



Minutes of the Council Meeting

Held on 17 July 2023

Alexandrina Council

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Minutes of the Alexandrina Council Ordinary Meeting

Monday 17 July 2023, commencing at 5.31 pm

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1. Opening of Meeting

An audio recording of this meeting was made for minute-taking purposes and lasted the length of the open meeting. The audio file will be available on the Council website.

Present

Mayor Keith Parkes (Presiding Member), Councillors Bill Coomans, Margaret Gardner, Milli Livingston, Craig Maidment, Sue Miller, Michael Scott and Christie Thornton.

Apologies / Leave of Absence

Cr Peter Oliver

Cr Lou Nicholson has previously been granted leave of absence by Council for a period commencing 23 May 2023 and concluding 31 August 2023 inclusive (C23170).

In Attendance

Nigel Morris (Chief Executive Officer), Matt Atkinson (Acting General Manager Community), Andy Baker (General Manager Infrastructure), Trish Kirkland (General Manager Corporate), Tash Hunt (Executive Manager Office of the CEO), Erin Howard (Personal Assistant General Manager Corporate - Minute Secretary), and other staff as required.

Gallery

11 members of the public, a representative from the Victor Harbor Times and Fleurieu Sun, a representative from the Southern Argus, and a representative from South Coast Television.

Acknowledgement of Traditional Owners

The Alexandrina Council and its communities acknowledge the Ngarrindjeri people as the traditional custodians of the lands and waters of our Council District.

Local Government Prayer

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of this district.

Declarations of Interest

If a Council Member has an interest in a matter before the Council, they are asked to disclose the interest to Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

Confirmation of Minutes

C23254

Moved Cr Craig Maidment seconded Cr Bill Coomans

1. That the Minutes of the Alexandrina Council meeting held on 19 June 2023 be received as a true and correct record.
2. That the Minutes of the Alexandrina Council Special meeting held on 10 July 2023 be received as a true and correct record.

CARRIED UNANIMOUSLY

2. Adjourned Debate

Nil

3. Presentations / Deputations

3.1. Milang Oval Committee

The Presiding Member sought and was granted leave of the meeting for the deputation to be 10 minutes in duration at 5.38 pm.

Ms Amanda Vivian, President of the Milang Oval Committee made a deputation regarding the Milang Oval Committee Lease.

The Presiding Member thanked Ms Vivian for her deputation.

3.2. Milang & District Historical Society

The Presiding Member sought and was granted leave of the meeting for the deputation to be 10 minutes in duration at 5.51 pm.

Representatives of the Milang & District Historical Society Inc made a deputation regarding the Milang Oval lease.

The Presiding Member thanked the Milang & District Historical Society Inc representatives for their deputation.

3.3. Goolwa Food Market Proposal

The Presiding Member sought and was granted leave of the meeting for the deputation to be 10 minutes in duration at 6.06 pm.

Ms Rojina McDonald made a deputation regarding her proposal to start a Goolwa Food Market.

The Presiding Member thanked Ms McDonald for her deputation.

The Presiding Member sought and was granted leave of the meeting to consider Items 8.1 Milang Oval Lease Renewal Request and 8.2 Food Market Licence Proposal Barrage Road Goolwa at this time.

The meeting moved to Agenda Item 8.1 at 6.14 pm.

8.1. Milang Oval Lease Renewal Request

C23255

Moved Cr Michael Scott seconded Cr Margaret Gardner

That Council:

- 1. Acknowledge the request from the Milang and District Historical Society Inc for an independent lease over a portion of the Milang Oval, located at 1406 Milang Road, Milang, Crown Record Volume 5630 Folio 945 (Milang Oval).**
- 2. Consider the proposal from the Milang and District Historical Society Inc for a new independent lease over a portion of the Milang Oval.**
- 3. Prepare a separate draft lease for the Milang and District Historical Society Inc and a variation to the current lease for Milang Oval Inc. over portions of the Milang Oval inclusive of the below terms and conditions:**

- Lease term commencing 1 July 2023 and expiring 30 June 2037 (7 + 7)
 - Separate lease areas as provided in the 'General Analysis' section of this report
 - A common area for the shared road and associated infrastructure
4. Proceed to community engagement on the two (2) drafted leases, to gauge community feedback on the proposal, with a further report brought back to Council following the community engagement process with all submissions received.

CARRIED

8.2. Food Market Licence Proposal Barrage Road Goolwa

C23256

Moved Cr Margaret Gardner seconded Cr Michael Scott

That Council:

1. **Grant consent to progress negotiations with Ms Rojina McDonald in accordance with the proposal contained at Attachment 1 in this meeting agenda, for the operation of fortnightly Food Markets on a portion of Reserve Barrage Road Goolwa, with the following conditions:**
 - **Operation of fortnightly food markets**
 - **Licence commencement date of 1 September 2023**
 - **Licence expiry date of 31 August 2024**
 - **Operating Saturdays only, hours of 8.30am – 12.30pm**
 - **Portion of Reserve, Barrage Road Goolwa as identified in the Licence**
 - **That product is restricted to a person or business who grows, rears, catches, harvests, makes or produces the food goods they are selling**
 - **That re-sellers of fruit, vegetables or any other farm - based product, art and craft stalls and bric-a-brac stalls will not be permitted**
 - **That local stallholders have first priority**
 - **That no power and water is or will be supplied to the licence area**
 - **That no vehicles / trailers can be driven on the reserve at any time**
2. **Apply a \$30 licence fee per stall for each market, noting that this fee is calculated on applying half of Council's Commercial market fee of \$60, due to the markets only operating for half a day.**
3. **Authorise the Mayor and Chief Executive Officer to sign and seal the Licence Agreement.**
4. **Receive a further report following the initial 12-month trial.**

CARRIED UNANIMOUSLY

The meeting returned to Agenda Item 4 – Petitions at 6.32 pm

4. Petitions

Nil

5. Questions with Notice

5.1. Cr Sue Miller - Goolwa Oval Recreation Precinct

Question

Financials and Risk Management

1. *What has Council included in the draft operating budget for Recreational Facilities, and what percentage of this is attributable to the Goolwa Oval Recreation Precinct?*
2. *Does Council's Risk Register include post construction risks associated with operating the Goolwa Oval Recreation Precinct which the Prudential Report received by Council 15 August 2022 recommended be considered?*
3. *Will Council's Long Term Financial Plan be adjusted to accurately reflect the significant variances to what were anticipated annual financial subsidies for the Goolwa Oval Recreation Precinct being funded from Council's general operating revenues?*
4. *Does the Goolwa Port Elliot Football Club, pay a hire fee for what is, as I understand it, exclusive use of the downstairs gym area? If it is exclusive use all year round due to the Club having paid to fit out the gym area, how long has the Club had exclusive use of that area?*
5. *Were any of the clubs that form the Advisory Committee, or any other user at the time of redevelopment, ever compensated for the impact the Goolwa Oval Recreation Precinct would have on them? If so, what were those amounts, to whom were they paid, when were they paid, and what were the payments for, and how were they authorised and reported to Council?*
6. *What is the status of the former Goolwa Oval Recreation Grounds Committee? Was it an incorporated body, and did it/does it hold any funds?*
7. *How are bookings for Goolwa Oval Recreation Precinct being managed now, and who is receiving any revenue being generated?*
8. *Is Council, as advised in the 18 July 2022 report to Council, working with YMCA of SA and Mission Australia to engage a range of community groups, clubs and individuals in delivering innovative and inclusive physical activity opportunities, which was to include modified sporting formats that are inclusive of and suitable for seniors and people living with a disability, for example, community exercise programs?*

Management Model

At the Council meeting 15 March 2021 Council resolved (ACM21909):	
10.1	Goolwa Oval Sporting Precinct Master Plan
ACM21909	Moved Cr Gardner seconded Cr Rebbeck
	1. That Council endorse Administration to develop a Council-operated model for the Goolwa Oval Sporting Precinct for a period of two years; and
	2. That Council commence discussions and planning with the current lease holder, the Goolwa Oval Recreation Committee, for the transition to the new model by 31 August 2021; and
	3. That Council note that the implications for 2021-22 and 2022-23 budgets will be discussed as part of Annual Business Plan and Budget processes.
CARRIED UNANIMOUSLY	

1. Given the information provided to Council Members in 19 June 2023 council meeting agenda under General Analysis on page 73 of that agenda and if, as advised in the first paragraph on page 102 of 19 June 2023 council meeting agenda, in 2021 all user groups were consulted about the proposed hire fees in advance of these being presented to Council for approval in March 2021, in paragraph 4 on page 102 “However, as a result of subsequent workshops with all user groups in late 2022, there is an agreed way forward with regards to a management model and facility operations.” and the s41 committee no longer exists and council continues to manage the facility as it has done since the site became operational what remains in dispute – that is, what is it that is holding up agreement being reached?
2. Having regard to part 4 of resolution C23214 of 19 June 2012 which states: “That the Terms of Reference include the requirement to **review** the ongoing fee structure including percentage split between user groups, operational costs, revenue opportunities and a model to move towards a full cost recovery” What information is the Advisory Committee reviewing, given Council has not yet endorsed an ongoing fee structure?

Lighting Costs

1. When will Council (that is, the elected members) have an opportunity in the chamber to discuss the lighting costs being incurred since the lights became operational, and set fees for anyone or group using those lights?
2. Who is paying these costs now, and monitoring responsible usage?
3. If any other organisation wanted to use the facility, and use the lights, what would they be charged?
4. Does the CEO have delegation to immediately put in place user fees, and/or cost recovery fee structure for costs incurred by council, for the lights and any other components of the facility?

Advisory Committee

1. Will the Terms of Reference, yet to be established, include how the 2 community members will be recruited/appointed to the Advisory Committee?
2. Will Council members be advised of the date and time for the first Advisory Committee meeting so those who are interested can attend as observers?'

Answer

The following provides the answer in **blue** to the question in black:

Financials and Risk Management

1. What has Council included in the draft operating budget for Recreational Facilities, and what percentage of this is attributable to the Goolwa Oval Recreation Precinct?

Under the grouping of Recreational Facilities in the draft operating budget is contained

Description	Expense	Income	Net
Goolwa Oval	\$140,000	\$50,000	\$90,000 exp
Goolwa Sports Stadium	\$59,500	\$70,000	(\$10,500) inc
Strathalbyn Pool	\$337,800 (net)		\$337,800 exp
Total			\$417,300exp

The Goolwa Oval net of \$90,000 represents 21.56% of the net \$417,300.

2. *Does Council's Risk Register include post construction risks associated with operating the Goolwa Oval Recreation Precinct which the Prudential Report received by Council 15 August 2022 recommended be considered?*

The risk register does not specifically name each project but contains a Project and Contract Management Risk

3. *Will Council's Long Term Financial Plan be adjusted to accurately reflect the significant variances to what were anticipated annual financial subsidies for the Goolwa Oval Recreation Precinct being funded from Council's general operating revenues?*

Council adopted the 2023/24 Annual Business Plan and Budget 10 July 2023; this included the operating costs for the Oval at \$140,000 and expected income of \$50,000. The 2023/24 costs are included in the Long Term Financial Plan. If there is a significant variance to this amount adjustments will be made. This cannot be determined until the fees are set and a decision on previous seasons is made.

4. *Does the Goolwa Port Elliot Football Club, pay a hire fee for what is, as I understand it, exclusive use of the downstairs gym area? If it is exclusive use all year round due to the Club having paid to fit out the gym area, how long has the Club had exclusive use of that area?*

The gym is fitted out by the Goolwa Port Elliot Football Club (GPEFC) and they currently have exclusive access to this area. The equipment was supplied by and is maintained in full by the GPEFC. The ongoing usage of the gym will form part of future discussions with the Advisory group for their consideration.

5. *Were any of the clubs that form the Advisory Committee, or any other user at the time of redevelopment, ever compensated for the impact the Goolwa Oval Recreation Precinct would have on them? If so, what were those amounts, to whom were they paid, when were they paid, and what were the payments for, and how were they authorised and reported to Council?*

During Stage 1 of the project a once off payment of \$10,000 in 2021/22 was made to the Goolwa Port Elliot Football Club to assist with relocation costs to avoid significant delays to the project and additional costs. The payment was authorised as a project cost by Administration and was not individually reported to Council.

6. *What is the status of the former Goolwa Oval Recreation Grounds Committee? Was it an incorporated body, and did it/does it hold any funds?*

The Goolwa Recreation Grounds Management Committee (GRGMC) is no longer in operation having previously leased the grounds.

A search on SA.GOV.AU - Incorporated associations (www.sa.gov.au) confirms the association is incorporated.

The Committee currently has \$22,000 in a trust fund.

7. *How are bookings for Goolwa Oval Recreation Precinct being managed now, and who is receiving any revenue being generated?*

The current situation is that the Goolwa Oval Precinct is managed by Council. User groups book access for seasonal and ad-hoc requirements and clubs negotiate between themselves for use of bar and canteen and shared space. Revenue being generated for bookings is being received by Council with the exception of one event where a booking for a 21st Birthday was made during one of the clubs booking seasons and income was retained by the club as agreed to by the CEO.

8. *Is Council, as advised in the 18 July 2022 report to Council, working with YMCA of SA and Mission Australia to engage a range of community groups, clubs and individuals in delivering innovative and inclusive physical activity opportunities, which was to include modified sporting formats that are inclusive of and suitable for seniors and people living with a disability, for example, community exercise programs?*

Council administration was successful in obtaining grant funding through the Office of Recreation, Sport and Racing (as per attachment). Council did provide a range of programs in year 1 and expended the funding of \$63,000. However and unfortunately due to the ongoing challenges and unknowns with regards to the operational model at the Goolwa Oval Recreation Precinct, Council declined the \$77,700 funding in year 2. Whilst this project had great intent, with the aim of activating the new infrastructure (funded via local, state and federal governments) for a wider range of community who might not necessarily participate in the more traditional community sporting formats; it is acknowledged that the 'vision' for this project was actioned 'before its time'. The management and funding model needs to be resolved in the first instance, so that optimal activation of this significant community facility can be achieved by both clubs and the broader community.

Management Model

1. *Given the information provided to Council Members in 19 June 2023 council meeting agenda under General Analysis on page 73 of that agenda and if, as advised in the first paragraph on page 102 of 19 June 2023 council meeting agenda, in 2021 all user groups were consulted about the proposed hire fees in advance of these being presented to Council for approval in March 2021, in paragraph 4 on page 102 "However, as a result of subsequent workshops with all user groups in late 2022, there is an agreed way forward with regards to a management model and facility operations." and the s41 committee no longer exists and council continues to manage the facility as it has done since the site became operational what remains in dispute – that is, what is it that is holding up agreement being reached?*

At the Council meeting 19 June 2023 included recommendations for a Management Model, Fee Structure and Lighting Costs were presented. Council in considering the report resolved not to immediately establish the management model and fees but to establish an Advisory Group to review the ongoing fee structure including percentage split between user groups, operational costs, revenue opportunities and a model to move towards a full cost recovery. Council will consider the recommendations of the advisory group before further considering the management model and fees.

2. *Having regard to part 4 of resolution C23214 of 19 June 2012 which states: "That the Terms of Reference include the requirement to **review** the ongoing fee structure including percentage split between user groups, operational costs, revenue opportunities and a model to move towards a full cost recovery" What information is the Advisory Committee reviewing, given Council has not yet endorsed an ongoing fee structure?*

The Advisory group will review all invoices for the operation of the oval for the past two years and will provide a recommendation to Council for consideration.

Lighting Costs

1. *When will Council (that is, the elected members) have an opportunity in the chamber to discuss the lighting costs being incurred since the lights became operational, and set fees for anyone or group using those lights?*

As part of the Stage 2 of the Oval Precinct project, new electricity meters are being installed along with swipe cards for use of the oval lights. This will allow identification of the users of the lights and therefore fees can be applied. It is expected this will be setup by September. The Advisory Group will provide a recommendation to Council on the fees to be applied to the lights for consideration. It is expected this recommendation will be considered by the September meeting. If a recommendation is not received from the Advisory Committee by September, an alternative Council or Administration led recommendation can be brought to Council for consideration.

2. *Who is paying these costs now, and monitoring responsible usage?*

Council is currently meeting the costs of lighting. The Advisory Group will review invoices relating to the lights once received to recommend fees to be paid. The swipe cards to be installed by September will assist in monitoring usage. Council is also investigating ways to automatically turn of the lights at a certain time as there has been occasions when the lights have been unable to be turned off.

3. *If any other organisation wanted to use the facility, and use the lights, what would they be charged?*

At present they are not being charged until the fees are set and the facility to record usage is installed.

4. *Does the CEO have delegation to immediately put in place user fees, and/or cost recovery fee structure for costs incurred by council, for the lights and any other components of the facility?*

Yes, under section 188(1)(a) the CEO is delegated to impose a fee and charge for the use of any property or facility owned, controlled, managed or maintained by the Council.

Advisory Committee

1. *Will the Terms of Reference, yet to be established, include how the 2 community members will be recruited/appointed to the Advisory Committee?*

Yes

2. *Will Council members be advised of the date and time for the first Advisory Committee meeting so those who are interested can attend as observers?'*

Getting all the groups together at the same time is currently proving problematically and the first date is yet to be determined. Once the date is known Administration will advise Council Members. The conducting of the meeting and including having observers attend will be up to the chair of the meeting.

6. Questions without Notice

A Question without Notice was asked and answered.

7. Notice of Motions

7.1. Cr Sue Miller - Goolwa Oval Recreation Precinct - User Group Fees Recommendations from the Advisory Committee

Moved Cr Sue Miller seconded Cr Christie Thornton

That given:

- my Questions On Notice on this agenda;
- that the resolution C23214 did not give a timeframe for resolving the matter of an operating model or fee structure and cost recovery for this council-owned precinct;
- having considered the advice provided at 19 June 2023 council meeting in report agenda Item 8.3 Goolwa Oval Management Model; and
- consideration of the broader community interest

That Council requests that recommendations from the Advisory Committee be provided to the Administration no later than 31 July 2023 for consideration by Council no later than the 17 August 2023 council meeting.

LOST

7.2. Cr Sue Miller - Goolwa Oval Recreation Precinct - Lighting Usage Fees

Moved Cr Sue Miller seconded Cr Christie Thornton

That Council, having engaged BCA Engineers who provided the report that was attachment 5 of item 8.3 Goolwa Oval Management Model at 19 June 2023 council meeting agenda:

1. resolves that the lighting fees as of 1 July 2023 for the facility for any user of the Goolwa Oval Recreation Precinct are as per 19 June 2023 council meeting agenda item 8.3 Goolwa Oval Management Model recommendation 4, and are additional to any Precinct User Fees:

	COST (100% lighting load)
Main Oval	\$19.41
New Courts	\$5.55

2. resolves that the Goolwa Oval Recreation Precinct lighting fees may be reviewed upon written request and subsequent resolution of Council.
3. resolves not to recover lighting costs attributable up to and including 30 June 2023 to members of the Goolwa Oval Recreation Precinct Advisory Committee; and future costs may be reviewed, by Council resolution, upon written recommendations to Council from the Goolwa Oval Recreation Precinct Advisory Committee members for alternative methods to calculate and recover fees for lighting costs.

LOST

7.3. Cr Sue Miller - Ashbourne Memorial Hall & Oval Driveway Remediation 2023/24 Budget Provision

C23257

Moved Cr Sue Miller seconded Cr Christie Thornton

Cr Margaret Gardner left the Chamber at 6.59 pm and returned to the Chamber at 7.02 pm

That, given there is no reference to past, current or future years to projects undertaken in Ashbourne in the Annual Business Plan 2023/24, and the Ashbourne Hall and Cricket Oval:

- is the heart of social and cultural activities for locals and visitors to Ashbourne
- is used regularly for a diverse range of community events from weddings, school performances and sports carnivals, yoga classes, cricket club functions, table tennis competitions, community group meetings and markets, car club visits, and
- is home to the local Australia Post outlet with 116 post boxes and 15 large parcel boxes, visited many times a day by car and on foot; and
- noting the written submission during consultation on the draft 2023/24 Annual Business Plan in which the Hall committee provided a quotation to support seeking financial assistance to remediate the driveway around the hall to make it safe and accessible, and protect the timber floor of the Hall being degraded by gravel and dust from the driveway

That any savings identified in 2023/24 quarterly budget reviews be considered for a financial contribution to the Ashbourne Memorial Hall and Oval Committee towards the \$46,240 project to remediate the driveway around the Hall.

CARRIED UNANIMOUSLY

7.4. Cr Sue Miller - 2023/24 Quarterly Budget Review Considerations

C23258

Moved Cr Sue Miller seconded Cr Christie Thornton

That the following initiatives be considered for support from any surplus identified in 2023/24 quarterly budget reviews:

1. Financial Assistance for Strathalbyn & Districts Basketball Association

\$4,000 to support Strathalbyn & Districts Basketball Association (S&DBA) maintain the 50+ year old, single court shared-use gymnasium, the only under-cover sporting facility that caters for Strathalbyn and surrounds, located at Eastern Fleurieu School R-6 campus, East Terrace, Strathalbyn, and used by approximately 1000 community members each week, being \$2,500 for floor resealing and a \$1,500 for court cleaning.

2. Financial Assistance to the Strathalbyn Strikers (Soccer) Club

\$4,000 to support Strathalbyn Strikers (Soccer) Club – a community-based soccer club located in Strathalbyn who lease a portion of the privately-owned Strathalbyn Polo & Recreation Grounds on Callington Road, Strathalbyn, and made a deputation to Council 20 February 2023 – being for \$1,500 for essential port-a-loo pump out costs, and \$2,500 towards ground leasing costs which are over \$15,000 per annum and borne by Club members.

3. Walking and Cycling Trail - Willyaroo to Strathalbyn – Scoping Document

\$5,000 to scope what would be required to establish a basic walking and cycling trail between Strathalbyn township and Willyaroo to reduce the risk to the school children and community members who walk or cycle on the roadside to Strathalbyn township, and so that Council would then have a scoped document to submit to future State or Federal grant funding programmes or advocacy opportunities as they arise.

CARRIED UNANIMOUSLY

7.5. Cr Michael Scott - Affordable Housing - Port Elliot

C23259

Moved Cr Michael Scott seconded Cr Bill Coomans

That a report be prepared by Council’s administration and presented to Council as soon as practicable (at the August / September Council meeting), detailing the potential and the associated processes to make the Council owned land adjacent the Port Elliot Community Gardens located at Lot 60 Elliot Street, Port Elliot, available for social housing.



CARRIED UNANIMOUSLY

8. Administration Reports

8.1. Milang Oval Lease Renewal Request

Considered earlier in this meeting.

8.2. Food Market Licence Proposal Barrage Road Goolwa

Considered earlier in this meeting.

8.3. Council Membership of the Strathalbyn Oval Controlling Committee

Cr Craig Maidment declared a material conflict of interest for Agenda Items 8.3 Council Membership of the Strathalbyn Oval Controlling Committee and 8.4 – Strathalbyn Oval – DA 23017351 for Caravan Park Extension due to being the Chair of the Strathalbyn Oval Controlling Committee and left the Chamber at 7.15 pm

C23260

Moved Cr Sue Miller seconded Cr Bill Coomans

That Council:

- 1. determines to appoint a council member to the Strathalbyn Oval Controlling Committee; and**
- 2. retrospectively endorse Councillor Craig Maidment's appointment as Council's representative on the Strathalbyn Oval Controlling Committee until the end of the 2022 to 2026 Election Cycle.**

CARRIED UNANIMOUSLY

8.4. Strathalbyn Oval - DA 23017351 for Caravan Park Extension

Cr Craig Maidment had previously declared a material conflict of interest in the matter for consideration due to being the Chair of the Strathalbyn Oval Controlling Committee and had left the Chamber at 7.15 pm

Cr Bill Coomans declared a general conflict of interest due to his position on the Fleurieu Regional Assessment Panel and left the Chamber at 7.18 pm.

C23261

Moved Cr Michael Scott seconded Cr Margaret Gardner

- 1. That Council grant landowners consent to the proposed extension of the caravan park with the installation of six (6) designated large caravan sites along the Coronation Road side of the Strathalbyn Oval leased premises, Certificate of Title Volume 5452 Folio 336, in accordance with and subject to approval of Development Application 23017351.**
- 2. That Council note that by providing landowners consent the Development Approval will now proceed to Assessment and will require public notification in accordance with the requirements of the Planning and Design Code, as the property is located within the Neighbourhood Zone. During this process, community members impacted by the proposed development are able to make representation and ultimately a decision will be made by the Fleurieu Regional Assessment Panel if representations are received.**

CARRIED UNANIMOUSLY

Cr Craig Maidment and Cr Bill Coomans returned to the Chamber at 7.20 pm.

8.5. Lease and Licence Policy Activities April to June 2023 Quarterly Report

C23262

Moved Cr Milli Livingston seconded Cr Craig Maidment

That Council receive and note the Lease and Licence Policy Activities Report for 1 April 2023 to 30 June 2023.

CARRIED UNANIMOUSLY

8.6. Affordable Housing Update

C23263

Moved Cr Bill Coomans seconded Cr Margaret Gardner

- 1. That Council note this update and the actions outlined within this report.**
- 2. That Council confirm that at this point in time, it has not made 7 acres of land in Milang available for a Social Housing Project as recently reported in various sources as per following summary:**

The land in question is Crown Land that is under Council's care and control for maintenance purposes. The SA Housing Authority and Junction Australia currently manage four (4) existing public houses on this land, with Council maintaining the balance of the land (approximately 6,000 square metres). Council's Administration are investigating options for this land, with the intent of presenting options to Council once more information is known. (No Council decision has been made on the land)

Discussions are required with Crown Lands, the SA Housing Authority, Junction Australia and other interested stakeholders such as the Milang and District Community Association, the Fleurieu Affordable Housing Committee and the local community. Council's administration is well placed to facilitate and coordinate these discussions, which is consistent with our commitment to advocate for more affordable, social and public housing.

Following Administration's discussions and investigations a further report will be presented to Council for considerations on options.

CARRIED UNANIMOUSLY

8.7. 2024 By-law Review

Moved Cr Michael Scott seconded Cr Margaret Gardner

- 1. That Council in exercise the powers contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act, and having had regard to and note:**
 - a. the letter of approval from the Dog and Cat Management Board in relation to By-law number 5**
 - b. the letter of approval from the Minister for Infrastructure and Transport in respect of By-law numbers 2 and 5**
 - c. the submissions received from the public**
 - d. the Certificates of Validity provided by the Council's legal practitioner**
 - e. the National Competition Policy Report**

2. That the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as presented in the attachments:
 - a. Permits and Penalties By-law No. 1 of 2023
 - b. Local Government Land By-law No. 2 of 2023
 - c. Roads By-law No. 3 of 2023
 - d. Moveable Signs By-law No. 4 of 2023
 - e. Dogs By-law No. 5 of 2023
 - f. Cats By-law No. 6 of 2023
3. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the Gazette.
4. That Council notes that a further report will be prepared and presented to Council regarding the setting of expiation fees, proposed resolutions of Council and the making of delegations under the By-laws, proper to the By-laws commencement date.

LOST

Moved Cr Bill Coomans seconded Cr Christie Thornton

1. That Council in exercise the powers contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act, and having had regard to and note:
 - a. the letter of approval from the Dog and Cat Management Board in relation to By-law number 5
 - b. the letter of approval from the Minister for Infrastructure and Transport in respect of By-law numbers 2 and 5
 - c. the submissions received from the public
 - d. the Certificates of Validity provided by the Council's legal practitioner
 - e. the National Competition Policy Report
2. That the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as presented in the attachments:
 - a. Permits and Penalties By-law No. 1 of 2023
 - b. Local Government Land By-law No. 2 of 2023
 - c. Roads By-law No. 3 of 2023
 - d. Moveable Signs By-law No. 4 of 2023
 - e. Dogs By-law No. 5 of 2023
3. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the Gazette.

LOST

8.8. Minutes of Section 41 Committee - Audit and Risk Committee - 30 June 2023

C23264

Moved Cr Margaret Gardner seconded Cr Craig Maidment

That Council receive and note the minutes of the Audit and Risk Committee held on 30 June 2023.

CARRIED UNANIMOUSLY

8.9. Report from Section 41 Committee - Audit and Risk Committee - Policy Review - Procurement

C23265

Moved Cr Bill Coomans seconded Cr Milli Livingston

That Council:

- 1. Receive the recommended draft Procurement Policy for public consultation.**
- 2. Note the Stage 1 and Stage 2 implementation of a Procurement review.**
- 3. Commence community engagement on the Draft Procurement Policy, contained at Attachment 1 in this meeting agenda.**
- 4. Receive a further report on the community engagement process, with all submissions received.**

CARRIED UNANIMOUSLY

8.10. Land, Road and Assets Policies - Community Engagement Outcomes

C23266

Moved Cr Margaret Gardner seconded Cr Sue Miller

That Council:

- 1. Receive the community engagement submissions at Attachment 1 as contained in this meeting agenda.**
- 2. Note the resolution from the 30 June 2023 Audit and Risk Committee Meeting, recommending to Council that the polices be adopted (ACAC332).**
- 3. Adopts the 'Acquisition and Disposal of Land' Policy at Attachment 2 as contained in this meeting agenda.**
- 4. Adopts the 'Acquisition and Disposal of Road' Policy at Attachment 3 as contained in this meeting agenda.**
- 5. Adopts the amended 'Disposal of Council Assets' Policy at Attachment 4 as contained in this meeting agenda.**
- 6. Authorise Administration to make changes of a minor technical or formatting nature to the Acquisition and Disposal of Land' Policy, the 'Acquisition and Disposal of Road' Policy and the 'Disposal of Council Assets (excluding Land and Road)' Policy.**
- 7. Receive a further report in 12 months on the 'Acquisition and Disposal of Land' Policy and the 'Acquisition and Disposal of Road' Policy, to consider any significant amendments that may be required following an initial 12-month trial.**

CARRIED UNANIMOUSLY

8.11. Minutes of Section 41 Committee - Heritage Advisory Committee

C23267

Moved Cr Craig Maidment seconded Cr Sue Miller

That Council receive and note the minutes of the Heritage Advisory Committee held on 31 May 2023.

CARRIED UNANIMOUSLY

8.12. Minutes of Section 41 Committee - Climate Emergency and Environment Committee - 5 June 2023

C23268

Moved Cr Milli Livingston seconded Cr Bill Coomans

That Council receive and note the minutes of the Climate Emergency and Environment Committee held on 5 June 2023.

CARRIED UNANIMOUSLY

8.13. Confidential Order Review - Various Items

C23269

Moved Cr Milli Livingston seconded Cr Margaret Gardner

1. That having considered Agenda Item 8.13 Confidential Order Review – Various Items, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:

1.1 Agenda Item 10.1 (Confidential) Goolwa Aquatic Building Level 1 – Commercial Proposal (ACM221654, ACM221655)

- That the report and attachments and audio recording (*the resolution was not retained in confidence*) of the Council meeting held on 15 August 2022 in relation to:
 - Agenda Item 10.1 (Confidential) Goolwa Aquatic Building Level 1 – Commercial Proposal are to be retained in confidence in accordance with section 90 (3) (d) (i) (ii) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that the disclosure of information:
 - Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - Would, on balance, be contrary to the public interest

1.2 Agenda Item 10.2 (Confidential) Milnes Road, Strathalbyn – Code Amendment (ACM221656, ACM221657)

- That the minutes, reports and attachments and audio recording of the Council meeting held on 15 August 2022 in relation to:
 - Agenda Item 10.2 (Confidential) Milnes Road, Strathalbyn – Code Amendment are to be retained in confidence in accordance with section 90 (3) (d) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:

- Would disclose commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

1.3 Agenda Item 14.2 Flying Fish Café – Request for New Lease Public Consultation Outcomes (Confidential) (ACM211096, ACM211097, ACM221610)

- That the minutes, reports and attachments and audio recording of the Council meeting held on 19 July 2021 in relation to:

- Agenda Item 14.2 Flying Fish Café – Request for New Lease Public Consultation Outcomes (Confidential) are to be retained in confidence in accordance with section 90 (3) (b)(i)(ii) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:

- Could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- Would, on balance, be contrary to the public interest.

2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the authority to the Chief Executive Officer to review the confidentiality orders on a monthly basis and to revoke, but not extend the orders.

CARRIED UNANIMOUSLY

8.14. Consideration of adoption of Employee Behavioural Standards (Section 120A Local Government Act 1999)

Moved Cr Margaret Gardner

1. That the report be received by Council
2. In accordance with section 120A of the *Local Government Act 1999*, a draft employee behavioural standards be prepared and returned to Council for endorsement for consultation with employees and registered industrial associations prior to adoption.

**LAPSED
for want of a seconder**

C23270

Moved Cr Craig Maidment seconded Cr Milli Livingston

1. The report be received by Council.
2. That having considered the requirements of section 120A of the *Local Government Act 1999* and existing arrangements in place that specify standards of behaviour for council employees, additional employee behavioural standards not be adopted at this time.

CARRIED

8.15. Review of Councils Complaint suite for Documents

C23271

Moved Cr Sue Miller seconded Cr Craig Maidment

That Council:

1. Adopts the updated Complaint Policy at Attachment 1 as contained in this meeting agenda.

2. Adopts the updated Complaint Handling Procedure at Attachment 2 as contained in this meeting agenda.
3. Adopts the updated Internal Review of Council Decisions at Attachment 3 as contained in this meeting agenda.
4. Adopts the updated Request for Service at Attachment 4 as contained in this meeting agenda.
5. Adopts the updated Request for Service Procedure at Attachment 5 as contained in this meeting agenda.
6. Adopts the new Unreasonable Complaints Policy at Attachment 6 as contained in this meeting agenda.
7. Revokes the Ombudsman's Enquiry Procedure at Attachment 7 as contained in this meeting agenda.
8. Delegates administration to make amendments of a formatting and/or minor technical nature to the listed policies and procedures in this report.

CARRIED UNANIMOUSLY

8.16. Delegation of Council Powers and Functions

C23272

Moved Cr Milli Livingston seconded Cr Sue Miller

That Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer and all other Council officers of those powers and functions under the following:

- (a) **Alexandrina Council By-laws 2016 No.1-6**
- (b) **Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**
- (c) **Community Titles Act 1996**
- (d) **Cost of Living Concessions Act 1986**
- (e) **Crown Land Management Act 2009**
- (f) **Development Act 1993, Development (Development Plans) Amendment Act 2006, Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019**
- (g) **Disability Inclusion Act 2018 and Disability Inclusion Regulations 2019**
- (h) **Dog and Cat Management Act 1995 and Dog and Cat Management Regulations 2017**
- (i) **Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2021**
- (j) **Electronic Conveyancing National Law (South Australia) 2013**
- (k) **Environment Protection Act 1993, Environment Protection Regulations 2009, Environment Protection (Air Quality) Policy 2016, Environment Protection (Noise) Policy 2007, Environment Protection (Used Packaging Materials) Policy 2012 and Environment Protection (Waste to Resources) Policy 2010**
- (l) **Expiation of Offences Act 1996**
- (m) **Fences Act 1975**

- (n) **Fines Enforcement and Recovery Act 2017**
- (o) **Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005**
- (p) **Food Act 2001 and Food Regulation 2017**
- (q) **Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2018**
- (r) **Gas Act 1997**
- (s) **Heavy Vehicle national Law (Schedule to the Heavy Vehicle National Law (South Australia) Act 2013)**
- (t) **Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)**
- (u) **Independent Commission Against Corruption Act 2012**
- (v) **Labour Hire Licensing Act 2017**
- (w) **Land & Business (Sale and Conveyancing) Act 1994**
- (x) **Landscape South Australia Act 2019, Landscape South Australia (General) Regulations 2020 and Landscape South Australia (Water Management) Regulations 2020**
- (y) **Liquor Licensing Act 1997**
- (z) **Local Government Act 1999, Local Government (General) Regulations 2013, Local Government (Members Allowances and Benefits) Regulations 2010, Local Government (Building Upgrade Agreements) Regulations 2017, Local Government (Elections) Act 1999, Local Government (Financial Management) Regulations 2011, Local Government (Forestry Reserves) Act 1994 and Local Government (Procedures at Meetings) Regulations 2013**
- (aa) **Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017**
- (bb) **Magistrates Court Rules 1992**
- (cc) **Mining Act 1971 and Mining Regulations 2020**
- (dd) **Ombudsman Act 1972**
- (ee) **Planning, Development and Infrastructure Act 2016 (Instrument A), Planning, Development and Infrastructure (General) Regulations 2017, Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019, State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments, State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019, State Planning Commission Practice direction (Council Inspections) 2020, State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020, Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017**
- (ff) **Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B), Planning, Development and Infrastructure (General) Regulations 2017, Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019**
- (gg) **Private Parking Areas Act 1986**
- (hh) **Real Property Act 1886**
- (ii) **Roads (Opening and Closing) Act 1991**

- (jj) Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- (kk) Safe Drinking Water Act 2011 and Safe Drinking Water Regulations 2012
- (ll) South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health Act 2011 (COVID 19) and South Australian Public Health (General) Regulations 2013
- (mm) State Records Act 1997
- (nn) Strata Titles Act 1988
- (oo) Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009
- (pp) Unclaimed Goods Act 1987
- (qq) Water Industry Act 2012 and Water Industry Regulations 2012
- (rr) Work Health and Safety Act 2012

2. Delegations made under Local Government Act 1999

2.1 That 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 contained in Appendices 1-6 (each of which is individually identified as indicated below) are hereby delegated this 17 day of July 2023 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 Permits and Penalties By-law 2016 Appendix 1 (Page 5);

2.1.2 Local Government Land By-law 2016 Appendix 2 (Page 6);

2.1.3 Roads By-law 2016 Appendix 3 (Page 10);

2.1.4 Moveable Signs By-law 2016 Appendix 4 (Page 11);

2.1.5 Dog By-law 2016 Appendix 5 (Page 12); and

2.1.6 Foreshore By-law 2016 Appendix 6 (Page 13).

2.2 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 this reports Attachment 2 (each of which is individually identified as indicated below) are here by delegated this 17 day of July 2023 to the person occupying the office of Chief Executive Officer (and anyone acting in that position) or those listed a delegate in the attached tables subject to the conditions and/or limitations specified herein.

(a) Burial and Cremation Act 2013 Appendix (a) (Page 15)

(b) Burial and Cremation Regulations 2014 Appendix (b) (Page 24)

(c) Community Titles Act 1996 Appendix (c) (Page 26)

(d) Cost of Living Concessions Act 1986 Appendix (d) (Page 27)

(e) Crown Land Management Act 2009 Appendix (e) (Page 28)

(f) Disability Inclusion Act 2018 Appendix (f) (Page 29)

(g) Disability Inclusion Regulations 2019 Appendix (g) (Page 32)

(h) Dog and Cat Management Act 1995 Appendix (h) (Page 33)

(i) Dog and Cat Regulations 2017 Appendix (i) (Page 42)

(j) Electricity Act 1996 Appendix (j) (Page 43)

- (k) Electricity (Principles of Vegetation Clearance) Regulations 2010 Appendix (k) (Page 46)**
- (l) Environment Protection Act 1993 Appendix (l) (Page 48)**
- (m) Environment Protection Regulations 2009 Appendix (m) (Page 51)**
- (n) Environment Protection (Air Quality) Policy 2016 Appendix (n) (Page 52)**
- (o) Environment Protection (Noise) Policy 2016 Appendix (o) (Page 53)**
- (p) Environment Protection (Used Packaging Materials) Policy 2012 Appendix (p) (Page 54)**
- (q) Environment Protection (Waste to Resources) Policy 2010 Appendix (q) (Page 55)**
- (r) Expiation of Offences Act 1996 Appendix (r) (Page 56)**
- (s) Fences Act 1975 Appendix (s) (Page 59)**
- (t) Fire and Emergency Services Act 2005 Appendix (t) (Page 61)**
- (u) Fire and Emergency Services Regulations 2017 Appendix (u) (Page 68)**
- (v) Fines Enforcement and Debt Recovery Act 2017 Appendix (v) (Page 70)**
- (w) Freedom of Information Act 1991 Appendix (w) (Page 72)**
- (x) Freedom of Information (Fees and Charges) Regulations 2018 Appendix (x) (Page 82)**
- (y) Gas Act 1997 Appendix (y) (Page 83)**
- (z) Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW) Appendix (z) (Page 84)**
- (aa) Joint Criminal Rules 2022 Appendix (aa) (Page 86)**
- (bb) Independent Commissioner Against Corruption Act 2012 Appendix (bb) (Page 87)**
- (cc) Labour Hire Licensing Act 2017 Appendix (cc) (Page 90)**
- (dd) Land and Business (Land and Conveyancing) Act 1994 Appendix (dd) (Page 91)**
- (ee) Landscape South Australia Act 2019 Appendix (ee) (Page 92)**
- (ff) Landscape South Australia (General) Regulations 2020 Appendix (ff) (Page 98)**
- (gg) Landscape South Australia (Water Management) Regulations 2020 Appendix (gg) (Page 99)**
- (hh) Liquor Licensing Act 1997 Appendix (hh) (Page 100)**
- (ii) Local Government Act 1999 Appendix (ii) (Page 103)**
- (jj) Local Government (General) Regulations 2013 Appendix (jj) (Page 187)**
- (kk) Local Government (Members Allowances and Benefits) Regulations 2010 Appendix (kk) (Page 188)**
- (ll) Local Government (Building Upgrade Agreements) Regulations 2017 Appendix (ll) (Page 189)**
- (mm) Local Government (Elections) Act 1999 Appendix (mm) (Page 190)**
- (nn) Local Government (Financial Management) Regulations 2011 Appendix (nn) (Page 193)**
- (oo) Local Government (Forestry Reserves) Act 1944 Appendix (oo) (Page 194)**

- (pp) Local Government (Procedures at Meetings) Regulations 2013 Appendix (pp) (Page 195)**
- (qq) Local Nuisance and Litter Control Act 2016 Appendix (qq) (Page 196) (rr) Local Nuisance and Litter Control Regulations 2017 Appendix (rr) (Page 205)**
- (ss) Mining Act 1971 Appendix (ss) (Page 207)**
- (tt) Mining Regulations 2020 Appendix (tt) (Page 208)**
- (uu) Ombudsman Act 1972 Appendix (uu) (Page 209)**
- (vv) Planning, Development and Infrastructure Act 2016 – Instrument A Appendix (vv) (Page 212)**
- (ww) Planning, Development and Infrastructure (General) Regulations 2017 Appendix (ww) (Page 271)**
- (xx) Planning Development and Infrastructure (Transitional Provisions) Regulations 2017 Appendix (xx) (page 289)**
- (yy) Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 Appendix (yy) (Page 288)**
- (zz) State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments Appendix (zz) (Page 290)**
- (aaa) State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 Appendix (aaa) (Page 301)**
- (bbb) State Planning Commission Practice Direction (Council Inspections) 2020 Appendix (bbb) (Page 302)**
- (ccc) State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020 Appendix (ccc) (Page 304)**
- (ddd) Urban Tree Canopy Off-set Scheme Appendix (ddd) (Page 305)**
- (eee) Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 Appendix (eee) (Page 306)**
- (fff) Private Parking Areas Act 1986 Appendix (fff) (Page 307)**
- (ggg) Real Property Act 1886 Appendix (ggg) (Page 308)**
- (hhh) Roads (Opening and Closing) Act 1991 Appendix (hhh) (Page 309)**
- (iii) Road Traffic Act 1961 Appendix (iii) (Page 317)**
- (jjj) Road Traffic (Miscellaneous) Regulations 2014 Appendix (jjj) (Page 324)**
- (kkk) Road Traffic Act (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 Appendix (kkk) (Page 325)**
- (III) South Australian Public Health Act 2011 Appendix (III) (Page 327) (mmm) South Australian Public Health Act (General) Regulations 2013 Appendix (mmm) (Page 336)**
- (nnn) South Australian Public Health Act 2011 (COVID-19) Appendix (nnn) (Page 337)**
- (ooo) South Australian Public Health Act (Legionella) Regulations 2013 Appendix (ooo) (Page 346)**
- (ppp) South Australian Public Health Act (Wastewater) Regulations 2013 Appendix (ppp) (Page 349)**
- (qqq) State Records Act 1997 Appendix (qqq) (Page 356)**
- (rrr) Strata Title Act 1988 Appendix (rrr) (Page 359)**

(sss) Unclaimed Goods Act 1987 Appendix (sss) (Page 360)

(ttt) Water Industry Act 2012 Appendix (ttt) (Page 365)

(uuu) Water Industry Regulations 2012 Appendix (uuu) (Page 389)

(vvv) Work Health and Safety Act 2012 Appendix (vvv) (Page 394)

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 (and anyone acting in that position) sees fit, unless otherwise indicated herein.

3. Delegations made under the Development Act 1993 and Development Regulations 2008

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, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 and the Development (Waste Reform) Variation Regulations 2019 contained in the proposed Instrument of Delegation being Appendix (www) (Page 405) are hereby delegated this 17 day of July 2023 to the person occupying the office of Chief Executive Officer and anyone acting in that position, subject to the conditions or limitations indicated herein.

3.2 Such powers and functions may be further delegated by the Chief Executive Officer and by any person appointed to act in that position, as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein.

4. Delegation 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 being Appendix (xxx) (Page 542) are hereby delegated this 17 day of July 2023 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), and anyone acting in this position.

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.

5. Delegations under the Heavy Vehicles National Law (South Australia) Act 2013

5.1 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 being Appendix (yyy) (Page 547) are hereby delegated this 17 day of July 2023 to the person occupying the office of Chief Executive Officer and anyone acting in this position.

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 Heavy Vehicle National Law (South Australia) Act 2013.

6. Delegation as a Relevant Authority under the Planning, Development and Infrastructure 2016 (Instrument B)

- 6.1** 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 there under contained in the proposed Instrument of Delegation Appendix (zzz) (Page 552) are hereby delegated this 17 day of July 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the condition and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 6.2** 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.
- 7. Delegation 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 being Appendix (A) (Page 587) are hereby delegated this 17 day of July 2023 to the person occupying the office of Chief Executive Officer and anyone acting in this position.
- 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. Delegation under Supported Residential Facilities Act 1992**
- 8.1** 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 being Appendix (B) (Page 592) are hereby delegated this 17 day of July 2023 to the person occupying the office of Chief Executive Officer and anyone acting in this position.
- 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.
- 9. Instrument of Authorisation for the purpose of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961**
- 9.1** In accordance with the Instrument of General Approval and Delegation to Council (dated 22 August 2013) from the Minister for Transport and Infrastructure (General Approval) the council authorizes the following person(s) pursuant to Clause A.7 of the General Approval to endorse Traffic Impact Statements for the purpose of Clause A of the General Approval provided that such person(s) shall take into account the matters specified in Clause A.7 of the General Approval in respect of Traffic Impact Statements:
- Peter Haese**
- Jonathon Smyth**
- Andy Baker**
- Ben Wright**
- 9.2** In accordance with Clause A.7 of the General Approval, the council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purpose of preparing a Traffic Impact Statement as required by Clause A.7 of the General Approval:

Shaun Smith

Suresh Vijayakumar (MYF Traffic Consultants)

Nadia Yeoman (Sproutt Engineering)

Bill Cirocco (MYF Traffic Consultants)

Chris Harcourt (MYF Traffic Consultants)

Beth Hinton (MYF Traffic Consultants)

Jayne Lovell (MYF Traffic Consultants)

Melissa Mellen (MYF Traffic Consultants)

9.3 In accordance with Clause E.2 of the General Approval, 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:

Shaun Smith

Ben Wright

Melchor Angelias (Prime Traffic Solutions)

Cheryl Batic (Prime Traffic Solutions)

Jesko Berecz (Prime Traffic Solutions)

Harry Bird (Prime Traffic Solutions)

Michael Brooks (Prime Traffic Solutions)

David Camplin (Prime Traffic Solutions)

Mark Hall (Prime Traffic Solutions)

Toivo Kangur (Prime Traffic Solutions)

Ian Outram (Prime Traffic Solutions)

Paul Rufus (Prime Traffic Solutions)

Barry Schell (Prime Traffic Solutions)

Kris Schrapel (Prime Traffic Solutions)

Liam Watkins (Prime Traffic Solutions)

9.4 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 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Sub-Delegation Appendix (B) (Page 602) is hereby Sub-Delegated this 17 day of July 2023 to the person occupying and by any person appointed to act in the position of Chief Executive Officer of the Council subject to:

(a) the conditions contained in the Instrument; and

(b) any conditions contained in this Resolution or in the Instrument of Sub-Delegation; and

(c) the creation of a separate instrument in writing reflecting such Sub-Delegation under the Instrument and this Resolution.

CARRIED UNANIMOUSLY

8.17. Chief Executive Officer Report

C23273

Moved Cr Michael Scott seconded Cr Margaret Gardner

1. That the Chief Executive Officer's Report for June be received.
2. That it be noted that the Chief Executive Officer will be taking leave from 31 July 2023 to 11 August 2023 with General Manager Corporate, Trish Kirkland performing the Acting Chief Executive Officer role.

CARRIED UNANIMOUSLY

9. Council Member Reports

9.1. Presiding Member's Report - Mayor Keith Parkes

C23274

Moved Cr Milli Livingston seconded Cr Craig Maidment

That the Presiding Member's Report for June 2023 be received.

CARRIED UNANIMOUSLY

9.2. Council Member Activity Report - Cr Margaret Gardner

C23275

Moved Cr Sue Miller seconded Cr Milli Livingston

That the Council Member's Activity Report from Cr Margaret Gardner for June 2023 be received.

Verbal Updates

Cr Michael Scott advised that he attended the Murray-Darling Basin Plan: Implementation Review 2023 public forum facilitated by the Australian Government Productivity Commission held at Goolwa, 7 July 2023.

CARRIED UNANIMOUSLY

10. Confidential Items

10.1. (Confidential) Report from Section 41 Audit and Risk Committee - Risk Management Policy, Risk Management Framework, and Strategic Risk Register

C23276

Moved Cr Craig Maidment seconded Cr Margaret Gardner

Pursuant to Section 90 (2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, Acting General Manager Community, General Manager Corporate, Executive Manager Office of the CEO, Manager Property and Procurement and Personal Assistant General Manager Corporate on the basis it will receive and consider Agenda Item 10.1 (Confidential) Report from Section 41 Audit and Risk Committee - Risk Management Policy Management Framework, and Strategic Risk Register.

The Council is satisfied, pursuant to Section 90(3)(e) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is relating to matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which are matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person.

CARRIED UNANIMOUSLY

C23277

Moved Cr Craig Maidment seconded Cr Milli Livingston

That Council notes the following recommendation of the Audit and Risk Committee:

That the Audit and Risk Committee:

- 1. endorse the revised Risk Management Framework for submission to Council.*
- 2. endorse the revised Risk Management Policy for submission to Council.*
- 3. endorse the revised Strategic Risk Register for submission to Council.*
- 4. note the scope of works with the Local Government Risk Services for 2023 which will provide training to staff, develop a new robust Operational Risk Register and develop an understanding of Council's current level of risk maturity and identify appropriate strategies to support implementation of the risk management policy and framework.*
- 5. commends the team for the comprehensive process that has gone into developing the documents outlined in resolutions 1 through 4.*

CARRIED UNANIMOUSLY

C23278

Moved Cr Sue Miller seconded Cr Margaret Gardner

That Council:

- 1. endorse the revised Risk Management Framework (attachment 1).*
- 2. endorse the revised Risk Management Policy (attachment 2).*
- 3. endorse the revised Strategic Risk Register (attachment 3).*

4. ***note the scope of works with the Local Government Risk Services for 2023 (attachment 4) which will provide training to staff, develop a new robust Operational Risk Register and develop an understanding of Council's current level of risk maturity and identify appropriate strategies to support implementation of the risk management policy and framework.***

CARRIED UNANIMOUSLY

C23279

Moved Cr Margaret Gardner seconded Cr Michael Scott

1. **That having considered Agenda Item 10.1 (Confidential) Report from Section 41 Audit and Risk Committee - Risk Management Policy Management Framework, and Strategic Risk Register in confidence under section 90 (2) and (3)(e) of the *Local Government Act 1999* the Council, pursuant to section 91 (7) of the *Local Government Act 1999*, orders that the report and attachment 3 – (Confidential) Draft Strategic Risk Register relative to the Agenda Item 10.1 (Confidential) Report from Section 41 Audit and Risk Committee - Risk Management Policy Management Framework, and Strategic Risk Register be retained in confidence until further order.**
2. **That pursuant to section 91 (9) (c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.**

CARRIED UNANIMOUSLY

10.2. (Confidential) Future Living Code Amendments

C23280

Moved Cr Michael Scott seconded Cr Margaret Gardner

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, Acting General Manager Community, General Manager Corporate, Manager Strategic Development, Executive Manager Office of the Chief Executive Officer, Manager Property and Procurement and Personal Assistant General Manager Corporate on the basis that it will receive and consider Item 10.2 Future Living Code Amendments (Confidential).

The Council is satisfied, pursuant to Section 90(3)(m) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information relating to a proposal to prepare or amend a designated instrument under Part 5 Division of the *Planning, Development and Infrastructure Act 2016* before the draft instrument or amendment is released for public consultation under the Act.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information to be received, discussed or considered in relation to this Agenda Item is information relating to the Code Amendment to the Planning & Design Code under the *Planning, Development and Infrastructure Act 2016*.

CARRIED UNANIMOUSLY

C23282

Moved Cr Milli Livingston seconded Cr Margaret Gardner

1. That having considered Agenda Item 10.2 (Confidential) Future Living Code Amendments in confidence under section 90(2) and (3)(m) of the *Local Government Act 1999* the Council, pursuant to section 91 (7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recordings relative to the Agenda Item 10.2 (Confidential) Future Living Code Amendments be retained in confidence until further order.
2. That pursuant to section 91 (9) (c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

CARRIED UNANIMOUSLY

10.3. (Confidential) 15 Cadell Street Goolwa Strategy

C23283

Moved Cr Craig Maidment seconded Cr Milli Livingston

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Manager Property and Procurement Services and Personal Assistant General Manager Corporate on the basis that it will receive and consider Item 10.3 (Confidential) 15 Cadell Street Goolwa Strategy.

The Council is satisfied, pursuant to section 90(3)(b)(i)(ii) that the 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; and would on balance, be contrary to the public interest.

CARRIED UNANIMOUSLY

C23285

Moved Cr Craig Maidment seconded Cr Milli Livingston

1. That having considered Agenda Item 10.3 (Confidential) 15 Cadell Street Goolwa Strategy in confidence under section 90(2) and (3)(b)(i)(ii) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 10.3 (Confidential) 15 Cadell Street Goolwa Strategy be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

CARRIED UNANIMOUSLY

10.4. (Confidential) Minutes of Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023

C23286

Moved Cr Michael Scott seconded Cr Craig Maidment

Pursuant to Section 90 (2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Personal Assistant General Manager Corporate on the basis it will receive and consider 10.4 (Confidential) Minutes of Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023.

The Council is satisfied, pursuant to Section 90 (3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would disclose the unreasonable disclosure of information concerning the personal affairs of any person, living or dead.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it includes information about the assessment of the Chief Executive Officer's performance.

CARRIED UNANIMOUSLY

C23287

Moved Cr Craig Maidment seconded Cr Bill Coomans

That Council receive and note the minutes of the Chief Executive Officer Performance Management Panel meeting held on 3 July 2023.

CARRIED UNANIMOUSLY

C23288

Moved Cr Craig Maidment seconded Cr Christie Thornton

- 1. That having considered Agenda Item 10.4 (Confidential) Minutes of Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023 in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the report and attachments and audio recording relative to the Agenda Item 10.4 (Confidential) Minutes of Section 41 Committee – Chief Executive Officer Performance Management Panel meeting 3 July 2023 be retained in confidence until further order.**
- 2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.**

CARRIED UNANIMOUSLY

10.5. (Confidential) Report from Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023

C23289

Moved Cr Michael Scott seconded Cr Margaret Gardner

Pursuant to Section 90 (2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Personal Assistant General Manager Corporate on the basis it will receive and consider 10.5 (Confidential) Report from Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023.

The Council is satisfied, pursuant to Section 90 (3) (a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would disclose the unreasonable disclosure of information concerning the personal affairs of any person, living or dead.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it includes information about the assessment of the Chief Executive Officer's annual performance.

CARRIED UNANIMOUSLY

Cr Sue Miller left the Chamber at 8.48 pm

C23293

Moved Cr Milli Livingston seconded Cr Craig Maidment

- 1. That having considered Agenda Item 10.5 (Confidential) Report from Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023 in confidence under section 90 (2) and (3) (a) of the *Local Government Act 1999* the Council, pursuant to section 91 (7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recordings relative to the Agenda Item 10.5 (Confidential) Report from Section 41 Committee - Chief Executive Officer Performance Management Panel meeting 3 July 2023 be retained in confidence until further order.**
- 2. That pursuant to section 91 (9) (c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.**

CARRIED UNANIMOUSLY

Cr Sue Miller returned to the Chamber at 8.49 pm

11. Closure

The Presiding Member declared the meeting closed at 8.49 pm

MINUTES CONFIRMED.....DATE.....

Mayor Keith Parkes