



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN  
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

**17 JUNE 2019**

**MEMBERS PRESENT**

Cr A Duncan  
Cr K Grenfell  
Cr D Hood  
Cr P Jensen (Deputy Chairman)  
Cr J Woodman

**STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Mr M Petrovski

The meeting commenced at 6.59 pm.

The Deputy Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Apologies were received from Mayor G Aldridge, Cr D Proleta and Cr B Brug.

**LEAVE OF ABSENCE**

Nil

**PRESENTATION OF MINUTES**

Moved Cr J Woodman  
Seconded Cr D Hood

The Minutes of the Resources and Governance Committee Meeting held  
on 20 May 2019, be taken and read as confirmed.

**CARRIED**

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## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr A Duncan  
Seconded Cr K Grenfell

1. The information be received.

**CARRIED**

### *External Relations*

#### **3.4.1 Nominations Sought for a Local Government ex-officio member on the Board of the Australia Day Council of South Australia**

Moved Cr K Grenfell  
Seconded Cr D Hood

1. Cr N Henningsen be nominated as an ex-officio member on the Board of the Australia Day Council of South Australia.

**CARRIED**

### *Corporate Governance*

#### **3.6.1 Local Government Act Order Making Policy**

Moved Cr J Woodman  
Seconded Cr A Duncan

1. The Information be received.
2. The Local Government Act Order Making Policy as set out in Attachment 1 to this report (Resources and Governance Committee 17/06/19 Item No. 3.6.1) be endorsed.

**CARRIED**

#### **3.6.2 Annual Review of Delegations**

Moved Cr K Grenfell  
Seconded Cr J Woodman

1. The information be received.
2. That, having conducted its annual review of its Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

##### **Revocations**

- a. Hereby revokes its previous delegations to the Chief Executive Officer, effective from 8 July 2019, of those powers and functions under the following:
  - i. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

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- ii. Community Titles Act 1996
  - iii. Development Act 1993 and Development Regulations 1993/2008
  - iv. Dog and Cat Management Act 1995
  - v. Electronic Conveyancing National Law (South Australia) Act 2013
  - vi. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
  - vii. Expiation of Offences Act 1996 (with effect from 30 April 2018)
  - viii. Fences Act 1975
  - ix. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - x. Food Act 2001
  - xi. Freedom of Information Act 1991
  - xii. Heavy Vehicle National Law (South Australia) Act 2013
  - xiii. Land Acquisition Act 1969 and Land Acquisition Regulations 2004
  - xiv. Land and Business (Sale and Conveyancing) Act 1994
  - xv. Liquor Licensing Act 1997
  - xvi. Local Government Act 1999
  - xvii. Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
  - xviii. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005
  - xix. Planning, Development and Infrastructure Act 2016
  - xx. Real Property Act 1886
  - xxi. Roads (Opening and Closing) Act 1991
  - xxii. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
  - xxiii. Safe Drinking Water Act 2011
  - xxiv. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
  - xxv. Strata Titles Act 1988
  - xxvi. Supported Residential Facilities Act 1992
  - xxvii. Unclaimed Goods Act 1987

- xxviii. Water Industry Act 2012 and Water Industry Regulations 2012
- xxix. Work Health and Safety Act 2012
- b. Hereby revokes its previous delegations to its Development Assessment Panel, effective from 8 July 2019, under the Development Act 1993 and Development Regulations 2008.

**Delegations made under Local Government Act 1999**

3. 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 Attachments 1-28 (each of which is individually identified as indicated below) are hereby delegated from 9 July 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified within the Delegations Register:
  - i. Burial and Cremations Act 2013 and Burial and Cremation Regulations 2014 (Attachment 1)
  - ii. Community Titles Act 1996 (Attachment 2)
  - iii. Dog & Cat Management Act 1995 (Attachment 3)
  - iv. Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010 (Attachment 4)
  - v. Electronic Conveyancing National Law (South Australia) Act 2013 (Attachment 5)
  - vi. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Attachment 6)
  - vii. Expiation of Offences Act 1996 (with effect from 30 April 2018) (Attachment 7)
  - viii. Fences Act 1975 (Attachment 8)
  - ix. Fines Enforcement and Debt Recovery Act 2017 (Attachment 9)
  - x. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Attachment 10)
  - xi. Freedom of Information Act 1991 (Attachment 11)
  - xii. Gas Act 1997 (Attachment 12)
  - xiii. Land Acquisition Act 1969 and Land Acquisition Regulations 2004 (Attachment 13)
  - xiv. Land and Business (Sale and Conveyancing) Act 1994 (Attachment 14)
  - xv. Liquor Licensing Act 1997 (Attachment 15)
  - xvi. Local Government Act 1999 (Attachment 16)
  - xvii. Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (Attachment 17)

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- xviii. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005 (Attachment 18)
  - xix. Planning, Development and Infrastructure Act 2016 (Attachment 19)
  - xx. Real Property Act 1886 (Attachment 20)
  - xxi. Roads (Opening and Closing) Act 1991 (Attachment 21)
  - xxii. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Attachment 22)
  - xxiii. Safe Drinking Water Act 2011 (Attachment 23)
  - xxiv. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Attachment 24)
  - xxv. Strata Titles Act 1988 (Attachment 25)
  - xxvi. Unclaimed Goods Act 1987 (Attachment 26)
  - xxvii. Water Industry Act 2012 and Water Industry Regulations 2012 (Attachment 27)
  - xxviii. Work Health and Safety Act 2012 (Attachment 28)
4. 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 each such proposed Instrument of Delegation.
- Delegations made under Development Act 1993**
5. In exercise of the powers contained in Sections 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 specified in the proposed Instrument of Delegation contained in Attachments 29 are hereby delegated from 9 July 2019 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.
6. 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.

7. In exercise of the powers contained in Sections 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 specified in the shaded areas of the proposed Instrument of Delegation contained in Attachment 29 are hereby delegated from 9 July 2019 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.

**Delegations Made under Food Act 2001**

8. In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 specified in the proposed Instrument of Delegation contained in Attachment 30 are hereby delegated from 9 July 2019 to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency" for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
9. 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.

**Delegations under Supported Residential Facilities Act 1992**

10. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Facilities Act 1992 and Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Attachment 31 are hereby delegated from 9 July 2019 to the 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 under the Supported Residential Facilities Act 1992.
11. 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.

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## **Authorisations and Sub-delegation under the Road Traffic Act 1961**

12. 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') (Attachment 32) 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 persons shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements.
  - i. Dameon Roy, Manager Infrastructure Management
  - ii. David Boothway, Team Leader Civil and Transport
  - iii. Tony Calandro, Senior Traffic Engineer
13. In accordance with Clause A.7 of the Instrument (Attachment 32), the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:
  - i. Dameon Roy, Manager Infrastructure Management
  - ii. David Boothway, Team Leader Civil and Transport
  - iii. Tony Calandro, Senior Traffic Engineer
14. 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 specified in the proposed Instrument of Delegation contained in Attachment 32 is hereby sub-delegated from 9 July 2019 to the person occupying the office 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.
15. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of traffic management plans:
  - i. Dameon Roy, Manager Infrastructure Management
  - ii. David Boothway, Team Leader Civil and Transport
  - iii. Tony Calandro, Senior Traffic Engineer



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

16. 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 Delegations Register specified in the proposed Instrument of Delegation contained in Attachment 23 are hereby delegated from 9 July 2019 to the 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 under the Safe Drinking Water Act 2011.
17. 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.

**Delegations under Fire and Emergency Services Act 2005 to a Fire Prevention Officer**

18. 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 specified in the proposed Instrument of Delegation contained in Attachment 33 are hereby delegated from 9 July 2019 to the person appointed Fire Prevention Officer 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.
19. Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention 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 Fire and Emergency Services Act 2005.

**Delegations under the Heavy Vehicle National Law (South Australia) Act 2013**

20. In exercise of the power 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 specified in the proposed Instrument of Delegation contained in Attachment 34 are hereby delegated from 9 July 2019 to the 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 under the Heavy Vehicle National Law (South Australia) Act 2013.



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21. 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.
  22. The Development Act 1993 and Development Regulations Delegations Policy as set out in Attachment 37 to this report (Resources and Governance 3.6.2, 17/06/2019), be endorsed.

**CARRIED**  
UNANIMOUSLY

**OTHER BUSINESS**

Nil

The meeting closed at 7.11 pm.

CHAIRMAN.....

DATE.....