



MINUTES

of

SERVICES COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the
Local Government Act 1999*

HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**TUESDAY, 21 JULY 2020
AT 7:00PM**

The meeting commenced at 7:00 pm.

1 ATTENDANCE RECORD

1.1 Present

PRESIDING MEMBER – CR ANDREW CRAIG

Mayor Glenn Docherty	Cr Akram Arifi	Cr Marilyn Baker (via Zoom)
Cr Stephen Coppins (via Zoom)	Cr Veronica Gossink	Cr Shirley Halls (from 7.06 pm)
Cr David Kerrison	Cr Clint Marsh	Cr Jane Onuzans
Cr Peter Rentoulis	Cr Gay Smallwood-Smith	Cr Katrina Stroet
Cr Cathy-Jo Tame		

Also in attendance for the meeting:

Chief Executive Officer
General Manager, Strategy and Corporate
General Manager, City Services
General Manager, City Assets
Executive Strategic Advisor

Mr Sam Green
Ms Grace Pelle
Ms Tina Hudson
Mr Simon Blom
Mr Greg Pattinson

Senior Manager, Customer Care, Libraries and Civic Venues
Senior Manager Capital Works & Assets
Acting Senior Manager, City and Corporate planning
Advocacy Specialist
Economic Development Manager, Food & Manufacturing;
Senior Governance Officer
Minute Taker
Zoom Operator
Zoom Operator

Mr Gareth Dunne
Mr Paul Alberton
Mr Dale Welsh
Mr Phil Harrison
Mr Tom Madigan
Ms Janine Harding
Ms Joanne Cross
Mr Adam Cox
Mrs Elise Clinton

1.2 Apologies

Cr Dennis Ryan
Cr Misty Norris

1.3 Not Present

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

4128

Moved: Cr Smallwood-Smith Seconded: Cr Stroet

The Minutes of the Services Committee Meeting held 16 June 2020 be confirmed as a true and accurate record of proceedings.

CARRIED

3 DECLARATIONS OF INTEREST

Nil

4 DEPUTATION / REPRESENTATIONS

Nil

5 STAFF REPORTS

Matters to be considered by the Committee and referred to Council

Matters which cannot be delegated to a Committee or Staff.

5.1 ANNUAL REVIEW OF DELEGATIONS

Responsible Executive Manager : Grace Pelle

COMMITTEE RECOMMENDATION

4129

Moved: Cr Smallwood-Smith Seconded: Cr Stroet

Having conducted its annual review of Council's delegations, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those

powers and functions under the following:

- 1.1.1 ***Community Titles Act 1996***
 - 1.1.2 ***Development Act 1993 and Development Regulations 2008***
 - 1.1.3 ***Dog & Cat Management Act 1995***
 - 1.1.4 ***Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010***
 - 1.1.5 ***Expiation of Offences Act 1996***
 - 1.1.6 ***Fences Act 1975***
 - 1.1.7 ***Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005***
 - 1.1.8 ***Food Act 2001***
 - 1.1.9 ***Freedom of Information Act 1991***
 - 1.1.10 ***Land & Business (Sale and Conveyancing) Act 1994***
 - 1.1.11 ***Liquor Licensing Act 1997***
 - 1.1.12 ***Local Government Act 1999***
 - 1.1.13 ***Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005***
 - 1.1.14 ***Roads (Opening & Closing) Act 1991***
 - 1.1.15 ***Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014***
 - 1.1.16 ***South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013***
 - 1.1.17 ***Supported Residential Facilities Act 1992***
 - 1.1.18 ***Unclaimed Goods Act 1987***
 - 1.1.19 ***Work Health and Safety Act 2012***
 - 1.1.20 ***Safe Drinking Water Act 2011***
 - 1.1.21 ***Water Industry Act 2012 and Water Industry Regulations 2012***
 - 1.1.22 ***Real Property Act 1886***
 - 1.1.23 ***Strata Titles Act 1988***
 - 1.1.24 ***Heavy Vehicle National Law (South Australia) Act 2013***
 - 1.1.25 ***Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014***
 - 1.1.26 ***Electronic Conveyancing National Law (South Australia) Act 2013***
 - 1.1.27 ***Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017***
 - 1.1.28 ***Planning, Development and Infrastructure Act 2016***
 - 1.1.29 ***Fines Enforcement and Debt Recovery Act 2017***
 - 1.1.30 ***Electricity Act 1996***
 - 1.1.31 ***Gas Act 1997***
 - 1.1.32 ***State Records Act 1997***
 - 1.1.33 ***Rail Safety National Law (South Australia) Act 2012***
- 1.2 **Hereby revokes its previous delegations to its Council Assessment Panel under the *Development Act 1993 and Development Regulations 2008*.**
- 1.3 **Hereby revokes its previous delegations to its Strategic Planning Committee under the *Development Act 1993 and Development Regulations 2008, Planning, Development and Infrastructure Act 2016, and Local Government Act 1999*.**
2. **Delegations made under the *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 contained in the proposed Instruments of Delegation, contained within Attachment 1, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief**

Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

- 2.1.1 *Community Titles Act 1996* (Appendix 2)
- 2.1.2 *Dog & Cat Management Act 1995* (Appendix 5)
- 2.1.3 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010* (Appendix 6)
- 2.1.4 *Expiation of Offences Act 1996* (Appendix 7)
- 2.1.5 *Fences Act 1975* (Appendix 8)
- 2.1.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005* (Appendix 10)
- 2.1.7 *Freedom of Information Act 1991* (Appendix 12)
- 2.1.8 *Land & Business (Sale & Conveyancing) Act 1994* (Appendix 19)
- 2.1.9 *Liquor Licensing Act 1997* (Appendix 20)
- 2.1.10 *Local Government Act 1999* (Appendix 21)
- 2.1.11 *Roads (Opening and Closing) Act 1991* (Appendix 26)
- 2.1.12 *Work Health and Safety Act 2012* (Appendix 34)
- 2.1.13 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014* (Appendix 25)
- 2.1.14 *Unclaimed Goods Act 1987* (Appendix 32)
- 2.1.15 *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018* (Appendix 28)
- 2.1.16 *Safe Drinking Water Act 2011* (Appendix 27)
- 2.1.17 *Water Industry Act 2012 and Water Industry Regulations 2012* (Appendix 33)
- 2.1.18 *Real Property Act 1886* (Appendix 24)
- 2.1.19 *Strata Titles Act 1988* (Appendix 30)
- 2.1.20 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014* (Appendix 1)
- 2.1.21 *Electronic Conveyancing National Law (South Australia) Act 2013* (Appendix 14)
- 2.1.22 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017* (Appendix 22)
- 2.1.23 *Planning, Development and Infrastructure Act 2016* (Appendix 17)
- 2.1.24 *Fines Enforcement and Debt Recovery Act 2017* (Appendix 9)
- 2.1.25 *Electricity Act 1996* (Appendix 13)
- 2.1.26 *Gas Act 1997* (Appendix 15)
- 2.1.27 *State Records Act 1997* (Appendix 29)
- 2.1.28 *Rail Safety National Law (South Australia) Act 2012* (Appendix 23)
- 2.1.29 *Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020* (Appendix 35)

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 each such proposed Instrument of Delegation.

2.3 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts contained in the proposed Instrument of Delegation set out at Attachment 3 are hereby delegated this 28 day of July 2020 to the Strategic Planning Committee, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of

Conditions contained in the proposed Instrument of Delegation.**2.3.1 Local Government Act 1999****2.3.2 Planning, Development and Infrastructure Act 2016****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 Instruments of Delegation contained within Attachment 1, marked Appendix 3 and Appendix 4, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations, if any, specified 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 in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Development Act 1993*.

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 set out at Attachment 2 are hereby delegated this 28 day of July 2020 to the Council's Assessment Panel, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.4 In exercise of the powers contained in Section 20 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 set out at Attachment 3 are hereby delegated this 28 day of July 2020 to the Strategic Planning Committee, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

4 Delegations made under *Food Act 2001*

4.1 In exercise of the powers contained in Section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation contained within Attachment 1, marked Appendix 11, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council ('the head of the enforcement agency' for the purposes of the *Food Act 2001*), subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

5 Delegations under *Supported Residential Facilities Act 1992*

5.1 In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed Instrument of Delegation contained within Attachment 1, marked Appendix 31, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations, if any, specified herein or in

the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

- 5.2 Such powers and functions may be further delegated by the Chief Executive 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*.

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

- 6.1 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') (Attachment 7) the Council revokes previous authorisation and hereby authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*
- *Rebecca van der Pennen*
- *Kym Ashby*

- 6.2 In accordance with Clause A.7 of the Instrument (Attachment 7), the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*
- *Rebecca van der Pennen*
- *Kym Ashby*

- 6.3 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 Sub-Delegation set out at Attachment 4 is hereby sub-delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Sub-Delegation; and
- (iii) the creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.

- 6.4 In accordance with Clause E.2 of the Instrument (Attachment 7), 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:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*

- **Neil Langley**
- **Kean Fai Lau**
- **Rebecca van der Pennen**
- **Kym Ashby**

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 contained within Attachment 1, marked Appendix 27, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

7.2 Such powers and functions may be further delegated by the Chief Executive 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 made under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005*

8.1 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* and *Fire and Emergency Services Regulations 2005* contained in the proposed Instrument of Delegation set out at Attachment 5 are hereby delegated this 28 day of July 2020 to the person occupying the position of Fire Prevention Officer of the Council, subject to the conditions and/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*.

8.2 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*.

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

9.1 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 contained within Attachment 1, marked Appendix 16, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council, subject to the conditions and/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*.

9.2 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*.

10 Delegations made under the *Planning, Development and Infrastructure Act 2016*

10.1 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 regulations made thereunder contained in the proposed Instrument of Delegation contained within Attachment 1, marked Appendix 18, are hereby delegated this 28 day of July 2020 to the person occupying the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*.

- 10.2 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 under the *Planning, Development and Infrastructure Act 2016*.

CARRIED

Matters for Information.

5.2 ICAC IMPLEMENTATION PROGRAM - JULY 2020

Responsible Executive Manager : Grace Pelle

COMMITTEE RECOMMENDATION

4130

Moved: Cr Smallwood-Smith Seconded: Cr Tame

That the Committee note and receive the report in Attachment 1.

CARRIED

6 INFORMAL DISCUSSION

Nil

7 INFORMAL ACTIONS

Nil

8 CONFIDENTIAL MATTERS

8.1 REPURPOSING ASSETS

A. COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

COMMITTEE RESOLUTION

4131

Moved: Cr Stroet Seconded: Cr Tame

Pursuant to Section 90 (2) of the Local Government Act 1999 an order is made that the public be excluded from attendance at the meeting, with the exception of:

- Chief Executive Officer;
- General Manager Strategy and Corporate;

- General Manager City Services;
- General Manager City Assets;
- Executive Strategic Advisor;
- Acting Senior Manager City and Corporate Planning;
- Senior Manager Capital Works & Assets;
- Senior Manager Libraries, Civic Venues and Stretton
- Advocacy Specialist;
- Economic Development Manager, Food & Manufacturing;
- Senior Governance Officer;
- Minute Taker;
- Zoom Operators;

in order to consider in confidence agenda item 8.1 under Section 90 (3) (b) of the Local Government Act 1999 on the basis that:

(b) information the disclosure of which -

i) 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

ii) would, on balance, be contrary to the public interest.

This matter is Confidential because information contained within the presentation could reasonably be expected to convey a commercial advantage.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; Committee consider it necessary to consider this matter in confidence.

CARRIED

The meeting went into Confidence at 7:06 pm

B. THE BUSINESS MATTER

Presenter: Mr Paul Alberton

Outcome: The Services Committee were presented with an update.

Cr Halls entered the meeting room at 7:14 pm

C. PROCEDURAL DECISION - TO DECIDE HOW LONG ITEM 8.1 IS TO BE KEPT IN CONFIDENCE

COMMITTEE RESOLUTION

4132

Moved: Cr Arifi

Seconded: Cr Onuzans

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Committee orders that the following aspects of Item 8.1 be kept confidential in accordance with Committee's reasons to deal with this item in confidence pursuant to Section 90 (3) (b) of the Local Government Act 1999:

- Presentation for Item 8.1

This order shall operate until the next scheduled annual review of confidential items

by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the Local Government Act 1999.

CARRIED

The meeting reopened to the public at 7:38 pm

9 CLOSURE

The meeting closed at 7:38 pm.