



DISTRICT COUNCIL OF GRANT

**MINUTES OF ORDINARY MEETING OF COUNCIL HELD AT THE
COUNCIL CHAMBERS, 324 COMMERCIAL STREET WEST, MOUNT GAMBIER**

ON MONDAY 16 APRIL 2018 AT 5.45 PM

ATTENDANCE

Elected Members

Mayor Richard Sage
Cr GM Clayfield
Cr BJ Collins
Cr AH Hill
Cr BR Kuhl
Cr JA Reis
Cr GW Saunders

Council Officers

GK Maxwell, Acting Chief Executive Officer
LJ McEvoy, Director, Environmental Services
AA Schutz, Works Manager
MP Ryan, Economic Development Advisor
PB Mitchell, Business Manager Saleyards
DM Hutchesson, Executive Support Governance

Other Attendees

APOLOGIES FOR ABSENCE

Cr SE Little
Cr GR Slarks

APPROVED LEAVE OF ABSENCE

CR BJ Bain Leave of absence granted for period for 4 April 2018 to 4 June 2018 inclusive.

18055 - CONFIRMATION OF MINUTES

1. Moved Cr Collins that the minutes of the Ordinary Meeting of Council held Wednesday 4 April 2018 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Hill

CARRIED

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18056 – REPORTS FROM REPRESENTATIVES ON OTHER ORGANISATIONS AND COMMITTEES

Cr Collins	<ul style="list-style-type: none">• Yahl Primary School Bike Education Presentation of Certificates• Little Athletics Presentations• AC Care Homeless Luncheon• Trevor Smart's Farewell
Cr Reis	<ul style="list-style-type: none">• Meeting with Courtney Grigg, Youth Opportunities• Budget Workshop• Youth Opportunities Graduation and Launch• AC Care Homeless Luncheon
Cr Clayfield	<ul style="list-style-type: none">• Port MacDonnell Tourist Association Meeting• Budget Workshop• Port MacDonnell Community Group Meeting• AC Care Homeless Luncheon
Cr Hill	<ul style="list-style-type: none">• Audit Committee Meeting• Pedal Prix at Mac Park• Budget Meeting• AC Care Homeless Luncheon• Trevor Smart's Farewell
Cr Kuhl	<ul style="list-style-type: none">• Budget Workshop• Council Assessment Panel Meeting• Trevor Smart's Farewell
Cr Saunders	<ul style="list-style-type: none">• Trevor Smart's Farewell
Mayor Sage	<ul style="list-style-type: none">• Blue Lake Nationals Viewing, Dinner and Presentations• Mount Gambier Health Forum re: Community expectations and concerns• Mount Gambier & Districts Schools Sports Day Parade and Opening• Limestone Coast Local Government Association General Meeting• SA Fire Fighters Memorial Service• Pedal Prix Presentations at Mac Park• Budget Workshop #2• Breakfast in Naracoorte with Minister Whetstone representing the LCLGA re: Council Issues• Dinner with Minister Whetstone• Council Best Practice Showcase & Local Government Association Ordinary General Meeting & Meetings regarding changes to the LGA Constitution

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| | <ul style="list-style-type: none">• RDA Board Dinner re: Regional Priorities• Trevor Smart's Farewell• Meeting with Graeme Maxwell, Acting CEO |
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Moved Cr Saunders that the reports from the Representatives on other organisations and committees be noted.

Seconded Cr Kuhl

CARRIED

REPORTS FROM OFFICERS AND COMMITTEES

18057 – CHIEF EXECUTIVE OFFICER

1. Kangaroo Population Management - [1.3.2/5 & 5.3.2/41] Item 13.1.1

Council considered the result of current efforts towards the effective management of kangaroo populations in the District Council of Grant and surrounding areas.

Moved Cr Collins that Council write to the newly elected State Ministers the Hon David Speirs, Minister for Environment and Water; and the Hon Stephan Knoll, Minister for Transport, Infrastructure and Local Government highlighting the problem with kangaroo numbers and seeking support in addressing the problem, and inviting them to visit the region.

Seconded Cr Clayfield

CARRIED

2. Economic Development Quarterly Report – [9.87.1/2] Item 13.1.2

Council were provided with the quarterly report on economic development activities from 9 January 2018 to 29 March 2018.

Moved Cr Hill that Quarterly Economic Development Report be received.

Seconded Cr Reis

CARRIED

3. Annual Review of Delegations of Powers of Council – [12.9.1/1] Item 13.1.3

Council considered the annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999. Council last conducted an annual review of its delegations on 20 March 2017.

Moved Cr Reis 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 and Council Staff of those powers and functions under the following:

1.1.1. Aerodrome Fees Act 1998

1.1.2. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

1.1.3. Children's Protection Act 1993

1.1.4. Community Titles Act 1996

1.1.5. Development Act 1993 and Development Regulations 2008

1.1.6. Dog & Cat Management Act 1995

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- 1.1.7. Electronic Conveyancing National Law (South Australia) Act 2013
- 1.1.8. Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010
- 1.1.9. Expiation of Offences Act 1996 (with effect from 30 April 2018)
- 1.1.10. Fences Act 1975
- 1.1.11. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.12. Food Act 2001
- 1.1.13. Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003
- 1.1.14. Graffiti Control Act 2001
- 1.1.15. Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.16. Housing Improvement Act 1940
- 1.1.17. Impounding Act 1920
- 1.1.18. Land & Business (Sale and Conveyancing) Act 1994
- 1.1.19. Liquor Licensing Act 1997
- 1.1.20. Local Government Act 1999
- 1.1.21. Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017.
- 1.1.22. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions -Levies) Regulations 2005
- 1.1.23. Planning, Development and Infrastructure Act 2016
- 1.1.24. Real Property Act 1886
- 1.1.25. Roads (Opening & Closing) Act 1991
- 1.1.26. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 1.1.27. Safe Drinking Water Act 2011
- 1.1.28. South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public health (General) Regulations 2013
- 1.1.29. Strata Titles Act 1988
- 1.1.30. Supported Residential Facilities Act 1992
- 1.1.31. Unclaimed Goods Act 1987
- 1.1.32. Water Industry Act 2012 and Water Industry Regulations 2012

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- 1.1.33. Work Health and Safety Act 2012
- 1.2. Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.
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 Instrument of Delegation (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer and anyone who may from time to time be appointed to act in that position subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - 2.1.1. Aerodrome Fees Act 1998
 - 2.1.2. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
 - 2.1.3. Children's Protection Act 1993
 - 2.1.4. Community Titles Act 1996
 - 2.1.5. Dog & Cat Management Act 1995
 - 2.1.6. Electronic Conveyancing National Law (South Australia) Act 2013
 - 2.1.7. Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010
 - 2.1.8. Expiation of Offences Act 1996 (with effect from 30 April 2018)
 - 2.1.9. Fences Act 1975
 - 2.1.10. Fines Enforcement and Debt Recovery Act 2017 (with effect from 30 April 2018)
 - 2.1.11. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
 - 2.1.12. Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003
 - 2.1.13. Graffiti Control Act 2001
 - 2.1.14. Housing Improvement Act 1940
 - 2.1.15. Impounding Act 1920
 - 2.1.16. Land & Business (Sale and Conveyancing) Act 1994
 - 2.1.17. Liquor Licensing Act 1997
 - 2.1.18. Local Government Act 1999
 - 2.1.19. Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017.

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- 2.1.20. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions Levies) Regulations 2005
 - 2.1.21. Planning, Development and Infrastructure Act 2016
 - 2.1.22. Real Property Act 1886
 - 2.1.23. Roads (Opening & Closing) Act 1991
 - 2.1.24. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
 - 2.1.25. South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013
 - 2.1.26. Strata Titles Act 1988
 - 2.1.27. Unclaimed Goods Act 1987
 - 2.1.28. Water Industry Act 2012 and Water Industry Regulations 2012
 - 2.1.29. Work Health and Safety Act 2012
 - 2.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegations.
3. Delegations made under 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 (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer and anyone who may from time to time appointed to act in that position, 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.

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- 3.3. 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 (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the Council's Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
4. Delegations under Fire and Emergency Services Act 2005 to a Fire Prevention Officer
 - 4.1. In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in the proposed Instrument of Delegation (Delegations register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person/s appointed Fire Prevention Officer/s of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.
 - 4.2. Such powers and functions may be further delegated by the Fire Prevention Officer/s as the Fire Prevention Officer/s 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 Fire and Emergency Services Act 2005.
5. Delegations made under Food Act 2001
 - 5.1. 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 (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer and anyone who may from time to time be appointed to act in that position ("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.
 - 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 Food Act 2001.

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6. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013
 - 6.1. In exercise of the powers contained in Section 44 of the Local Government Act 199 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 (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer and anyone who may from time to time be appointed to act in that position, 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.
 - 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 Heavy Vehicle National Law (South Australia) Act 2013.
7. Delegations under 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 (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer and any person occupying the office 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 (Delegations Register under separate cover) under the Safe Drinking Water Act 2011.
 - 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. Delegations 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 (Delegations Register distributed under separate cover) are hereby delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer and anyone who may from time to time be appointed to act in that position, 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.
 - 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 Supported Residential Facilities Act 1992.
9. Authorisations and Subdelegation 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 (“the Instrument”), the Council authorises the following persons 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:

Graeme Maxwell – Acting Chief Executive Officer
Adrian Schutz – Works Manager
 - 9.2. In accordance with Clause A.7 of the Instrument, the Council will engage an experienced Traffic Engineering Practitioner (as required), to prepare a Traffic Impact Statement as required by Clause A.7 of the Instrument.
 - 9.3. 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 (Delegations Register distributed under separate cover) is hereby sub-delegated this sixteenth day of April 2018 to the person occupying the office of Chief Executive Officer of the Council and anyone who may from time to time be appointed to act in that position 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.

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- 9.4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) have an appropriate level of knowledge and expertise in the preparation of traffic management plans:

Adrian Schutz – Works Manager
Mathew Little – Works Supervisor

Seconded Cr Hill

CARRIED

4. Statutory Appointments – [12.70.1/2] Item 13.1.4
Council considered revoking the statutory appointments of Council's previous Chief Executive Officer, Trevor Smart and to appoint Council's Acting Chief Executive Officer, Graeme Maxwell as an Authorised Officer.

Moved Cr Collins that:

1. Council revokes all statutory authorisations of Trevor Smart
2. Pursuant to Section 260(1) of the Local Government Act 1999, Council appoints Graeme Maxwell as an Authorised Officer of the District Council of Grant and authorises the Mayor to sign the relevant Instrument of Appointment.

Seconded Cr Clayfield

CARRIED

18058 – DEPUTY CHIEF EXECUTIVE OFFICER

1. Monthly Financial Report - [7.11.1/2] Item 13.2.1
Council were provided with Council's monthly financial position.

Moved Cr Collins that the Financial Report for March 2018 be received.

Seconded Cr Saunders

CARRIED

18059 – WORKS

1. Supply and Disposal of One Grader - [7.81.4/61] Item 13.3.1
Council were provided with tender information for the changeover of one grader in order to determine the most suitable tender.

Moved Cr Kuhl that Council:

1. Accept the tender submitted by CAV Power for the supply of one Grader and the trade-in from Pearce Earthmoving (Registration Number FVP-915) at a total changeover of \$221,000 (GST exclusive).
2. Council adjust the Plant Replacement Program at the next Budget review.

Seconded Cr Collins

CARRIED

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2. **Temporary Road Closure – South East Automobile Club of SA Wild Dog Flat Sprint Rally** – [14.71.2/19] Item 13.3.2

Council considered a road closure order to temporarily close a portion of Grubb Road, Honey Suckle Road, McEacherns Road and Cleves Road, for and on behalf of Council, for the purpose of staging the South East Automobile Club of SA (SEAC) Wild Dog Flat Sprint Rally in the Wild Dog Flat area, Wye.

Moved Cr Collins that Council:

1. Pursuant to Section 33(1) of the Road Traffic Act 1961, declares the event being the South East Automobile Club of SA (SEAC) Wild Dog Flat Sprint Rally, to be held on 29 April 2018, between the hours of 8.00am and 4.30pm.
2. Advise SEAC are to organise or engage a traffic control company to arrange closure of a portion of Grubb Road, Honey Suckle Road, McEacherns Road and Cleves Road, Wye, for and on behalf of Council, for the purpose of staging the SEAC Wild Dog Flat Sprint Rally.

Roads: Grubb Road, Honey Suckle Road, McEacherns Road and Cleves Road, Wye.

Event: SEAC Wild Dog Flat Sprint Rally.

Date: Sunday 29 April 2018 between the hours of 8.00am and 4.30pm.

Seconded Cr Clayfield

CARRIED

3. **Works Managers Monthly Update** – [9.24.1/9] Item 13.3.3

Council were provided with monthly update on projects, issues, information and events within the Works Manager's area of responsibility.

Moved Cr Reis that the Works Manager's monthly update be noted.

Seconded Cr Clayfield

CARRIED

18060 – DIRECTOR OF ENVIRONMENTAL SERVICES

1. **Request for Sponsorship – The Muster 2018** - [7.31.3/1] Item 13.4.1

Council considered a sponsorship request from Flinders University Rural Health South Australia for the Muster 2018 – A global community engaged medical education muster conference. Flinders University Rural Health South Australia are seeking sponsorship of \$5,000 from Council in the 2018-19 Financial Year

Moved Cr Reis that Council contribute \$2,000 in sponsorship towards the Muster 2018 conference in the 2018-19 Budget.

Seconded Cr Collins

CARRIED

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2. Director of Environmental Services Monthly Update Report – [9.24.1/9] Item 13.4.2

Council were provided with a monthly update on projects, issues, information and events within the Director of Environmental Services area of responsibility. The areas of responsibility include development (planning & building), environmental health, general inspectorate/community ranging, compliance/enforcement, and administration within the Council's Environmental Services Department.

Moved Cr Kuhl that:

1. The Director of Environmental Services Monthly Update Report for April 2018 be received and noted.
2. Council not surrender the EPA Licence for the closed Nene Valley Waste Transfer Station, with the situation of the Licence being further reviewed in 12 months.

Seconded Cr Reis

CARRIED

18061 – QUESTIONS WITHOUT NOTICE

1. Accessing Rubble from OneFortyOne Plantations Land - [4.3.2/5]

Cr Kuhl discussed Council's inability to access rubble from quarries located on OneFortyOne Plantations land due to an oversight in their lease with the State Government.

Moved Cr Kuhl that the Works Manager write to OneFortyOne Plantations and Minister Whetstone in relation to accessibility of quarries on OneFortyOne Plantations land and report to Council following receipt of replies.

Seconded Cr Clayfield

CARRIED

Meeting closed at 7.16 pm

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MAYOR

/ /2018