MINUTES

Meeting
Ordinary Council Meeting

Meeting Date & Time
Wednesday 26 February 2020 at 4:00pm

Location
Council Office Boardroom, 6-10 Richardson Place, Roxby Downs

Present
Geoff Whitbread (Administrator)

Staff Present
Roy Blight (Chief Executive), Michelle Hales (Group Manager Governance & Community), Stuart Edwards (Group Manager Essential Services & Assets), Drew Ellis (Group Manager Corporate Services), Paul McInerney (Group Manager Lifestyle & Sport)(from 4:08pm)

Minutes – Kerrie Thomas (Executive Support)

1. **Council Opening**

   The meeting commenced at 4:00pm.

   Mr Whitbread acknowledged the Kokatha peoples, the traditional owners of the land on which we meet today and paid respect to their Elders past and present and extended that respect to other Aboriginal and Torres Strait Islander people who may be present today.

2. **Confirmation of Minutes of the Previous Meeting**

   RESOLVED: The Minutes of the Council Meeting held on 29 January 2020 are confirmed as a true and accurate record of proceedings.

3. **Council Business**

   3.1 **Audit Committee Minutes 13 February 2020 (Subject to Confirmation)**

       PURPOSE: To receive the minutes (subject to confirmation) from the Audit Committee meeting held 13 February 2020.

       RESOLVED: That the minutes (subject to confirmation) of the Audit Committee meeting held 13 February 2020 be received and noted.

   3.2 **Financial Performance Ending December 2019**

       PURPOSE: To consider a review of Council’s Financial Performance ending December 2019, including a review of the power and water aged debtors.

       RESOLVED: That the Council receives and notes the report.

   3.3 **Second Quarter Budget Review**

       PURPOSE: To consider a review of Council’s 2019/20 budget performance and associated matters.

       RESOLVED: That the Council receives, notes and approves the second quarter budget review for 2019/20 as delineated.
Paul McInerney attended at 4:08pm.

### 3.4 Council Delegations to the Chief Executive

**PURPOSE:** To request Council to delegate the powers and functions of the Local Government Act 1999 and any other relevant Acts to the Chief Executive.

**RESOLVED:** That having conducted its annual review of Council delegations in accordance with Section 44 (6) of the Local Government Act 1999, the Council:

1. **Revocations**

Hereby revokes its previous delegations to the Chief Executive of those powers and functions under the following:

- Burial and Cremation Act 2013 and Burial and Cremation Regulations
- Community Titles Act 1996
- Development Act 1993 and Development Regulations 2008
- Dog and Cat Management Act 1995
- Electronic Conveyancing National Law (South Australia) Act 2013
- Expiation of Offences Act 1996
- Fences Act 1975
- Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- Food Act 2001
- Gas Act 1997
- Heavy Vehicle National Law (South Australia) Act 2013
- Land and Business (Sale and Conveyancing) Act 1994
- Liquor Licensing Act 1997
- Local Government Act 1999
- Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- Natural Resources Management Act 2004 and Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions Levies) Regulations 2005
- Planning, Development and Infrastructure Act 2016
- Real Property Act 1886
- Roads (Opening and Closing) Act 1991
- Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- Safe Water Drinking Act 2011
- South Australian Public Health Act 2011, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General Regulations 2013
- State Records Act 1997
- Strata Titles Act 1998
- Supported Residential Facilities Act 1992
- Unclaimed Goods Act 1987
- Work Health and Safety Act 2012
2. **Delegations made under the Local Government Act 1999**

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 Appendices 1-51 (distributed under separate cover) are hereby delegated this **26 day of February 2020** to the person occupying the office of Chief Executive. This is to take immediate effect except where otherwise specified subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation.

- Burial and Cremation Act 2013 and Burial and Cremation Regulations (Appendix 2)
- Community Titles Act 1996 (Appendix 3)
- Dog and Cat Management Act 1995 (Appendix 8)
- Electronic Conveyancing National Law (South Australia) Act 2013 (Appendix 19)
- Expiation of Offences Act 1996 with effect from 30 April 2018) (Appendix 11)
- Fences Act 1975 (Appendix 12)
- Fines Enforcement and Debt Recovery Act 2017 (Appendix 13)
- Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendices 14 and 15)
- Gas Act 1997 (Appendix 20)
- Land and Business (Sale and Conveyancing) Act 1994 (Appendix 24)
- Liquor Licensing Act 1997 (Appendix 25)
- Local Government Act 1999 (Appendix 26)
- Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (Appendix 27 & 28)
- Natural Resources Management Act 2004 and Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions Levies) Regulations 2005 (Appendices 29 and 30)
- Planning, Development and Infrastructure Act 2016 and Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (Appendix 31)
- Roads (Opening and Closing) Act 1991 (Appendix 36)
- Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendices 1,33-35 & 45)
- 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 (Fees) Regulations 2018 (Appendices 38-42)
- Real Property Act 1886 (Appendix 32)
- State Records Act 1997 (Appendix 43)
- Strata Titles Act 1988 (Appendix 44)
- Unclaimed Goods Act 1987 (Appendix 48)
- Water Industry Act 2012 and Water Industry Regulations 2012 (Appendices 49 & 50)
- Work Health and Safety Act 2012 (Appendix 51)

Such powers and functions may be further delegated by the Chief Executive in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument 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 (Appendices 4-7) (distributed under separate cover) are hereby delegated this **26 day of February 2020** to the person occupying the office of Chief Executive 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 as the Chief Executive 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.

4. **Delegations made under the 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 Appendix 16) (distributed under separate cover) are hereby delegated this **26 day of February 2020** to the person occupying the office of Chief Executive (‘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 as the Chief Executive 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 the 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 (Appendices 46 and 47) (distributed under separate cover) are hereby delegated this **26 day of February 2020** to the person occupying the office of Chief Executive 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 as the Chief Executive 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 the Road Traffic Act 1961**

6.1 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 (Appendix 23) (distributed under separate cover) and contained in the proposed Instrument of Subdelegation is hereby subdelegated this **26 day of February 2020** to the person occupying the office of Chief Executive subject to the conditions contained in the proposed instrument.
7 **Delegations under the 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 (Appendix 37) are hereby delegated this **26 day of February 2020** to the person occupying the office of Chief Executive, 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 as the Chief Executive 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 the Heavy Vehicle National Law (South Australia) Act 2013**

8.1 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 (Appendix 21) (distributed under separate cover) are hereby delegated this **26 day of February 2020** to the person occupying the office of Chief Executive, 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.

8.2 Such powers and functions may be further delegated by the Chief Executive as the Chief Executive 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.

3.5 **Six Month Report Card July – December 2019**

**PURPOSE:** To inform the community and interested stakeholders about progress in meeting the objectives of Council’s Annual Business Plan and Budget and reporting Council-initiated and/or partnered activities, programs, and events. The Six Month Report Card provides an overview for the July-December 2019 period.

**RESOLVED:** That Council endorse the Six Month Report Card July-December 2019 for publication.

3.6 **Council Appointment of Staff to External Committees**

**PURPOSE:** To appoint Group Manager Lifestyle and Sport, Paul McInerney as Council representative to the Roxby Downs Area School Governing Council.

**RESOLVED:** That Council appoints the Group Manager Lifestyle and Sport as the Council representative for the Roxby Downs Area School Governing Council for a term of 2 years ending on 1 March 2022.

3.7 **New Enforcement Policy**

**PURPOSE:** To adopt a new Enforcement Policy
RESOLVED: That Council adopts the Enforcement Policy, as tabled, and publishes it on the Council website.

4. Reports for Information

RESOLVED: The Council receive and notes the following reports:

- Chief Executive Report
- Development Application Decisions under Delegations
- Audit Committee 2019 Presiding Member’s Report

5. Community Presentations, Petitions and Deputations

Nil

6. Next Meeting

The next Ordinary Council Meeting for the Municipal Council of Roxby Downs is scheduled for **Wednesday 25 March 2020 at 4:00 pm** - Council Office Boardroom, 6-8 Richardson Place, Roxby Downs, unless advised otherwise, by notice on the Council’s website.

7. Closure

The meeting closed at 4:17pm.