That Council:

1. approve the Draft Community Engagement Policy (attachment A) and Strategy (attachment B) for consultation.
2. endorse the proposed level and mechanisms (refer attachment C) for community consultation on the draft policy and strategy.

CARRIED 039/2015 (11/03/2015)

DA/CEO/R3

RISK MANAGEMENT POLICY AND PROCEDURE

Cr Meyer moved Cr Langford seconded

That Council endorse and adopt PO091 Risk Management Policy and PR098 Risk Management Procedure.

CARRIED 040/2015 (11/03/2015)

DA/CEO/R4

TIME ZONE CHANGES CONSULTATION

Cr Cook moved Cr Davey seconded

That Council informs the Government consultation process that it does not support a change to the SA time zone due to the impact it may have on our local communities.

CARRIED 041/2015 (11/03/2015)

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT 28TH FEBRUARY 2015

Cr Meyer moved Cr Braund seconded

That Council receive the financial report as at 28th February 2015.

CARRIED 042/2015 (11/03/2015)

DA/CCS/R2

ARTHURTON WAR MEMORIAL SPORTS CLUB INC. – OVAL WATER ALLOCATION

Cr Davey moved Cr Meyer seconded

That Council approve the increase of the Arthurton Oval Water Allocation to \$4,000 for the current financial year.

CARRIED 043/2015 (11/03/2015)

DA/CCS/R3

AUDIT COMMITTEE MINUTES – 11TH FEBRUARY 2015, ENDORSEMENT OF AUDIT COMMITTEE SELF-ASSESSMENT FORM

Cr Langford moved Cr Stock seconded

That the minutes be received and Council endorse the Audit Committee Self-Assessment form as presented.

CARRIED 044/2015 (11/03/2015)

DA/CCS/R4

YORKE PENINSULA VISITOR INFORMATION CENTRE (YP VIC) LOGO

Cr Braund moved Cr Headon seconded

That Council endorses the Yorke Peninsula Visitor Information Centre logo for use in official marketing material and stationery.

Discussion on this topic ensued.

5.54pm Formal Motion

Cr Hoyle moved Cr Stock seconded

That **the question lie on the table** pending further information being provided to Council.

CARRIED 045/2015 (11/03/2015)

DA/CCS/R5

RECORDS MANAGEMENT POLICY

Cr Cook moved Cr Davey seconded

That Council endorse the updated PO063 Records Management Policy for inclusion in Council's policy manual and on the website.

CARRIED 046/2015 (11/03/2015)

DA/CCS/R6

SYP LANDCARE GROUP – COMMUNITY GRANTS EXTENSION

Cr Hoyle moved Cr Davey seconded

That Council formally endorse an extension of the SYP Landcare Group 2014/2015 Community Grant of \$797.00 to 30 June 2016.

CARRIED 047/2015 (11/03/2015)

DA/CCS/R7

SPONSORSHIP 2015 TOUR OF MINLATON

Cr Brundell moved Cr Cook seconded

That Council approve sponsorship of the 2015 Tour of Minlaton for the amount of \$250.

CARRIED 048/2015 (11/03/2015)

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

SECTION 30 REVIEW

Cr Rich moved Cr Langford seconded

That Council:

1. receives the draft Strategic Directions Report
2. adopts the recommendations contained in the public and agency submission summaries.
3. adopts the Development Plan Amendment Program outlined in the Strategic Directions Report
4. authorises the Chief Executive Officer to submit the Strategic Directions Report to the Minister for approval.

CARRIED 049/2015 (11/03/2015)

DA/DS/R2

SEAWATER FLOODING ADAPTATION PATHWAYS

Cr Rich moved Cr Headon seconded

That the report be received.

CARRIED 050/2015 (11/03/2015)

DA/DS/R3

EXPERT PANEL ON PLANNING REFORMS

Cr Brundell moved Cr Braund seconded

That Elected Members endorse the comments contained within this report and a submission be made to the Minister for Planning, Mr John Rau and the Local Government Association expressing Council's comments regarding the proposed planning reforms.

CARRIED 051/2015 (11/03/2015)

ITEM 7 GENERAL BUSINESS

Mayor Agnew

Advised Members that the CEO Andrew Cameron, Mr Peter Stockings Chair of the Friends of Troubridge Island and himself were meeting with Minister Stephen Mulligan about the lighthouse in Adelaide tomorrow (Thursday).

Cr Cook

Queried about the road signs that Council had installed a few years ago, the black writing has all but disappeared and he wondered if Council had any recourse on the supplier.

Mr Graham responded to Cr Cook's query.

ITEM 8 CONFIDENTIAL AGENDA

CA/AIS/R1

BITUMEN SERVICES TENDER (TENDER 116/2014)

Cr Rich moved Cr Langford seconded

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999*, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services and Director Assets and Infrastructure Services.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Bitumen Services Tender is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Bitumen Services Tender in confidence under section 90(2) and (3)(k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Bitumen Services Tender be retained in confidence for a period of 12 months.

CARRIED 052/2015 (11/03/2015)

6.10pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

Released in camera minute

Cr Rich moved Cr Stock seconded

That Council:

1. in camera not released.
2. accept the tender of \$273,000 plus GST from Boral to fulfil the bitumen requirements in accordance with the capital works budget for 2014/15 (tender 116/2014).

CARRIED 053/2015 (11/03/2015)

6.15pm The public meeting resumed.

ITEM 9 NEXT COUNCIL MEETING

Wednesday 8th April 2015 commencing at 5.30pm.

6.16pm The Mayor declared the meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 6.16pm.

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Mayor Ray Agnew

8th April 2015